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**SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR GRANT COUNTY**

WADE KING and TERESA KING, husband and wife, d/b/a KING RANCH,

Plaintiffs,

v.

STATE OF WASHINGTON, THE WASHINGTON STATE DEPARTMENT OF ECOLOGY, and POLLUTION CONTROL HEARINGS BOARD,

Defendants.

No. 26-2-00263-13

**PLAINTFFS' MOTION FOR
TEMPORARY RESTRAINING
ORDER, ORDER TO SHOW
CAUSE, AND FOR
PRELIMINARY INJUNCTION**

I. INTRODUCTION & RELIEF REQUESTED

The Petitioners/Plaintiffs WADE KING and TERESA KING, husband and wife, d/b/a KING RANCH (collectively referred to below as the "Plaintiffs," the "Kings," or "King Ranch") respectfully move the Court, under CR 65 and Chapter 7.40 RCW, for: (i) a Temporary Restraining Order, issued without notice if the Court so determines, immediately staying all proceedings in Pollution Control Hearings Board ("PCHB") No. 23-007c; and, (ii) a Preliminary Injunction, after notice and hearing, continuing such a stay of proceedings until

1 such time as final judgment on the Kings' claims for declaratory relief has been entered,
2 including exhaustion of any and all appeals.

3 The PCHB is forcing the Kings to litigate a \$267,540.00 civil penalty and associated
4 restoration orders (expected to cost the Kings more than \$1,000,000.00) in an administrative
5 proceeding that lacks any mechanism to provide the Kings with a jury trial. This directly
6 violates the Kings' inviolate right to a jury trial under Article 1, Section 21 of the Washington
7 State Constitution. "The term 'inviolate' connotes deserving of the highest protection" and
8 "indicates that the right must remain the essential component of our legal system that it has
9 always been." *Sofie v. Fibreboard Corp.*, 112 Wn.2d 636, 656, 771 P.2d 711, 780 P.2d 260 (1989)
10 (noting further that the right "must not diminish over time and must be protected from all
11 assaults to its essential guaranties.").

12 The Kings respectfully submit that this also violates the Kings' rights under the
13 Seventh and Fourteenth Amendments to the United States Constitution (though the present
14 state of the law, which the Kings aver should be overruled and changed, does not confer the
15 Kings any right to a jury trial under the Federal Constitution). The denial of this fundamental
16 constitutional right constitutes irreversible and irreparable harm to the Kings per se.
17 Declaratory relief is the only means of resolving this constitutional impasse, and a stay is
18 necessary to prevent the Kings from being forced to waive their constitutional rights, suffer
19 default and/or immediate enforcement, allow the State entry into and upon their privately
20 owned property, which would otherwise constitute an unconstitutional warrantless search,
21 and/or incur substantial fees and costs litigating claims in the wrong forum. As such, the
22 Kings respectfully seek an Order for Defendants to Show Cause [do we need this in Grant

1 County or can we just ask for ex parte TRO and then note up a hearing on the Preliminary
2 Injunction] why the PCHB should not be so restrained during the pendency of this action.

3 II. STATEMENT OF FACTS

4 The Verified Complaint filed concurrently herewith is incorporated by reference as
5 though fully set forth herein and serves as the affidavit/verification required by CR 65(b). The
6 material facts are as follows: On February 3, 2023, Ecology issued Administrative Order No.
7 21544 (the "Penalty Order") assessing a \$267,540.00 penalty against the Kings for alleged
8 violations of Chapter 90.48 RCW and Chapter 173-201A WAC as a result of stockwater pond
9 digging and maintenance on an active generational cattle ranch. On the same date, Ecology
10 issued Administrative Order No. 21543 ("the Grant County Order") requiring restoration of
11 certain alleged wetlands for alleged violations of Chapter 90.48 RCW and Chapter 173-201A
12 WAC as a result of stockwater pond digging and maintenance on an active generational cattle
13 ranch. On January 15, 2025, Ecology issued Administrative Order No. 23464 ("the Douglas
14 County Order") requiring restoration of certain alleged wetlands for alleged violations of
15 Chapter 90.48 RCW and Chapter 173-201A WAC as a result of stockwater pond digging and
16 maintenance on an active generational cattle ranch. The Kings timely appealed all three orders
17 to the PCHB (consolidated under PCHB No. 23-007c), and the consolidated appeal is
18 pending. *See Declaration of Toni Meacham.*

19 The Administrative Orders allege the Kings caused damage to what Ecology claims
20 are regulated wetlands located on portions of property owned and leased by the Kings in Grant
21 and Douglas counties in Washington State. In addition to the \$267,540 penalty imposed by
22 the Penalty Order, if the alleged violation sites are regulated wetlands as alleged by Ecology,

1 the Grant County Order and the Douglas County Order require costly restoration mitigation
2 measures that will burden the Kings with additional costs that are estimated to exceed
3 \$3,700,000.00.¹ Declaration of Toni Meacham.

4 On December 29, 2025, the Kings filed a Motion to Dismiss the PCHB proceeding
5 (PCHB No. 23-007c) based on the PCHB's inability to accommodate the Kings' right to a jury
6 trial under the State and Federal Constitutions. The Kings incorporate their Motion to
7 Dismiss herein by this reference. Ecology opposed the Motion to Dismiss on February 2,
8 2026, arguing (*inter alia*) that the PCHB lacks jurisdiction to decide constitutional issues such
9 as the right of a party to a jury trial and that no right to a jury trial exists in administrative
10 proceedings. The Kings filed a Reply to Ecology's opposition on February 17, 2026,
11 reiterating that the Kings do have constitutional rights to a jury trial before the PCHB. The
12 Kings incorporate their Reply in Support of their Motion to Dismiss herein by this reference.
13 The PCHB has not yet ruled on the Motion.

14 On February 19, 2026, the PCHB held a discovery conference and denied Plaintiffs'
15 request to suspend discovery and further litigation pending a ruling on the Motion to Dismiss.

