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9		THE STATE OF WASHINGTON
10	IN AND FOR THE	COUNTY OF KING
11	KENT SCHOOL DISTRICT, NO. 415) Case No. 09-2-32419-1 KNT
12	Plaintiff,	
13	VS.)) ORDER GRANTING PLAINTIFF'S
14	KENT EDUCATION ASSOCIATION; LISA) MOTION FOR INJUNCTIVE RELIEF
15	BRACKIN-JOHNSON, individually and as	
16	Kent Education Association's President; CONNIE COMPTON, CINDY PRESCOTT,)
17	BRIAN THORNTON, CARA HANEY, THERESA TURNER, and TOM LARSEN	
18	individually and as Kent Education)
19	Association's Executive Board; and all other persons in active concert or participation with	
20	any of the above-named defendants,	
21 22	Defendants.	
22)
24		eptember 2, 2009, on the plaintiff's motion for a
	temporary restraining order, preliminary injunct	
25	mandamus against the defendants Kent Education	
26	Compton, Cindy Prescott, Brian Thornton, Cara	
27	Notice of the motion was served upon defendan	ts on September 1, 2009. The Court heard oral

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1	argument of counsel for the plaintiff, Charles W. Lind, and counsel for defendants, James A.
2	Gasper. The Court considered the pleadings filed on this action and the following evidence:
3	(1) Exhibit A, Attorney General Opinion AGO 2006 No. 3
4	(2) Exhibit B, Transcript from the Court's Oral Ruling from the King County Superior
5	Court (the Honorable Judge Joan Dubuque) on the 2002 TRO request by the Issaquah
6	School District.
7	(3) Exhibit C, Containing Declaration From:
8	a. Dr. Edward Lee Vargas, Superintendent of Kent School District
9	b. Daniel Johnson, Director of Food and Nutrition Services
10	c. Lynn Stellick, Director of Personnel
11	d. Donald Walkup, Transportation Supervisor
12	e. Kimberly Halley, Director of Special Services
13	(4) Response of Defendant Kent Education Association to Plaintiff's Motion for
14	Injunctive Relief, with attached declarations from:
15	a. Lisa Bracken Johnson, President, KEA
16	b. Lura Beck
17	c. Lorraine Nixon
18	d. Susan Stroomer
19	e. Justin Isbell
20	f. Cara Haney
21	g. Kristy Warburton
22	h. Tami Lowell
23	i. Christine Davies
24	Based on the arguments of counsel and the evidence presented, the Court made an oral
25	ruling in open court on September 3, 2009, and now enters the following findings of fact:
26	(1) Plaintiff Kent School District No. 415 is a municipal corporation of the State of
27	Washington operating forty (40) common schools in King County under Title 28A.
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ORDER GRANTING DISTRICT'S MOTION FOR PRELIMINARY INJUNCTION -- 2 RCW, and providing comprehensive educational service for approximately 26,000 enrolled students.

- (2) Defendant KEA is an employee organization and the exclusive bargaining representative, pursuant to Chapter 41.59 RCW, of the District's certificated nonsupervisory staff, including teachers, counselors, nurses, speech language pathologists (SLP), occupational therapists (OT), physical therapists (PT), and school psychologists (collectively, "teachers" for purposes of this order).
- (3) Defendant Lisa Brackin-Johnson is a teacher in the Kent School District and currently president of the KEA while on leave from her teaching duties.
- (4) Defendants Connie Compton, Cindy Prescott, Brian Thornton, Cara Haney, Theresa Turner, and Tom Larsen are teachers in the Kent School District. Ms. Compton, Ms. Prescott, Mr. Thornton and Ms. Haney serve on the Executive Board of the KEA.
- (5) Defendants Johnson, Compton, Prescott, Thornton, Haney, Turner, and Larsen are responsible for the management of the KEA.
- (6) All of the defendants are certificated members of the KEA and have signed personal contracts promising to provide professional services during the 2009-2010 school year.
- (7) Defendant KEA and each of the individual defendants, as well as all other members of the KEA in active concert and participation with the defendants, are currently engaging in a work stoppage, or strike, against the Kent School District, that began August 27, 2009 and continues to the present.
- (8) Student instructional days for the 2009-2010 school year in the Kent School District were scheduled to commence Monday, August 31, 2009.
- (9) The strike by the defendants and all other persons in active concert and participation with the defendants has prevented the District from being able to provide educational services as scheduled, commencing August 31. Schools within the district remained closed while the strike endures.

(10)The strike interferes with the Plaintiff's legal obligation to provide comprehensive educational services to the 26,000 students enrolled in the District. The strike obstructs and prevents students from obtaining the free and appropriate (11)public education to which they are legally entitled under Washington law. (12)The strike has idled over 1,000 classified employees who are unable to work when school is not in session; and who will not be paid during the period of work stoppage. The court further concludes: (1) The Kent School District has a legal right to receive employment services from the individual defendants who have signed a professional services contract for the 2009-2010 school year; (2) The Kent School District, as a municipal corporation, has a lawful right and legal obligation to provide public services free of strikes or other types of work stoppages by its public employees; (3) As public employees, the defendants have no protected right to strike under Washington law, and are currently engaged in an illegal strike against the District; (4) The strike and actions in furtherance thereof by defendants have caused, and unless restrained, will continue to increasingly cause substantial, immediate, and irreparable injury and damage to the District; and (5) The District has no adequate remedy at law. NOW, THEREFORE, IT IS HEREBY ORDERD: 1. The defendants, and each of them, and all persons represented by the Association, be restrained and enjoined from: a. Engaging in, encouraging, or lending support or assistance of any nature to any work stoppage, slowdown, or strike of any kind against the District on or after September 9, 2009.

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b. Threatening or coercing any person from discharging normal or substitute duties for the District; c. Interfering with the free ingress and egress of the District's employees, agents and students, families, community members, vendors, or other authorized persons, to and from the schools and other facilities operated by the District; and d. Taking unjustified sick, personal, or other leave in concert with or in aid of any strike or slowdown. 2. That the Association and its members shall be deemed to have notice of this order upon service of a copy of the order on the defendants' counsel, Mr. Gasper. In order to provide additional noticed of this order, the Association President shall call and hold a general membership meeting of the Association within 24 hours and provide a copy of this order to each of its members then present; provided that any failure of the Association President to hold such a general membership meeting does not affect the other terms of this order, including without limitation, the imposition of any sanctions discussed below in paragraph 4. 3. That, as of the beginning of the normal work day on September 9, 2009, all striking employees represented by the Association shall report for work with the District and fully discharge their assigned employment responsibilities. 4. That failure to fully comply with this order may subject violators to contempt of court sanctions. 5. That the named parties appear in Courtroom 4H of this court at 1:00 p.m. on September 10, 2009, to verify compliance with this Order. DATED THIS 3rd day of September, 2009. Judge Andrea Darvas KING COUNTY SUPERIOR COURT ORDER GRANTING DISTRICT'S MOTION OFFICE OF GENERAL COUNSEL

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1	Presented by:
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4	Charles W. Lind WSBA No. 19974
5	General Counsel for Plaintiff Kent School District No. 415
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7	Approved as to Form:
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11	James A. Gasper WSBA No. 20722 Counsel for Defendants
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