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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

THE CIVIL SURVIVAL PROJECT,
individually and on behalf of its Members and
Clients, and Irene Slagle, Christina Zawaideh,
and Julia Reardon, individually and on behalf
of the Proposed Plaintiff Class,

Plaintiffs,

v.

STATE OF WASHINGTON, KING
COUNTY, and SNOHOMISH COUNTY,
individually and on behalf of the Proposed
Defendant Class,

Defendants.

No. 21-2-03266-1 SEA

**FIRST AMENDED
CLASS ACTION COMPLAINT**

Plaintiff The Civil Survival Project (“CSP”), on behalf its members and clients, and
Plaintiffs Irene Slagle, Christina Zawaideh, and Julia Reardon (“Class Plaintiffs”) (together, with
CSP, “Plaintiffs”), allege as follows:

I. INTRODUCTION

1.1 Nature of Action. This Action seeks to restore to thousands of Washington
Residents monies collected, received, and retained by – or owed to – Defendants State of
Washington (“Washington”), King County, and Snohomish County (together, “Defendants”),
and 37 other Washington Counties (“Defendant Class members”), as a result of convictions under

1 Washington’s strict liability drug possession statute, RCW 69.50.4013,¹ and for further
2 monetary, equitable and injunctive relief necessary to make impacted individuals whole with
3 respect to the harms they suffered.

4 1.2 As the Supreme Court explained in *State of Washington v. Blake*, RCW
5 69.50.4013 “makes possession of a controlled substance a felony punishable by up to five years
6 in prison, plus a hefty fine [of up to \$10,000]; leads to the deprivation of numerous other rights
7 and opportunities; and does all this without proof that the defendant even knew they possessed
8 the substance.” No. 96873-0, _ Wn.2d ___, 2021 WL 728382, at *1 (Feb. 25, 2021) (en banc).

9 1.3 Such “harsh penalties for such innocent passivity” are unconstitutional, *id.* at *7,
10 resulting in the invalidation of the statute and rendering illegal the convictions of countless
11 Washington residents.

12 1.4 Compounding the harm, in Washington, much like the rest of the United States,
13 drug convictions have hit communities of color disproportionately. Black, Indigenous, and
14 People of Color are impacted disparately by drug convictions. As the *Blake* Court noted, RCW
15 69.50.4013 “has affected thousands upon thousands of lives, and its impact has hit young men of
16 color especially hard.” *Id.* at *10.

17 1.5 Judicial intervention is especially crucial to resolve this serious issue impacting
18 thousands of Washington residents. As noted by the Washington Department of Corrections,
19 including most recently in a March 12, 2021 memorandum, in order to address the impact of
20

21 ¹ Any and all references to RCW 69.50.4013 in this Complaint include prior versions of
22 Washington’s simple drug possession felony statute that imposed strict liability, including RCW
23 69.50.401(d). As the Supreme Court noted, Washington’s “legislature intended drug possession
24 to be a strict liability felony” since at least as early as 1981. *State of Washington v. Blake*, No.
96873-0, _ Wn.2d ___, 2021 WL 728382, at *2-3 (Feb. 25, 2021) (en banc) (citing *State v. Cleppe*,
96 Wn.2d 373, 635 P.2d 435 (1981)).

1 *Blake*, “further direction from the courts continues to be necessary in the process of determining
2 next steps.”²

3 1.6 Accordingly, Plaintiff CSP brings claims on its own behalf, and on behalf of its
4 members and clients, and Class Plaintiffs bring claims on their own behalf and on behalf of a
5 class of Washington residents pursuant to Civil Rule (“CR”) 23(a) and (b)(2), (b)(3) and (c)(4),
6 to recover legal financial obligations (“LFOs”)³ wrongfully collected, received, and retained by
7 – or owed to – the Defendants and Defendant Class members, and for further monetary, equitable
8 and injunctive relief necessary to make impacted individuals whole with respect to the harms
9 they suffered.

10 II. JURISDICTION AND VENUE

11 2.1 The Superior Court of Washington has jurisdiction over Plaintiff’s claims
12 pursuant to RCW 2.08.010.

