



FILED
SUPERIOR COURT
THURSTON COUNTY, WASH.

2023 SEP 15 AM 11:58

Linda Myhre Enlow
Thurston County Clerk

1 EXPEDITE
2 No Hearing Set
3 Hearing Is Set
4 Date: September 15, 2023
5 Time: 9:00 a.m.
6 The Honorable Indu Thomas

7 **STATE OF WASHINGTON**
8 **THURSTON COUNTY SUPERIOR COURT**

9 WASHINGTONIANS FOR WILDLIFE
10 CONSERVATION,

11 Plaintiff,

12 v.

13 JAY INSLEE, in his capacity as Governor of
14 the State of Washington; WASHINGTON
15 DEPARTMENT OF FISH AND WILDLIFE;
16 BARBARA BAKER, in her capacity as a
17 Commissioner of the Fish and Wildlife
18 Commission; JOHN LEHMKUHL, in his
19 capacity as a Commissioner of the Fish and
20 Wildlife Commission; LORNA SMITH, in her
21 capacity as a Commissioner of the Fish and
22 Wildlife Commission; MELANIE
23 ROWLAND, in her capacity as a
24 Commissioner of the Fish and Wildlife
25 Commission; and TIM RAGEN, in his capacity
26 as a Commissioner of the Fish and Wildlife
Commission.

Defendants.

NO. 23-2-01831-34

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

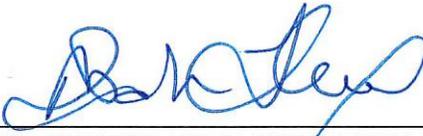
THIS MATTER came before the Court on motion of Defendants Governor Jay Inslee, Department of Fish and Wildlife (WDFW), and individually named Fish and Wildlife Commissioners, to dismiss Plaintiff's Information and Petition for Quo Warranto Judgment,

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, 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
Plaintiffs st. Approved
as to form