16 On February 24, 2026, the PCHB entered an Order (a true and correct copy of which is
17

18 ¹ Ecology has acknowledged the significant costs of mitigation/restoration potentially involved. Third Grifo
19 Decl., Ex. A (Board File; Dkt. 44) (Attachment "A," Recommendation for Enforcement at pg. 10 of 11 (pg. 29
20 of PDF) ("Had King Ranch followed legal pathways to allow for the type and extent of wetland disturbance found
21 in this case, assuming it could be permitted at all, the mitigation bank credit cost would certainly have exceeded
22 \$650,000."); Meacham Decl., Ex. A (PRA004700) (Ecology confirming that credits for mitigation would be in
excess of \$100,000 per acre for Category 2, 3, and 4 regulated wetlands, with Category 1 regulated wetlands, which
Ecology alleges are at issue in this case, being even more expensive, and estimating at least 6.37 acres of alleged
wetland impacts and 1.76 acres of alleged wetland buffers impacted, which would result in mitigation costs in
excess of \$637,000.00).

1 attached as Appendix A to the Verified Complaint) requiring Plaintiffs to respond to Ecology's
2 written discovery requests, directing the parties to arrange for Ecology's entry onto and
3 inspection of Plaintiffs' private property, and ordering the parties to proceed with discovery
4 and litigation.

5 The PCHB's governing statutes (Chapter 43.21B RCW) and rules (Chapter 371-08
6 WAC) contain no provisions for empaneling a jury or transferring legal claims to the Superior
7 Court for trial before a jury. Regardless of how the PCHB rules on the pending Motion to
8 Dismiss, assuming the PCHB rules on the Motion at all, the PCHB cannot provide a jury trial
9 to which the Kings are constitutionally entitled.

10 III. STATEMENT OF THE ISSUE

11 Whether the Grant County Superior Court should enter a Temporary Restraining
12 Order, without notice to Defendants, and enter a Preliminary Injunction, following notice and
13 hearing, staying all of the proceedings pending in PCHB No. 23-007c until entry of a full and
14 final decision on the Kings' claims for declaratory relief, including any and all appeals?

15 IV. EVIDENCE RELIED UPON

16 This Motion is based on the declarations filed concurrently herewith, if any, as well as
17 all other pleadings and filings of record in the above captioned matter, including without
18 limitation the Verified Complaint, and all filings of record in PCHB No. 23-007c, and all of
19 which are incorporated herein by this reference.

20 V. ARGUMENT & AUTHORITY

21 This Motion is brought pursuant to CR 65 and RCW 7.40.020, which provide in
22 relevant part:

1 A temporary restraining order may be granted without written or oral notice to
2 the adverse party or the adverse party's attorney only if (1) it clearly appears
3 from specific facts shown by affidavit or by the verified complaint that
4 immediate and irreparable injury, loss, or damage will result to the applicant
5 before the adverse party or his attorney can be heard in opposition, and (2) the
6 applicants attorney certifies to the court in writing the efforts, if any, which
7 have been made to give the notice and the reasons supporting the applicant's
8 claim that notice should not be required.

9 CR 65(b). RCW 7.40.020 provides:

10 When it appears by the complaint that the plaintiff is entitled to the relief
11 demanded and the relief, or any part thereof, consists in restraining the
12 commission or continuance of some act, the commission or continuance of
13 which during the litigation would produce great injury to the plaintiff; or when
14 during the litigation, it appears that the defendant is doing, or threatened, or is
15 about to do, or is procuring, or is suffering some act to be done in violation of
16 the plaintiff's rights respecting the subject of the action tending to render the
17 judgment ineffectual; or where such relief, or any part thereof, consists in
18 restraining proceedings upon any final order or judgment, an injunction may be
19 granted to restrain such act or proceedings until the further order of the court,
20 which may afterwards be dissolved or modified upon motion.

21 RCW 7.40.020. A Temporary Restraining Order must define the injury, state why it is
22 irreparable, and why it was granted without notice, if it was, and expire no later than 14 days
unless extended by the Court. A preliminary injunction may issue following notice and hearing
to the adverse party. CR 65(a). To obtain a preliminary injunction, the moving party must
show (1) a clear legal or equitable right, (2) a well-grounded fear of immediate invasion of that
right, and (3) that the acts complained of will result in actual and substantial injury. *See Rabon*
v. City of Seattle, 135 Wn.2d 278, 284, 957 P.2d 621 (1998); *Tyler Pipe Indus., Inc. v. Dep't of Revenue*,
96 WN.2d 785, 792, 638 P.2d 1213 (1982). Courts also consider the balance of the equities
and the public interest. *See Kucera v. State, Dep't of Transp.*, 140 Wn.2d 200, 208-09, 995 P.2d
63 (2000).

1 **A. The Kings Face Immediate and Irreparable Harm**

2 Denial of the constitutional right to a jury is irreparable injury as a matter of law.
3 *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (citations omitted) (“It is well established
4 that the deprivation of constitutional rights ‘**unquestionably constitutes irreparable**
5 **injury.**”) (emphasis supplied); *Davis v. Cox*, 183 Wn.2d 269, 351 P.3d 862 (2015) (unanimous
6 Supreme Court struck RCW 4.24.525 (anti-SLAPP statute) as facially unconstitutional under
7 Article 1, Section 21 precisely because it deprived litigants of their right to jury trial; the Court
8 emphasized that any procedure that “weigh[s] competing evidence and perform[s] a fact-
9 finding function expressly reserved for a jury” violates the constitutional right and cannot
10 stand) (abrogated on other grounds).

11 Here, the Kings face a Hobson’s choice: (i) participate in the PCHB proceeding and
12 waive their constitutional rights to a jury trial; (ii) refuse to participate and risk entry of default
13 with immediate enforcement of the penalties assessed plus the costs of restoration; or (iii)
14 allow the State entry into and upon their privately owned property, which would otherwise
15 constitute an unconstitutional warrantless search, and incur massive attorneys’ fees, expert
16 witness fees and costs, and other litigation expenses in a forum that cannot provide a jury.
17 The PCHB’s February 24, 2026, Order requires immediate action on discovery and authorizes
18 the State of Washington to enter upon and inspect the Kings’ private property; but, if the
19 Kings prevail on their Motion to Dismiss, then the Defendants have absolutely no right to
20 enter upon and/or inspect the Kings’ private property. If the entire PCHB proceeding is out
21 of order and without jurisdiction, and if the action were to be dismissed in its entirety, then
22 there would be no discovery or litigation for the Kings to endure (or the State to exploit).

1 Without entry of an immediate stay, the Kings' constitutional rights will be irreparably violated
2 before this Court can rule on the merits of the Kings' claims for declaratory relief.