13 2.2 Pursuant to RCW 4.12.025(1), venue in King County is appropriate because
14 Defendant Washington State and Defendant King County reside in this county. Pursuant to RCW
15 36.01.050, venue in King County is further appropriate because this action is brought against
16 King County. Pursuant to RCW 36.01.050, venue is also appropriate as to Snohomish County
17 because, King County is one of the two nearest judicial districts. Pursuant to RCW 4.92.010(1)
18 and (2), venue is further appropriate as to Washington because CSP’s principal place of business
19 is in King County and a substantial part of the cause of action arose in King County.

20
21 ² Washington Department of Corrections, “Update on Supreme Court Ruling That Voids
22 Statute Has Potential Implications for Sentences Imposed by Courts,” March 12, 2021,
23 available at <https://www.doc.wa.gov/news/2021/03122021p.htm>.

24 ³ Under Washington law: “‘Legal financial obligation’ means a sum of money that is
ordered by a superior court of the state of Washington for legal financial obligations which may
include . . . court costs, county or interlocal drug funds, court-appointed attorneys’ fees, and
costs of defense, fines, and any other financial obligation that is assessed to the offender as a
result of a felony conviction.” RCW 9.94A.030.

1 **III. PARTIES**

2 3.1 Plaintiff CSP is a statewide project in Washington dedicated to advancing the
3 rights and interests of formerly incarcerated people. CSP is a project at the Public Defender
4 Association, a not-for-profit corporation that advances alternative approaches to public safety,
5 health and order that reduce reliance on punitive systems and foster healing and stabilization of
6 both individuals and communities.

7 3.1.1 CSP works with Washington residents with criminal convictions to
8 remove financial, political and legal barriers to reentry, and to alleviate the collateral
9 consequences of mass incarceration – expending substantial resources on these efforts.

10 3.1.2 CSP is led by and for formerly incarcerated individuals.

11 3.2 Class Plaintiff Irene Slagle (“Plaintiff Slagle” or “Ms. Slagle”) is a citizen of
12 Washington, and a resident of Snohomish County. Until 2003, she was a resident of King County.
13 On or about August 12, 2002, she was convicted of felony drug possession under RCW
14 69.50.4013, and forced to pay substantial fees, penalties, and other fines, including LFOs, to
15 Defendants, in King County. She last paid LFOs to King County on or around February 9, 2011.

16 3.2.1 After her last criminal conviction in 2002, Ms. Slagle underwent treatment
17 for her drug addiction and later secured employment as an intake case manager at Evergreen
18 Manor Treatment Center (now Evergreen Recovery Center) in Everett. For nearly eight years,
19 Ms. Slagle worked in this role to serve others in recovery, often as the first person those
20 individuals would come into contact with at the recovery center. After her tenure at Evergreen
21 Manor Treatment Center, Ms. Slagle worked as a Behavioral Health Navigator at Catholic
22 Community Services, where she assisted individuals experiencing homelessness, addiction, and
23 mental health issues access important social services.

1 3.2.2 For approximately the last four years, Ms. Slagle has worked for
2 Snohomish County Human Services as a Community Services Counselor supporting the
3 County’s law-enforcement embedded social worker team, which similarly assists individuals
4 experiencing homelessness, addiction, and mental health issues to access social services.

5 3.3 Class Plaintiff Christine Zawaideh (“Plaintiff Zawaideh” or “Ms. Zawaideh”) is a
6 citizen of Washington, and a resident of Snohomish County. In 2013, 2014, and in or around
7 September 2015, she was convicted under RCW 69.50.4013, and forced to pay substantial fees,
8 penalties, and other fines, including LFOs, to Defendants, in Snohomish County. Ms. Zawaideh
9 is currently making payments on her LFO balances, including significant accumulated interest.

10 3.3.1 Since her release from custody on or about October 31, 2016, Ms.
11 Zawaideh sought treatment for her addiction and has sustained no further criminal charges. Ms.
12 Zawaideh maintained steady employment for three years – in fact continuing in a position at
13 MOD Pizza that she began while on work-release – and then, in October 2019, transitioned into
14 a role as a Certified Peer Counselor at a social services agency in Everett, Washington. Ms.
15 Zawaideh uses her past experiences to help give back to those struggling with addiction and
16 entanglement in the justice system, and she specializes in particular in working with at-risk youth.
17 Ms. Zawaideh also engages in broader advocacy efforts on behalf at-risk communities in
18 Snohomish County, including participating in a panel event relating to addiction and recovery in
19 2019 with Mayor of Everett, representatives from area police and fire departments, and a State
20 Representative.

