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**STATE OF WASHINGTON  
PIERCE COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,

Plaintiff,

v.

FITNESS 101 TEAM PUYALLUP L.L.C.  
D/B/A NORTHWEST FITNESS CO.  
D/B/A NWFITCO; MICHAEL JASON  
BAKER; AND SHANE DAVID  
COWHIG,

Defendants.

NO.

COMPLAINT FOR INJUNCTIVE AND  
OTHER RELIEF

The Plaintiff, State of Washington, by and through its attorneys Robert W. Ferguson, Attorney General, and Daniel L. Allen, Breana M. Roos, and Ben Brysacz, Assistant Attorneys General, brings this action against Defendant Fitness 101 Team Puyallup L.L.C. d/b/a Northwest Fitness Co. d/b/a NWFITCO, Defendant Michael Baker, and Defendant Shane David Cowhig (collectively, “Defendants”). The State alleges the following on information and belief:

**I. INTRODUCTION**

1.1 COVID-19 is caused by the SARS-CoV-2 virus that spreads easily from person to person and can result in serious illness or death, especially among the most vulnerable populations. COVID-19 is a worldwide pandemic that has spread widely throughout Washington. The U.S. Food and Drug Administration (FDA) has not approved any drugs or

1 therapeutics to treat, or vaccines to prevent, COVID-19. Governor Inslee has issued various  
2 Proclamations to slow the spread and impact of COVID-19, including the issuance, modification,  
3 or extension of more than 50 proclamations under his emergency authority under  
4 RCW 43.06.220. Governor Inslee’s actions and Proclamations, as detailed below, are medically  
5 and scientifically necessary and essential to mitigating the COVID-19 outbreak in Washington  
6 and its impact on public health and our healthcare systems. Without efforts to stop person-to-  
7 person transmission, modeling has shown that the unmitigated spread of COVID-19 would lead  
8 to an explosion of cases, many more hospitalizations and fatalities, and an untenable burden on  
9 our healthcare systems.

10 1.2 To this end, on March 23, 2020, Governor Jay Inslee issued Proclamation 20-25,  
11 which prohibited and limited, subject to enumerated exceptions, all people in Washington from  
12 leaving their homes except to conduct essential activities and essential employment, all people  
13 from participating in social gatherings, and all non-essential businesses in the state from  
14 conducting business. The Governor extended and/or amended Proclamation 20-25 in  
15 Proclamations 20-25.1, 20-25.2, and 20-25.3 (hereinafter, Proclamations 20-25, 20-25.1, 20-  
16 25.2, and 20-25.3, and all attachments, references, bulletins, guidance, appendixes, and  
17 amendments to the same will be referred to jointly referred to as the “Stay Home – Stay Healthy  
18 Proclamations”). Most recently, on May 4, 2020, Governor Inslee issued Proclamation 20-25.3  
19 further amending and extending to May 31, 2020 many of the prohibitions of the Stay Home –  
20 Stay Healthy Proclamations because, among other things, COVID-19 continues to threaten lives  
21 and the State’s economy. However, the Governor also determined that epidemiological data and  
22 modeling support a phased-in approach to re-opening Washington. Under the phased-in  
23 approach, gyms and fitness centers remain a non-essential business until Phase 3. Currently,  
24 most counties in Washington, including Pierce County, remain in Phase 1.  
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1           1.3     Defendants own and operate a fitness gym, Northwest Fitness Co., in Puyallup,  
2 Washington. While Defendants temporarily closed their gym on March 16, 2020, Defendants  
3 reopened their gym on May 5, 2020. Under the Governor’s Stay Home – Stay Healthy  
4 Proclamations, gyms and fitness centers are not essential and are not permitted to open at this  
5 time. By reopening and operating the gym, Defendants are in violation of the Stay Home – Stay  
6 Healthy Proclamations, endangering the lives of their customers and the community in which  
7 they operate, and engaging in conduct that violates the Washington Consumer Protection Act  
8 (CPA), RCW 19.86.

9           1.4     Defendants’ reopening of their gym in violation of the Governor’s Proclamations  
10 has been the subject of news media, complaints, and reports to the Governor’s Office. On May 5,  
11 2020, officers from the Puyallup Police Department visited Defendants’ gym and warned  
12 Defendants that the gym was illegally operating in violation of the Governor’s Stay Home – Stay  
13 Healthy Proclamations. While visiting the fitness center, law enforcement observed people  
14 exercising inside without social distancing or wearing masks. Also on May 5, 2020, the  
15 Governor’s Coronavirus Emergency Operations Center Compliance Response Team emailed  
16 Defendants to inform them their gym did not qualify as an essential business at this time.  
17 Nevertheless, Defendants continued operating their fitness gym.

18           1.5     On May 15, 2020 at 9:30 a.m. PDT, the Washington Attorney General’s Office  
19 personally served a “cease and desist” letter on Defendants at their gym. The letter stated, in  
20 part, that Defendants’ business was “open in violation of the Governor’s Proclamation,” and  
21 instructed Defendants to “cease and desist operations and close your business” within 48 hours.  
22 The investigator serving the letter observed people in the gym working out without observing  
23 social distancing or wearing masks. While the investigator was there, two more people arrived  
24 together and signed in to work out. The owners, Defendants Baker and Cowhig, approached the  
25 State’s investigator and falsely informed her the gym was not open. As recently as May 18, 2020,  
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1 immediately prior to filing this Complaint, the State again confirmed Defendants’ fitness gym  
2 was still open and members were observed exercising on the gym equipment. Defendants are  
3 thereby continuing to operate their gym in violation of the Governor’s Stay Home – Stay Healthy  
4 Proclamations.

5 1.6 Defendants’ operation of a non-essential fitness gym violates Governor Inslee’s  
6 Stay Home – Stay Healthy Proclamations and the CPA. Defendants’ conduct willfully disregards  
7 the Governor’s proclamations, and endangers the lives of their customers and the community in  
8 which they operate. It is also an unfair method of competition in relation to Defendants’  
9 competitors who are complying with the Governor’s proclamations and making sacrifices for  
10 the benefit of the community.

## 11 II. PARTIES

12 2.1 The Plaintiff is the State of Washington.

13 2.2 Defendants Fitness 101 Team Puyallup L.L.C. (Fitness 101 Team Puyallup) d/b/a  
14 Northwest Fitness Co. d/b/a NWFITCO is a Washington limited liability company with its  
15 principal place of business at 4301 South Meridian, Suite H, Puyallup, Washington 98373. At  
16 all times material to this case, Defendant Fitness 101 Team Puyallup was registered to do  
17 business in the State of Washington. Defendant Fitness 101 Team Puyallup operates a fitness  
18 gym known as “Northwest Fitness Co.” or “NWFITCO” (hereinafter referred as the “Northwest  
19 Fitness” gym) in Pierce County, Washington, at the above-listed address. Defendant Fitness 101  
20 Team Puyallup conducts business through its owners, agents, employees, and representatives at  
21 the Northwest Fitness gym.

22 2.3 Defendant Shane David Cowhig (Cowhig) is a co-owner and controlling manager  
23 of Defendant Fitness 101 Team Puyallup. Based on information and belief, Defendant Cowhig  
24 is a resident of Puyallup, Pierce County, Washington. At all times material to this action,  
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1           5.2     COVID-19 spreads mainly from person to person through respiratory droplets  
2 produced when an infected person coughs, sneezes, or talks. A person can also get COVID-19  
3 by touching a surface or object that has the virus on it and then touching their own mouth, nose,  
4 or possibly their eyes.

5           5.3     People can unknowingly spread and transmit the virus to others before symptoms  
6 start or during an asymptomatic infection. For example, a large COVID-19 outbreak occurred in  
7 Skagit County after a pre-symptomatic individual attended a church choir practice.

8           5.4     Some COVID-19 patients experience mild, moderate, or no symptoms. However,  
9 some patients experience severe and critical illness and symptoms that require hospitalization  
10 and intensive medical care. For a subset of these patients, COVID-19 causes death.

11          5.5     Individuals who are 65 years and older and people of all ages with underlying  
12 medical conditions are at higher risk for severe COVID-19 illness.

13          5.6     Due to the speed with which the SARS-CoV-2 virus spreads, and because a  
14 significant portion of COVID-19 patients require hospitalization, intensive care, and mechanical  
15 ventilation, outbreaks threaten to overwhelm the healthcare system.

16          5.7     Without efforts to stop person-to-person transmission, modeling studies have  
17 shown that unmitigated spread of the SARS-CoV-2 virus would lead to an explosion of COVID-  
18 19 cases, many more hospitalizations and fatalities, and an untenable burden on the healthcare  
19 system.

20          5.8     Because the SARS-CoV-2 virus COVID-19 spreads from person to person  
21 through close contact, maintaining distance between people and avoiding large crowds,  
22 particularly indoors, are critical to mitigating its spread.

23          5.9     The FDA has not approved any drugs or therapeutics to treat, or vaccines to  
24 prevent, COVID-19.  
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1           5.10    The U.S. Centers for Disease Control and Prevention (CDC) has described the  
2 potential public health threat posed by COVID-19 as “high.”

3           5.11    On January 21, 2020, the State of Washington confirmed its first COVID-19  
4 case. At the time, it was believed to be the first case of COVID-19 in the United States.

5           5.12    On January 30, 2020, the World Health Organization (WHO) declared the  
6 COVID-19 outbreak a “public health emergency of international concern.”

7           5.13    On January 31, 2020, U.S. Secretary of Health and Human Services Alex Azar  
8 declared the COVID-19 outbreak a national public health emergency.

9           5.14    On February 29, 2020, under RCW 38.08, 38.52, and 43.06, Governor Inslee  
10 issued Proclamation 20-05 declaring a State of Emergency in all counties in the State of  
11 Washington. *See* Appendix A, Exhibit 1.

