

COPY

JUN 05 2023 CR

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

Cody Hart, Derrill Fussell, Kevin Ewing,
Timothy Garrison, Steven Rindal, and Kathy
LaFreniere

Plaintiffs,

v.

LISA JANICKI, RONALD WESEN,
PETER BROWNING, DONALD
MCDERMOTT, RICHARD WEYRICH,
and SANDRA PERKINS

Defendants

CASE NO. 2:23-cv-832-RSL

**COMPLAINT FOR
VIOLATION OF
CIVIL RIGHTS**

JURY TRIAL YES

I. THE PARTIES TO THIS COMPLAINT

A. Plaintiff(s)

- 1) Name: Cody R. Hart
Street Address: 901 Metcalf Street #71
City and County: Sedro-Woolley, County of Skagit
State and Zip Code: Washington, [98284]
- 2) Name: Derrill J. Fussell
Street Address: 929 E. College Way
City and County: Mount Vernon, County of Skagit
State and Zip Code: Washington, [98273]

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- 3) Name: Kevin S. Ewing
Street Address 929 E. College Way
City and County Mount Vernon, County of Skagit
State and Zip Code Washington, [98273]
- 4) Name: Timothy Garrison
Street Address 929 E. College Way
City and County Mount Vernon, County of Skagit
State and Zip Code Washington, [98273]
- 5) Name: Steven Rindal
Street Address 929 E. College Way
City and County Mount Vernon, County of Skagit
State and Zip Code Washington, [98273]
- 6) Name: Kathy LaFreniere
Street Address 929 E. College Way
City and County Mount Vernon, County of Skagit
State and Zip Code Washington, [98273]

B. Defendant(s)

- 1) Name: Lisa M. Janicki (Official Capacity)
Street Address P.O. Box 1306 Administration Building, Room 201
Street Address 700 S. Second Street
City and County Mount Vernon, County of Skagit
State and Zip Code Washington, 98273
Telephone Phone 360-416-1300
- 2) Name: Ronald G. Wesen (Official Capacity)
Street Address P.O. Box 1306 Administration Building, Room 201
Street Address 700 S. Second Street
City and County Mount Vernon, County of Skagit
State and Zip Code Washington, 98273
Telephone Phone 360-416-1300
- 3) Name: Peter A. Browning (Official Capacity)
Street Address P.O. Box 1306 Administration Building, Room 201
Street Address 700 S. Second Street
City and County Mount Vernon, County of Skagit
State and Zip Code Washington, 98273
Telephone Phone 360-416-1300

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4) Name: Donald L. McDermott (Official Capacity)
Street Address P.O. Box 1306 Administration Building, Room 201
Street Address 700 S. Second Street
City and County Mount Vernon, County of Skagit
State and Zip Code Washington, 98273
Telephone Phone 360-416-1600

5) Name: Richard A. Weyrich (Official Capacity)
Street Address P.O. Box 1306 Administration Building, Room 201
Street Address 700 S. Second Street
City and County Mount Vernon, County of Skagit
State and Zip Code Washington, 98273
Telephone Phone 360-416-1600

6) Name: Sandra F. Perkins (Official Capacity)
Street Address P.O. Box 1306 Administration Building, Room 201
Street Address 700 S. Second Street
City and County Mount Vernon, County of Skagit
State and Zip Code Washington, 98273
Telephone Phone 360-416-1600

III. JURISDICTION AND VENUE

1. Plaintiffs are all United States Citizens of the State of Washington.
2. Plaintiffs are all residents of Skagit County who qualify as “any person” as defined in RCW 42.08.020 with standing to seek relief.
3. Defendants Lisa Janicki, Ronald Wesen, Peter Browning, Donald McDermott, Richard Weyrich, and Sandra Perkins are each a “public officer” required to abide by the requirements of the Laws of the State of Washington, including the Oath of Office requirements of the Constitution and Official Bond requirements of RCW 42.08.
4. This case involves violations of 42 U.S.C. § 1983, by local officials for the deprivation of any rights, privileges, or immunities secured by the Constitution and federal laws.
5. This case involves violations of 18 U.S.C. § 241 Conspiracy Against Rights, which is a federal question giving this Court jurisdiction pursuant to 28 U.S.C. § 1331

1 17. On or about March 3, 2023, the Plaintiff became aware from court documents in
2 response to his complaint that the public office of Skagit County Prosecuting Attorney began
3 providing tax-funded legal services to the Defendants including providing county resources such
4 as equipment, facilities, manpower, and funding professional representation by a Skagit County
5 Deputy Prosecuting Attorney to the Defendants for the Snohomish County case 23-2-000891-3.

6 18. On or about March 6, 2023, Plaintiffs; Cody Hart, Derrill Fussell, Kevin Ewing,
7 Timothy Garrison, Steven Rindal, and Kathy LaFreniere filed a complaint with the U.S. District
8 Court Western District of Washington, Case 2:23-cv-309-TLF, against Defendants Skagit County
9 Commissioners that included accusations that they had committed neglect of duty, their public
10 offices had been vacated, elections are necessary, and requested a Judgement they no longer had a
11 right to be in office.

