



FILED
SUPERIOR COURT
THURSTON COUNTY, WASH.

2023 SEP 15 AM 11:58

Linda Myhre Enlow
Thurston County Clerk

☐ EXPEDITE
☐ No Hearing Set
☒ Hearing Is Set
Date: September 15, 2023
Time: 9:00 a.m.
The Honorable Indu Thomas

STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT

WASHINGTONIANS FOR WILDLIFE
CONSERVATION,

Plaintiff,

v.

JAY INSLEE, in his capacity as Governor of
the State of Washington; WASHINGTON
DEPARTMENT OF FISH AND WILDLIFE;
BARBARA BAKER, in her capacity as a
Commissioner of the Fish and Wildlife
Commission; JOHN LEHMKUHL, in his
capacity as a Commissioner of the Fish and
Wildlife Commission; LORNA SMITH, in her
capacity as a Commissioner of the Fish and
Wildlife Commission; MELANIE
ROWLAND, in her capacity as a
Commissioner of the Fish and Wildlife
Commission; and TIM RAGEN, in his capacity
as a Commissioner of the Fish and Wildlife
Commission.

Defendants.

NO. 23-2-01831-34

~~PROPOSED~~ ORDER
GRANTING DEFENDANTS'
MOTION TO DISMISS

THIS MATTER came before the Court on motion of Defendants Governor Jay Inslee,
Department of Fish and Wildlife (WDFW), and individually named Fish and Wildlife
Commissioners, to dismiss Plaintiff's Information and Petition for Quo Warranto Judgment,

1 Writ of Mandamus, and Declaratory and Injunctive Relief pursuant to Superior Court Civil Rules
2 (CR) 12(b)(6).

3 The Court considered the Petition, Defendants' Motion to Dismiss, and the briefs submitted
4 in support and opposition. The Court concludes Plaintiff lacks standing to seek the relief
5 requested. Plaintiff, a nonprofit corporation, does not have standing under RCW 7.56.020 to
6 request quo warranto. Plaintiff fails to identify a unique beneficial interest to qualify for standing
7 to request mandamus, and the challenged appointments by the Governor include an exercise of
8 discretion, rendering mandamus unavailable. Declaratory judgment is unavailable to remove
9 state officials from their positions because quo warranto is the exclusive means for that remedy.

10 IT IS HEREBY ORDERED that Defendants' Motion to Dismiss is GRANTED and
11 Plaintiff's Information and Petition for Quo Warranto Judgment, Writ of Mandamus, and
12 Declaratory and Injunctive Relief is hereby DISMISSED with prejudice.

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14 DATED this 15th day of Sept ~~August~~, 2023.

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16 
17 THE HONORABLE INDU THOMAS

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19 Presented by:

20 /s/ Joseph V. Panesko

21 JOSEPH V. PANESKO, WSBA No. 25289
22 Senior Counsel

23 *Attorney for Defendants Gov. Jay Inslee, Washington*
24 *Department of Fish and Wildlife, and individually*
25 *named Fish and Wildlife Commissioners*
26

Callie Castillo
participated by Zoom
for Plaintiffs & Approved
as to form