12           **B.     The Governor’s COVID-19-Related Proclamations**

13           5.15.    Since the issuance of Proclamation 20-05, Governor Inslee has taken multiple  
14 additional actions to slow the spread and impact of COVID-19, including the issuance,  
15 modification, or extension of more than 50 proclamations pursuant to his emergency authority  
16 under RCW 38.08, 38.52, and 43.06. For example, the Governor has issued Proclamations  
17 limiting the size of gatherings, permitting smaller gatherings only if individuals complied with  
18 CDC or DOH social distancing and sanitation guidelines; closing public and private schools,  
19 colleges, and universities; and prohibiting gatherings of any size in certain public venues. Some  
20 of these proclamations, which are further detailed below and incorporated by reference and pled  
21 herein in their entirety, include Proclamations 20-05, 20-08, 20-09, 20-12, 20-13, 20-14, 20-25,  
22 20-25.1, 20-25.2, 20-25.3, and their amendments, modifications, and extensions. *See*  
23 Appendix A, Exhibits 1, 4, 5, 6, 7, 8, 9, 10, 12, and 14, respectively.

24           5.16    The Governor’s decisions and Proclamations, and their amendments,  
25 modifications, and extensions, are informed by and based upon the best scientific and medical  
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1 analysis available, and reflect the developing and changing circumstances applicable to the  
2 COVID-19 emergency.

3           5.17 In Proclamation 20-05, the Governor noted that the “worldwide outbreak of  
4 COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the  
5 United States and Washington State significantly impacts the life and health of our people, as  
6 well as the economy of Washington State, and is a public disaster that affects life, health,  
7 property or the public peace.”

8           5.18 On March 11, 2020, the WHO classified the global spread of COVID-19 as a  
9 pandemic, and urged all governments throughout the world to take action now to stem the spread  
10 of the disease.

11           5.19 On March 12, 2020, Governor Inslee issued Proclamation 20-08 to prohibit the  
12 operation of public schools, charter schools, and private schools in King, Pierce, and Snohomish  
13 Counties. *See* Appendix A, Exhibit 4. On March 13, 2020, through Proclamation 20-09,  
14 Governor Inslee extended the Proclamation for school closures to all Washington counties. *See*  
15 Appendix A, Exhibit 5. In Proclamation 20-12, the Governor also prohibited all public and  
16 private universities, colleges, technical schools, apprenticeship programs, and similar schools  
17 and programs from providing in-person classes in all counties. *See* Appendix A, Exhibit 6.

18           5.20 On March 16, 2020, Governor Inslee issued Proclamation 20-13 to prohibit “any  
19 number of people from gathering in any public venue in which people congregate for purposes  
20 of public entertainment, recreation, food and beverage service, theater, bowling, fitness and other  
21 similar activities, to include all public venues in which the serving, provision, or consumption  
22 of prepared food or beverage occurs at a table, bar, or for consumption within.” This  
23 Proclamation also specifically prohibited the operation of “theaters, bowling alleys, gyms,  
24 fitness centers, non-tribal card rooms, barbershops, and hair/nail salons.” *See* Appendix A,  
25 Exhibit 7.  
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1           5.21    On March 16, 2020, Governor Inslee also issued Proclamation 20-14, prohibiting  
2 public gatherings of any size, unless organizers of those activities comply with social distancing  
3 and sanitation measures established by the CDC or DOH. *See* Appendix A, Exhibit 8.

4           5.22    On March 23, 2020, as the disease continued to spread broadly in Washington  
5 and elsewhere, threatening our healthcare systems, medical personnel, and vulnerable  
6 populations, Governor Inslee issued Proclamation 20-25, the original “Stay Home – Stay  
7 Healthy” Proclamation. *See* Appendix A, Exhibit 9. Just like the other proclamations detailed  
8 herein, Proclamation 20-25 was issued pursuant to the Governor’s authority under  
9 Chapters 38.08, 38.52 and 43.06 RCW. The Stay Home – Stay Healthy Proclamation has been  
10 amended and extended as described below.

11           5.23    Proclamation 20-25 reiterates the ease with which the virus spreads from person  
12 to person, that it has spread broadly throughout Washington, that COVID-19 may result in  
13 serious illness or death, and that it presents high risk to our most vulnerable populations.

14           5.24    Proclamation 20-25 reiterates that hospitalizations for COVID-19-like illnesses  
15 are significantly elevated in all adults with a sharply increasing trend being observed over the  
16 three weeks leading to the execution of Proclamation 20-25.

17           5.25.   Proclamation 20-25 reiterates that “the worldwide COVID-19 pandemic and its  
18 progression in Washington State continues to threaten the life and health of our people as well  
19 as the economy of Washington State, and remains a public disaster affecting life, health, property  
20 or the public peace.”

21           5.26    Among other things, Proclamation 20-25 “prohibit[s] . . . all non-essential  
22 businesses in Washington State from conducting business, within” specified limitations.

23           5.27    Under Proclamation 20-25, non-essential businesses may conduct “basic  
24 minimum operations,” which the order defines as “the minimum activities necessary to maintain  
25 the value of the business’ inventory, preserve the condition of the business’ physical plant and  
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1 equipment, ensure security, process payroll and employee benefits, facilitate employees of the  
2 business being able to continue to work remotely from their residences, and related functions.”

3 5.28 Proclamation 20-25 does not “prohibit working from home, operating a single  
4 owner business with no in-person, on-site public interaction, or restaurants and food services  
5 providing delivery or take-away services, so long as proper social distancing and sanitation  
6 measures are established and implemented.”

7 5.29 In connection with Proclamation 20-25, the Governor issued a list of industries  
8 and workers deemed “essential” under the proclamation, including sectors such as healthcare,  
9 emergency services, food and agriculture, energy, and communications infrastructure.

10 5.30 Fitness gyms, such as the Northwest Fitness gym operated by Defendants, are not  
11 essential businesses pursuant to Proclamation 20-25.

12 5.31 On April 2, 2020, Governor Inslee issued Proclamation 20-25.1, extending the  
13 Stay Home – Stay Healthy order through May 4, 2020. *See* Appendix A, Exhibit 10. In  
14 Proclamation 20-25.1, the Governor refers to the science showing that since issuing  
15 Proclamation of 20-05 on March 23, 2020, the number of confirmed cases and deaths in  
16 Washington had more than doubled and statistical models predicted hospitals would reach  
17 capacity and be overwhelmed within a few weeks absent a slowing of the spread of the virus.

18 5.32 On May 4, 2020, Governor Inslee issued Proclamation 20-25.3, which extends to  
19 May 31, 2020 many of the prohibitions of the previous Stay Home – Stay Healthy Proclamation  
20 and sets forth a phased-in approach to re-opening non-essential businesses in Washington. *See*  
21 Appendix A, Exhibits 14, 15. While the rate of new confirmed cases each day had declined while  
22 Proclamation 20-25 had been in effect, as of May 3, 2020, data were still demonstrating about  
23 200 new confirmed cases every day. And for every confirmed case detected, an estimated 3 to  
24 19 infected people were not detected. For these reasons and others, the Governor issued 20-25.3  
25 extending the Stay Home – Stay Healthy order until May 31, 2020.  
26

1           5.33    While the phased-in plan of Proclamation 20-25.3 relaxes restrictions on a limited  
2 set of businesses and activities, it extends the closure of many non-essential businesses and  
3 explicitly delays the resumption of fitness gyms until Phase 3.

4           5.34    Pierce County, and most of Washington, remains in Phase 1 at this time. Thus,  
5 fitness gyms remain non-essential and are not permitted to be open under the Governor’s  
6 Proclamations.

7           5.35    Currently, reducing person-to-person transmission through mitigation measures,  
8 such as those set out herein, including the Stay Home – Stay Healthy Proclamations, represent  
9 the most effective way of mitigating the COVID-19 outbreak and its impact on the public health  
10 and our healthcare systems.

11           5.36    Since the first appearance of COVID-19 in Washington, the Governor has worked  
12 with DOH, the state emergency management agencies, and others to remain informed of factual  
13 and scientific developments regarding the virus. The actions and Proclamations of Governor  
14 Inslee, as detailed above, have been medically and scientifically necessary and essential to  
15 mitigating the COVID-19 outbreak in Washington and its impact on the public health and our  
16 healthcare systems. Without efforts to stop person-to-person transmission, modeling has shown  
17 that the unmitigated spread of COVID-19 would lead to an explosion of cases, many more  
18 hospitalizations and fatalities, and an untenable burden on our healthcare systems.

19           5.37    Attached as Appendix A is the Declaration of David Postman, Chief of Staff to  
20 Governor Inslee. Attached as Appendix B is the Declaration of Dr. Kathy Lofy, State Health  
21 Officer and Chief Science Officer at DOH. Both Declarations were originally filed in *Freed v.*  
22 *Inslee*, No. 2:20-cv-00599-BHS (W.D. Wash.), a lawsuit challenging Governor’s  
23 Proclamation 20-25. The Declarations, incorporated herein by reference, provide further  
24 information regarding the scientific and medical analysis supporting the Governor’s  
25 Proclamations.  
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1 **C. Defendants' Operation of the Northwest Fitness Gym**

2 5.38 Defendants operate Northwest Fitness, a fitness gym in Pierce County,  
3 Washington. On information and belief, Northwest Fitness is a for-profit gym that, like many  
4 fitness gyms, provides amenities and facility use to members who pay fees for such amenities  
5 and facility use. For example, on January 13, 2020, Northwest Fitness solicited members from  
6 the general public by advertising "SPECIAL OFFERS" on its Facebook page as follows:  
7



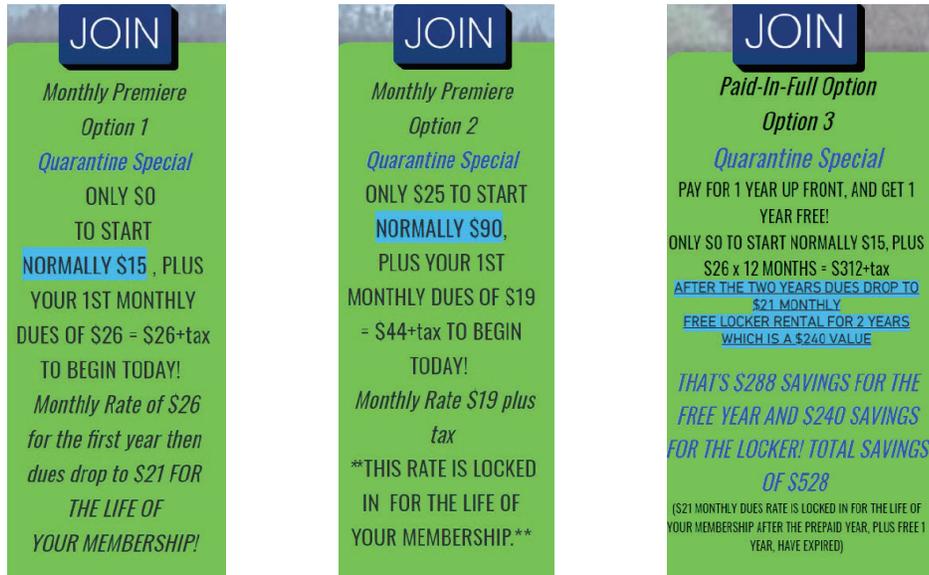
16 A copy of a screen capture of a January 13, 2020 Facebook post on the Northwest Fitness Co.  
17 Facebook page is attached as Appendix C.