12 19. On or about March 24, 2023, (Dkt. #7), the Plaintiffs and U.S. District Court Judge
13 were informed in signed court documents in response to case 2:23-cv-309-TLF complaint that the
14 public office of Skagit County Prosecuting Attorney was providing legal services for the
15 Defendants including providing professional representation by a Skagit County Deputy
16 Prosecuting Attorney to the Defendants for the U.S. District Court Case 2:23-cv-309-TLF.

17 20. On or about March 6, 2023, Plaintiffs; Cody Hart, Derrill Fussell, Kevin Ewing,
18 Timothy Garrison, Steven Rindal, and Kathy LaFreniere filed a complaint with the U.S. District
19 Court Western District of Washington, Case 2:23-cv-311-JHC, against Defendant Skagit County
20 Prosecutor that included accusations that he had committed neglect of duty, his public office had
21 been vacated, an election was necessary, and requested a Judgement he no longer had a right to be
22 in office.

23 21. On or about March 24, 2023, (Dkt. #8), the Plaintiffs and U.S. District Court Judge
24 were informed in signed court documents in response to case 2:23-cv-311-JHC complaint that the
25 public office of Skagit County Prosecuting Attorney was providing legal services for the

1 Defendants including providing professional representation by a Skagit County Deputy
2 Prosecuting Attorney to the Defendants for the U.S. District Court Case 2:23-cv-311-JHC.

3 22. On or about March 6, 2023, Plaintiffs; Cody Hart, Derrill Fussell, Kevin Ewing,
4 Timothy Garrison, Steven Rindal, and Kathy LaFreniere filed a complaint with the U.S. District
5 Court Western District of Washington, Case 2:23-cv-312-JHC, against Defendant Skagit County
6 Auditor that included accusations that she had committed neglect of duty, her public office had
7 been vacated, an election was necessary, and requested a Judgement she no longer had a right to
8 be in office

9 23. On or about March 17, 2023, Plaintiffs; Cody Hart, Derrill Fussell, Kevin Ewing,
10 Timothy Garrison, Steven Rindal, and Kathy LaFreniere filed a complaint with the U.S. District
11 Court Western District of Washington, Case 2:23-cv-404-RSL, against Defendants LISA
12 JANICKI, SANDRA PERKINS, RONALD WESEN, and PETER BROWNING that included
13 accusations that they had committed official misconduct and election crimes.

14 24. On or about March 24, 2023, (Dkt. #6), the Plaintiffs became aware from court
15 documents in response to their complaint that the public office of Skagit County Prosecuting
16 Attorney began providing tax-funded legal services to the Defendants including providing county
17 resources such as equipment, facilities, manpower, and funding professional representation by a
18 Skagit County Deputy Prosecuting Attorney to the Defendants for the U.S. District Court Case
19 2:23-cv-404-RSL.

20 25. On or about March 24, 2023, (Dkt. #6), the Plaintiffs and U.S. District Court Judge
21 were informed in signed court documents in response to case 2:23-cv-312-JHC complaint that the
22 public office of Skagit County Prosecuting Attorney was providing legal services for the
23 Defendants including providing professional representation by a Skagit County Deputy
24 Prosecuting Attorney to the Defendants for the U.S. District Court Case 2:23-cv-312-JHC

25 26. On or about March 27, 2023, the U.S. District Court Western District of
Washington ordered a Joint Status Report and Discovery Plan. (Dkt. #7), During this conference,

1 Skagit County Deputy Prosecuting Attorney falsely reported that he had authorization to represent
2 the Skagit County Defendants in Case 2:23-cv-404-RSL.

3 27. On or about April 3, 2023, Plaintiffs; Cody Hart, Derrill Fussell, Kevin Ewing,
4 Timothy Garrison, Steven Rindal, and Kathy LaFreniere filed a complaint with the U.S. District
5 Court Western District of Washington, Case 2:23-cv-503-RSM, against Defendants Skagit County
6 Sheriff and Skagit County Prosecutor that included accusations that they had committed official
7 misconduct, election crimes, civil rights violations, that their public office had been vacated, and
8 requested a Judgement they no longer had a right to be in office.

9 28. On or about April 13, 2023, Plaintiffs; Cody Hart, Derrill Fussell, Kevin Ewing,
10 Timothy Garrison, Steven Rindal, and Kathy LaFreniere filed an Emergency Motion, (Dkt. #16),
11 with the U.S. District Court Western District of Washington, Case 2:23-cv-503-RSM, notifying
12 the Court that vacated public offices were not being announced, potential candidates such as the
13 Plaintiffs where not being allowed to campaign, that the candidate filing deadline of May 19, 2023
14 needed extended, and that the Plaintiffs rights to campaign and conduct elections was being
15 violated.

