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

KENT SCHOOL DISTRICT, NO. 415

Plaintiff,

vs.

KENT EDUCATION ASSOCIATION; LISA BRACKIN-JOHNSON, individually and as Kent Education Association's President; CONNIE COMPTON, CINDY PRESCOTT, BRIAN THORNTON, CARA HANEY, THERESA TURNER, and TOM LARSEN individually and as Kent Education Association's Executive Board; and all other persons in active concert or participation with any of the above-named defendants,

Defendants.

) Case No. 09-2-32419-1 KNT

) ORDER GRANTING PLAINTIFF'S MOTION FOR INJUNCTIVE RELIEF

This matter came before the Court on September 2, 2009, on the plaintiff's motion for a temporary restraining order, preliminary injunction, and/or—in the alternative—a writ of mandamus against the defendants Kent Education Association, Lisa Brackin-Johnson, Connie Compton, Cindy Prescott, Brian Thornton, Cara Haney, Theresa Turner, and Tom Larsen. Notice of the motion was served upon defendants on September 1, 2009. The Court heard oral

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.
- 28

1 RCW, and providing comprehensive educational service for approximately 26,000
2 enrolled students.

- 3 (2) Defendant KEA is an employee organization and the exclusive bargaining
4 representative, pursuant to Chapter 41.59 RCW, of the District's certificated non-
5 supervisory staff, including teachers, counselors, nurses, speech language pathologists
6 (SLP), occupational therapists (OT), physical therapists (PT), and school
7 psychologists (collectively, "teachers" for purposes of this order).
- 8 (3) Defendant Lisa Brackin-Johnson is a teacher in the Kent School District and currently
9 president of the KEA while on leave from her teaching duties.
- 10 (4) Defendants Connie Compton, Cindy Prescott, Brian Thornton, Cara Haney, Theresa
11 Turner, and Tom Larsen are teachers in the Kent School District. Ms. Compton, Ms.
12 Prescott, Mr. Thornton and Ms. Haney serve on the Executive Board of the KEA.
- 13 (5) Defendants Johnson, Compton, Prescott, Thornton, Haney, Turner, and Larsen are
14 responsible for the management of the KEA.
- 15 (6) All of the defendants are certificated members of the KEA and have signed personal
16 contracts promising to provide professional services during the 2009-2010 school
17 year.
- 18 (7) Defendant KEA and each of the individual defendants, as well as all other members
19 of the KEA in active concert and participation with the defendants, are currently
20 engaging in a work stoppage, or strike, against the Kent School District, that began
21 August 27, 2009 and continues to the present.
- 22 (8) Student instructional days for the 2009-2010 school year in the Kent School District
23 were scheduled to commence Monday, August 31, 2009.
- 24 (9) The strike by the defendants and all other persons in active concert and participation
25 with the defendants has prevented the District from being able to provide educational
26 services as scheduled, commencing August 31. Schools within the district remained
27 closed while the strike endures.
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1 (10) The strike interferes with the Plaintiff's legal obligation to provide comprehensive
2 educational services to the 26,000 students enrolled in the District.

3 (11) The strike obstructs and prevents students from obtaining the free and appropriate
4 public education to which they are legally entitled under Washington law.

5 (12) The strike has idled over 1,000 classified employees who are unable to work
6 when school is not in session; and who will not be paid during the period of work
7 stoppage.

8
9 The court further concludes:

10 (1) The Kent School District has a legal right to receive employment services from the
11 individual defendants who have signed a professional services contract for the 2009-2010
12 school year;

13 (2) The Kent School District, as a municipal corporation, has a lawful right and legal
14 obligation to provide public services free of strikes or other types of work stoppages by
15 its public employees;

16 (3) As public employees, the defendants have no protected right to strike under Washington
17 law, and are currently engaged in an illegal strike against the District;

18 (4) The strike and actions in furtherance thereof by defendants have caused, and unless
19 restrained, will continue to increasingly cause substantial, immediate, and irreparable
20 injury and damage to the District; and

21 (5) The District has no adequate remedy at law.

22
23 NOW, THEREFORE, IT IS HEREBY ORDERD:

24 1. The defendants, and each of them, and all persons represented by the Association, be
25 restrained and enjoined from:

26 a. Engaging in, encouraging, or lending support or assistance of any nature to any
27 work stoppage, slowdown, or strike of any kind against the District on or after
28 September 9, 2009.

1 Presented by:

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4 _____
5 Charles W. Lind WSBA No. 19974
6 General Counsel for
7 Plaintiff Kent School District No. 415

8 Approved as to Form:

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12 James A. Gasper WSBA No. 20722
13 Counsel for Defendants

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