18 5.39 Based on information and belief, Defendants closed their Northwest Fitness  
19 facility on or around March 16, 2020 due to the COVID-19 outbreak. However, as described  
20 below, the Northwest Fitness facility re-opened to members on May 5, 2020.

21 5.40 Based on information and belief, Defendants Cowhig and Baker each directed the  
22 May 5, 2020 re-opening and continued operation of the Northwest Fitness gym, and did so  
23 knowing such would be in violation of the Governor's emergency proclamations.

24 5.41 On or about May 2, 2020, Defendants emailed their members that the gym would  
25 be re-opening on May 5, 2020.  
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1 5.42 As early as May 4, 2020, Defendants began advertising a “QUARANTINE  
2 SPECIAL” to the general public on their website, [www.nwfitco.com](http://www.nwfitco.com). The “QUARANTINE  
3 SPECIAL” included a monthly membership, with monthly dues “TO BEGIN TODAY,” a paid-  
4 in-full annual membership, and a one-month paid pass:



15 A copy of a screen capture of [www.nwfitco.com](http://www.nwfitco.com) taken on May 4, 2020 is attached as  
16 Appendix D.

17 5.43 Defendants opened the Northwest Fitness gym on May 5, 2020, in knowing  
18 violation of the Governor’s emergency proclamations.

19 5.44 On May 5, 2020, officers from the Puyallup Police Department visited the  
20 Northwest Fitness facility and warned Defendants that the gym was open in violation of the  
21 Governor’s Stay Home – Stay Healthy Proclamations. At the time of their visit, law enforcement  
22 observed people exercising inside the Northwest Fitness facility. Individuals inside the facility  
23 were not maintaining “social distancing” or wearing masks.

24 5.45 On May 5, 2020, Washington State’s Coronavirus Emergency Response Team  
25 emailed Defendants about a report that Defendants were operating a non-essential business in  
26 violation of the Stay Home – Stay Healthy Proclamations. The Response Team stated:

1 It was determined that your function does not qualify as essential at this time. The  
2 Governor has deliberated on this issue extensively and does not take this action  
3 lightly. Nonetheless, we believe that the best way to control the spread of  
4 COVID-19 is to temporarily limit interaction as much as possible. This is not an  
5 indictment on the importance of your business, nor is it permanent.

6 5.46 Despite the May 5, 2020 warning from the Puyallup Police Department and  
7 despite the communication from the State's Response Team, Defendants kept their fitness gym  
8 open and continued operating in violation of the Governor's emergency proclamations.

9 5.47 On May 6, 2020, Defendants posted a video on the Northwest Fitness Co.  
10 Facebook page. The video was filmed inside their fitness gym. In the video, the gym is open and  
11 at various times in the background of the video members can be observed using gym equipment  
12 to work out. The owners are not practicing social distancing in the video.

13 5.48 On or around May 11, 2020, Defendants advertised to the general public a  
14 "PROTEST SPECIAL" on their website, [www.nwfitco.com](http://www.nwfitco.com). Like the earlier "QUARANTINE  
15 SPECIAL," the "PROTEST SPECIAL" included a monthly membership, with monthly dues  
16 "TO BEGIN TODAY," a paid-in-full annual membership, and a one-month paid pass:

16 **JOIN**  
17 *Protest Special*  
18 *Option 1*  
19 *Monthly Membership*  
20 **ONLY \$75 TO START**  
21 **NORMALLY \$90,**  
22 **PLUS YOUR 1ST MONTHLY**  
23 **DUES OF \$19 = \$94+tax TO**  
24 **BEGIN TODAY!**  
25 *Monthly Rate \$19 plus tax*  
26 **\*THIS RATE IS LOCKED IN**  
**FOR THE LIFE OF YOUR**  
**MEMBERSHIP.\*\***

16 **JOIN**  
17 *Protest Special*  
18 *Option 2*  
19 *Paid-In-Full Membership*  
20 **PAY FOR 1 YEAR UP FRONT, AND GET 1 YEAR**  
21 **FREE!**  
22 **ONLY \$0 TO START NORMALLY \$45, PLUS**  
23 **\$26 x 12 MONTHS = \$312+tax**  
24 **AFTER THE TWO YEARS DUES DROP TO**  
25 **\$21 MONTHLY**  
26 **THAT'S \$288 SAVINGS FOR THE**  
**FREE YEAR**  
**(\$21 MONTHLY DUES RATE IS LOCKED IN FOR THE**  
**LIFE OF YOUR MEMBERSHIP AFTER THE PREPAID**  
**YEAR, PLUS FREE 1 YEAR, HAVE EXPIRED)**

16 **JOIN**  
17 *Protest Special*  
18 *Option 3*  
19 *One Month Paid*  
20 *Pass*  
21 **Only \$89**  
22 *This membership can*  
23 *rollover into a month to*  
24 *month membership at*  
25 *\$24 a month!*

25 The website also proclaimed that the facility would be open for members only for "Protest  
26 Hours:"



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10 A copy of a screen capture of [www.nwfitco.com](http://www.nwfitco.com) taken on May 11, 2020 is attached as  
11 Appendix E. These “PROTEST SPECIALS” and “Protest Hours” were still posted on  
12 [www.nwfitco.com](http://www.nwfitco.com) as of the filing of this Complaint on May 18, 2020.

13 5.49 Also on May 11, 2020, shortly before 3:30 p.m., an investigator with the  
14 Washington Attorney General’s Office visited the Northwest Fitness gym facility. During this  
15 visit, the investigator observed at least one person inside the facility using gym equipment. Three  
16 other people were at a counter in the back of the gym facility. At that time, there was a large  
17 banner on the wall outside the facility that said “NOW OPEN.” A standing sign was placed  
18 outside of the front entrance indicating that for only \$19 a month the gym offered free training,  
19 free tanning, and free classes. Pictures of the signs described in this paragraph, taken on May 11,  
20 2020, are attached as Appendix F.

21 5.50 On May 15, 2020 at 9:30 a.m. PDT, an investigator with the Washington Attorney  
22 General’s Office personally served a “cease and desist” letter on Defendants at their gym. The  
23 letter stated, in part, that Defendants’ business was “open in violation of the Governor’s  
24 Proclamation,” and that Defendants “must cease and desist operations and close your business”  
25 within 48 hours.  
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1 Stay Healthy Proclamations, and their amendments, extensions, bulletins, and appendixes,  
2 Defendants have engaged in unfair acts or practices in violation of the CPA, RCW 19.86.020.

3 6.3 The acts or practices described herein occurred in trade or commerce as defined in  
4 RCW 19.86.010(2) because they concern the operation of a fitness gym, including opening the gym  
5 for use and the marketing, sale, and use of gym memberships to consumers in Washington.

6 6.4 The acts or practices described herein affected the public interest because they  
7 impact numerous Washington consumers and businesses. These practices constitute a pattern of  
8 conduct that Defendants committed in the course of business and for which there is a real potential  
9 for repetition and substantial harm.

10 6.5 The acts or practices described herein are not reasonable in relation to the  
11 development or preservation of business and are injurious to the public interest.

12 **VII. SECOND CAUSE OF ACTION**  
13 **(RCW 19.86.020 – Unfair Methods of Competition)**

14 7.1 Plaintiff re-alleges Paragraphs 1.1 through 6.5 and incorporates them as if set forth  
15 fully herein.

16 7.2 In connection with Defendants' marketing, opening, allowing access and use, and  
17 operations of Defendants' fitness gym in Washington in violation of Governor Inslee's emergency  
18 COVID-19-related Proclamations, including but without limitation, the Stay Home – Stay Healthy  
19 Proclamations, and their amendments, extensions, bulletins, and appendixes, Defendants have  
20 engaged in unfair methods of competition in violation of the CPA, RCW 19.86.020. By marketing,  
21 opening, allowing access and use, and operating Defendants' fitness gym in violation of the  
22 Governor's proclamations, Defendants unfairly seized a competitive advantage over competitors  
23 who are complying with the proclamations and making sacrifices for the benefit of the community.

24 7.3 The acts or practices described herein occurred in trade or commerce as defined in  
25 RCW 19.86.010(2) because they concern and include the marketing, opening, allowing access and  
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1 use, and operating of a for-profit gym business in Washington, and because they include the  
2 marketing, sale, and use of gym memberships to consumers in Washington.

3 7.4 The acts or practices described herein affected the public interest because they  
4 impacted numerous Washington consumers and businesses. These practices constitute a pattern of  
5 conduct that Defendants committed in the course of business and for which there is a real potential  
6 for repetition and substantial harm.

7 7.5 The acts or practices described herein are not reasonable in relation to the  
8 development or preservation of business and are injurious to the public interest.

9 **XIII. THIRD CAUSE OF ACTION**  
10 **(Violation of Emergency Proclamations 20-25, 20-25.1, 20-25.2, and 20-25.3)**

11 8.1 Plaintiff re-alleges Paragraphs 1.1 through 7.5 and incorporates them as if set forth  
12 fully herein.

13 8.2 Defendants operate a fitness gym, which is a nonessential business within the  
14 meaning of the Governor’s Proclamations, including the Stay Home – Stay Healthy  
15 Proclamations 20-25, 20-25.1, 20-25.2, and 20-25.3.

16 8.3 Since May 5, 2020, Defendants have re-opened and are operating their fitness gym  
17 in Puyallup, Washington.

18 8.4 Under the Governor’s actions and Proclamations, Defendants’ fitness gym cannot  
19 reopen until Pierce County enters into Phase 3 of the “Safe Start” plan for reopening the Washington  
20 economy.