3 **B. The Kings Are Likely to Prevail on the Merits**

4 **1. The Kings Have the Right to a Civil Jury Trial on the Penalty
5 Order²**

6 Under current Washington case law, the right to a jury trial in Washington civil
7 proceedings is protected by Article I, Section 21 of the Washington Constitution. *Sofie v.*
8 *Fibreboard Corp.*, 112 Wn.2d 636, 644, 771 P.2d 711 (1989).³ When interpreting Article I,
9 Section 21, Washington courts also consider the Supreme Court's civil trial Seventh
10 Amendment jurisprudence as persuasive, "educational" authority that may "assist" the courts.
11 *Id.* at 647-48.

12 The plain language of Article 1, Section 21 provides the most fundamental guidance:
13 "The right of trial by jury shall remain inviolate." *Sofie*, 112 W.2d at 656. The term "inviolate"
14 connotes deserving of the highest protection. *Id.* This language indicates that the right to trial

15 ² The Kings reserve the right to more specifically argue that the Penalty Order is not civil but criminal or quasi-
16 criminal in nature.

17 ³ This is because courts have held that the Seventh Amendment to the United States Constitution "does not
18 apply to the states through the Fourteenth Amendment." *Thorley v. Nowlin*, 29 Wn. App. 2d 610, 643-49, 542
19 P.3d 137, 154-57 (2024) (citing *Minneapolis & St. Louis Railroad Co. v. Bombolis*, 241 U.S. 211, 36 S. Ct. 595 (1916);
20 *Sofie*, 112 Wn.2d at 644)). The Kings respectfully disagree with this holding. They believe the U.S. Supreme
21 Court's current test for incorporation makes clear that the protections of the Seventh Amendment should apply
22 against the states. *See, e.g.*, Bryston C. Gallegos, *A More Balanced Prescription: Reconciling Medical Malpractice Reform
with Fundamental Principles of Tort Law*, 55 Gonz. L. Rev. 105, 132 (2020) (citations omitted) (arguing for
incorporation of the Seventh Amendment, quoting Justice Gorsuch as saying "And here we are in 2018 ... still
litigating incorporation of the Bill of Rights. Really? Come on," and Justice Kavanaugh as saying, "Isn't it just
too late in the day to argue that any of the Bill of Rights is not incorporated?"). The Kings respectfully submit
that their right to a jury trial in Washington civil proceedings is and should be protected by the Seventh
Amendment of the United States Constitution in addition to Article I, Section 21 of the Washington State
Constitution. The time has come for the Seventh Amendment to apply in Washington State (and all other states)
through the Fourteenth Amendment.

1 by jury must remain the essential component of our legal system that it has always been. *Id.*
2 For such a right to remain inviolate, it “must not diminish over time and must be protected
3 from all assaults to its essential guarantees. In Washington, those guarantees include *allowing*
4 *the jury to determine the amount of damages in a civil case.*” *Id.* (emphasis added). In close cases, when
5 the question is doubtful, the court always errs on the side of preserving the right to a jury trial.
6 *Thorley v. Nowlin*, 29 Wn. App. 2d 610, 644, 542 P.3d 137, 154 (2024) (citing *Bain v. Wallace*,
7 167 Wn. 583, 587, 10 P.2d 226 (1932); *Furnstahl v. Barr*, 197 Wn. App. 168, 175, 389 P.3d 635
8 (2016)).

9 When interpreting Article 1, Section 21, courts “look to the right as it existed at the
10 time of the constitution's adoption in 1889.” *Sofie*, 112 Wn. 2d at 645. Washington courts use
11 a two-step analysis to determine whether this right exists for a particular case. *Matter of Det. of*
12 *C.B.*, 9 Wn. App. 2d 179, 183, 443 P.3d 811, 814 (2019): First, the court identifies the scope
13 of the right to a jury trial in 1889. *Id.* Second, the court decides whether “the type of action
14 at issue is similar to the one that would include the right to a jury trial at that time.” *Id.*

15 The Code of 1881 was in effect when Washington adopted its constitution in 1899.
16 *Matter of Det. of C.B.*, 9 Wn. App. 2d at 183 (citing *Sherwin v. Arveson*, 96 Wn.2d 77, 83, 633 P.2d
17 1335 (1981)). Section 248 of the Code of 1881, which afforded the right to a jury trial in 1889,
18 offers the best evidence of the nature and extent of the right to a jury at the time the state
19 constitution was adopted. *Thorley*, 29 Wn. App. 2d at 645. Based on that statute, in the
20 Supreme Court’s first decision after the 1889 constitution construing Article I, Section 21, the
21 Court adopted a two-part test: (1) the action is on the law, rather than the equity, side of the
22 legal demarcation; and (2) issues of fact lie within the dispute. *See id.* (citing *State ex rel. Mullen*

1 *v. Doherty*, 16 Wn. 382, 47 P. 958 (1897)).

2 Here, as explained below, the Penalty Order seeks a civil penalty, a type of remedy at
3 common law that could only be enforced in courts of law, and the Penalty Order raises
4 countless factual issues for the jury.

5 2. The Penalty Order Seeks a Legal Remedy, Not an Equitable One

6 As noted above, one of the “essential guarantees” of Article 1, Section 21 is “allowing
7 the jury to determine the amount of damages in a civil case.” *Sofie*, 112 W.2d at 656. “To the
8 jury is consigned under the constitution the ultimate power to weigh the evidence and
9 determine the facts—and the amount of damages in a particular case is an ultimate fact.” *Id.*
10 (quoting *Dacres v. Oregon Ry. & Nav. Co.*, 1 Wn. 525, 20 P. 601 (1889) (Act of 1883, creating a
11 scheme for determining the value of train-killed animals by appraisers, was unconstitutional
12 because it denied the right to a jury trial); *id.* (citing *Worthington v. Caldwell*, 65 Wn.2d 269, 273,
13 396 P.2d 797 (1964) (“Questions of damages should be decided by the jury”); *Anderson v.*
14 *Dalton*, 40 Wn.2d 894, 897, 246 P.2d 853 (1952); *Kellerber v. Porter*, 29 Wn.2d 650, 189 P.2d 223
15 (1948); *Walker v. McNeill*, 17 Wash. 582, 592–95, 50 P. 518 (1897)).