21 3.3.2 Ms. Zawaideh has two children – a three month old and a three year old –
22 and her outstanding LFOs place a significant financial burden on her and her family.

23 3.4 Class Plaintiff Julia Reardon (“Plaintiff Reardon” or “Ms. Reardon”) is a citizen
24 of Washington, and a resident of Snohomish County. On or about September 26, 2014, she was

1 convicted under RCW 69.50.4013, and forced to pay substantial fees, penalties, and other fines,
2 including LFOs, to Defendants, in Snohomish County. When the LFOs were imposed on Ms.
3 Reardon, she was homeless, suffering from drug addiction, and unemployed. Over the life of the
4 debt, the interest on Ms. Reardon's debt reached roughly doubled the amount of her principal
5 balance. She last paid LFOs to Snohomish County on or about June 2, 2020.

6 3.4.1 Since her last release from custody in 2014, Ms. Reardon sought treatment
7 for her addiction and has sustained no further criminal charges. After her release from custody,
8 Ms. Reardon was homeless yet was still required to pay a monthly fee for her LFOs. Fortunately,
9 Ms. Reardon participated in the Snohomish County Sheriff's "Office of Neighborhoods"
10 program, which helped her address her drug addiction and find recovery housing in the
11 Snohomish County Diversion Center.

12 3.4.2 Ms. Reardon then, like the other Plaintiffs, began using her past
13 experiences to give back and help others who have struggled with drug addiction and
14 entanglement in the criminal justice system to overcome those challenges, working first at the
15 Diversion Center and then as a Case Manager and Social Services Coordinator for Pioneer
16 Human Services in Everett. In her current role, Ms. Reardon coordinates partnerships for Pioneer
17 Human Services with allied non-profit and government agencies, including organizations and
18 agencies that assist with housing, employment, credit and other social services. She also is an
19 active leader in her church and a State Director for Oxford House, a national non-profit
20 organization that supports recovery housing for people battling addiction and homelessness.

21 3.5 Defendants are governmental entities that have instituted a policy and practice of
22 collecting, receiving, and retaining LFOs as a result of convictions under RCW 69.50.4013.
23 Upon information and belief, Defendants continue to seek payments of LFOs through various
24 collection efforts (including interest) based on convictions under RCW 69.50.4013.

1 IV. CLASS ACTION ALLEGATIONS

2 4.1 Definition of Classes. This is a bilateral plaintiff and defendant class action
3 brought pursuant to CR 23(a), (b)(2), (b)(3) and/or (c)(4).

4 4.1.1 The Class Plaintiffs bring this case as a class action on behalf of a class (“the
5 Plaintiff Class”) defined as follows:

6 All Washington residents who, as a result of convictions under RCW 69.50.4013
7 and its predecessor statutes, had LFOs imposed against them and/or paid LFOs that
8 were charged, collected, received, or retained by or on behalf of Defendants and/or
9 Defendant Class Members.

10 4.1.2 Plaintiffs also bring this case against Defendants and a defendant class of all other
11 Washington State Counties (“the Defendant Class”) defined as follows:

12 Adams County, Asotin County, Benton County, Chelan County, Clallam County,
13 Clark County, Columbia County, Cowlitz County, Douglas County, Ferry
14 County, Franklin County, Garfield County, Grant County, Grays Harbor County,
15 Island County, Jefferson County, Kitsap County, Kittitas County, Klickitat
16 County, Lewis County, Lincoln County, Mason County Okanogan County,
17 Pacific County, Pend Oreille County, Pierce County, San Juan County, Skagit
18 County, Skamania County, Spokane County, Stevens County, Thurston County,
19 Wahkiakum County, Walla Walla County, Whatcom County, Whitman County,
20 and Yakima County

21 4.2 Numerosity. Class Plaintiffs believe there are tens of thousands of individuals
22 wrongfully penalized under RCW 69.50.4013 who have been charged and/or paid fees, penalties,
23 and other fines, including LFOs, to Washington and Washington’s 39 counties. Nearly 7,000
24 people are presently on community supervision in Washington flowing from simple possession

1 convictions, according to the Washington Department of Corrections. The 39 counties have each
2 generated a substantial fraction of those convictions historically, according to recent analysis by
3 the American Equity & Justice Group.⁴ The members of the Plaintiff and Defendant Classes are
4 so numerous that joinder of all members is impracticable. Moreover, the disposition of the claims
5 in a single action will provide substantial benefits to all parties and the Court.