21 8.5 Defendants’ actions violate the public interest and the Governor’s determination  
22 that such actions threaten life, health, property or the public peace during a duly declared State of  
23 Emergency.

24 **IX. PRAYER FOR RELIEF**

25 Wherefore, the State prays for the following relief:  
26

1           9.1. That the Court adjudge and decree that Defendants have engaged in the conduct  
2 complained of herein.

3           9.2 That the Court adjudge and decree that the conduct complained of herein constitutes  
4 unfair and deceptive acts or practices in violation of the Consumer Protection Act, RCW 19.86.

5           9.3 That the Court adjudge and decree that the conduct complained of herein constitutes  
6 unfair methods of competition in violation of the Consumer Protection Act, RCW 19.86.

7           9.4 That the Court adjudge and decree that the conduct complained of herein constitutes  
8 a violation of Governor Inslee’s Stay Home – Stay Healthy Proclamations, 20-25, 20-25.1, 20-25.2,  
9 and 20-25.3.

10           9.5 That the Court issue a permanent injunction enjoining and restraining Defendants  
11 and their representatives, successors, assignees, officers, agents, servants, employees, and all other  
12 persons acting or claiming to act for, on behalf of, or in active concert or participation with  
13 Defendants from continuing or engaging in the unlawful conduct complained of herein.

14           9.6 That the Court assess civil penalties, pursuant to RCW 19.86.140, of up to \$2,000  
15 per violation against each Defendant for each and every violation of RCW 19.86.020 alleged herein.

16           9.7 That the Court, as an equitable remedy, disgorge Defendants of money or property  
17 acquired by Defendants as a result of the conduct complained of herein.

18           9.8 That the Court make such orders pursuant to RCW 19.86.080 as it deems  
19 appropriate to provide for restitution to consumers of money or property acquired by Defendants as  
20 a result of the conduct complained of herein.

21           9.9 That the Court make such orders pursuant to RCW 19.86.080 to provide that the  
22 Plaintiff, State of Washington, recover from the Defendants the costs of this action, including  
23 reasonable attorneys’ fees.  
24  
25  
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# Appendix A



1 team in the Governor's Office continues to work with others in state government to modify  
2 proclamations as appropriate based on scientific and medical analysis of changing  
3 circumstances. As the Governor has put it, public health measures in this emergency are more  
4 akin to a dial that can be turned up and down, than to a switch that can be flipped on and off.

5 3. I want to emphasize the extent to which the Governor's actions have been guided  
6 by science and data, as well as analysis performed by health professionals and medical modeling  
7 experts. This means that the steps necessary to address public health challenges may vary as  
8 circumstances change. The Governor is committed to transparency and ensuring the public is  
9 informed of the latest developments in the pandemic and the State's response. For that reason,  
10 the Governor has held regular televised briefings on the COVID-19 State of Emergency.

11 4. The Governor issued Proclamation 20-05 on February 29, 2020, proclaiming  
12 "that a State of Emergency exists in all counties in the state of Washington."  
13 Proclamation 20-05, available online at: [https://www.governor.wa.gov/sites/default/files/  
14 proclamations/20-05%20Coronavirus%20%28final%29.pdf](https://www.governor.wa.gov/sites/default/files/proclamations/20-05%20Coronavirus%20%28final%29.pdf). Attached as Exhibit 1 is a true and  
15 correct copy of Proclamation 20-5. At the time of that proclamation, the Centers for Disease  
16 Control and Prevention (CDC) had identified the potential public health threat posed by COVID-  
17 19 both globally and in the United States as "high." *Id.* Also at that time, DOH had confirmed  
18 localized person-to-person spread of COVID-19.

19 5. Each of the later proclamations discussed below, and others not mentioned here,  
20 were drafted as amendments to Proclamation 20-05, and other proclamations, reflecting the  
21 developing and changing circumstances applicable to the emergency. Many of the proclamations  
22 have been extended, often with amendment to reflect changed circumstances, beyond their  
23 original expiration dates.

24 6. The Governor issued Proclamation 20-06 on March 10, 2020, addressing  
25 additional steps needed to slow the transmission of COVID-19 in nursing homes and assisted  
26 living facilities. Proclamation 20-06, available online at: <https://www.governor.wa.gov/sites/>

1 [default/files/proclamations/20-06%20Coronavirus%20%28tmp%29.pdf](#). Attached as Exhibit 2  
2 is a true and correct copy of Proclamation 20-6. By that time, confirmed cases of COVID-19 had  
3 spread to eight counties and resulted in 23 deaths in Washington.

4 7. The Governor issued Proclamation 20-07 on March 11, 2020, modifying the  
5 earlier proclamations “to impose restrictions on large gatherings in King, Pierce, and  
6 Snohomish counties as provided herein.” Proclamation 20-07, available online at:  
7 [https://www.governor.wa.gov/sites/default/files/proclamations/20-07%20Coronavirus%20%](https://www.governor.wa.gov/sites/default/files/proclamations/20-07%20Coronavirus%20%28tmp%29.pdf)  
8 [28tmp%29.pdf](#). Attached as Exhibit 3 is a true and correct copy of Proclamation 20-07. That  
9 proclamation prohibited in those three counties gatherings of 250 people or more “for social,  
10 spiritual and recreational activities including, but not limited to, community, civic, public,  
11 leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers;  
12 and similar activities.” *Id.* By that time, only one day after the prior proclamation, confirmed  
13 cases of COVID-19 had spread to nine counties and resulted in 24 deaths in Washington.

14 8. The Governor issued Proclamation 20-08 on March 12, 2020, modifying earlier  
15 proclamations to prohibit the operation of public schools, charter schools, and private schools  
16 in King, Pierce, and Snohomish Counties. Proclamation 20-08, available online at:  
17 [https://www.governor.wa.gov/sites/default/files/proclamations/20-08%20Coronavirus%20%28](https://www.governor.wa.gov/sites/default/files/proclamations/20-08%20Coronavirus%20%28tmp%29.pdf)  
18 [tmp%29.pdf](#). Attached as Exhibit 4 is a true and correct copy of Proclamation 20-8. The  
19 Governor noted in that proclamation that as of March 11, 2020, the World Health Organization  
20 had classified the global spread of COVID-19 as a pandemic, and urged all governments  
21 throughout the world to take action now to stem the spread of the disease. *Id.*

22 9. The Governor issued Proclamation 20-09 on March 13, 2020, extending the  
23 proclamation for school closures to all counties of the state. Proclamation 20-09, available online  
24 at: [https://www.governor.wa.gov/sites/default/files/proclamations/20-09%20Coronavirus%20](https://www.governor.wa.gov/sites/default/files/proclamations/20-09%20Coronavirus%20Schools%20Amendment%20%28tmp%29.pdf)  
25 [Schools%20Amendment%20%28tmp%29.pdf](#). Attached as Exhibit 5 is a true and correct copy  
26 of Proclamation 20-9. On the same date, the Governor issued Proclamation 20-12, similarly



1 [20Prohibitions%20on%20Gatherings%20%28tmp%29.pdf](#). Attached as Exhibit 8 is a true and  
2 correct copy of Proclamation 20-14.

3 13. The Governor issued Proclamation 20-25, the Stay Home—Stay Healthy order  
4 on March 23, 2020. Proclamation 20-25, available online at: [https://www.governor.wa.gov/  
5 sites/default/files/proclamations/20-25%20Coronavirus%20Stay%20Safe-Stay%20Healthy  
6 %20%28tmp%29%20%28002%29.pdf](https://www.governor.wa.gov/sites/default/files/proclamations/20-25%20Coronavirus%20Stay%20Safe-Stay%20Healthy%20%28tmp%29%20%28002%29.pdf). Attached as Exhibit 9 is a true and correct copy of  
7 Proclamation 20-25. This proclamation is at issue in this case, but has been amended and  
8 extended as described below. The Governor entered this Proclamation to protect the public  
9 health because, among other concerns, without such an order hospitals would reach capacity and  
10 become overwhelmed and hospital admissions had sharply increased. *Id.* By March 23, 2020,  
11 Washington had at least 2,221 cases of COVID-19, with 110 deaths. *Id.*

12 14. The Governor issued Proclamation 20-25.1, an extension of the Stay Home—  
13 Stay Healthy order on April 2, 2020. Proclamation 20-25.1, available online at:  
14 [https://www.governor.wa.gov/sites/default/files/proclamations/20-25.1%20-%20COVID-19  
15 %20%20Stay%20Home%2C%20Stay%20Healthy%20Extension%20%28tmp%29%29.pdf](https://www.governor.wa.gov/sites/default/files/proclamations/20-25.1%20-%20COVID-19%20%20Stay%20Home%2C%20Stay%20Healthy%20Extension%20%28tmp%29%29.pdf).  
16 Attached as Exhibit 10 is a true and correct copy of Proclamation 20-25.1. The Governor found  
17 that since the issuance of Proclamation 20-25, the number of confirmed cases and deaths in  
18 Washington had more than doubled, and there were then at least 5,984 cases of COVID-19 in  
19 Washington, with 247 deaths. Statistical models predicted that hospitals would reach capacity  
20 and be overwhelmed within a few weeks absent a slowing of the spread of the virus. *Id.*  
21 Proclamation 20-25.1 extended all of the provisions of Proclamation 20-25 until 11:59 p.m. on  
22 May 4, 2020.