16 The jury’s role as a factfinder is especially important for claims that seek to recover
17 noneconomic damages, such as the environmental harm⁴ that Ecology alleges in this appeal. *See*
18 *Sofie*, 112 W.2d at 656 (“The jury’s role in determining noneconomic damages is perhaps even
19 more essential.”) (internal quotation marks omitted) (quoting *Bingaman v. Grays Harbor Comm’ty*
20 *Hosp.*, 103 Wn.2d 831, 835, 699 P.2d 1230 (1985) (noneconomic damages are “primarily and

21 _____
22 ⁴ *See, e.g., United States v. CB & I Constructors, Inc.*, 685 F.3d 827, 835 (9th Cir. 2012) (damages from “environmental harm” are “noneconomic”).

1 peculiarly within the province of the jury”); *Lyster v. Metzger*, 68 Wn.2d 216, 224–25, 412 P.2d
2 340 (1966) (noneconomic damages are within the jury's province); *Power v. Union Pac. R.R.*, 655
3 F.2d 1380, 1388 (9th Cir.1981) (under Washington law, damages for loss of companionship
4 determined by trier of fact). Translating legal damage into monetary damages is a matter
5 “peculiarly within a jury's ken, . . . especially in cases involving intangible, non-economic
6 losses.” *Smith v. Kmart Corp.*, 177 F.3d 19, 30 (1st Cir. 1999) (quoting *Wagenmann v. Adams*, 829
7 F.2d 196, 215 (1st Cir.1987). Consistent with these holdings, courts in Washington State and
8 other jurisdictions have ruled that potentially responsible parties are entitled to a jury trial on
9 claims for *environmental or natural resource damages* because the remedy sought is legal damages,
10 not equitable restitution.⁵

11
12 ⁵ See, e.g., *Dep't of Nat. Res. State of Wash. v. Littlejohn Logging, Inc.*, 60 Wn. App. 671, 674, 806 P.2d 779, 780 (1991)
13 (holding that DNR's action for recovery for fire suppression costs was “legal in nature,
14 reasoning that although DNR's statutory right of recovery did not exist at the time of the adoption of the
15 constitution, “the right clearly is founded on a theory of negligent damage to the property of another,” which is
16 “a type of action defined by the common law and heard by a jury at the time of the adoption of the constitution”)
17 (citing *Sofie*, 112 Wn.2d at 648–49); *Watkins v. Siler Logging Co.*, 9 Wn. 2d 703, 710–12, 116 P.2d 315, 321–22
18 (1941) (holding that complaint alleging damages for conversion of timber “states a purely legal cause of action,
19 sounding in tort for conversion, and demands money damages therefor” and stating, “the fact that matters in
20 the nature of an accounting may be incidentally involved in connection with the computation of damages, does
21 not change an action at law into an equitable accounting”); *In re Acushnet River & New Bedford Harbor Proceedings re*
22 *Alleged PCB Pollution*, 712 F. Supp. 994, 1001-1004 (D. Mass. 1989) (under state and federal constitutions, “claims
for natural resource damages and recovery of public nuisance abatement expenses [under both state and federal
statutes] present legal issues which must be tried to a jury as matter of right”) (citing *Tull v. United States*, 481 U.S.
412, 422–25, 107 S. Ct. 1831 (1987) (jury trial required for determination of liability for Clean Water Act civil
penalty, which “was a type of remedy at common law that could only be enforced in courts of law”)); *Bendick v.*
Cambio, 558 A.2d 941, 945 (R.I. 1989) (under state constitution, jury trial required for civil penalties issued by
Rhode Island Department of Environmental Management for alleged alteration of wetlands in violation of the
state's Water Pollution Act) (citing *Tull v. United States*, 481 U.S. 412); *United States v. Shaner*, No. CIV. A. 85-1372,
1992 WL 154618, at *1-2 (E.D. Pa. June 15, 1992) (CERCLA contribution actions are legal in nature and thus
create a Seventh Amendment right to jury trial) (citing *Tull v. United States*, 481 U.S. 412, 417; *Curtis v. Loether*, 415
U.S. 189, 189, 94 S. Ct. 1005 (1974) (in evaluating claim for damages caused by violation of fair housing
provisions of the Civil Rights Act of 1968, holding “We think it is clear that a damages action is an action to
enforce 'legal rights' within the meaning of our Seventh Amendment decisions”); *Acushnet*, 712 F. Supp. at 998,
1001)); *United States v. City of Seattle and Municipality of Metro. Seattle*, Civil Action No. C90-395, slip op. (W.D.
Wash.) (natural resource damage claims seek the legal remedy of damages); *United States v. Allied Chem. Co.*, No.

1 Key factors that courts consider in characterizing monetary remedies as legal or
2 equitable are whether they (1) merely seek to restore the status quo or (2) seek *punishment or*
3 *deterrence*. As recently as 2024, the U.S. Supreme Court held that “[w]hat determines whether
4 a monetary remedy is legal is if it is designed to *punish or deter the wrongdoer*, or, on the other
5 hand, solely to ‘restore the status quo.’” *Sec. & Exch. Comm’n v. Jarkesy*, 144 S. Ct. 2117, 2129
6 (2024) (holding that SEC civil penalties seeking a form of monetary relief are legal claims)
7 (quoting *Tull*, 481 U.S. at 422, 107 S.Ct. 1831). “[A] civil sanction that cannot fairly be said
8 solely to serve a remedial purpose, but rather can only be explained as also serving either
9 retributive or deterrent purposes, is punishment.” *Id.* (quoting *Austin v. United States*, 509 U.S.
10 602, 610, 113 S.Ct. 2801, 125 L.Ed.2d 488 (1993)) (internal quotation marks omitted). The
11 holding in *Jarkesy* is consistent with the 9th Circuit precedent, holding that civil penalties require
12 a jury trial. *See, e.g., United States v. Nordbrock*, 941 F.2d 947, 949 (9th Cir. 1991) (“The Seventh
13 Amendment guarantees a jury trial to determine liability in a Government action seeking civil
14 penalties.”) (citing *Tull v. United States*, 481 U.S. 412, 417–25, 107 S.Ct. 1831 (1987); *McLaughlin*
15 *v. Owens Plastering Co.*, 841 F.2d 299, 300–01 (9th Cir.1988) (employer entitled to jury trial
16 where Secretary of Labor sought back pay under the Fair Labor Standards Act)).