16 29. On or about April 18th, 2023, Plaintiffs received a copy of an April 17th Skagit
17 County Commissioner meeting minutes¹ provided in Exhibit 1 (Dkt. #16, 23-cv-00503-RSM), that
18 indicates that on April 17th, after tax funds and resources had already been utilized, authorization
19 for the office of Skagit County Prosecutor to provide Legal Services to Defendants in the Plaintiffs
20 cases including Snohomish County Case 23-2-00891-31, and U.S. District Court Western District
21 of Washington cases 23-cv-00309-MJP, 23-cv-00311-MJP, 23-cv-00312-MJP, 23-cv-00404-RSL,
22 and 23-cv-00503-RSM.

23 30. On or about April 18, 2023 Plaintiffs obtained a copy of Skagit County Municipal
24 Code Chapter 2.20, INDIVIDUAL LIABILITY OF COUNTY OFFICIALS, (Dkt. #16, 23-cv-
25 00503-RSM) that states

1 *Legal services will not be provided to officers, employees or volunteers of the*
2 *county to defend a charge of official misconduct, willful misconduct or to defend*
3 *the right to hold office.*

4 31. Upon review of the causes of action for Snohomish County Case 23-2-00891-31,
5 and U.S. District Court Western District of Washington Cases 23-cv-00309-MJP, 23-cv-00311-
6 MJP, 23-cv-00312-MJP, and 23-cv-00503-RSM, the Plaintiffs identified all of the cases included
7 charges of official misconduct and/or to challenge the Defendants right to hold office, and as a
8 result, all of these cases directly involve the election rights of the Plaintiffs, and the rights of the
9 Plaintiffs to campaign for vacated public offices.

10 32. On or about April 24, 2023, (Dkt. #24), Plaintiffs; Cody Hart, Derrill Fussell,
11 Kevin Ewing, Timothy Garrison, Steven Rindal, and Kathy LaFreniere filed Exhibit 7 from the
12 Skagit County Commissioner’s meeting dated April 17th, 2023 showing the Defendants violation
13 of Skagit County Prosecuting Attorney or Deputy Prosecuting Attorney legal right to represent
14 Defendants in U.S. District Court Western District of Washington in cases 2:23-cv-404-RSL, 2:23-
15 cv-312-JHC, 2:23-cv-311-JHC, 2:23-cv-309-TLF, Case 2:23-cv-503-RSM.

16 33. On May 15, 2023 Skagit County Elections opened the first day of online and in-
17 person candidate filing however, none of the Defendants had announced any openings or vacancies
18 for any County position of Skagit County Commissioner, Skagit County Prosecuting Attorney,
19 Skagit County Sheriff or Skagit County Auditor so no candidates were allowed to file to be a
20 candidate for any of these public offices.

21 34. On May 19, 2023 Skagit County Elections closed candidate filing without allowing
22 any candidates to file any vacated Skagit County public offices including; Skagit County
23 Commissioner, Skagit County Prosecuting Attorney, Skagit County Sheriff or Skagit County
24 Auditor for the August, 2023 primary election.

25

¹ Attached exhibits include 1) April 17, 2023 Signed County Approval for Legal Services 2) Plaintiff Affidavits 3) Notice of Pendency 4) Notice of Intent to Join

V. CAUSE OF ACTION

FIRST CAUSE OF ACTION
(18 U.S.C. 47 Fraud and False Statements)

35. Plaintiffs re-allege Paragraphs 1 through 34 and incorporate them as if set forth fully herein.

36. By their fraud and false statements to the U.S District Court Western District of Washington that the Public office of Skagit County Prosecuting Attorney, including the Skagit County Deputy Prosecuting Attorney had legal authority to represent the Defendants in U.S. District Court Western District of Washington prior to the April 17, 2023 county signed approval, for cases 23-cv-00309-MJP, 23-cv-00311-MJP, 23-cv-00312-MJP, 23-cv-00404-RSL, and 23-cv-00503-RSM, Defendants violated 18 U.S.C. 47, and created a Cause of Action.

SECOND CAUSE OF ACTION

(Skagit County Code 2.20: Individual Liability of County Officers)

37. Plaintiffs re-allege Paragraphs 1 through 36 and incorporate them as if set forth fully herein.

38. By approving the use of County legal services for Defendants ineligible complaints of official misconduct and to challenges to their right to hold office, Defendants violated Skagit County Code 2.20, and created a Cause of Action.

THIRD CAUSE OF ACTION

(RCW 42.20.060 Falsely auditing and paying claims)

39. Plaintiffs re-allege Paragraphs 1 through 38 and incorporate them as if set forth fully herein.

40. By knowingly approving funds ineligible legal services to defend against Plaintiffs complaints of official misconduct and challenges to the Plaintiffs right to hold office, Defendants violated RCW 42.20.060, and created a Cause of Action.

FOURTH CAUSE OF ACTION

(RCW 42.20.070 Misappropriation and falsification of accounts by public officer)

41. Plaintiffs re-allege Paragraphs 1 through 40 and incorporate them as if set forth fully herein.

42. By appropriation of County legal service funds to his or her own use or the use of Defendants not entitled, Defendants violated RCW 42.20.070, and created a Cause of Action.

