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SUPERIOR COURT OF THE STATE OF WASHINGTON
SPOKANE COUNTY

PLANNED PARENTHOOD OF GREATER
WASHINGTON AND NORTHERN IDAHO,

Plaintiff,

v.

COVENANT CHURCH & COVENANT
CHRISTIAN SCHOOL; KEN PETERS;
REPRESENTATIVE MATTHEW SHEA;
CLAY ROY; GABRIEL BLOMGREN; AND
SETH HABERMAN,

Defendants.

No. [Type Case Number Here]

PLAINTIFF’S COMPLAINT FOR
INJUNCTIVE RELIEF AND
DAMAGES

Plaintiff Planned Parenthood of Greater Washington and Northern Idaho (“Plaintiff” and/or “Planned Parenthood”) as its Complaint against Defendants Covenant Church & Covenant Christian School (“Covenant Church”), Pastor Ken Peters, former Representative Matthew (“Matt”) Shea, Clay Roy, Pastor Gabriel Blomgren, and Pastor Seth Haberman (collectively, the “Defendants”) alleges as follows:

I. INTRODUCTION

1.1 This is an action for injunctive relief and damages brought by a health care facility to protect the right of its patients to access medical care and the right of its staff to serve their patients without unreasonable disruption.

1 1.2 Defendants, acting individually and in concert, have organized monthly
2 gatherings intended to interfere with the operations of Planned Parenthood health care centers in
3 Spokane and elsewhere. These gatherings are known as The Church at Planned Parenthood
4 (“TCAPP”). TCAPP has been holding massive protests since the fall of 2018 on the narrow
5 public right of way directly adjacent to the Planned Parenthood building on East Indiana Avenue.
6 Directly on the other side of the wall from where the massive crowd gathers to sing, chant,
7 whistle, and yell and scream are all of the facility’s patient exam rooms. Since its inception
8 TCAPP has grown from just over one hundred people to several hundred people. TCAPP itself
9 estimates that the largest crowd was approximately 700 people.

10 1.3 TCAPP amplifies its “services,” which feature performances by a rock band, with
11 microphones, a PA system and several large loudspeakers that TCAPP points directly at the
12 Planned Parenthood facility. TCAPP leaders intentionally increase the noise by encouraging the
13 crowd to raise their voices, to sing louder and to scream and shout louder and longer. The noise
14 level routinely exceeds the limits set forth in the city noise ordinance, reaching between 90 and
15 100 decibels, not to mention the standard set forth in state and local law for noise outside of
16 health care facilities.

17 1.4 Spokane Police Officers have acknowledged that the noise is excessive and
18 directed TCAPP and its leaders to turn down the volume, but TCAPP has ignored these orders.

19 1.5 Despite two years of complaints by Planned Parenthood and the neighboring
20 community, the Spokane Police Department has failed to issue any citations or make any arrests.
21 According to an article in the Spokesman Review dated May 19, 2020, the Spokane Police
22 Department has indicated that it has not had sufficient training to be able to enforce the law.

23 1.6 If TCAPP protests were just about worship and not about disrupting the
24 operations of the clinic, TCAPP could relocate to the opposite side of the street in front of the
25 Salvation Army building, where there is more room for a large gathering and all involved would
26 be safer. The Salvation Army has welcomed TCAPP, allowed TCAPP to use the public right of
27 way along its building as well as its parking lot, and provided financial support to TCAPP.

1 TCAPP instead chooses to locate within feet of the wall of the clinic, because its purpose is to be
2 heard loud and clear inside the building where patients are receiving care.

3 1.7 RCW 9A.50.020 prohibits “willfully or recklessly disrupt[ing] the normal
4 functioning” of a health care facility by, among other things, “physically obstructing or impeding
5 the free passage of a person seeking to enter or depart from the facility” or by “[m]aking noise
6 that unreasonably disturbs the peace within the facility.”

7 1.8 Spokane Municipal Code 10.07.060 mirrors the state statute and prohibits
8 interference with the operation of a health care facility.