17 When these three areas intersect—when (1) monetary damages are sought, (2) for the
18 purpose of *punishment or deterrence* for (3) alleged *non-economic environmental harms*—the jury’s role
19 is paramount. In *Tull*, the U.S. Supreme Court held that the closely analogous civil penalty

20 C-835898 (N.D. Cal. 9-14-84); *United States v. AVX Corp.*, No. 83-3882-Y (D. Mass. 3-27-86) (same); *Continental*
21 *Ins. Co. v. Northeastern Pharmaceutical & Chem. Co.*, 842 F.2d 977, 986-87 (8th Cir. 1988), cert. denied sub nom.
22 *Missouri v. Continental Ins. Cos.*, 488 U.S. 821 (1988) (same in dicta); *New York v. Lashins Arcade Co.*, 881 F. Supp.
101, 102, 103 (S.D.N.Y. 1995), on reargument, 888 F. Supp. 27 (S.D.N.Y. 1995) (relief sought was at least partly
legal in nature). *See also New York v. Lashins Arcade Co.*, 91 F.3d 353, 362 (2d Cir. 1996) (without resolving jury
trial issue, noting that “the district court’s [contrary] ruling stands alone (so far as we are aware) in opposition to
the overwhelming weight of authority on this issue”); Elbaum, Note, “Judicial Review of Natural Resource
Damage Assessments Under CERCLA: Implications of the Right to Trial By Jury,” 70 N.Y.U. L. Rev. 352 (1995)
(arguing right to jury trial applies to natural resource damage actions because they seek a legal remedy).

1 provision of the federal Clean Water Act sought a legal remedy intended to punish and was
2 not an equitable remedy. *Tull v. United States*, 481 U.S. 412, 422, 107 S.Ct. 1831, 95 L.Ed.2d
3 365 (1987) (“A civil penalty was a type of remedy at common law that could only be enforced
4 in courts of law. Remedies intended to punish culpable individuals, as opposed to those
5 intended to extract compensation or restore the status quo, were issued by courts of law, not
6 courts of equity.”) (internal citations omitted).

7 Applying the *Tull* Court’s reasoning to the Massachusetts Clean Water Act and the
8 Massachusetts State Constitution, a federal district court held that civil penalties presented
9 “legal issues which must be tried to a jury as matter of right.” *In re Acushnet River & New*
10 *Bedford Harbor Proceedings re Alleged PCB Pollution*, 712 F. Supp. 994, 1001-1004 (D. Mass. 1989)
11 (civil penalties triggered jury trial right under federal and state constitutions) (citing *Tull*, 481
12 U.S. at 422–25).

13 Similarly, in *Bendick v. Cambio*, the Supreme Court of Rhode Island held that, under that
14 state’s constitution, a jury trial was required for civil penalties issued by the Rhode Island
15 Department of Environmental Management for alleged alteration of wetlands in violation of
16 the state’s Water Pollution Act. 558 A.2d 941, 945 (R.I. 1989) (citing *Tull v. United States*, 481
17 U.S. at 412). Notably, the *Bendick* Court’s holding was based on language in the Rhode Island
18 Constitution that is identical to the relevant language in Washington State’s Constitution. *See*
19 *id.* at 943 (“Article 1, section 15, of the constitution of this state guarantees that “[t]he right of
20 trial by jury shall remain inviolate”). Following Justice Scalia’s dissenting opinion in *Tull*, the
21 *Bendick* Court also construed the state constitution to require a jury trial not only for the
22 question of whether civil liability exists but also for the amount of the penalty. *See id.* (“We
are persuaded by the dissenting opinion of Justice Scalia, with whom Justice Stevens joined,
wherein it was vigorously suggested that historically a jury would have determined not only

1 civil liability but the amount of that liability as well. We see no reason to depart from this
2 common law practice in determining the right to jury trial in respect to the assessment of civil
3 penalties under the statutes at issue.”).

4 Here, the Penalty Order undeniably seeks punishment and deterrence and was not
5 intended solely to restore the status quo. The State’s intent to punish and deter is readily
6 apparent in the language of the Water Pollution Control Act, which requires the Board to
7 consider, among other factors, “the previous history of the violator”—a factor only relevant
8 to punishment and deterrence, not restoring the status quo. RCW 90.48.144(3). This Board
9 has expressly confirmed that RCW 90.48.144 is aimed at both punishment and deterrence.
10 *See, e.g., Rivisto dba American Plating Company, Inc. v. Washington Dep't of Ecology*, PCHB No. 84-
11 340, Final Findings of Fact, Conclusions of Law, and Order (January 23, 1986), 1986 WL
12 26556 (RCW 90.48.144 is intended to "punish" the violator and "to influence behavior"
through "[d]eterrence of both the violator and of the public at large”).

13 The State’s intent to punish and deter is also evident in the circumstances surrounding
14 the Administrative Orders. For example, upon learning about the alleged activities giving rise
15 to this dispute, Ecology almost immediately referred the matter to the Attorney General’s
16 Office and met with its Environmental Protection Division (“EPD”) to instigate a criminal
17 investigation into the alleged activities. *See Meacham Decl.* Meacham Decl., Ex. B (p. 14 of
18 PDF), Ex. B (p. 22 of PDF) (“I think it is a great case for state criminal”) (Board File; Dkt.
19 34). And after Ecology attempted to lull the Kings into providing information that could be
20 used against them in the State’s secret criminal investigation, the attorneys for EPD
21 subpoenaed the Kings’ employee, commanding him to testify in a Special Inquiry Judge
22 proceeding. Ecology’s insistence that EPD prosecute the alleged activities as crimes, along
with EPD’s use of secret proceedings to substantiate Ecology’s alleged suspicions, highlights

1 that Ecology's enforcement action was intended to punish and deter the Kings. *See, e.g., State*
2 *v. Moretti*, 193 Wn.2d 809, 446 P.3d 609 (2019); *State v. Manussier*, 129 Wn.2d 652, 921 P.2d
3 473 (1996) (both illustrating that criminal statutes are designed to punish and deter).

4 The aggressive and coordinated effort of Ecology, DNR, and the EPD makes it clear
5 that the State of Washington has been doing everything within its power to punish the Kings
6 for engaging in customary and historic ranching activities that certain bureaucrats no longer
7 find palatable, even though said activity is expressly allowed under RCW 90.44.050. Moreover,
8 the fact that Ecology issued separate Administrative Orders, including the Grant County
9 Order and the Douglas County Order, which mandate the restoration of the alleged wetlands,
10 is further evidence that the corresponding Penalty Order⁶ is just that: a penalty designed to
punish and deter.⁷

11 3. The Penalty Order Raises Factual Issues.