FIFTH CAUSE OF ACTION

(RCW 9A.80.010 Official Misconduct)

43. Plaintiffs re-allege Paragraphs 1 through 42 and incorporate them as if set forth fully herein.

44. By their unauthorized act under color of law to provide County legal services to Defendants ineligible complaints, Defendants intended to obtain a benefit or to intentionally deprive Plaintiffs of lawful rights the legal services were intended to obstruct, Defendants violated RCW 9A.80.010, and created a Cause of Action.

SIXTH CAUSE OF ACTION

(United States Constitution 14th Amendment)

45. Plaintiffs re-allege Paragraphs 1 through 44 and incorporate them as if set forth fully herein.

46. By using their powers of Public Office to obstruct the Plaintiffs complaints in U.S District Court and Snohomish County cases, and to prevent criminal filing against Public Officials the Defendants created a cause of action under the United States Constitution 14th Amendment.

SEVENTH CAUSE OF ACTION

(18 U.S.C., Section 245 - Federally Protected Activities)

47. Plaintiffs re-allege Paragraphs 1 through 46 and incorporate them as if set forth fully herein.

48. By their interference with the Plaintiffs right to campaign and also the Plaintiffs right to vote for vacated public offices in the August 2023 election for actual and/or potentially vacated public offices, Defendants violated 18 U.S.C. 245 and created a Cause of Action.

EIGHTH CAUSE OF ACTION

(18 U.S.C., Section 241 - Conspiracy Against Rights)

49. Plaintiffs re-allege Paragraphs 1 through 48 and incorporate them as if set forth fully herein.

50. By approving unauthorized use of County legal services Defendants conspired to obstruct Plaintiffs and other candidates from filing as a candidate, campaigning, and conspired to obstruct voters from voting for actual and/or potentially vacated public offices in the August 2023 primary election, Defendants violated 18 U.S.C. 241 and created a Cause of Action.

NINTH CAUSE OF ACTION

(18 U.S.C., Section 242 - Deprivation of Rights Under Color of Law)

51. Plaintiffs re-allege Paragraphs 1 through 50 and incorporate them as if set forth fully herein.

52. By approving unauthorized use of County legal services to interfere with Plaintiffs challenges to Public officials right to hold office, and interfering with elections, campaigning, and voting rights of the Plaintiffs, Defendants violated 18 U.S.C. 242 and created a Cause of Action.

53. By approving unauthorized use of County legal services to aid and defend Skagit County Sheriff and Prosecuting attorney in U.S. District Court case 23-cv-00503-RSM to deprive Plaintiff of their Rights, Defendants LISA JANICKI, RONALD WESEN, PETER BROWNING, and RICHARD WEYRICH violated 18 U.S.C. 242 and created a Cause of Action.

TENTH CAUSE OF ACTION

(18 U.S.C. Section 1001 Statements or entries generally)

54. Plaintiffs re-allege Paragraphs 1 through 53 and incorporates them as if set forth fully herein.

55. By their falsifying the Public Office of Skagit County Prosecuting Attorney as their lawfully authorized legal representation to the U.S. District Court, the Defendants violated 18 U.S.C. Section 1001 Statements or entries generally and created a Cause of Action.

VI. REQUEST FOR RELIEF

Wherefore, Plaintiffs respectfully request the following relief:

1. That the Court adjudge and decree that the Defendants, LISA JANICKI, RONALD WESEN, PETER BROWNING, DONALD MCDERMOTT, RICHARD WEYRICH, and SANDRA PERKINS have engaged in the conduct complained of herein.

2. That the Court adjudge and decree that the conduct complained of herein constitutes violation of RCW 9A.80.010 Official Misconduct.

3. That the Court adjudge and decree that the conduct complained of herein constitutes violation of Plaintiffs rights under the United States Constitution 14th Amendment.

4. That the Court adjudge and decree that the conduct complained of herein constitutes violation of Plaintiffs rights under 18 U.S.C., Section 245 - Federally Protected Activities.

5. That the Court adjudge and decree that the conduct complained of herein constitutes violation of Plaintiffs rights under 18 U.S.C., Section 241 - Conspiracy Against Rights.

6. That the Court adjudge and decree that the conduct complained of herein constitutes violation of Plaintiffs rights under 18 U.S.C. 242 - Deprivation of Rights Under Color of Law.

7. That the Court assess civil penalties, against the Defendants LISA JANICKI, RONALD WESEN, PETER BROWNING, DONALD MCDERMOTT, RICHARD WEYRICH, and SANDRA PERKINS as proposed by the Plaintiffs.

8. That the Court assess punitive damages, against the Defendants LISA JANICKI, RONALD WESEN, PETER BROWNING, DONALD MCDERMOTT, RICHARD WEYRICH, and SANDRA PERKINS for what has been reported in this complaint as the court finds appropriate.

9. That this court refer this matter to an appropriate law enforcement agency for criminal investigation of what has been reported in this complaint and for other crimes as the court finds appropriate.

