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Tyler G. Miller  
6000 W Sherman Heights RD  
Bremerton, WA 98312

WASHINGTON STATE SUPERIOR COURT FOR THURSTON COUNTY

TYLER G MILLER,  
Plaintiff,  
vs.  
JAY INSLEE, in his official capacity  
as Governor of Washington State,  
and CHRIS LIU, in his official  
capacity as Director of Enterprise  
Services,  
Defendants,

Case No.: 21-2-00092-34

COMPLAINT FOR RELIEF UNDER  
ART. II § 11 OF THE WASHINGTON STATE  
CONSTITUTION

**I. INTRODUCTION**

1.1 The Plaintiff brings this action to vindicate his rights under Article II § 11 of the Washington State Constitution and to seek injunctive relief against future harm.

1           1.2     The Coronavirus Pandemic has wreaked havoc in nearly all aspect of daily life in  
2 Washington State. Various restrictive measures have been taken throughout the past year that  
3 many have found to be necessary for public health and safety. Securing public access to the  
4 Legislative Building was one of those measures. When originally implemented, the legislative  
5 session for the 2020 year had already adjourned, and the impact to the public of this closure was  
6 minimal, confined primarily to disruption of tourism. However, since the 2021 Legislative  
7 session has begun, continued closure of the Legislative Building presents grave infringements on  
8 the constitutionally protected rights of the Plaintiff, and all Washington citizens.

## 9                                   **II.     JURISDICTION AND VENUE**

10           2.1     This action is brought by Plaintiff under Article I § 29 and Article II § 11 of the  
11 Constitution of Washington State and RCW 9A.80.010.

12           2.2     The Plaintiff is authorized to bring this claim under RCW 4.92.010.

13           2.3     The violations alleged in this claim are carried out by Defendant Liu under the  
14 direction and order of Defendant Inslee, each acting in their official capacities as appointed and  
15 elected officers of the State of Washington.

16           2.4     The venue of Thurston County is correct pursuant to RCW 4.92.010 for claims  
17 against the State.

## 18                                   **III.    FACTUAL ALLEGATIONS**

19           3.1     Plaintiff is a citizen of Washington State, residing in Bremerton, Kitsap County.

20           3.2     On or about March 23, 2020, Defendant Inslee issued Proclamation 20-25,  
21 resulting in the closure of the Legislative Building to the public carried out by Defendant Liu.

22           3.3     On or about January 8, 2021, Defendant Inslee authorized the mobilization of the  
23 State National Guard to augment and provide additional security to areas of the Capitol Campus.

1           3.4     On or about January 9, 2021, a chain-linked fence was erected, completely  
2 encircling both the Legislative Building and Temple of Justice as well as the courtyard area  
3 between the two buildings. The area inside the fence was declared to be restricted from public  
4 access.

5           3.5     On or about January 11, 2021, Plaintiff intended on attending the opening  
6 sessions of the Washington State Legislature in-person, observing the proceedings in both the  
7 House and Senate chambers from the viewing galleries in each chamber.

8           3.6     Article II § 11 of the Constitution of the State of Washington states in part that,  
9 “*The doors of each house shall be kept open, except when the public welfare shall require*  
10 *secrecy.*”

11          3.7     Article I § 29 of the Constitution of the State of Washington states that, “*The*  
12 *provisions of this Constitution are mandatory, unless by express words they are declared to be*  
13 *otherwise.*”

14          3.8     On or about January 11, 2021, fearing the immanent risk of arrest by law enforce  
15 under the direction of Defendant Inslee, Plaintiff refrained from exercising his right under Article  
16 II §11 to be in the galleries of either chamber while the Legislature was in open session.

17          3.9     The Legislature continues to meet in open session.

18          3.10    Defendants continue to violate Article I § 29 in denying Plaintiff’s right to attend  
19 and observe the floor actions of the Legislature under Article II § 11 by:

20                3.10.1 Using physical barriers to keep Plaintiff out of the Legislative Building  
21 augmented by the threat of immediate arrest for crossing such barriers.

22                3.10.2 Maintaining the public areas of the Capitol Campus and Legislative  
23 Building off limits to all members of the public.

1 **IV. PRAYER FOR RELIEF**

2 4.1 Wherefore, Plaintiff requests relief against Defendant Inslee as follows:

3 4.1.1 An order to remove all temporarily erected barriers from the Capitol  
4 Campus which restrict the public’s ability to peaceably assemble in or on all  
5 public areas or utilize public facilities.

6 4.1.2 Injunctive relief against any future actions that would result in the inability  
7 of the public to approach, assemble, and fully enjoy the Legislative Building and  
8 its surroundings.

9 4.2 Plaintiff further requests relief against Defendant Liu as follows:

10 4.2.1 An order to provide for access to the public areas of the Legislative  
11 Building, to specifically include the viewing galleries of each house, for  
12 the general public whenever the Legislature is in open session.

13 4.2.2 Injunctive relief against any future actions that would result in closing off,  
14 restricting access, or otherwise impeding the presence of the public in the  
15 public areas, to specifically include the viewing galleries of each house, of  
16 the Legislative Building while the Legislature is in open session.

17  
18 Dated this 21<sup>st</sup> day of January, 2021.

19 \_\_\_\_\_  
s/Tyler G. Miller

20 Tyler G. Miller  
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