

1 Judge/Calendar: Hon. James Dixon/Civil

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8 **STATE OF WASHINGTON**
THURSTON COUNTY SUPERIOR COURT

9 TYLER G. MILLER,

10 Plaintiff,

11 v.

12 JAY INSLEE, in his official capacity as
13 Governor of Washington State, and
14 CHRIS LIU, in his official capacity as
15 Director of Enterprise Services,

16 Defendants.

NO. 21-2-00092-34

ANSWER TO COMPLAINT

17 **GENERAL DENIALS**

18 Defendants Jay Inslee, in his official capacity as Governor of the State of Washington,
19 and Chris Liu, in his official capacity as Director of Enterprise Services, by and through their
20 attorneys, Attorney General Robert W. Ferguson, Assistant Attorney General Zachary Pekelis
21 Jones and Cristina Sepe, and Deputy Solicitors General Jeffrey T. Even and Emma Grunberg,
22 hereby answer Plaintiff's Complaint. Except as herein expressly admitted or qualified,
23 Defendants deny each and every allegation, statement, or charge contained in the Complaint,
24 and deny that Plaintiff is entitled to any of the relief requested.

25 The COVID-19 pandemic is an unprecedented state, national, and international
26 emergency that requires an unprecedented governmental response to protect public health.
The emergency orders issued by the Governor of Washington, like similar orders issued by

1 numerous national, state, regional, and local governments around the world, currently represent
2 the best mechanism to mitigate the spread of COVID-19, which has no known cure. Statewide
3 emergency action is a drastic measure, but it is also a necessary one, as well as a lawful exercise
4 of police powers that infringe upon none of Plaintiff's statutory or constitutional rights.

5 Defendants respond to the numbered allegations in the Complaint as follows:

6 I. INTRODUCTION

7 1.1 Paragraph 1.1 asserts a legal argument to which no response is required. To the
8 extent Paragraph 1.1 contains averments of fact requiring a response, Defendants deny
9 paragraph 1.1.

10 1.2 Paragraph 1.2 asserts conclusions of law to which no response is required. To
11 the extent Paragraph 1.2 contains averments of fact requiring a response, Defendants deny
12 paragraph 1.2, except that Defendants admit that the COVID-19 pandemic has constituted a
13 grave public health threat making countermeasures necessary to protect lives.

14 II. JURISDICTION AND VENUE

15 2.1 Paragraph 2.1 asserts conclusions of law to which no response is required. To
16 the extent Paragraph 2.1 contains averments of fact requiring a response, Defendants deny
17 paragraph 2.1.

18 2.2 Paragraph 2.2 asserts conclusions of law to which no response is required. To
19 the extent Paragraph 2.2 contains averments of fact requiring a response, Defendants deny
20 paragraph 2.2.

21 2.3 Paragraph 2.3 asserts conclusions of law to which no response is required. To
22 the extent Paragraph 2.3 contains averments of fact requiring a response, Defendants deny
23 paragraph 2.3.

24 2.4 Paragraph 2.4 asserts conclusions of law to which no response is required. To the
25 extent Paragraph 2.4 contains averments of fact requiring a response, Defendants deny that the
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1 proper venue for Plaintiff's claims is determined under RCW 4.92.010, but admit that proper
2 venue is determined under RCW 4.12.020, which is Thurston County.

3 III. FACTUAL ALLEGATIONS

4 3.1 Defendants are without information sufficient to form a belief as to the truth of
5 the allegations in Paragraph 3.1, and therefore deny the same.

6 3.2 Defendants admit that Proclamation 20-25 was issued on March 23, 2020. The
7 remainder of Paragraph 3.2 asserts conclusions of law to which no response is required. To the
8 extent Paragraph 3.2 contains averments of fact requiring a response, Defendants deny
9 paragraph 3.2.

10 3.3 Defendants admit that on or about January 8, 2021, Governor Inslee activated the
11 Washington State National Guard to work with the Washington State Patrol and local law
12 enforcement to protect the Capitol campus as the legislature prepared to convene its legislative
13 session.

14 3.4 Defendants admit that temporary security fencing was put up at the Capitol
15 campus around the Legislative Building and other buildings before the start of the legislative
16 session on January 11, 2021. Defendants admit that, in certain areas delineated by fencing and
17 security personnel, access is limited to legislators, their support staff, and certain members of
18 the media.

19 3.5 Defendants are without information sufficient to form a belief as to the truth of
20 the allegations in Paragraph 3.5, and therefore deny the same.

21 3.6 Defendants admit that paragraph 3.6 accurately quotes, in part, Article II, § 11 of
22 the Washington State Constitution. The text of the Washington State Constitution speaks for
23 itself and requires no response by way of factual pleading

24 3.7 Defendants admit that paragraph 3.7 accurately quotes Article I, § 29 of the
25 Washington State Constitution. The text of the Washington State Constitution speaks for itself
26 and requires no response by way of factual pleading

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Thurston County Clerks eFile - Status Confirmation

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