9 1.9 Spokane Municipal Code 10.08D.090 makes it unlawful to knowingly cause or
10 permit sound that is a public disturbance noise as defined therein and to refuse or intentionally
11 fail to cease the noise when ordered to do so by a law enforcement officer.

12 1.10 TCAPP has willfully or recklessly interfered with the normal functioning of the
13 Planned Parenthood health care center located at 123 E. Indiana Avenue in Spokane by, among
14 other things, making noise that unreasonably disturbs the peace within the facility. The protest
15 activity has driven away patients and negatively impacted the experiences of those patients who
16 are subjected to the demonstrations. TCAPP has also severely impacted the morale and
17 productivity of staff.

18 1.11 While Planned Parenthood respects Defendants’ rights to protest and peaceful
19 assembly, the First Amendment does not protect conduct that intentionally or recklessly disrupts
20 patient care. Patients who rely on Planned Parenthood for vital medical care have a right to
21 access that care without unreasonable disruption or interference, just as they would at any other
22 health care facility. This is more vital than ever in a global health pandemic that is
23 disproportionately harming people of color, who disproportionately depend on Planned
24 Parenthood, and who already face substantial barriers to accessing health care.

25 1.12 The negative health effects of excessive noise on patients in health care settings
26 are well-documented. These hazards include an increased risk of hypertension, increased pain,
27

1 and a variety of psychiatric symptoms — all of which are likely to be even more pronounced for
2 patients seeking care from a reproductive health clinic.

3 1.13 Likewise, there is a growing body of research documenting the negative impacts
4 of excessive noise on health care employees.

5 1.14 The noise also represents a threat to public health and safety as TCAPP protesters
6 often spill onto the street and make it difficult to see oncoming traffic as cars are exiting the
7 parking lot at Planned Parenthood.

8 1.15 Plaintiff has tried everything to protect its operations, the rights of its patients and
9 staff, and the surrounding community. Nothing has worked. This lawsuit for injunctive relief is
10 the only option left.

11 II. PARTIES

12 2.1 Planned Parenthood health center in Spokane is a “health care facility” operating
13 in Spokane, Washington. The clinic provides a wide range of health care services to a wide
14 range of patients, including a significant percentage of underserved, uninsured people from the
15 region’s most marginalized communities. More than one quarter of the patients that the clinic in
16 Spokane serves are Black, Indigenous or other People of Color.

17 2.2 The Covenant Church & Covenant Christian School is a Washington nonprofit
18 corporation based in Spokane, Washington. Covenant Church, in concert with the individual
19 Defendants, organizes, promotes, and conducts TCAPP.

20 2.3 Ken Peters is the Pastor at Covenant Church in Spokane and the leader of
21 TCAPP. Upon information and belief, Mr. Peters resides in Spokane County, Washington.

22 2.4 Representative Matt Shea has been assisting Ken Peters and the Covenant Church
23 in organizing and promoting TCAPP and has spoken at several TCAPP protests. TCAPP
24 recently announced that Mr. Shea has assumed the role that Mr. Peters had at Covenant Church
25 and TCAPP in Spokane, so that Mr. Peters can focus on expanding TCAPP to other Planned
26 Parenthood locations. Upon information and belief, Mr. Shea resides in Spokane County,
27 Washington.

1 **A. Disruptive protest activity at the Planned Parenthood health care center in**
2 **Spokane began in 2018 and has grown significantly since then.**

3 4.3 Covenant Church organizes and promotes TCAPP. Covenant Church also accepts
4 donations on behalf of TCAPP. TCAPP is an event that intentionally interferes with the
5 operation of the Planned Parenthood health care center in Spokane, among others. It describes
6 itself as “a worship service at the gates of Hell.”

7 4.4 Since 2018, TCAPP has been holding large protests on the narrow public right of
8 way adjacent to the wall of the Planned Parenthood clinic along East Indiana Avenue in
9 Spokane. All patient examining rooms are located directly on the other side of that wall. These
10 gatherings have grown since their inception from about a hundred people to a crowd of several
11 hundred people. At its peak, during warmer weather, it can draw crowds as large as 450 by
12 Planned Parenthood’s count or up to 700 people according to Defendant Peters.