6 4.3 Commonality. There are numerous questions of law and fact common to
7 Plaintiffs, Plaintiff Class members, Defendants, and Defendant Class members. These questions
8 include, but are not limited to, the following:

9 (a) Whether Defendants and the Defendant Class have engaged in a common course
10 of wrongfully collecting, receiving, and retaining LFOs, against the Plaintiff Class;

11 (b) The nature and extent of class-wide injury and the measure of compensation for
12 such injury;

13 (c) Whether declaratory relief is warranted; and

14 (d) Whether injunctive and other equitable relief is warranted.

15 4.4 Typicality. Class Plaintiffs' claims are typical of the claims of the Plaintiff Class.
16 Class Plaintiffs were convicted under RCW 69.50.4013, and had LFOs imposed on them by
17 Defendants, and thus are members of the Plaintiff Class. Class Plaintiffs' claims, like the claims
18 of the Plaintiff Class, arise out of the same common course of conduct by Defendants and are
19 based on the same legal, equitable and remedial theories. Similarly, Defendants' claims are
20 typical of the claims of the Defendant Class. Defendants King County and Snohomish County
21

22 _____
23 ⁴ American Equity and Justice Group, "Disproportionality Analysis: Representation of
24 Race in Drug Offense Cases Compared to Representation of WA County Population," available
at <https://www.thestranger.com/slog/2021/03/17/55910514/new-data-analysis-exposes-wide-racial-disparities-in-drug-possession-convictions-across-washington>.

1 are counties like the Defendant Class. All Defendants and Defendant Class members imposed,
2 collected, received, and retained LFOs from Plaintiffs and the Plaintiff Class.

3 4.5 Adequacy. Class Plaintiffs will fairly and adequately protect the interests of the
4 Plaintiff Class. Class Plaintiffs have retained competent and capable attorneys who have
5 significant experience in complex class action litigation, and its intersection with the criminal
6 legal system. Class Plaintiffs and their counsel are committed to prosecuting this action
7 vigorously on behalf of the Class and have the financial resources to do so. Neither Class
8 Plaintiffs nor their counsel have interests that are contrary to or that conflict with those of the
9 Plaintiff Class. In turn, Defendants will fairly and adequately protect the interests of the
10 Defendant Class because, among other reasons, the interests of the Defendants to defend against
11 Plaintiffs' claims are sufficiently similar to the interests of the members of the Defendant Class.

12 4.6 Declaratory/Injunctive Relief. Through imposing, collecting, receiving, and
13 retaining LFOs, as a result of convictions under RCW 69.50.4013, and other actions, Defendants
14 and the Defendant Class have acted or refused to act on grounds generally applicable to Plaintiffs
15 and the Plaintiff Class, thereby making appropriate classwide declaratory and injunctive relief.

16 4.7 Predominance. Defendants and Defendant Class members have engaged in a
17 common course of conduct toward Class Plaintiffs and members of the Plaintiff Class, including
18 by imposing, collecting, receiving, and retaining LFOs as a result of convictions under RCW
19 69.50.4013. The common issues arising from this conduct that affect Class members predominate
20 over any individual issues, and the calculation of damages will be straightforward and
21 mechanical. Adjudication of these common issues in a single action has important and desirable
22 advantages of judicial economy.

23 4.8 Superiority. Class Plaintiffs and Class members have suffered and will continue
24 to suffer harm and damages as a result of Defendants' and Defendant Class members' unlawful

1 and wrongful conduct. Absent a class action, however, most Class members (both individuals
2 and counties) likely would find the cost of litigating these claims prohibitive. Class treatment is
3 superior to multiple individual suits or piecemeal litigation because it conserves judicial
4 resources, promotes consistency and efficiency of adjudication, provides a forum for small
5 claimants, deters illegal activities, and because under RCW 36.01.050, the Defendant Class
6 members would likely have to be sued individually absent the class mechanism. There will be no
7 significant difficulty in the management of this case as a class action. The Plaintiff Class
8 members are readily identifiable from Defendants' records, and the Defendant Class members
9 have been identified above.

10 4.9 Issue Class. Class Plaintiffs also seek, in the alternative, certification of an
11 issue class, including as to the liability of Defendants and Defendant Class members.

