

THE HONORABLE RICARDO S. MARTINEZ

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LISA HOOPER, BRANDIE OSBORNE,
individually and on behalf of a class of
similarly situated individuals; EPISCOPAL
DIOCESE OF OLYMPIA, REAL CHANGE,

Plaintiffs,

vs.

CITY OF SEATTLE, WASHINGTON;
WASHINGTON STATE DEPARTMENT OF
TRANSPORTATION; ROGER MILLAR,
SECRETARY OF TRANSPORTATION
FOR WSDOT, in his official capacity,

Defendants.

No. 2:17-cv-00077-RSM

**ORDER GRANTING MOTION FOR
TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

(PROPOSED)

THIS MATTER comes before the Court on Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction. Having reviewed the motion and being fully advised, now therefore, the Court GRANTS the Motion.

///
///
///
///

1 IT HEREBY ORDERED that, unless and until the Court otherwise orders, Defendants
2 the City of Seattle and Washington State Department of Transportation and their agents and
3 employees are enjoined from:

4 1. Seizing property as part of a sweep or cleanup of an area where unhoused people
5 living outside in the City reside, absent an objectively reasonable belief that it presents an
6 immediate threat to public health or safety, or an objectively reasonable belief that the property
7 is abandoned, is evidence of a crime, or is contraband;

8 2. Destroying seized property, absent an immediate threat to public health or
9 safety, without maintaining the property in a secure location for a period of less than 90 days;

10 3. Storing seized property in a facility not open during regular business hours;

11 4. Failing to provide notice advising unhoused individuals living outside whose
12 property is seized of whether property was stored, the location of the storage facility, and
13 adequate information as to how they can retrieve their property;

14 5. Storing said seized property in a facility that does not clearly catalog and
15 segregate property based on names or other forms of identification, where available, of
16 individuals from whom the property is taken;

17 6. Storing seized property in a facility that is not accessible within 72 hours of
18 seizure. Medication, medical equipment, and uncontaminated tents, sleeping bags, and blankets
19 must be accessible within 24 hours of seizure;

20 7. Defendants may continue to clean streets, sidewalks, and other public property,
21 remove trash and debris from them, and immediately dispose of such trash and debris; and

22 8. Defendants are further directed to leave a notice in a prominent place for any
23 property taken on the belief that it is abandoned, including advising where the property is being
24 kept and when and how it may be claimed by the rightful owner.

1 The Court concludes that it is appropriate to waive the requirement that Plaintiffs file
2 an injunctive bond in this instance.

3
4 SO ORDERED.

5 Dated this _____ day of _____, 2017.

6
7
8 _____
9 The Honorable
United States District Judge

10 Presented by:

11 AMERICAN CIVIL LIBERTIES UNION
12 OF WASHINGTON FOUNDATION

13 s/ Emily Chiang
Emily Chiang, WSBA No. 50517
14 Nancy Talner, WSBA No. 11196
Breanne Schuster, WSBA No. 49993
15 901 Fifth Avenue, Suite 630
Seattle, Washington 98164
16 Telephone: (206) 624-2184
Email: echiang@aclu-wa.org
17 ntalner@aclu-wa.org
bschuster@aclu-wa.org

18
19 CORR CRONIN MICHELSON
BAUMGARDNER FOGG & MOORE LLP

20 s/ Todd T. Williams
Blake Marks-Dias, WSBA No. 28169
21 Todd T. Williams, WSBA No. 45032
Eric A. Lindberg, WSBA No. 43596
22 1001 Fourth Avenue, Suite 3900
Seattle, Washington 98154-1051
23 Telephone: (206) 625-8600
24 Email: bmarksdias@corrchronin.com
twilliams@corrchronin.com
elindberg@corrchronin.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Attorneys for Plaintiffs