23 15. The Governor issued an addendum to Proclamation 20-25 on April 24, 2020,  
24 facilitating the limited restarting of construction work. Memorandum on Implementation of  
25 Phase 1 Construction Restart, available online at: [https://www.governor.wa.gov/sites/default/  
26 files/proclamations/20-25%20Addendum%20Implementation%20of%20Phase%201%20](https://www.governor.wa.gov/sites/default/files/proclamations/20-25%20Addendum%20Implementation%20of%20Phase%201%20)

1 [Construction%20Restart%20Proclamation.pdf](#). Attached as Exhibit 11 is a true and correct copy  
2 of the Memorandum on Implementation of Phase 1 Construction Restart. That memorandum  
3 rescinded previous guidance relating to construction and allowed low-risk construction activities  
4 meeting certain public health requirements developed with industry leaders to protect workers,  
5 as reflected in an accompanying set of 30-point job site requirements. *Id.*

6 16. The Governor issued Proclamation 20-25.2 on April 27, 2020, modifying the  
7 terms of Proclamation 20-25 as extended by Proclamation 20-25.1. Proclamation 20-25.2 is  
8 available online at: [https://www.governor.wa.gov/sites/default/files/proclamations/20-25.2%20](https://www.governor.wa.gov/sites/default/files/proclamations/20-25.2%20Coronavirus%20Stay%20Home%20Amend%20%28tmp%29%20%28with%20links%29.pdf)  
9 [Coronavirus%20Stay%20Home%20Amend%20%28tmp%29%20%28with%20links%29.pdf](#);

10 Attached as Exhibit 12 is a true and correct copy of Proclamation 20-25.2. This proclamation  
11 amended the Stay Home—Stay Healthy order to authorize employees necessary to prepare for  
12 the re-opening of public lands for day-use to return to work. This is “in order to prepare for re-  
13 opening on May 5, 2020, . . . to operate and maintain day-use activity and trails, including those  
14 in state parks and state public lands, state hunting and fishing operations, golf operations, and  
15 day-use activities and trails in other public parks and public lands.” *Id.* The proclamation also  
16 amended Proclamations 20-25 and 20-25.1 to allow, as of May 5, 2020, certain outdoor  
17 activities, including recreational hunting, fishing, and boating, outdoor exercise including  
18 hiking, walking, and biking, golfing, and day-use activities at public parks and public lands. *Id.*  
19 The proclamation also recited that as of April 27, 2020, “while there are currently at least 13,521  
20 cases of COVID-19 in Washington State with 749 associated deaths, current models predict that  
21 we have started to slow its spread throughout the State.” *Id.* The Governor further found that due  
22 to changing conditions the data and science “now permit adjustment of some of the prohibitions  
23 in Proclamation 20-25 and 20-25.1 to allow for some recreational activities and related  
24 employment, while continuing to protect the health and safety of all Washingtonians by  
25 retaining the remainder of the prohibitions imposed in Proclamations 20-25 and 20-25.1” *Id.*  
26 Proclamation 20-25.2 permitted outdoor recreational activities to commence only “so long as

1 participants fully comply with social distancing and coronavirus related hygiene  
2 requirements” specifically referenced in the Proclamation. Those Hiking and Other Outdoor  
3 Activities Restart COVID-19 Requirements and Recommendations may be found at:  
4 <https://www.governor.wa.gov/sites/default/files/proclamations/Amending%20Proclamation%2020-25.2%20Outdoor%20Recreation%20Restart%20Guidelines.pdf>. Attached as Exhibit 13 is  
5 a true and correct copy of those Requirements and Recommendations.  
6

7 17. The Governor issued Proclamation 20-25.3 on May 4, 2020, modifying the  
8 terms of Proclamation 20-25 as extended by Proclamation 20-25.1 and 20-25.2. Proclamation  
9 20-25.3 is available online at: [https://www.governor.wa.gov/sites/default/files/20-25.3%20-%20COVID-19%20Stay%20Home%20Stay%20Healthy%20-%20Reopening%20%28tmp%29](https://www.governor.wa.gov/sites/default/files/20-25.3%20-%20COVID-19%20Stay%20Home%20Stay%20Healthy%20-%20Reopening%20%28tmp%29.pdf)  
10 [.pdf](https://www.governor.wa.gov/sites/default/files/20-25.3%20-%20COVID-19%20Stay%20Home%20Stay%20Healthy%20-%20Reopening%20%28tmp%29.pdf). Attached as Exhibit 14 is a true and correct copy of Proclamation 20-25.3. The proclamation  
11 sets forth the Governor’s phased reopening plan. As part of that plan, the proclamation allows  
12 counties with populations of 75,000 people or fewer, and without an identified COVID-19 case  
13 in the past three weeks, to request exemptions from the stay-home order. The proclamation  
14 allows “drive-in” religious services provided that participants are limited to “one household per  
15 vehicle.” And the proclamation allows “additional low-risk activities” so long as participants  
16 fully comply with “industry specific requirements” as well as DOH “social distancing and  
17 hygiene requirements.” Those additional low-risk activities are: landscaping and lawn care,  
18 online vehicle and vessel sales; pet walking; retail (curb-side pick-up orders only); and  
19 car washes. The Governor’s phased reopening plan, Safe Start Washington, is available online  
20 at: [https://www.governor.wa.gov/sites/default/files/SafeStartWA\\_4May20.pdf](https://www.governor.wa.gov/sites/default/files/SafeStartWA_4May20.pdf). Attached as  
21 Exhibit 15 is a true and correct copy of Safe Start Washington.  
22

23 18. The Governor’s Office has received and responded to hundreds of thousands of  
24 inquiries from state and local government officials, media, and constituents, including requests  
25 guidance on the stay-home order. The Governor’s Office continues to monitor evolving  
26 circumstances in light of new data and scientific analysis, in conjunction with DOH and others.

1 This includes discussion and consideration of further relaxing emergency public health measures  
2 as conditions warrant. The circumstances and scientific and medical indications constantly  
3 develop, and I anticipate continuing amendments to the Governor’s Proclamations.

4 19. The Governor has specifically addressed the application of his proclamations to  
5 religious and spiritual practice:

6 a. At a press conference on March 26, 2020, the Governor addressed  
7 requests for further information regarding compliance with the Stay Home—Stay  
8 Healthy order. Among those guidance topics, the Governor explained that  
9 religious institutions are permitted to have people present at a place of worship to  
10 ensure that online remote services can be provided to the flock. Governor Inslee  
11 Press Conference on COVID-19, available online at: [https://www.tvw.org/  
12 watch/?eventID=2020031188](https://www.tvw.org/watch/?eventID=2020031188) (referenced remarks begin at 2:30 into the video).

13 b. On and after April 7, 2020, the Governor, through his staff, advised  
14 individuals, legislators, and media representatives that religious counseling, like  
15 non-religious counseling, is deemed essential under the Stay Home—Stay  
16 Healthy proclamation, and further advised that if remote counseling was not  
17 possible, in-person counseling is permitted if the participants follow the  
18 recommended social distancing and sanitation practices. Such counseling could  
19 include, but is not limited to, one-on-one counseling, marriage counseling, and  
20 counseling for families in crisis. The Governor’s Office has not officially defined  
21 ‘religious counseling,’ and trusts the individuals involved to determine what  
22 constitutes religious or spiritual counseling and when that counseling must be  
23 performed in person. Proclamation 20-25.3 expressly states that religious  
24 counseling is deemed essential. Active discussions with communities of faith  
25 continue.  
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20. We continue to monitor changing data in light of the best scientific and medical advice with regard to future changes to existing proclamations as they relate to religious and spiritual practices. Faith communities are included in these discussions, in order to seek their input as to the nature of changes that may accommodate religious and spiritual practices in light of ongoing public health concerns.

I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

SIGNED this 4<sup>th</sup> day of MAY 2020 at Olympia, Washington.

  
\_\_\_\_\_  
DAVID POSTMAN  
Chief of Staff, Office of the Governor

**Exhibit 1**

JAY INSLEE  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

*P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • [www.governor.wa.gov](http://www.governor.wa.gov)*

**PROCLAMATION BY THE GOVERNOR**

**20-05**

**WHEREAS**, On January 21, 2020, the Washington State Department of Health confirmed the first case of the novel coronavirus (COVID-19) in the United States in Snohomish County, Washington, and local health departments and the Washington State Department of Health have since that time worked to identify, contact, and test others in Washington State potentially exposed to COVID-19 in coordination with the United States Centers for Disease Control and Prevention (CDC); and

**WHEREAS**, COVID-19, a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person; and

**WHEREAS**, The CDC identifies the potential public health threat posed by COVID-19 both globally and in the United States as “high”, and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States; and

**WHEREAS**, On January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19, beginning on January 27, 2020; and

**WHEREAS**, The CDC currently indicates there are 85,688 confirmed cases of COVID-19 worldwide with 66 of those cases in the United States, and the Washington State Department of Health has now confirmed localized person-to-person spread of COVID-19 in Washington State, significantly increasing the risk of exposure and infection to Washington State’s general public and creating an extreme public health risk that may spread quickly; and

**WHEREAS**, The Washington State Department of Health has instituted a Public Health Incident Management Team to manage the public health aspects of the incident; and

**WHEREAS**, The Washington State Military Department, State Emergency Operations Center, is coordinating resources across state government to support the Department of Health and local officials in alleviating the impacts to people, property, and infrastructure, and is assessing the magnitude and long-term effects of the incident with the Washington State Department of Health; and

**WHEREAS**, The worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States and Washington State significantly impacts the life and health of our people, as well as the economy of Washington State, and is a public disaster that affects life, health, property or the public peace.

**NOW, THEREFORE**, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency exists in all counties in the state of Washington, and direct the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented. State agencies and departments are directed to utilize state resources and to do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the outbreak.

As a result of this event, I also hereby order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Signed and sealed with the official seal of the state of Washington this 29th day of February, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

\_\_\_\_\_  
/s/  
Jay Inslee, Governor

BY THE GOVERNOR:

\_\_\_\_\_  
/s/  
Secretary of State

**Exhibit 2**

JAY INSLEE  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

*P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • [www.governor.wa.gov](http://www.governor.wa.gov)*

**PROCLAMATION BY THE GOVERNOR  
AMENDING 20-05**

**20-06**

**WHEREAS**, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

**WHEREAS**, since the initial confirmed case of COVID-19 in the United States, in Snohomish County, Washington, on January 21, 2020, it has spread to eight counties of Washington State resulting in 23 deaths; and

**WHEREAS**, the risk of severe illness and death from COVID-19 appears to be higher in those members of our population who are 60 years of age and older and those with chronic health conditions; and

**WHEREAS**, there is an increased risk of rapid spread of COVID-19 among persons who are living in congregate settings, such as long-term care facilities, and most residents of long-term care facilities are at increased risk for severe COVID-19; and

**WHEREAS**, infected facility staff and visitors can introduce a virus into the population and start an outbreak; and

**WHEREAS**, the worldwide outbreak of COVID-19 and the resulting epidemic in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property, and the public peace; and

**WHEREAS**, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

**WHEREAS**, the Washington State Military Department, Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Washington State Department of Health in assessing the magnitude and long-term effects of the incident on Washington State and its people.