12 The Penalty Order implicates a variety of factual issues concerning both liability and
13 damages. For example, the Penalty Order is premised upon Ecology's allegation that "King
14

15 ⁶The Penalty Order itself confirms that it is designed to punish and deter. A "penalty" is defined as "the suffering
16 in person, rights, or property that is annexed by law or judicial decision to the commission of a crime or public
offense." Merriam-Webster. Consider further that the etymology of "penalty" is derived from the Latin
"poena," which means "punishment" or "penalty" and comes from the Ancient Greek word meaning
"compensation" or "retribution" for wrongdoing.

17 ⁷ Indeed, the substantive purpose and effect of the Penalty Order is so punitive that it is arguably more
18 appropriately classified as criminal or quasi-criminal in nature, not civil, automatically triggering the right to a
19 jury trial. *Compare In re Young*, 122 Wn. 2d 1, 18-19, 857 P.2d 989, 996 (1993) (applying two-part test to categorize
20 statute as civil or criminal); *Deeter v. Smith*, 106 Wn.2d 376, 378-79, 721 P.2d 519 (1986); *One 1958 Plymouth*
Sedan v. Pennsylvania, 380 U.S. 693, 702, 85 S. Ct. 1246, 14 L. Ed. 2d 170 (1965) (applying exclusionary rule in
21 forfeiture proceedings). *See also United States v. Torres*, 28 F.3d 1463, 1465 (7th Cir. 1994) (parallel civil and criminal
22 proceedings are really a single action, distinct only because "[c]ivil and criminal suits, by virtue of our federal
system of procedure, must be filed and docketed separately") (quoting *United States v. Millan*, 2 F.3d 17, 20 (2d
Cir.1993)) and citing *United States v. 18755 North Bay Road*, 13 F.3d 1493, 1499 (11th Cir.1994)). As noted above,
the Kings reserve the right to more specifically argue that the Penalty Order is not civil but criminal or quasi-
criminal in nature.

1 Ranch excavated or contracted to have excavated at least 22 wetlands without authorization
2 from Ecology.” Meacham Decl. Notice of Appeal (PCHB 23-007c, Dkt. 1). Ecology further
3 asserts that impacts [to the allegedly regulated wetlands] “included grading and filling wetlands
4 and wetland buffers, resulting in discharge of fill into wetlands.” *Id.* Ecology further claims
5 that the alleged activities “included the physical alteration of the wetlands, which altered the
6 land surface and the movement of water through the site” which allegedly “degraded water
7 quality, hydrologic, and habitat functions of the wetlands, impairing the beneficial uses that
8 these wetlands provide to wildlife and other aquatic life.” *Id.* All of these threshold factual
9 allegations implicate questions of fact that must be decided by a jury.⁸

10 **4. Given the Extreme Financial Costs Associated with the**
11 **Restoration of the Alleged Wetlands, the Compliance Orders**
12 **Should Also be Considered “Legal” in Character.**

12 The Kings acknowledge that remediation is traditionally characterized as “equitable”
13 in nature and may not implicate the Kings’ constitutional right to a jury trial under current
14 law. However, the Kings respectfully submit that under the unique facts of this case,⁹ and the
15 extreme financial costs of the alleged remediation required in this case, the Court should
16 consider the Penalty Order, the Grant County Order, and the Douglas County Order, as
17 “legal” in character and direct that all of the Administrative Orders be resolved through a jury
18 trial. The costs to restore the alleged wetlands in this case are estimated to be in excess of
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21 ⁹ Ecology’s motivations and handling of these enforcement actions, coupled with its desire to punish and destroy
22 the Kings for simply performing the same customary ranching activities that have occurred on the land for
generations, along the with stigma with which Ecology has marred the Kings, requires that all of the
Administrative Orders should be decided by a jury.

1 \$3,700,000.00. *See Meacham Decl.* [exhibit Kagel Declaration]. Given this significant sum,
2 which operates as a penalty, the Kings submit that the determination of whether a claim is
3 “legal” or “equitable” in nature should not be limited to an analysis of the character of the
4 claims resolved by the differing courts of historic England, but instead, turn on all attendant
5 facts and circumstances surrounding each particular case to determine whether claims should
6 be considered “legal” or “equitable” for the purposes of applying and preserving a citizen’s
7 right to a jury trial under the state and federal constitutions. Respectfully, and under the facts
8 of this case, the Kings contend that all of the Administrative Orders should be considered
9 “legal” in nature, and the Kings should be afforded their constitutional rights under the State
10 and Federal Constitutions to have all of the Administrative Orders decided by a jury trial.

11 The Grant County Order and the Douglas County Order, because of their punitive
12 nature and the massive costs involved (exceeding One Million Dollars), should also be
13 considered “legal” in character and trigger the Kings’ right to a jury trial. The Grant County
14 Order and the Douglas County Order are not simple equitable “restore-the-status-quo” relief.
15 They require the physical reconstruction of alleged wetlands that, according to Ecology, are
16 incapable of restoration, and restoration is estimated to cost the Kings more than One Million
17 Dollars. This sum is far beyond any conceivable compensatory or restorative purpose, and it
18 operates as a penalty designed to deter future conduct. According to the United States
19 Supreme Court in *Jarkesy*, any remedy whose primary purpose or effect is to punish or deter
20 (rather than merely to make whole) is legal and carries the right to a jury trial. Washington’s
21 historical test under Article 1, Section 21 reaches the same result: an 1889 common-law court

1 would have treated a mandatory order imposing costs of more than One Million Dollars as
2 legal in character, not equitable.

3 **5. The Kings Should Also Have a Right to a Jury Trial Under the**
4 **Seventh Amendment to the United States Constitution**

5 Plaintiffs further submit that the Seventh Amendment to the United States
6 Constitution (incorporated through the Fourteenth Amendment) independently guarantees
7 the Kings a right to jury trial for both the Penalty Order and the Compliance Orders. There
8 is no dispute that the PCHB has no statutory or regulatory authority to empanel a jury or
9 transfer legal claims to the Superior Court for resolution. Forcing Plaintiffs to litigate legal
10 claims before an administrative tribunal without a jury violates the Washington and U.S.
11 Constitutions.