1 10. That the Court order such other relief as it may deem just to fully and properly
2 dissipate the effects of the conduct complained of herein, or which may otherwise seem proper to
3 this court.
4

5 **VI. CERTIFICATION AND CLOSING**
6


7 Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my
8 knowledge, information, and belief that this complaint: (1) is not being presented for an improper
9 purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
10 (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or
11 reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so
12 identified, will likely have evidentiary support after a reasonable opportunity for further
13 investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule
14 11.

15 I agree to provide the Clerk's Office with any changes to my address where case-related
16 papers may be served. I understand that my failure to keep a current address on file with the Clerk's
17 Office may result in the dismissal of my case
18

19 Dated: June 4, 2023

20 Respectfully submitted,
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23 Cody R. Hart, *Pro Per*
24 929 E. College Way
25 Mount Vernon, WA [98273]


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[REDACTED]
Derrill J. Fussell, *Pro Per*
929 E. College Way
Mount Vernon, WA [98273]
[REDACTED]

[REDACTED]
Kevin S. Ewing, *Pro Per*
929 E. College Way
Mount Vernon, WA [98273]
[REDACTED]

[REDACTED]
Timothy Garrison, *Pro Per*
929 E. College Way
Mount Vernon, WA [98273]
[REDACTED]

[REDACTED]
Steven Rindal, *Pro Per*
929 E. College Way
Mount Vernon, WA [98273]
[REDACTED]

[REDACTED]
Kathy LaFreniere, *Pro Per*
929 E. College Way
Mount Vernon, WA [98273]
[REDACTED]

EXHIBIT 1

APRIL 17, 2023

**SIGNED APPROVAL
OF TAX FUNDED
COUNTY LEGAL SERVICES**

RESOLUTION NO. _

**PROVIDING A DEFENSE TO
SKAGIT COUNTY OFFICERS, OFFICIALS
AND EMPLOYEES IN MULTIPLE LAWSUITS**

WHEREAS, multiple civil lawsuits have been filed recently in United States District Court, Western District of Washington, naming elected public officials or officers and their deputies, and the County of Skagit as Defendants as follows:

Steven Rindal v. Inslee, et al. 22-CV-01843-RSL
Don McDermott, Sandra Perkins, Richard Weyrich, Lisa Janicki, Peter Browning,
Ronald Wesen, County of Skagit

Eric Freeze v. McDermott, et al. 22-CV-01844-JLR
Don McDermott, Lisa Janicki, County of Skagit

Cody Hart et al v. Commissioners et al. 23-CV-00309-MJP
Lisa Janicki, Peter Browning, Ronald Wesen, County of Skagit

Cody Hart et al v. Weyrich et al. 23-CV-00311-MJP
Richard Weyrich, County of Skagit

Cody Hart et al v Perkins et al. 23-CV-0312-MJP
Sandra Perkins, County of Skagit

Cody Hart et al v. Canvassing Board et al. 23-CV-00404-RSL
Sandra Perkins, Lisa Janicki, Ronald Wesen, Richard Weyrich, Erik Pedersen,
Melinda Miller, County of Skagit

Cody Hart et al v McDermott et al. 23-CV-0503-RSM
Don McDermott, Richard Weyrich, County of Skagit

and a civil lawsuit was filed in Snohomish County Superior Court naming elected public officials or officers and the County of Skagit Defendants as follows:

Cody Hart v Commissioners, et al. 23-2-00891-31
Lisa Janicki, Peter Browning, Ronald Wesen, Skagit County

WHEREAS, the Complaint in each of these matters names Skagit County officials, officers or employees, alleged to have been involved in certain acts but who appear at all times to have been

acting in their official capacities; and

WHEREAS, the above-named Defendants (except for Mr. Pedersen and Ms. Miller who are duly appointed deputies of the elected Skagit County Prosecutor) are all county officials duly elected to their offices; and

WHEREAS, the Plaintiffs in cases 23-CV-00309-MJP, 23-CV-00311-MJP, and 23-CV-0312-MJP assert that the duly elected officials allegedly have vacated their offices due to a claimed failure to obtain bonds despite having bonds in place at all times, but Plaintiffs do not challenge that the officials were elected to their offices, nor do they have standing to bring a quo warranto action; and

WHEREAS, RCW 36.27.020 has a mandatory provision that the county prosecuting attorney shall be legal adviser to all county officers in all matters relating to their official business, and shall defend all suits brought against the state or the county and therefore the prosecuting attorney has the authority to represent county officers without explicit appointment; and

WHEREAS, Skagit County Resolution 10492 states that the Board of Commissioners believe that all costs associated with lawsuits against county employees or officials should be assumed by Skagit County either through insurance or through the prosecuting attorney's office; and

WHEREAS, the Complaint in each of these matters names Skagit County officials, officers or employees, allege actions of public officials in their individual and official capacities, but fails to identify a distinction between conduct in an individual or official capacity or describe in what manner the Skagit County officials, officers or employees were acting in their individual capacity; and

WHEREAS, Skagit County Code (SCC) 2.20.030 provides that Skagit County may provide for the defense of a current or former officer, official or employee when a lawsuit is filed against such officer, official or employee which "arises out of an official act," and SCC 2.20.040 requires that certain findings be made by the Board in conjunction with the authorization of a defense of a current or former officer, official or employee in their individual capacities; and

WHEREAS, the Board of County Commissioners is sufficiently familiar with the facts in these matters to enter this resolution; and

WHEREAS, the Board finds as follows:

1. The above-named Defendants (except for Mr. Pedersen and Ms. Miller) are all county officials duly elected to their offices and are qualified and therefore have the right to hold their offices; and
2. Defendants Mr. Pedersen and Ms. Miller are duly appointed deputies of the elected Skagit

County Prosecutor and to have authority act in official capacities in those positions.