**NOW, THEREFORE**, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that

Proclamation 20-05 remains in effect and is amended as provided herein, and that a State of Emergency continues to exist in all counties of Washington State. I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 epidemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

**FURTHERMORE**, based on the above situation and under the provisions of RCW 43.06.220(1)(h) to help preserve and maintain life, health, property or the public peace, I hereby prohibit the following activities in all counties of Washington State related to the operation of nursing homes licensed under RCW 18.51 and assisted living facilities licensed under RCW 18.20, which restrictions shall remain in effect until midnight on April 9, 2020:

1. Owners, administrators, operators, staff, contractors, and volunteers of nursing homes licensed under RCW 18.51 and assisted living facilities licensed under RCW 18.20 are prohibited from allowing a person to enter the facility and visit a resident unless that person is an adult, the resident has not already had a visitor that day, and the visit takes place in the resident's room. This prohibition does not apply in end of life situations.
2. No person is allowed to visit a resident of a nursing home licensed under RCW 18.51 or an assisted living facility licensed under RCW 18.20 unless they have been screened prior to entry for signs or symptoms of COVID-19, including fever of 100.4 or higher, cough, or difficulty breathing, or contact with a person with a confirmed diagnosis of COVID-19 in the last 14 days, or are under investigation for COVID-19. Precautionary measures may include, but are not limited to, wearing personal protective equipment, social distancing, or visiting in designated locations.
3. No person is allowed to visit a resident of a nursing home licensed under RCW 18.51 or an assisted living facility licensed under RCW 18.20 unless they show identification, sign into a visitor's log that includes date, time in and time out, and provide their name and contact information, including phone number and email address if available.
4. Operators and staff of nursing homes licensed under RCW 18.51 and assisted living facilities licensed under RCW 18.20 are prohibited from destroying each day's visitor log for 30 days.
5. Owners, administrators, and operators of nursing homes licensed under RCW 18.51 and assisted living facilities licensed under RCW 18.20 are prohibited from allowing a person to work or volunteer in the facility unless the person has been screened at the start of every shift and does not show any symptoms associated with COVID-19, including fever of 100.4 or higher, cough, or difficulty breathing.

6. Residents of nursing homes licensed under RCW 18.51 and assisted living facilities licensed under RCW 18.20 that have one or more residents, staff, contractors or volunteers subject to a Washington State Department of Health or local health department recommendation or order of isolation or quarantine for COVID-19 need to be isolated in their rooms away from other people. A resident can choose to discharge from a facility at any time.
7. Owners, administrators, operators, staff, and volunteers of nursing homes licensed under RCW 18.51 and assisted living facilities licensed under RCW 18.20 are prohibited from disclosing protected and confidential health information except as otherwise provided by law or with consent from the resident.

Nursing homes and assisted living facilities subject to these prohibitions are strongly encouraged to explore, adopt and implement reasonable alternative methods to provide access for residents to mitigate the impacts of these prohibitions.

**ADDITIONALLY**, based on the above situation, and to support implementation of the activities prohibited above, I also hereby find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action in coping with the COVID-19 State of Emergency under Proclamation 20-05, and that the language of each statutory and regulatory provision specified below is hereby waived and suspended until midnight on April 9, 2020:

1. RCW 70.129.090(1)(f), in its entirety:  
“(f) Subject to reasonable restrictions to protect the rights of others and to the resident's right to deny or withdraw consent at any time, immediate family or other relatives of the resident and others who are visiting with the consent of the resident;”
2. RCW 70.129.090(2), in its entirety:  
“(2) The facility must provide reasonable access to a resident by his or her representative or an entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time.”
3. RCW 70.129.140(2)(b), in its entirety:  
“(b) Interact with members of the community both inside and outside the facility;”
4. RCW 70.129.140(3), in its entirety:  
“(3)(a) A resident has the right to organize and participate in resident groups in the facility.  
(b) A resident's family has the right to meet in the facility with the families of other residents in the facility.  
(c) The facility must provide a resident or family group, if one exists, with meeting space.  
(d) Staff or visitors may attend meetings at the group's invitation.  
(e) When a resident or family group exists, the facility must listen to the views and act upon the grievances and recommendations of residents and families concerning proposed policy and operational decisions affecting resident care and life in the facility.  
(f) The resident has the right to refuse to perform services for the facility except as voluntarily agreed by the resident and the facility in the resident's service plan.”
5. RCW 70.129.140(4), in its entirety:  
“(4) A resident has the right to participate in social, religious, and community activities that do not interfere with the rights of other residents in the facility.”



**Exhibit 3**

JAY INSLEE  
Governor



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**PROCLAMATION BY THE GOVERNOR  
AMENDING PROCLAMATIONS 20-05 AND 20-06**

**20-07**

**WHEREAS**, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

**WHEREAS**, on March 10, 2020, as a result of significant risks from COVID-19 to persons living in congregate care settings, I issued Proclamation 20-06 amending Proclamation 20-05 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

**WHEREAS**, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, has been confirmed in 9 counties of Washington State resulting in 24 deaths, with significant community spread in King, Pierce, and Snohomish counties; and

**WHEREAS**, to reduce spread of COVID-19, the United States Centers for Disease Control and Prevention and the Washington State Department of Health (DOH) recommend implementation of community mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing in smaller gatherings; and

**WHEREAS**, implementation of limitations on large gatherings and use of social distancing prevent initial exposure and secondary transmission to our most vulnerable populations, and are especially important for people who are over 60 years old and those with chronic health conditions due to the higher risk of severe illness and death from COVID-19; and

**WHEREAS**, the worldwide outbreak of COVID-19 and the resulting epidemic in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property and the public peace; and

**WHEREAS**, the DOH continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

**WHEREAS**, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

**NOW, THEREFORE**, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that Proclamations 20-05 and 20-06 remain in effect and are amended to impose restrictions on large gatherings in King, Pierce, and

Snohomish counties as provided herein, and that a State of Emergency continues to exist in all counties of Washington State. I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 epidemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

**FURTHERMORE**, based on the above situation and under the provisions of RCW 43.06.220(1)(b) and RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit the following activities in King, Pierce and Snohomish counties related to social, spiritual, and recreational gatherings, which restrictions shall remain in effect until midnight on March 31, 2020, unless extended beyond that date:

Gatherings of 250 people or more for social, spiritual and recreational activities including, but not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; and similar activities.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 11th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

\_\_\_\_\_  
/s/  
Jay Inslee, Governor

BY THE GOVERNOR:

\_\_\_\_\_  
/s/  
Secretary of State

**Exhibit 4**

JAY INSLEE  
Governor



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**PROCLAMATION BY THE GOVERNOR  
AMENDING PROCLAMATIONS 20-05, 20-06 AND 20-07**

**20-08**

**WHEREAS**, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

**WHEREAS**, on March 10, 2020, as a result of significant risks from COVID-19 to persons living in congregate care settings, I issued Proclamation 20-06 amending Proclamation 20-05, to prohibit certain activities and waiving and suspending specified laws and regulations; and

**WHEREAS**, on March 11, 2020, as a result of community spread of COVID-19 in King, Pierce and Snohomish counties, I issued Proclamation 20-07, amending Proclamations 20-05 and 20-06, to prohibit social, spiritual and recreational gatherings of 250 people or more; and

**WHEREAS**, the spread of COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, continues to expand throughout our State, with the confirmed number of cases in the Puget Sound region expected to double every five to seven days, without any expectation of ending soon; and

**WHEREAS**, as of March 11, 2020, the World Health Organization has classified the global spread of COVID-19 as a pandemic, and has urged all governments throughout the world to take action now to stem the spread of the disease; and

**WHEREAS**, to curtail the spread of COVID-19 in Washington State, it is necessary to implement additional stringent social distancing and other measures to limit opportunities for disease transmission, especially in those areas of our State experiencing the most severe outbreaks, to include King, Pierce and Snohomish counties; and

**WHEREAS**, while implementation of restrictions on large social, spiritual, and recreational gatherings in King, Pierce and Snohomish counties is one necessary piece of a successful strategy for limiting transmission and spread of COVID-19, it must be supplemented by additional measures to help prevent initial exposure and secondary transmission; and

**WHEREAS**, many schools in King, Pierce and Snohomish counties are experiencing significant student and staff absences, resulting in some schools having difficulty providing adequate staffing; and

**WHEREAS**, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

**WHEREAS**, the DOH continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

**WHEREAS**, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

**NOW, THEREFORE**, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that Proclamations 20-05, 20-06 and 20-07 remain in effect and are amended to prohibit public school districts, charter schools, and private schools in King, Pierce and Snohomish counties from conducting in-person educational, recreational, and other K-12 school programs in their school facilities as provided herein, and that a State of Emergency continues to exist in all counties of Washington State.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 epidemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

**FURTHERMORE**, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit the following activities by public school districts, charter schools, and private schools in King, Pierce and Snohomish counties, which restrictions shall remain in effect from 12:01 a.m. on March 17, 2020, until 12:00 p.m. on April 24, 2020, unless extended beyond that date:

Each public school district, charter school, and private school located in King, Pierce and Snohomish counties is prohibited from conducting in-person educational, recreational, and other K-12 school programs using their school facilities. In addition to school districts lying wholly within King, Pierce, or Snohomish counties, the following joint school districts are subject to this order: Bainbridge Island, Stanwood-Camano, and Darrington.

Additionally, the Washington Center for Deaf and Hard of Hearing Youth, the Washington School for the Deaf, and the Washington State School for the Blind are prohibited from conducting student educational and outreach services in King, Pierce and Snohomish counties.

Nothing in this order shall be construed as precluding a public school district, charter school, or private school located in King, Pierce, or Snohomish counties from using their school facilities to provide childcare, nutrition programs, and other social services necessary to preserve and maintain life, health, property or the public peace.