12 Under current U.S. Supreme Court precedent, the Seventh Amendment itself is not
13 yet incorporated against the states. *Minneapolis & St. Louis R.R. Co. v. Bombolis*, 241 U.S. 211
14 (1916); *McDonald v. City of Chicago*, 561 U.S. 742, 765 n.13 (2010) (listing the Seventh
15 Amendment as one of the few remaining unincorporated provisions). However, the Kings
16 respectfully submit that the time has come for the incorporation of the Seventh Amendment,
17 consistent with the near-total incorporation of the rest of the Bill of Rights and recent
18 Supreme Court emphasis on the jury's role in administrative penalty actions. *See Jarkesy*, 144
19 S. Ct. at 2139 (stressing that civil-penalty actions for fraud are "private rights" requiring Article
20 III and jury adjudication); *see also Thomas v. Humboldt County*, 607 U.S. ____, 146 S. Ct. 27
21 (Mem) (No. 24-1180) (2025) (Opinion denying petition for writ of certiorari: "That *Bombolis*
22 lingers on the books not only leaves our law misshapen, it subjects ordinary Americans to a
two-tiered system of justice. When a federal agency accuses someone of fraud and seeks civil

1 penalties, the Seventh Amendment guarantees that individual the right to have the case heard
2 by a jury of his peers—not by other agency officials who work side by side with those bringing
3 the charges. . . . But, thanks to *Bombolis*, state and local agencies pursuing similar charges and
4 similar relief sometimes claim that they are free to dispense with the hassle of proving their
5 case to a jury. For those in the government’s crosshairs, that difference is no costless affair.
6 No less than at the founding, civil juries today play a critical role in checking governmental
7 overreach, holding public officials accountable, and ensuring a fair hearing for those who
8 come before our courts. *Bombolis* may survive today, but this Court should confront its
9 Seventh Amendment holding soon. A right “‘of such importance,’” one that “‘occupies so
10 firm a place in our history,’” deserves no less.”). The Kings respectfully submit that the time
11 has come for incorporation of the Seventh Amendment to the United States Constitution.
12 But, even without full incorporation, the Seventh Amendment’s substantive test for what
13 constitutes a suit at common law is highly persuasive authority that Washington Courts
14 routinely consult when applying Article 1, Section 21.

15 And even if the Court concludes that the Kings’ right to a jury trial is only implicated
16 by the Penalty Order (and not the Grant County Order and the Douglas County Order), then
17 the Court should still issue the injunction requested. When legal and equitable claims are
18 joined, the legal issues (liability and the amount of penalty) must first be tried to a jury before
19 the equitable claims are entertained. At a minimum, the Kings are likely to prevail on their
20 claim that they have a right to a jury trial on the Penalty Order, and the Court should enjoin
21 the PCHB proceedings as requested. The Kings are also likely to prevail on their claims that
22

1 the punitive nature of the Grant County Order and the Douglas County Order implicates their
2 right to a jury trial under the State Constitution.

3 **C. The Balance of the Equities Overwhelmingly Favors Plaintiffs**

4 Washington courts recognize that preliminary injunctive relief is addressed to the
5 court's equitable powers and requires balancing the parties' relative interests (and, where
6 appropriate, the public's). *Tyler Pipe Indus., Inc. v. Dep't of Revenue*, 96 Wn.2d 785, 792, 638 P.2d
7 1213 (1982) (“[I]njunctions are addressed to the equitable powers of the court, the listed
8 criteria must be examined in light of equity, including balancing the relative interests of the
9 parties and, if appropriate, the interests of the public.”); *Kucera v. State, Dep't of Transp.*, 140
10 Wn.2d 200, 208-09, 995 P.2d 63 (2000) (reaffirming equitable balancing beyond the core *Rabon*
11 factors).

12 A short stay of the PCHB proceeding imposes *zero* meaningful burden on Defendants.
13 The Kings have already ceased all challenged stockwater pond digging and maintenance
14 activities. A separate Grant County Superior Court granting the State's request for a
15 Preliminary Injunction currently bars the Kings from grazing their cattle or otherwise using
16 or entering upon public land. The Defendants face no operational disruption, no loss of
17 evidence (discovery can resume after resolution of the constitutional issues raised in this
18 action), and no prejudice to any legitimate regulatory interest. By contrast, denial of the stay
19 forces the Kings into an immediate and irrevocable Hobson's choice: (1) risk waiver of their
20 constitutional rights in a forum that cannot provide a jury trial; (2) refuse to participate and
21 risk default judgment plus immediate enforcement of the \$267,540.00 penalty and face more
22 than One Million Dollars in alleged restoration; or (3) allow the State to enter into and upon

1 their private property, which under any other circumstance would constitute an
2 unconstitutional warrantless search, incur considerable and potentially unrecoverable legal and
3 expert witness fees and costs in the wrong forum. Once the PCHB forces the Kings to allow
4 the State to enter upon and inspect their privately-owned property or present their evidence
5 and have their matter heard—not by a jury of their peers, but by a Board hand-selected by the
6 very same Governor who is ultimately in charge of Ecology (and the PCHB), the constitutional
7 injury is complete and cannot be undone on appeal. The equities, therefore,
8 “overwhelmingly” favor the Kings. *See also Nw. Gas Ass’n v. Wash. Utils. & Transp. Comm’n*,
9 141 Wn. App. 98, 122, 168 P.3d 443 (2007) (balance tips decisively where one side faces only
10 delay and the other faces permanent constitutional harm).

11 **D. The Public Interest Strongly Favors Protecting Constitutional Rights**

12 The public interest factor is explicitly part of the equitable analysis under CR 65. *Tyler*
13 *Pipe*, 96 Wn.2d at 792. Washington courts routinely hold that the public interest is served by
14 preventing violations of constitutional rights, particularly “inviolate” rights such as trial by
15 jury. *See Davis v. Cox*, 183 Wn.2d 269, 351 P.3d 862 (2015) (emphasizing the fundamental,
16 non-waivable nature of Article I, § 21); *State v. Coe*, 101 Wn.2d 364, 679 P.2d 353 (1984)
17 (threatened constitutional violations justify injunctive relief because the public has a strong
18 interest in the preservation of constitutional safeguards). Federal precedent, highly persuasive
19 in this context, is in accord: “[T]he public interest . . . is always served by the preservation of
20 constitutional rights.” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012); *Washington v.*
21 *Trump*, 847 F.3d 1151, 1168-69 (9th Cir. 2017) (public interest “lies in upholding the
22 Constitution”); *Hernandez v. Sessions*, 872 F.3d 976, 996 (9th Cir. 2017).