3. The above-named Defendants appear to all have been acting at all times material to the above-referenced Complaint in a matter which the County had an interest; and
4. The above-named Defendants appear to all have been acting at all times material to the above-referenced Complaint in the performance of their official duties and official capacities; and
5. The above-named Defendants appear to all have been acting at all times material to the above-referenced Complaint in good faith.
6. The allegations in case numbers 22-CV-01843-RSL, 22-CV-01844-JLR, 23-CV-00309-MJP, 23-CV-00311-MJP, 23-CV-0312-MJP, 23-CV-00404-RSL, 23-CV-0503-RSM, and 23-2-00891-31 appear to lack merit including an order granting summary judgment dismissing the action in case 23-2-00891-31 entered April 13, 2023, and determined plaintiff's complaint and plaintiff's prior summary judgment motion were not well grounded in fact.

NOW, THEREFORE, BE IT RESOLVED, that Skagit County will provide a defense to the above-named Defendants; and

BE IT FURTHER RESOLVED that such defense be to the above-named Defendants shall be by the office of the Skagit County Prosecuting Attorney, and,

BE IT FURTHER RESOLVED that the Skagit County Human Resources and Risk Management shall confirm with each defendant their willingness to accept the Skagit County Prosecuting Attorney as their representative in this action.

PASSED this 17 day of April, 2023.

**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**



Ronald Wesen

Ronald Wesen, Chair

Lisa Janicki

Lisa Janicki, Commissioner

Peter Browning

Peter Browning, Commissioner

Attest:

Kate Williams

Clerk of the Board

Approved as to Content:

Richard A. Weyrich

Richard A. Weyrich, Prosecuting Attorney
Department Head

Approved as to form:

Erik Pedersen

Erik Pedersen
Civil Deputy Prosecuting Attorney
Erik Pedersen, Reviewed 4/12/2023

Approved:

Marylouise

Risk Management

EXHIBIT 4

NOTICE OF INTENT TO JOIN

COPY

JUN 05 2023 CR

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

Cody Hart, Derrill Fussell, Kevin Ewing,
Timothy Garrison, Steven Rindal, and Kathy
LaFreniere

Plaintiffs,

v.

LISA JANICKI, RONALD WESEN,
PETER BROWNING, DONALD
MCDERMOTT, RICHARD WEYRICH,
and SANDRA PERKINS,

Defendants

CASE NO **2:23-cv-832-RSL**

NOTICE OF INTENT TO JOIN

**CITY OF ANACORTES
PUBLIC OFFICIALS:**

**MATTHEW MILLER,
RYYAN WALTERS,
CHRISTINE CLELAND-MCGRATH,
JEREMY CARTER
AMANDA HUBIK,
BRUCE MCDUGALL,
CAROLYN MOULTON,
and ANTHONY YOUNG**

NOTICE OF INTENT TO JOIN

Notice is hereby given that the above named public officials have been officially notified of felony acts in accordance with 18 U.S. Code § 4 - Misprision of felony, committed by the Defendants that includes but are not limited to; Misappropriation of Public funds, Criminal Impersonation, Elections Crimes, and Civil Rights Violations.

Furthermore, the Plaintiffs are notifying the above Public Officials of the intent to Join the above in accordance with FRCP 20, all those who conspire with the Defendants for the acts described in this cases complaint including to deprive the Plaintiffs of our Civil rights through acts of Official Misconduct and violate your oath of office to follow the laws of the State of Washington.

Dated: June 4, 2023

Respectfully submitted,
Plaintiffs, Pro Per
929 E. College Way
Mount Vernon, WA [98273]

COPY

JUN 05 2023 CR

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

Cody Hart, Derrill Fussell, Kevin Ewing,
Timothy Garrison, Steven Rindal, and Kathy
LaFreniere

Plaintiffs,

v.

LISA JANICKI, RONALD WESEN,
PETER BROWNING, DONALD
MCDERMOTT, RICHARD WEYRICH,
and SANDRA PERKINS,

Defendants

CASE NO: 2:23-cv-832-RSL

NOTICE OF INTENT TO JOIN

**CITY OF BURLINGTON
PUBLIC OFFICIALS:**

**STEVE SECTON,
BILL ASLETT,
JOIE DEGLORIA,
ANNA CHOTZEN,
KETH CHAPLIN,
JAMIE WEISS,
SCOTT GREEN,
and JAMES STAVIG**

NOTICE OF INTENT TO JOIN

Notice is hereby given that the above named public officials have been officially notified of felony acts in accordance with 18 U.S. Code § 4 - Misprision of felony, committed by the Defendants that includes but are not limited to; Misappropriation of Public funds, Criminal Impersonation, Elections Crimes, and Civil Rights Violations.