13 4.5 TCAPP protests are so massive and pose such risk that the police arrive early in
14 the morning on protest days to set up a large, bright orange police barricade along East Indiana
15 Avenue where TCAPP gathers.

16 4.6 Representatives of TCAPP arrive as early as noon to set up sound and other
17 equipment. Oftentimes, they are joined by protesters wielding megaphones and shouting into the
18 building at patients and staff. One frequent attendee who is also involved in organizing TCAPP
19 protests is Jake Eakin, who was once convicted of murder. Police vehicles (usually five to ten of
20 them) also begin to arrive around mid-day. The nicer the weather, the earlier protesters tend to
21 arrive.

22 4.7 TCAPP begins blasting music at around 4:30 p.m. and begins its formal program
23 at or around 5:30 p.m. Planned Parenthood patients are still in the building at this time. The last
24 patient normally leaves the building at around 7:00 p.m., about the time that TCAPP wraps up.

25 4.8 TCAPP amplifies its “services,” which feature performances by a rock band, with
26 microphones, a PA system and several large loudspeakers that TCAPP aims directly at the clinic.

1 4.9 To add to the noise, presenters encourage the crowd to sing along with the band,
2 to be as loud as possible, and to keep making noise so that they can be heard inside the building.
3 TCAPP also encourages drivers passing by to honk their horns in solidarity (although some
4 drivers also honk in opposition to the group).

5 4.10 The noise level far exceeds the limits set forth in the city noise ordinance,
6 routinely reaching between 90 and 100 decibels.

7 4.11 TCAPP participants have at times spilled into the street, blocked the sidewalks
8 and the driveway leading to the health center, and harassed patients walking past. Their presence
9 also makes it difficult for cars to enter or exit Planned Parenthood’s parking lot.

10 4.12 Ken Peters pays lip service during his “sermons” to the idea that his followers
11 should be peaceful. Outside of the presence of the press and the police, however, he warns that
12 the group is well-armed. On January 10, 2020, Mr. Peters told the crowd at an event hosted by
13 the Covenant Church entitled “Exposing Leftism . . . Push Back Rally,” “[the police] mentioned
14 that they came and talked to me and said that at The Church at Planned Parenthood, they
15 complained to me, they said did you know that four or five of your guys have guns? I said, trust
16 me when I say this, way more than four or five, way more, way more, and thank god.” The
17 remark drew thunderous applause.

18 4.13 Mr. Peters has also defended TCAPP’s activity on the basis that “there’s nobody
19 there” during the protests; however, Peters also organizes protests during business hours,
20 including gatherings called “TCAPP in the Mornings.” He promoted one on Facebook in a video
21 in which he said, “We’re going to do this with TCAPP about twice a month. We really should
22 have Christians at Planned Parenthood every second that they’re open.” Other TCAPP speakers,
23 as well, have implored TCAPP protesters to gather at Planned Parenthood during the day, every
24 day of the week.

25 4.14 Defendant Peters has also rallied protesters to go to Planned Parenthood during
26 the day to protest specific procedures by specific patients. This included calling for a morning
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1 gathering on a Thursday, because he had heard of a “young girl, connected with a TCAPP
2 member,” who had an abortion scheduled that day.

3 4.15 An exchange between a TCAPP participant and Mr. Peters on July 10, 2019
4 evidences that the real purpose of TCAPP is to harass patients, and that TCAPP has negatively
5 impacted the operations of the Spokane clinic. In that exchange, Josey Pierce wrote to Ken
6 Peters: “Did you know that most women having abortions have been going to Pullman P.P. [as
7 opposed to Spokane] because no-one harasses them as they enter? We need to change this.”
8 Mr. Peters liked the post and responded “Did not know this. Thank you.” Another participant
9 told the Spokesman Review that the group is “trying to get Planned Parenthood shut down.”

10 **B. The noise from the protests disrupts the operation of the facility.**

11 4.16 TCAPP’s disruptive activity has been extremely distressing to patients. Some
12 patients drive away when they see the protesters. Others call and reschedule or cancel their
13 appointments. Of those who do keep their appointments, many complain about how the
14 protesters block the sidewalks and harass them as they walk past. Almost all are experiencing
15 stress by the time they walk through the door.