**Exhibit 5**

JAY INSLEE  
Governor



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**PROCLAMATION BY THE GOVERNOR  
AMENDING PROCLAMATIONS 20-05, 20-06, 20-07, and 20-08**

**20-09**

**Statewide K-12 School Closures**

**WHEREAS**, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

**WHEREAS**, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, and 20-08 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

**WHEREAS**, the spread of COVID-19 has been classified by the World Health Organization as a pandemic that spreads easily from person to person and may result in serious illness or death; and

**WHEREAS**, the COVID-19 disease has spread quickly across the state of Washington, beyond the original community outbreaks in King, Pierce, and Snohomish counties, significantly increasing the threat of significant associated health risks statewide; and

**WHEREAS**, confirmed cases of COVID-19 have now spread to 15 counties in Washington State, which represents 75% of the State's population, and the number of positive test results have increased 29% in the last four days; and

**WHEREAS**, while we do not fully understand the role children have in transmitting the virus, we do know they have a significant role in transmitting other respiratory viruses; and

**WHEREAS**, to curtail the spread of COVID-19 in Washington State, it is necessary to implement additional stringent measures to limit opportunities for disease transmission statewide beyond King, Pierce, and Snohomish counties; and

**WHEREAS**, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

**WHEREAS**, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

**WHEREAS**, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues



**Exhibit 6**

JAY INSLEE  
Governor



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**PROCLAMATION BY THE GOVERNOR  
AMENDING PROCLAMATIONS 20-05, 20-06, 20-07, 20-08,  
20-09, 20-10, and 20-11**

**20-12**

**WHEREAS**, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

**WHEREAS**, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, and 20-11, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

**WHEREAS**, COVID-19 continues to spread throughout Washington State with no expectation of ending soon, and is currently expected to result in the confirmed number of cases doubling in the Puget Sound region every five to seven days; and

**WHEREAS**, the World Health Organization has classified the global spread of COVID-19 as a pandemic and urges immediate action to stem the spread of the disease; and

**WHEREAS**, to curtail the spread of COVID-19 in Washington State, it is necessary to implement additional stringent social distancing and other measures to limit opportunities for disease transmission, especially in those areas of our state experiencing the most severe outbreaks; and

**WHEREAS**, many public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs have already cancelled classes or implemented alternative learning options to address social distancing recommendations; and

**WHEREAS**, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

**WHEREAS**, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

**WHEREAS**, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

**NOW, THEREFORE**, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamations 20-05, 20-06, 20-07, 20-08, 20-09, 20-10, and 20-11, remain in effect, and that Proclamation 20-05 is amended to prohibit all public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs from conducting in-person classes in all counties of Washington State. I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

**FURTHERMORE**, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit the following activities in all counties of Washington State related to the operation of all public and private public and private universities, colleges, technical schools, apprenticeship and similar programs, which restrictions shall remain in effect from 12:01 a.m. on March 17, 2020, until 12:00 p.m. on April 24, 2020, unless extended beyond that date:

All public and private universities, colleges, technical schools, apprenticeship and similar programs are prohibited from conducting in-person classroom instruction and lectures related to all educational and apprenticeship related programs.

This prohibition does not apply to the conduct and operation of school and program affiliated labs and clinics, if either (1) social distancing measures are strictly implemented and monitored by designated school officials or (2) clinical protocols that are in alignment with public health guidelines are followed.

Nothing in this Proclamation shall be construed to apply to the conduct and operation of dormitory services, general administrative services, safety programs, research or medical facilities.



**Exhibit 7**

JAY INSLEE  
Governor



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**PROCLAMATION BY THE GOVERNOR  
AMENDING PROCLAMATION 20-05**

**20-13**

**Statewide Limits: Food and Beverage Services, Areas of Congregation**

**WHEREAS**, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

**WHEREAS**, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, and 20-12, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

**WHEREAS**, the spread of COVID-19 has been classified by the World Health Organization as a pandemic that spreads easily from person to person and may result in serious illness or death; and

**WHEREAS**, the COVID-19 disease has and continues to spread quickly across the state of Washington, beyond the original community outbreaks in King, Pierce and Snohomish counties, drastically increasing the threat of significant associated health risks statewide; and

**WHEREAS**, on March 9, confirmed cases of COVID-19 infection in Washington totaled 162 in nine counties, including 21 deaths; and on March 13, confirmed cases increased to a total of 568 in 15 counties, including 37 deaths; and on March 15, confirmed cases further increased to 769 in 17 counties, including 42 deaths, with these 17 counties representing 85% of the State's total population;

**WHEREAS**, as of March 15, 2020, Washington State represents 2% of the nation's population and has 21% of confirmed COVID-19 cases, and 64% of COVID-19-related deaths, in the United States;

**WHEREAS**, on March 15, 2020, the United States Center for Disease Control and Prevention revised its guidance to reduce the size of gatherings from 250 persons to 50 persons;

**WHEREAS**, to curtail the spread of the COVID-19 pandemic in Washington State and protect our most vulnerable populations, it is necessary to immediately prohibit any number of people from congregating in public venues for purposes of public entertainment, recreation, food or beverage service, theater, bowling, and other similar activities, in order to limit opportunities for disease exposure and transmission in the State; and

**WHEREAS**, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

**WHEREAS**, the Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

**WHEREAS**, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

**NOW, THEREFORE**, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 is amended to prohibit any number of people from gathering in any public venue in which people congregate for purposes of public entertainment, recreation, food and beverage service, theater, bowling, fitness and other similar activities, to include all public venues in which the serving, provision, or consumption of prepared food or beverages occurs at a table, bar, or for consumption within.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

**FURTHERMORE**, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit the onsite consumption of food and/or beverages in a public venue, including but not limited to, the following venues, and which prohibition shall remain in effect until midnight on March 31, 2020, unless extended beyond that date:

1. Restaurants;
2. Food courts;
3. Bars;
4. Taverns;
5. Coffee shops;
6. Catered events;
7. Clubs;
8. Bowling alleys;
9. All other similar venues in which people congregate for the consumption of food or beverages.

For purposes of this Proclamation, “public venue” has its ordinary meaning and also includes, but is not limited to, social clubs, private clubs, tennis clubs, golf clubs, faith-based organizations/facilities, and other similar venues.



**Exhibit 8**

JAY INSLEE  
Governor



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**PROCLAMATION BY THE GOVERNOR  
AMENDING PROCLAMATIONS 20-05, 20-07, and 20-11**

**20-14**

**Reduction of Statewide Limits on Gatherings**

**WHEREAS**, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

**WHEREAS**, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, and 20-13, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

**WHEREAS**, the spread of COVID-19 has been classified by the World Health Organization as a pandemic that spreads easily from person to person and may result in serious illness or death; and

**WHEREAS**, the COVID-19 disease has and continues to spread quickly across the state of Washington, beyond the original community outbreaks in King, Pierce, and Snohomish counties, significantly increasing the threat of significant associated health risks statewide; and

**WHEREAS**, to curtail the spread of the COVID-19 pandemic in Washington State and protect our most vulnerable populations, it is necessary to immediately expand the restrictions on large gatherings of 250 or more as amended under Proclamation 20-11 to gatherings of 50 people or more; and

**WHEREAS**, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State and remain a public disaster affecting life, health, property or the public peace; and

**WHEREAS**, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

**WHEREAS**, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

**NOW, THEREFORE**, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency



**Exhibit 9**

JAY INSLEE  
Governor



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**PROCLAMATION BY THE GOVERNOR  
AMENDING PROCLAMATION 20-05**

**20-25**

**STAY HOME – STAY HEALTHY**

**WHEREAS**, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

**WHEREAS**, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, and 20-24, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

**WHEREAS**, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

**WHEREAS**, there are currently at least 2,221 cases of COVID-19 in Washington State and, tragically, 110 deaths of Washingtonians associated with COVID-19; and

**WHEREAS**, models predict that many hospitals in Washington State will reach capacity or become overwhelmed with COVID-19 patients within the next several weeks unless we substantially slow down the spread of COVID-19 throughout the state; and

**WHEREAS**, hospitalizations for COVID-19 like illnesses are significantly elevated in all adults, and a sharply increasing trend in COVID-19 like illness hospitalizations has been observed for the past three (3) weeks; and

**WHEREAS**, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

**WHEREAS**, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

**WHEREAS**, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

**NOW, THEREFORE**, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim: that a State of Emergency continues to exist in all counties of Washington State; that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended; and that Proclamations 20-05, 20-07, 20-11, 20-13, and 20-14 are amended and superseded by this Proclamation to impose a Stay Home – Stay Healthy Order throughout Washington State by prohibiting all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations provided herein.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

**FURTHERMORE**, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, and to implement the Stay Home—Stay Healthy Order described above, I hereby impose the following necessary restrictions on participation by all people in Washington State by prohibiting each of the following activities by all people and businesses throughout

Washington State, which prohibitions shall remain in effect until midnight on April 6, 2020, unless extended beyond that date:

1. **All people in Washington State shall immediately cease leaving their home or place of residence except: (1) to conduct or participate in essential activities, and/or (2) for employment in essential business services.** This prohibition shall remain in effect until midnight on April 6, 2020, unless extended beyond that date.

**To implement this mandate, I hereby order** that all people in Washington State are immediately prohibited from leaving their home or place of residence except to conduct or participate in (1) essential activities, and/or (2) employment in providing essential business services:

- a. **Essential activities** permitted under this Proclamation are limited to the following:
  - 1) **Obtaining necessary supplies and services** for family or household members and pets, such as groceries, food and supplies for household consumption and use, supplies and equipment needed to work from home, and products necessary to maintain safety, sanitation and essential maintenance of the home or residence.
  - 2) **Engaging in activities essential for the health and safety** of family, household members and pets, including things such as seeking medical or behavioral health or emergency services and obtaining medical supplies or medication.
  - 3) **Caring for** a family member, friend, or pet in another household or residence, and to transport a family member, friend or their pet for essential health and safety activities, and to obtain necessary supplies and services.
  - 4) **Engaging in outdoor exercise activities**, such as walking, hiking, running or biking, but only if appropriate social distancing practices are used.
- b. **Employment in essential business services** means an essential employee performing work for an essential business as identified in the “[Essential Critical Infrastructure Workers](#)” list, or carrying out minimum basic operations (as defined in Section 3(d) of this Order) for a non-essential business.
- c. **This prohibition shall not apply to** individuals whose homes or residences are unsafe or become unsafe, such as victims of domestic violence. These individuals are permitted and urged to leave their homes or residences and stay at a safe alternate location.
- d. **This prohibition also shall not apply to** individuals experiencing homelessness, but they are urged to obtain shelter, and governmental and other entities are strongly encouraged to make such shelter available as soon as possible and to the maximum extent practicable.

- e. For purposes of this Proclamation, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities.