Furthermore, the Plaintiffs are notifying the above Public Officials of the intent to Join the above in accordance with FRCP 20, all those who conspire with the Defendants for the acts described in this cases complaint including to deprive the Plaintiffs of our Civil rights through acts of Official Misconduct and violate your oath of office to follow the laws of the State of Washington.

Dated: June 4, 2023

Respectfully submitted,
Plaintiffs, Pro Per
929 E. College Way
Mount Vernon, WA [98273]

COPY

JUN 05 2023 CR

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

Cody Hart, Derrill Fussell, Kevin Ewing,
Timothy Garrison, Steven Rindal, and Kathy
LaFreniere

CASE NO 2:23-cv-832-RSL

NOTICE OF INTENT TO JOIN

Plaintiffs,

**TOWN OF CONCRETE
PUBLIC OFFICIALS:**

v.

**MARLA REED,
ROB THOMAS,
CASSIE MANKE,
DREW JENKINS,
STEPHANIE SEMRO,
and JON GUNNARSSON**

LISA JANICKI, RONALD WESEN,
PETER BROWNING, DONALD
MCDERMOTT, RICHARD WEYRICH,
and SANDRA PERKINS,

Defendants

NOTICE OF INTENT TO JOIN

Notice is hereby given that the above named public officials have been officially notified of felony acts in accordance with 18 U.S. Code § 4 - Misprision of felony, committed by the Defendants that includes but are not limited to; Misappropriation of Public funds, Criminal Impersonation, Elections Crimes, and Civil Rights Violations.

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Dated: June 4, 2023

Respectfully submitted,
Plaintiffs, Pro Per
929 E. College Way
Mount Vernon, WA [98273]

COPY

JUN 05 2023 CR

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

Cody Hart, Derrill Fussell, Kevin Ewing,
Timothy Garrison, Steven Rindal, and Kathy
LaFreniere

Plaintiffs,

v.

LISA JANICKI, RONALD WESEN,
PETER BROWNING, DONALD
MCDERMOTT, RICHARD WEYRICH,
and SANDRA PERKINS,

Defendants

CASE NO 2:23-cv-832-RSL

NOTICE OF INTENT TO JOIN

**TOWN OF LACONNER
PUBLIC OFFICIALS:**

**RAMON HAYES,
ANNIE TAYLOR.
IVAN CARLSON,
RICK DOLE,
MARYLEE CHAMBERLAIN
and MARY WOHLEB**

NOTICE OF INTENT TO JOIN

Notice is hereby given that the above named public officials have been officially notified of felony acts in accordance with 18 U.S. Code § 4 - Misprision of felony, committed by the Defendants that includes but are not limited to; Misappropriation of Public funds, Criminal Impersonation, Elections Crimes, and Civil Rights Violations.

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Dated: June 4, 2023

Respectfully submitted,
Plaintiffs, Pro Per
929 E. College Way
Mount Vernon, WA [98273]

COPY

JUN 05 2023 CR

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

Cody Hart, Derrill Fussell, Kevin Ewing,
Timothy Garrison, Steven Rindal, and Kathy
LaFreniere

Plaintiffs,

v.

LISA JANICKI, RONALD WESEN,
PETER BROWNING, DONALD
MCDERMOTT, RICHARD WEYRICH,
and SANDRA PERKINS,

Defendants

CASE NO **2:23-cv-832-RSL**

NOTICE OF INTENT TO JOIN

**CITY OF MOUNT VERNON
PUBLIC OFFICIALS:**

**JILL BOUDREAU,
JUAN MORALES,
IRIS CARIAS,
MARK HULST,
GARY MOLENAAR,
MELISSA BEATON,
MARY HUDSON,
and RICHARD BROCKSMITH**

NOTICE OF INTENT TO JOIN

Notice is hereby given that the above named public officials have been officially notified of felony acts in accordance with 18 U.S. Code § 4 - Misprision of felony, committed by the Defendants that includes but are not limited to; Misappropriation of Public funds, Criminal Impersonation, Elections Crimes, and Civil Rights Violations.

Furthermore, the Plaintiffs are notifying the above Public Officials of the intent to Join the above in accordance with FRCP 20, all those who conspire with the Defendants for the acts described in this cases complaint including to deprive the Plaintiffs of our Civil rights through acts of Official Misconduct and violate your oath of office to follow the laws of the State of Washington.

Dated: June 4, 2023

Respectfully submitted,
Plaintiffs, Pro Per
929 E. College Way
Mount Vernon, WA [98273]

COPY

JUN 05 2023 CR

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

Cody Hart, Derrill Fussell, Kevin Ewing,
Timothy Garrison, Steven Rindal, and Kathy
LaFreniere

CASE NO 2:23-cv-832-RSL

Plaintiffs,

NOTICE OF INTENT TO JOIN

v.