12 V. SUMMARY OF FACTUAL ALLEGATIONS

13 5.1 Common Course of Conduct: Unjust Enrichment/Restitution/Money Had and
14 Received. Upon a conviction for violations under RCW 69.50.4013, Defendants and Defendant
15 Class members impose certain LFOs, some of which are mandatory, on those convicted pursuant
16 to this statute that generally includes fines, fees, and costs. Defendants and Defendant Class
17 members have engaged in a common course of wrongfully collecting, receiving, and retaining
18 LFOs from individuals convicted under RCW 69.50.4013. Defendants and Defendant Class
19 members still seek to collect these monies, hold these monies or have expended them for their
20 own purposes, and, to the best of Plaintiff's knowledge, have not returned them. In addition,
21 Defendants and Defendant Class members seek the payment of LFOs through various collection
22 efforts including the use of third-party collection agencies.

23 5.1.1 Class Plaintiffs and Plaintiff Class members (including clients and
24 members of CSP) have paid certain LFOs to the Superior Courts of the Defendant and Defendant

1 Class member Counties, some of which are then transferred to the State of Washington and some
2 to the Defendant and Defendant Class member Counties, under legal compulsion because of their
3 convictions under RCW 69.50.4013.

4 5.1.2 Given the Washington Supreme Court’s decision in *Blake*, the obligation
5 to pay was unlawfully imposed because the predicate convictions were unconstitutional, and
6 these funds must be restored – in equity, good conscience, and justice.

7 5.1.3 Defendants and Defendant Class members have charged, collected,
8 received, and retained such unwarranted payments from Class Plaintiffs and Plaintiff Class
9 members (including CSP’s clients and members), and have not returned them, such that
10 Defendants and Defendant Class members have been unjustly enriched and are actively seeking
11 further unjust enrichment by continuing to pursue LFO payments.

12 5.1.4 Class Plaintiffs and Plaintiff Class members (including CSP’s clients and
13 members) have consequently also been “depriv[ed] of numerous other rights and
14 opportunities[,]” *Blake*, 2021 WL 728382, at *1, which also must be restored.

15 5.2 Common Course of Conduct: Rescission. Defendants and Defendant Class
16 members and Plaintiffs and Plaintiff Class members entered into contractual plea (and other)
17 agreements that were premised on a mistake: that RCW 69.50.4013 is constitutional. As a result
18 of that mistake, Defendants and Defendant Class members wrongfully collected, received, and
19 retained LFOs from Plaintiffs and Plaintiff Class members convicted under RCW 69.50.4013.
20 These LFOs must be restored to Plaintiffs and Class members, and Defendants and Defendant
21 Class members must take any and all other actions required to restore Plaintiffs and Plaintiff
22 Class members to their pre-contract positions.

23 5.2.1 Defendants and Defendant Class members independently believed that
24 RCW 69.50.4013 was constitutional, which was a mistake.

1 5.2.2 Plaintiffs and Plaintiff Class members independently believed that RCW
2 69.50.4013 was constitutional, which was a mistake.

3 5.2.3 As a result of these mistakes, Defendants and Defendant Class members
4 and Plaintiffs and Plaintiff Class members entered into plea (and other) agreements that resulted
5 in Plaintiffs and Plaintiff Class members paying LFOs and Defendants and Defendant Class
6 Members collecting, receiving, and retaining LFOs.

7 5.2.4 These mistakes changed the bargain for Plaintiffs and Plaintiff Class
8 members, such that Plaintiffs and Plaintiff Class members would not have entered into
9 agreements resulting in the imposition of LFOs if they had been aware that RCW 69.50.4013
10 was unconstitutional.

11 5.2.5 Plaintiffs and Plaintiff Class members had no reason to think the
12 Washington State Supreme Court was going to declare RCW 69.50.4013 unconstitutional when
13 they entered into such agreements with Defendants and Defendant Class members.

14 5.3 Types of Harms Suffered by Individuals. As a result of the Defendants' and
15 Defendant Class members' actions, Plaintiffs and Plaintiff Class members (including clients and
16 members of CSP) have suffered injuries including, but not limited to, unjustified payment of, or
17 subjection to, LFOs. Plaintiffs and Plaintiff Class members have also suffered lost wages while
18 incarcerated, emotional distress, and other collateral consequences including loss of housing,
19 public benefits, student loan eligibility, and access to employment, and injury to credit, as well
20 as other forms of harm.