16 4.17 Once inside the clinic, patients complain that the noise level makes them
17 uncomfortable. They can hear, word for word, people screaming at them from the other side of
18 the wall. Patients and clinic staff can barely hear each other speak even when sitting right across
19 from each other.

20 4.18 Planned Parenthood clinicians report that the noise is obviously upsetting to
21 patients. One medical assistant recalls taking care of a patient who, hearing the megaphone and
22 the music outside, started crying in the middle of her exam. The staff ultimately had to move
23 this patient, like many others, to another room. Moving a patient requires her to get dressed and
24 undressed again. It also requires the patient to wait until there is another room available where
25 the noise level is lower.

26 4.19 Occasionally, TCAPP has drawn counter-protestors, who set up across the street.
27 Although the group of counter protestors is a fraction of the size of the TCAPP group, Planned

1 Parenthood has discouraged them from protesting, as they add to the noise. This is consistent
2 with Planned Parenthood's policy regarding counter-protests.

3 4.20 Others in the community have complained about the noise and the disruption
4 caused by TCAPP. For example, during one TCAPP protest a neighbor came into the clinic to
5 complain that TCAPP could be heard from inside his home. Neighbors have also approached
6 law enforcement during the protests to complain about the noise but the police have ignored their
7 concerns. Patients and other community members have also complained to the Spokane City
8 Council.

9 4.21 TCAPP protests also cause harm to Planned Parenthood's staff and interfere
10 significantly with their work. Staff report that they can hear the protesters as soon as they begin
11 to arrive, and the noise makes concentration difficult.

12 4.22 The protesters are so loud that they can be heard not just in the exam rooms along
13 Indiana Avenue, but throughout the building. Even those staff members whose desks are further
14 away report having to use headphones to try to drown out the noise. When cars begin honking
15 their horns, the headphones do not work for anyone.

16 4.23 For those on the side of the building along East Indiana Avenue, even headphones
17 do not drown out the noise. At times, the call center staff cannot take calls because they cannot
18 hear patients on the phone. When patients ask to schedule appointments on days when TCAPP
19 will be present, the staff make sure to tell patients that TCAPP will be there and advise them to
20 arrange for childcare so that their children are not exposed to any risk. The nurse who calls
21 patients to deliver test results also sits in the call center, as does the person responsible for
22 medical records. Both experience the same disruption in their work.

23 4.24 Employees park in different locations on days the protests are happening so they
24 can exit through the back gate. This is not just to avoid the protesters, but because the crowd is
25 so large that it obstructs the view of on-coming traffic from the main entrance/exit, making it
26 extremely dangerous to leave the parking lot.

1 4.25 On the days when protests are scheduled to take place, staff members feel
2 compelled to keep a constant lookout to see what is happening outside. To avoid being harassed,
3 most staff members who are not seeing patients leave 1-2 hours early at the end of the day. As a
4 result, they are far less productive on TCAPP days.

5 4.26 Several employees note that the protests bring down morale. They are just trying
6 to do their jobs. Many are concerned that people in the crowd are carrying guns. Their families
7 worry for their safety as well.

8 4.27 These worries are not unfounded. Defendant Matt Shea has been linked to violent
9 extremist groups, and an independent report commission by the Washington State House of
10 Representatives concluded that he engaged in domestic terrorism due to his involvement in
11 planning the 2016 armed occupation of the Malheur National Wildlife Refuge in Oregon.

12 4.28 Ken Peters has engaged in threatening behavior as well. In a June 1, 2020
13 Facebook post, Mr. Peters wrote, “Planned Parenthood was literally designed to destroy black
14 lives. If black lives are the only thing the rioters care about, why aren’t the abortion clinics being
15 burnt down?” As set forth above, he has also commented favorably on the fact that TCAPP
16 protestors are carrying guns.

17 4.29 Defendant Haberman also posted on June 1, “The most productive thing these
18 rioters could do is burn down the abortion clinics in their city.”

19 4.30 During the City Council hearing concerning the changes to the Spokane
20 Municipal Code, other TCAPP members made a point of saying that their Second Amendment
21 rights protect their First Amendment rights.