**CITY OF SEDRO-WOOLLEY
PUBLIC OFFICIALS:**

LISA JANICKI, RONALD WESEN,
PETER BROWNING, DONALD
MCDERMOTT, RICHARD WEYRICH,
and SANDRA PERKINS,

**JULIA JOHNSON,
BRENDAN MCGOFFIN,
JOELLEN KESTI,
SARAH DIAMOND,
CHUCK OWEN,
JOE BURNS,
and NICK LAVACCA**

Defendants

NOTICE OF INTENT TO JOIN

Notice is hereby given that the above named public officials have been officially notified of felony acts in accordance with 18 U.S. Code § 4 - Misprision of felony, committed by the Defendants that includes but are not limited to; Misappropriation of Public funds, Criminal Impersonation, Elections Crimes, and Civil Rights Violations.

Furthermore, the Plaintiffs are notifying the above Public Officials of the intent to Join the above in accordance with FRCP 20, all those who conspire with the Defendants for the acts described in this cases complaint including to deprive the Plaintiffs of our Civil rights through acts of Official Misconduct and violate your oath of office to follow the laws of the State of Washington.

Dated: June 4, 2023

Respectfully submitted,
Plaintiffs, Pro Per
929 E. College Way
Mount Vernon, WA [98273]

UNITED STATES DISTRICT COURT

for the

Western District of Washington

Cody Hart, Derrill Fussell, Kevin Ewing, Timothy Garrison, Steven Rindal, and Kathy LaFreniere

Plaintiff(s)

v.

LISA JANICKI, RONALD WESEN, PETER BROWNING, DONALD MCDERMOTT, RICHARD WEYRICH, and SANDRA PERKINS

Defendant(s)

Civil Action No. 2:23—cv—00832—RSL

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Skagit County Auditor
Attn: SANDRA PERKINS
P.O. Box 1306 Administration Building, Room 201
700 S. Second Street
Mount Vernon, WA 98273

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Cody Hart, Derrill Fussell, Kevin Ewing, et al.
Attn: Fraud and Civil Rights Claim
929 E. College Way
Mount Vernon, WA [98273]

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

M. Guilford



Signature of Clerk or Deputy Clerk

Date: 06/05/2023

UNITED STATES DISTRICT COURT

for the

Western District of Washington

Cody Hart, Derrill Fussell, Kevin Ewing, Timothy Garrison, Steven Rindal, and Kathy LaFreniere

Plaintiff(s)

v.

LISA JANICKI, RONALD WESEN, PETER BROWNING, DONALD MCDERMOTT, RICHARD WEYRICH, and SANDRA PERKINS

Defendant(s)

Civil Action No. 2:23-cv-00832-RSL

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Skagit County Commissioners
Attn: LISA JANICKI, RONALD WESEN, PETER BROWNING
P.O. Box 1306 Administration Building, Room 201
700 S. Second Street
Mount Vernon, WA 98273

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Cody Hart, Derrill Fussell, Kevin Ewing, et al.
Attn: Fraud and Civil Rights Claim
929 E. College Way
Mount Vernon, WA [98273]

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT



Signature of Clerk or Deputy Clerk

Date: 06/05/2023

UNITED STATES DISTRICT COURT

for the

Western District of Washington

Cody Hart, Derrill Fussell, Kevin Ewing, Timothy Garrison, Steven Rindal, and Kathy LaFreniere

Plaintiff(s)

v.

LISA JANICKI, RONALD WESEN, PETER BROWNING, DONALD MCDERMOTT, RICHARD WEYRICH, and SANDRA PERKINS

Defendant(s)

Civil Action No. 2:23-cv-00832-RSL

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Skagit County Prosecuting Attorney
Attn: RICHARD WEYRICH
P.O. Box 1306 Administration Building, Room 201
700 S. Second Street
Mount Vernon, WA 98273

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Cody Hart, Derrill Fussell, Kevin Ewing, et al.
Attn: Fraud and Civil Rights Claim
929 E. College Way
Mount Vernon, WA [98273]

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

M. Guillebeau



Signature of Clerk or Deputy Clerk

Date: 06/05/2023

UNITED STATES DISTRICT COURT

for the

Western District of Washington

Cody Hart, Derrill Fussell, Kevin Ewing, Timothy Garrison, Steven Rindal, and Kathy LaFreniere

Plaintiff(s)

v.

LISA JANICKI, RONALD WESEN, PETER BROWNING, DONALD MCDERMOTT, RICHARD WEYRICH, and SANDRA PERKINS

Defendant(s)

Civil Action No. 2:23-cv-00832-RSL

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Skagit County Sheriff
Attn: DONALD MCDERMOTT
P.O. Box 1306 Administration Building, Room 201
700 S. Second Street
Mount Vernon, WA 98273

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Cody Hart, Derrill Fussell, Kevin Ewing, et al.
Attn: Fraud and Civil Rights Claim
929 E. College Way
Mount Vernon, WA [98273]

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT



M. Guille...

Signature of Clerk or Deputy Clerk

Date: 06/05/2023