1 The jury-trial right is not a mere procedural preference; it is the “inviolable” bulwark
2 against government overreach that the people of Washington expressly reserved in 1889.
3 Forcing generational ranchers to defend themselves against massive civil penalties and fines
4 veiled as “restoration” orders and levied by the executive branch in an administrative tribunal
5 also housed in the executive branch, and which cannot empanel a jury, based solely on an
6 agency’s allegations of misconduct, undermines the very foundation of Washington’s judicial
7 system. The public has no legitimate interest in allowing an administrative body to adjudicate
8 legal claims that the common law of 1889 required be tried to a jury. A brief stay of PCHB
9 No. 23-007c pending the Court’s full and final resolution of these purely constitutional
10 questions serves the public by ensuring the integrity of these proceedings and their relationship
11 with guaranteed constitutional rights to a jury trial.

12 **E. Temporary and Permanent Injunctive Relief is Necessary and**
13 **Appropriate**

14 CR 65(b) expressly authorizes issuance of a temporary restraining order without notice
15 “only if (1) it clearly appears from specific facts shown by affidavit or by the verified complaint
16 that immediate and irreparable injury, loss, or damage will result to the applicant before the
17 adverse party or his or her attorney can be heard in opposition, and (2) the applicant’s attorney
18 certifies to the court in writing the efforts, if any, which have been made to give the notice
19 and the reasons supporting the applicant’s claim that notice should not be required.” The
20 Verified Complaint and this Motion satisfy both requirements. Additionally, counsel for the
21 Kings has certified to the court in writing the efforts made to give notice and the reasons
22 supporting the Kings’ claims. Declaration of Toni Meacham. RCW 7.40.020 independently

1 empowers the Court to restrain the commission or continuance of some act—here, the PCHB
2 proceeding (PCHB No. 23-007c)—the commission or continuance of which during the
3 litigation would prejudice great injury or violate the plaintiff's rights.

4 The PCHB's February 24, 2026, Order already compels the Kings to respond to written
5 discovery requests and to arrange for Ecology's imminent physical entry onto and inspection
6 of the Kings' privately-owned property. Any further notice to the Defendants before this
7 Court rules on the Kings' declaratory relief would allow the PCHB proceeding, including the
8 compelling of discovery responses and an otherwise unconstitutional warrantless site
9 inspection of private property, to advance immediately. The Kings would then be forced
10 either to litigate (and thereby waive) their inviolate constitutional rights in a jury-less forum or
11 to refuse to participate and risk a default judgment with immediate enforcement of the
12 \$267,540.00 penalty and restoration orders exceeding One Million Dollars. Either outcome
13 would inflict the precise irreparable constitutional injury this action seeks to prevent.

14 Denial of the fundamental right to a jury trial on legal claims constitutes irreparable
15 harm per se. *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) ("It is well established that
16 the deprivation of constitutional rights 'unquestionably constitutes irreparable injury.'")
17 (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)); *Davis v. Cox*, 183 Wn.2d 269, 351 P.3d 862
18 (2015) (recognizing that any procedure stripping a litigant of the jury's fact-finding role under
19 Article I, § 21 causes irreparable constitutional injury); *State v. Coe*, 101 Wn.2d 364, 679 P.2d
20 353 (1984) (threatened violation of constitutional rights justifies immediate injunctive relief).
21 Only by granting the injunctive relief requested herein can the Kings' constitutional rights be
22 adequately preserved.

1 Plaintiffs' counsel certifies that Plaintiffs' counsel contacted counsel for the State on
2 February 26, 2026 to explain that the Kings would be commencing this action and requesting
3 an ex parte temporary restraining order from the Court. Meacham Decl. The Kings further
4 note that any further pre-ruling notice would itself trigger the very irreparable harm the Motion
5 seeks to prevent: immediate compelled participation in the constitutionally defective PCHB
6 proceeding. Ex parte relief is therefore not only authorized but essential to preserve the status
7 quo and protect the Kings' constitutional rights. Following notice and an expedited hearing,
8 the same compelling reality warrants a preliminary injunction continuing the stay of the PCHB
9 proceedings. *Rabon v. City of Seattle*, 135 Wn.2d 278, 284, 957 P.2d 621 (1998); *Tyler Pipe Indus.,*
10 *Inc. v. Dep't of Revenue*, 96 Wn.2d 785, 792, 638 P.2d 1213 (1982). Once this Court resolves the
11 Kings' declaratory claims in their favor, as it is likely to do, a permanent injunction continuing
12 the stay until final judgment (including exhaustion of all appeals) will be necessary and proper.
13 The PCHB's statutory and regulatory framework is structurally incapable of providing the jury
14 trial guaranteed by Article I, § 21 of the Washington State Constitution; and, any further
15 proceedings before it on the legal claims at issue would constitute an ongoing constitutional
16 violation that no amount of post-hoc appellate relief can cure. *See Davis v. Cox*, 183 Wn.2d at
17 282-83 (procedures that invade the jury's inviolate role are facially invalid and cannot stand).

18 Therefore, and respectfully, the Court should: (1) issue the requested Temporary
19 Restraining Order without notice, (2) set this matter for hearing on the Preliminary Injunction
20 at the earliest possible date, and (3) ultimately enter permanent injunctive relief to safeguard
21 the Kings' constitutional rights until the Kings' claims for declaratory judgment are final and
22 unappealable.

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VI. CONCLUSION

The Kings face an imminent and irreparable violation of their inviolate constitutional right to a jury trial on legal claims that carried that right at common law in 1889. The PCHB has no mechanism to provide a jury and no authority to decide these threshold constitutional questions. Every equitable factor under CR 65—likelihood of success, irreparable harm, balance of equities, and public interest—overwhelmingly favors immediate injunctive relief. A temporary stay of the PCHB proceedings pending this Court’s resolution of the Kings’ claims for declaratory relief (and any appeals) will preserve the status quo, prevent an unconstitutional administrative adjudication, cause Defendants no harm, and vindicate the fundamental right that the people of Washington declared “shall remain inviolate.” This Court should issue the requested temporary restraining order without notice, set an expedited hearing on the preliminary injunction, and ultimately enter permanent injunctive relief to protect the Kings’ constitutional rights.

Respectfully submitted this 2nd day of March 2026.

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