22 4.31 TCAPP regulars have harassed patients and staff. For example, two regular
23 protestors approached Planned Parenthood’s Vice President of Public Affairs Paul Dillon, calling
24 him a “baby killer” and recording him. Another protestor has filmed Dillon on multiple
25 occasions and identified him by name in numerous incendiary social media posts. This
26 individual is a member of the Proud Boys, a far-right political organization that has a reputation
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1 for supporting political violence. As a result, Dillon has felt it necessary to increase security at
2 his home and office.

3 4.32 TCAPP participants include numerous protestors who are openly carrying guns.
4 These self-designated “security guards” hang around the edges of the protest, pace in the parking
5 lot, and sometimes confront people coming in or out of the center.

6 4.33 In addition, TCAPP speakers have openly expressed their disregard for the rule of
7 law. Most notably, former Representative Matt Shea authored a four-page Christian manifesto
8 entitled “Biblical Basis for War,” which has been widely circulated, in which he outlines
9 fourteen steps for Christians to follow to seize power from the government, and what to do next.
10 In particular, his manifesto calls for an end to abortions, an end to same-sex marriage, and if
11 enemies do not yield and obey biblical law, all males are to be killed.

12 4.34 Similarly, speaker Afshin Yaghtin proclaimed during one protest, “[i]t is not only
13 our right, but our duty to disobey tyrannical laws!”

14 4.35 On July 12, 2019, Planned Parenthood sent a letter to Ken Peters and the
15 Covenant Church demanding that they cease their disruptive activity. Neither Mr. Peters, nor the
16 Church ever responded to the letter.

17 4.36 On June 18, 2020, Planned Parenthood sent a second letter via email to Covenant
18 Church and Ken Peters notifying them of its intent to file this action. The message to Covenant
19 Church was returned as “undeliverable.” Planned Parenthood has received no response from
20 Ken Peters.

21 **C. Planned Parenthood has requested that the police enforce existing law to**
22 **limit the disruptive protests, but the police have failed to do so.**

23 4.37 News reports and countless online videos evidence how disruptive the TCAPP
24 protests have become.

25 4.38 Although there is a strong police presence at TCAPP protests, the police tend to
26 stay on the side of the street with TCAPP, and make conversation and smile and laugh with its
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1 participants. In fact, the perception among the staff at Planned Parenthood and TCAPP
2 protesters alike is that the police are there to protect TCAPP.

3 4.39 Planned Parenthood has provided the Spokane police with sound recordings,
4 decibel readings, and statements from staff describing how the protests impact them and their
5 patients. The clinic has also invited police officers into the building so that they could hear the
6 noise for themselves. Police officers have acknowledged that the protests are too loud, but the
7 police have never charged TCAPP or any of its representatives for violating RCW 9A.50.020 or
8 the Spokane Municipal Code.

9 4.40 On one occasion, Planned Parenthood staff brought police officers into the
10 building to observe the noise from the protest. The officer subsequently advised TCAPP to keep
11 the noise down. After talking with the police, however, staff members heard the TCAPP speaker
12 yell, “should we turn the music down” to which the crowd responded with a resounding “No!”
13 TCAPP suffered no consequence for this, and the noise continued unchecked for the rest of the
14 evening.

15 4.41 In addition to their general lack of willingness to enforce the law, the police have
16 expressed outright disdain for Planned Parenthood and its legal rights. For example, in a news
17 interview Spokane Police Chief Meidl acknowledged that Planned Parenthood “technically”
18 constitutes a health care facility for purposes of RCW 9A.50.020 but said that he believed that
19 the police were doing their job by staying neutral and maintaining the peace. Similarly, Lt.
20 David Overhoff, the officer in charge during TCAPP protests, has asserted repeatedly that the
21 police are not there to enforce the law.

22 4.42 Julie Distel, Planned Parenthood’s Vice President of Strategic Initiatives,
23 discussed the issue with Lt. Overhoff after Planned Parenthood lodged a Noise Complaint. He
24 informed her that he believed the city and state noise ordinances were unconstitutional and could
25 not be enforced, citing the City legal department.