21 5.4 Injury to The Civil Survival Project. In addition to the harm described above,
22 Defendants' and Defendant Class members' actions have also injured CSP.

23 5.4.1 CSP has been harmed because RCW 69.50.4013 and Defendants' and
24 Defendant Class members' actions frustrated the organization's mission of advancing the rights

1 of formerly incarcerated people, and removing the barriers imposed by criminal convictions on
2 individuals attempting to secure basic opportunities in society, like employment, housing,
3 education, and voting rights. As a result of RCW 69.50.4013, and Defendants' and Defendant
4 Class members' actions, CSP has been forced and will be forced to divert substantial resources
5 to address injuries to Washington residents who were and continue to be affected by RCW
6 69.50.4013, including related to the collateral consequences of their convictions and their
7 obligation to pay LFOs. A large percentage of clients and members of CSP have been convicted
8 of drug possession, and have requested assistance from CSP related to the burdens imposed by
9 those convictions. Since the *Blake* decision, CSP has received (and continues to receive)
10 numerous requests from individuals for assistance in being relieved from the penalties and
11 obligations related to their simple possession convictions, including LFOs.

12 5.4.2 For example, CSP seeks to: (1) educate individuals about the law
13 regarding the consequences of their convictions, including eligibility for relief from those
14 consequences, through full-day workshops and other activities; (2) conduct and support "Game
15 Changer Groups" ("GCGs"), which are run by individuals, including clients and members, who
16 were involved in the criminal justice system, to support individuals with prior convictions; and
17 (3) engage in legislative advocacy that is geared towards changing Washington laws to alleviate
18 barriers arising from previous conviction history, including as to employment, housing, and
19 education.

20 5.4.3 But for RCW 69.50.4013 and the actions of Defendants and Defendant
21 Class members, CSP could devote more of its scarce resources to other efforts regarding the
22 criminal justice system and its organizational mission.

23 5.4.4 CSP also represents in this action the interests of its clients and members,
24 including those in GCGs, who have been convicted under RCW 69.50.4013, and have been

1 forced by Defendants and Defendant Class members to pay LFOs and have suffered other injuries
2 as a result of their convictions.

3 5.4.5 The interests CSP seeks to protect are directly germane to its purpose.
4 Damages are readily ascertainable based on Defendants' and Defendant Class members' records,
5 including publicly available conviction and sentencing records, without requiring the direct
6 participation of its clients and members.

7 5.5. Defendants' Common Course of Conduct. Defendants and Defendant Class
8 members are all governmental entities that have acted in concert to enforce RCW 69.50.4013,
9 and have engaged in a common course of conduct of imposing, collecting, receiving, and
10 retaining LFOs from individuals convicted under RCW 69.50.4013. Defendants and Defendant
11 Class members are so closely related that they should be treated substantially as a single unit for
12 purposes of this lawsuit.

13 **VI. FIRST CLAIM FOR RELIEF**
14 **Unjust Enrichment / Restitution / Money Had and Received**
15 **(Brought by Plaintiffs and Plaintiff Class Against Defendants and Defendant Class)**

16 6.1 Plaintiffs reallege and incorporate by reference each and every allegation set forth
17 in the preceding paragraphs.

18 6.2 By the actions alleged above, Defendants and Defendant Class members
19 wrongfully imposed, collected, received and retained monies paid to them under legal
20 compulsion, as a result of convictions that were unconstitutional.

21 6.3 As a result of these unlawful acts, Plaintiff and Plaintiff Class members have been
22 deprived of money in amounts to be determined at trial, and are entitled to recovery of such
23 damages, including interest thereon.
24

1 6.4 As a result of these unlawful acts, Plaintiffs and Plaintiff Class members are
2 further entitled to be restored to their pre-conviction position through monetary and equitable
3 relief, as warranted.

4 **VII. SECOND CLAIM FOR RELIEF**

5 **Rescission**

6 **(Brought by Plaintiffs and Plaintiff Class Against Defendants and Defendant Class)**

7 7.1 Plaintiffs reallege and incorporate by reference each and every allegation set forth
8 in the preceding paragraphs.