26 4.43 Police body cam footage also shows a group of officers discussing the City Noise
27 Ordinance and why they believed that they could not enforce it against TCAPP. Their

1 explanation was that to their knowledge, no one in the Spokane Police Department had ever
2 enforced the noise ordinance, and if they did so for this event, they would have to enforce the
3 law in other contexts such as parties as well. “At least that’s how [the City Attorney] explained
4 it” to them. There was no discussion of RCW 9A.50.020, the state statute that prohibits willfully
5 or recklessly interfering with the normal operations of a health care facility.

6 **D. Changes in the law have not resolved the problem.**

7 4.44 For at least two years, Planned Parenthood has complained to the police and
8 Spokane City Attorney’s Office that the TCAPP protests violate both the Spokane Municipal
9 Code and RCW 9A.50.020.

10 4.45 In March 2020, Spokane City Council passed an amendment to Spokane
11 Municipal Code Section 10.07.060, which conformed the city noise ordinance to the
12 requirements of RCW 9A.50.020, which protects against activity that willfully or recklessly
13 interferes with the normal functioning of health care facilities.

14 4.46 Despite the change in law to reinforce that health care facilities are entitled to
15 heightened protection, the protests have not abated. They remain excessively noisy and
16 disruptive, and the police continue to refuse to enforce the law, stating vaguely that they require
17 additional “training” to do so.

18 4.47 On March 23, 2020, Governor Inslee issued the Stay Home, Stay Healthy order to
19 prevent the spread of COVID-19. The order limited gathering and travel outside of the home,
20 including religious services. As a result, TCAPP held reduced services in March and April, with
21 only approximately 38 protestors present in March and 12 protestors in April. By May, however,
22 TCAPP was back to normal despite the order’s restrictions, with over 125 protestors in
23 attendance.

24 4.48 TCAPP’s next protest is scheduled for June 23, 2020. Based on past experience,
25 the warmer weather, and the continued loosening of restrictions under the Stay Home, Stay
26 Healthy order, Planned Parenthood anticipates that the TCAPP protest will be large and
27 disruptive.

1 5.4 RCW 9A.50.040 and RCW 9A.50.050 together provide that a “health care facility
2 aggrieved by the actions prohibited by RCW 9A.50.020 may seek . . . from those who committed
3 the prohibited acts and those acting in concert with them,” actual damages, costs and attorneys
4 fees, as well as \$5,000 per day for each day that the actions occurred.

5 5.5 RCW 9A.50.040 further provides that “[t]he superior courts of this state shall
6 have authority to grant temporary, preliminary, and permanent injunctive relief to enjoin
7 violations of this chapter,” and that “[d]ue to the nature of the harm involved, injunctive relief
8 may be issued without bond in the discretion of the court, notwithstanding any other requirement
9 imposed by statute.”

10 5.6 Plaintiff has suffered damages as a result of Defendants’ conduct.

11 5.7 Plaintiff is likely to suffer irreparable harm if Defendants’ conduct is permitted to
12 continue.

13 **B. Second Cause of Action: Violation of Spokane Ordinance 10.07.060**
14 **preventing interference with operation of health care facility**

15 5.8 Plaintiff realleges the above statement of facts as if fully stated herein.

16 5.9 Plaintiff is a health care facility under the Spokane Municipal Code. Plaintiff has
17 a legal right to operate this facility without unreasonable disturbance, and it is in the public
18 interest to prevent disturbances to the operation of the facility.

19 5.10 Defendants have willfully and/or recklessly interfered with access to or from
20 Planned Parenthood; willfully or recklessly disrupted the normal functioning of that facility; and
21 interfered with, or attempted to interfere with the rights of patients seeking health care at Planned
22 Parenthood by:

23 (1) physically obstructing or impeding the free passage of persons seeking to enter or depart
24 from the facility or from the common areas of the real property upon which the facility is
25 located; and

26 (2) making noise that can be heard within Planned Parenthood, after having been ordered
27 by a law enforcement officer to cease.

1 5.11 Defendants' conduct is intended to cause or actually causes jeopardy to the health
2 of persons who are receiving or intend to receive health care services at Planned Parenthood.

3 5.12 Defendants' conduct is intended to cause or actually causes interference with the
4 safe and effective delivery of health services at Planned Parenthood.

5 5.13 SMC 10.07.060(F) provides that "[e]ach person or class of person aggrieved by a
6 violation of this section by any other person may bring an action against the person(s) violating
7 this section in the Spokane County Superior Court."

8 5.14 SMC 10.07.060(F) further provides that "[u]pon prevailing, such aggrieved
9 person may be awarded reasonable attorneys' fees and costs, and such other legal and equitable
10 relief as appropriate to remedy the violation, including without limitation, the payment of
11 compensatory damages and injunctive relief."

12 5.15 Plaintiff has suffered damages as a result of Defendants' conduct.

13 5.16 Plaintiff is likely to suffer irreparable harm if Defendants' conduct is permitted to
14 continue.

15 **C. Third Cause of Action: Violation of SMC 10.08D.090 prohibiting public**
16 **disturbance noise.**

17 5.17 Plaintiff realleges the above statement of facts as if fully stated herein.

18 5.18 TCAPP protest activities involve amplified sounds on a public right of way that
19 are plainly audible one hundred feet or more away.

20 5.19 Defendants have knowingly caused or permitted sounds that violate the Public
21 Disturbance Noise ordinance and have refused or intentionally failed to cease the noise when
22 ordered to do so by a law enforcement officer.

23 5.20 Plaintiff has suffered damages as a result of Defendants' conduct.

24 5.21 Plaintiff is likely to suffer irreparable harm if Defendants' conduct is permitted to
25 continue.

26 **VI. PRAYER FOR RELIEF**

27 WHEREFORE, Plaintiff respectfully prays for the following relief:

1 1. Permanent injunctive relief to enjoin the Defendants, the officers, directors,
2 agents and representatives of Defendants, and all other persons whomever, known or unknown,
3 acting on their behalf or in concert with them from:

4 a. Willfully or recklessly interfering with access to or from the Planned
5 Parenthood health care facility located at 123 E. Indiana Avenue in
6 Spokane, or willfully or recklessly disrupt the normal functioning of such
7 facility by:

8 i. Physically obstructing or impeding the free passage of a person
9 seeking to enter or depart from the facility or from the common
10 areas of the real property upon which the facility is located;

11 ii. Making noise that unreasonably disturbs the peace within the
12 facility;

13 iii. Trespassing on the facility or the common areas of the real
14 property upon which the facility is located;

15 iv. Telephoning the facility repeatedly, or knowingly permitting any
16 telephone under his or her control to be used for such purpose;

17 v. Threatening to inflict injury on the owners, agents, patients,
18 employees, or property of the facility or knowingly permitting any
19 telephone under his or her control to be used for such purpose; or

20 vi. Directing others to take any actions described in paragraphs
21 1(a)(i)-(v) above.

22 2. Damages of \$5,000 per day for each day that Defendants interfered with
23 Plaintiff's operation as described herein, in accordance with RCW 9A.50.050.

24 3. Reimbursement for the reasonable attorneys' fees and costs incurred on this
25 action pursuant to RCW 9A.50.040(1).

26 4. Compensatory damages in an amount to be proved at trial;

27 5. All other legal and equitable relief as the Court deems appropriate.

1 DATED this *[Click Here and Type]* day of June, 2020.

2 Legal Voice
3 Davis Wright Tremaine LLP
4 Attorneys for Plaintiff

5 By _____
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I caused a true and correct copy of the document to which this
3 Certificate of Service is attached to be served in the manner as indicated below:

4 **INSERT ATTORNEY CONTACT**
5 **INFO AND EMAIL ADDRESSES**
6 **HERE**

- 7 Via Legal Messenger
- 8 Via U.S. Mail, postage prepaid
- 9 Via Federal Express
- 10 Via Facsimile
- 11 Via Electronic Mail
- 12 Via Court ECF

13 Declared under penalty of perjury under the laws of the State of Washington.

14 DATED at Seattle, Washington this day of June, 2020.

15 Greta Nelson, Legal Assistant
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