9 7.2 By the actions alleged above, Defendants and Defendant Class members
10 wrongfully imposed, collected, received and retained monies paid to them under contract, as a
11 result of Plaintiff's and Plaintiff Class members' and Defendants' and Defendant Class members'
12 independent mistaken belief that convictions and LFOs imposed under RCW 69.50.4013 were
13 constitutional.

14 7.3 Plaintiffs and Plaintiff Class Members would not have entered into plea (and
15 other) agreements based on RCW 69.50.4013, and would not have incurred related LFOs if they
16 had been aware at that time that RCW 69.50.4013 was unconstitutional.

17 7.4 As a result of these unlawful acts, Plaintiff and Plaintiff Class members have been
18 deprived of money in amounts to be determined at trial, and are entitled to recovery of such
19 damages, including interest thereon.

20 7.5 As a result of these unlawful acts, Plaintiffs and Plaintiff Class members are
21 further entitled to be restored to their pre-conviction position through monetary and equitable
22 relief, as warranted.

23 **VIII. THIRD CLAIM FOR RELIEF**

24 **Declaratory Relief Pursuant to the Washington Uniform**

Declaratory Judgments Act, RCW 7.24

(Brought by Plaintiffs and Plaintiff Class Against Defendants and Defendant Class)

1 8.1 Plaintiffs reallege and incorporate by reference each and every allegation set forth
2 in the preceding paragraphs.

3 8.2 As a result of the unlawful acts described above, Plaintiffs and Plaintiff Class
4 members seek a declaratory judgment stating that: (i) they are entitled to recover LFOs wrongful
5 charged by Defendants and Defendant Class members; and (ii) Defendants and Defendant Class
6 members must cancel any unpaid LFOs owed to them. In the alternative, Plaintiffs and Plaintiff
7 Class members seek a declaratory judgment against Washington, requiring that it order the
8 Defendant Counties and Defendant Class members to return LFOs to Plaintiffs and the Plaintiff
9 Class.

10 8.3 Plaintiffs and Plaintiff Class members (including CSP and its clients and
11 members) also seek further relief including damages, and equitable and declaratory relief that the
12 Court finds proper against Defendants and Defendant Class members.

13 8.4 Plaintiffs seek their reasonable costs pursuant to RCA 7.24.100.

14 **IX. PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff CSP, on its own behalf and on behalf of its clients and members,
16 and the Class Plaintiffs, on their own behalf and on behalf of Plaintiff Class members, pray for
17 relief against Defendants and Defendant Class members, as follows:

18 A. Certification of the proposed Plaintiff Class under CR 23(a) and (b)(2), (b)(3)
19 and/or (c)(4), appointment of Plaintiffs' counsel as counsel for the Plaintiff Class, and
20 appointment of the Class Plaintiffs as representatives of the Plaintiff Class.

21 B. Certification of the proposed Defendant Class under CR 23(a) and (b)(2), (b)(3)
22 and/or (c)(4), appointment of Defendants' counsel as counsel for the Defendant Class, and
23 appointment of Defendants as representatives of the Defendant Class;

1 C. A declaration that the Defendants' and Defendant Class members' actions
2 complained of herein violate the law, and for further relief as ordered by the Court;

3 D. An order enjoining Defendants and Defendant Class members, as well as their
4 officers, agents, successors, employees, representatives, and any and all persons acting in concert
5 with them, as provided by law, from engaging in the unlawful and wrongful conduct set forth
6 herein;

7 E. An order restoring Plaintiffs and Plaintiff Class members to their position prior to
8 their unlawful convictions and rectifying the harm caused by Defendants and Defendant Class
9 members.

10 F. An award to Plaintiffs and Plaintiff Class members of actual, compensatory, and
11 nominal/exemplary damages, as allowed by law;

12 G. Reasonable service awards to Class Plaintiffs, as allowed by law;

13 H. An award of attorneys' fees and costs to Plaintiffs, as allowed by law;

14 I. An award of prejudgment and post-judgment interest to Plaintiffs, as provided by
15 law;

16 J. Such other and further equitable and legal relief as the Court deems necessary,
17 just, and proper.

18 DATED this 30th day of March, 2021.

19 **FRANK FREED SUBIT & THOMAS LLP**

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*Motion for admission *pro hac vice* pending

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1 **CERTIFICATE OF SERVICE**

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DATED this 30th day of March 2021.

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