**2. All people in Washington State shall immediately cease participating in all public and private gatherings and multi-person activities for social, spiritual and recreational purposes, regardless of the number of people involved, except as specifically identified herein.** Such activity includes, but is not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; and similar activities. This prohibition also applies to planned wedding and funeral events. This prohibition shall remain in effect until midnight on April 6, 2020, unless extended beyond that date.

**To implement this mandate, I hereby order** that all people in Washington State are immediately prohibited from participating in public and private gatherings of any number of people for social, spiritual and recreational purposes. **This prohibition shall not apply to** activities and gatherings solely including those people who are part of a single household or residential living unit.

**3. Effective midnight on March 25, 2020, all non-essential businesses in Washington State shall cease operations except for performing basic minimum operations. All essential businesses are encouraged to remain open and maintain operations, but must establish and implement social distancing and sanitation measures established by the United States Department of Labor or the Washington State Department of Health Guidelines.** This prohibition shall remain in effect until midnight on April 8, 2020, unless extended beyond that date.

**To implement this mandate, I hereby order** that, effective midnight on March 25, 2020, all non-essential businesses in Washington State are prohibited from conducting all activities and operations except minimum basic operations.

- a. **Non-essential businesses** are strongly encouraged to immediately cease operations other than performance of basic minimum operations, but must do so no later than midnight on March 25, 2020.
- b. **Essential businesses** are prohibited from operating under this Proclamation unless they establish and implement social distancing and sanitation measures established by the United States Department of Labor's Guidance on Preparing Workplaces for COVID-19 at <https://www.osha.gov/Publications/OSHA3990.pdf> and the Washington State Department of Health Workplace and Employer Resources & Recommendations at <https://www.doh.wa.gov/Coronavirus/workplace>.
- c. **This prohibition does not apply to** businesses consisting exclusively of employees or contractors performing business activities at their home or residence, and who do not engage in in-person contact with clients.

- d. For purposes of this Proclamation, minimum basic operations are the minimum activities necessary to maintain the value of the business' inventory, preserve the condition of the business' physical plant and equipment, ensure security, process payroll and employee benefits, facilitate employees of the business being able to continue to work remotely from their residences, and related functions.

This Proclamation shall not be construed to prohibit working from home, operating a single owner business with no in-person, on-site public interaction, or restaurants and food services providing delivery or take-away services, so long as proper social distancing and sanitation measures are established and implemented.

No business pass or credentialing program applies to any activities or operations under this Proclamation.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 23<sup>rd</sup> day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

\_\_\_\_\_  
/s/  
Jay Inslee, Governor

BY THE GOVERNOR:

\_\_\_\_\_  
/s/  
Secretary of State

March 23, 2020  
Proclamation 20-25  
Appendix

On March 23, 2020, Governor Inslee issued Proclamation directing all residents immediately to heed current State public health directives to stay home, except as needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as the State Public Health Officer may designate as critical to protect health and well-being of all Washingtonians.

In accordance with this Proclamation, the Governor has designated the following list of “Essential Critical Infrastructure Workers” to help state, local, tribal, and industry partners as they work to protect communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security.

## HEALTHCARE / PUBLIC HEALTH

### Sector Profile

The Healthcare and Public Health (HPH) Sector is large, diverse, and open, spanning both the public and private sectors. It includes publicly accessible healthcare facilities, research centers, suppliers, manufacturers, and other physical assets and vast, complex public-private information technology systems required for care delivery and to support the rapid, secure transmission and storage of large amounts of HPH data.

### Essential Workforce

- Workers providing COVID-19 testing and workers that perform critical clinical research and development needed for COVID-19 response.
- Health care providers and caregivers (e.g., physicians, dentists, psychologists, mid-level practitioners, nurses and assistants, infection control and quality assurance personnel, pharmacists, physical and occupational therapists and assistants, midwives and doulas attending facility-based or home-based births, alternative healthcare providers, social workers, speech pathologists and diagnostic and therapeutic technicians and technologists).
- Hospital and laboratory personnel (including accounting, administrative, admitting and discharge, engineering, epidemiological, source plasma and blood donation, food service, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians, respiratory therapists, etc.).
- Workers in other medical facilities (including Ambulatory Health and Surgical, Blood Banks, Clinics, Community Mental Health, Comprehensive Outpatient rehabilitation, End Stage Renal Disease, Health Departments, Home Health care, Hospices, Hospitals, Long Term Care, Organ Pharmacies, Procurement Organizations, Psychiatric, Residential, Rural Health Clinics and Federally Qualified Health Centers, biotechnology therapies, consumer health products, cannabis retailers).
- Manufacturers, technicians, logistics and warehouse operators, and distributors of medical equipment, medical devices, diagnostics, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products.

- Public health / community health workers, including those who compile, model, analyze and communicate public health information.
- Behavioral health workers (including mental and substance use disorder) responsible for coordination, outreach, engagement, and treatment to individuals in need of mental health and/or substance use disorder services.
- Blood and plasma donors and the employees of the organizations that operate and manage related activities.
- Workers that manage health plans, billing, and health information, who cannot practically work remotely.
- Workers who conduct community-based public health functions, conducting epidemiologic surveillance, compiling, analyzing and communicating public health information, who cannot practically work remotely.
- Workers who provide support to vulnerable populations to ensure their health and well-being including family care providers
- Workers performing cybersecurity functions at healthcare and public health facilities, who cannot practically work remotely.
- Workers conducting research critical to COVID-19 response.
- Workers performing security, incident management, and emergency operations functions at or on behalf of healthcare entities including healthcare coalitions, who cannot practically work remotely.
- Workers who support food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, such as those residing in shelters.
- Pharmacy employees necessary for filling prescriptions.
- Workers performing mortuary services, including funeral homes, crematoriums, and cemetery workers.
- Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to behavioral health services to the family members, responders, and survivors of an incident.
- Workers supporting veterinary hospitals and clinics

## EMERGENCY SERVICES SECTOR

### Sector Profile

The Emergency Services Sector (ESS) is a community of highly-skilled, trained personnel, along with the physical and cyber resources, that provide a wide range of prevention, preparedness, response, and recovery services during both day-to-day operations and incident response. The ESS includes geographically distributed facilities and equipment in both paid and volunteer capacities organized primarily at the federal, state, local, tribal, and territorial levels of government, such as city police departments and fire stations, county sheriff's offices, Department of Defense police and fire departments, and town public works departments. The ESS also includes private sector resources, such as industrial fire departments, private security organizations, and private emergency medical services providers.

**Essential Workforce - Law Enforcement, Public Safety and First Responders**

- Including front line and management, personnel include emergency management, law enforcement, Emergency Management Systems, fire, and corrections, search and rescue, tactical teams including maritime, aviation, and canine units.
- Military personnel, including National Guard personnel and Coast Guard personnel
- Emergency Medical Technicians
- Public Safety Answering Points and 911 call center employees
- Fusion Center employees
- Fire Mitigation Activities
- Hazardous material responders and hazardous devices teams, from government and the private sector.
- Workers – including contracted vendors -- who maintain digital systems infrastructure supporting law enforcement and emergency service operations.
- Private security, private fire departments, and private emergency medical services personnel.
- Protective services workers responsible for mission critical functions in state institutions, programs, and community facilities, including homeless shelters.

**Essential Workforce - Public Works**

- Workers who support the operation, inspection, and maintenance of essential dams, locks and levees
- Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues
- Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences.
- Support, such as road and line clearing, to ensure the availability of needed facilities, transportation, energy and communications. Support to ensure the effective removal, storage, and disposal of residential and commercial solid waste and hazardous waste.

**FOOD AND AGRICULTURE****Sector Profile**

The Food and Agricultural (FA) Sector is composed of complex production, processing, and delivery systems and has the capacity to feed people and animals both within and beyond the boundaries of the United States. Beyond domestic food production, the FA Sector also imports many ingredients and finished products, leading to a complex web of growers, processors, suppliers, transporters, distributors, and consumers. This sectors is critical to maintaining and securing our food supply.

**Essential Workforce**

- Workers supporting groceries, pharmacies, and other retail that sells food and beverage products, including but not limited to Grocery stores, Corner stores and convenience stores, including liquor stores that sell food, Farmers' markets, Food banks, Farm and produce stands, Supermarkets, Similar food retail establishments, Big box stores that sell groceries and essentials.
- Restaurant carry-out and quick serve food operations – including food preparation, carry-out and delivery food employees
- Food manufacturer employees and their supplier employees—to include those employed in food processing (packers, meat processing, cheese plants, milk plants, produce, etc.) facilities; livestock, poultry, seafood slaughter facilities; pet and animal feed processing facilities; human food facilities producing by-products for animal food; beverage production facilities; shellfish facilities including hatcheries and nurseries and growing areas; brewery and wine-making facilities; coffee production facilities; artisan food production; and the production of food packaging
- Farm workers to include those employed in animal food, feed, and ingredient production, packaging, and distribution; manufacturing, packaging, and distribution of veterinary drugs; truck delivery and transport; farm and fishery labor needed to produce our food supply domestically
- Farm workers and support service workers to include those who field crops; commodity inspection; fuel ethanol facilities; storage facilities; and other agricultural inputs
- Employees and firms supporting food, feed, and beverage distribution (including curbside distribution and deliveries), including warehouse workers, vendor-managed inventory controllers, blockchain managers, distribution
- Workers supporting the sanitation of all food manufacturing processes and operations from wholesale to retail
- Company cafeterias - in-plant cafeterias used to feed employees
- Workers in food testing labs in private industries and in institutions of higher education
- Workers essential for assistance programs and government payments
- Workers supporting cannabis retail and dietary supplement retail
- Employees of companies engaged in the production of chemicals, medicines, vaccines, and other substances used by the food and agriculture industry, including pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids
- Animal agriculture workers to include those employed in veterinary health; manufacturing and distribution of animal medical materials, animal vaccines, animal drugs, feed ingredients, feed, and bedding, etc.; transportation of live animals, animal medical materials; transportation of deceased animals for disposal; raising of animals for food; animal production operations; slaughter and packing plants and associated regulatory and government workforce
- Workers who support the manufacture and distribution of forest products, including, but not limited to timber, paper, and other wood products
- Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary to agricultural production and distribution

## ENERGY

### Sector Profile

The Energy Sector consists of widely-diverse and geographically-dispersed critical assets and systems that are often interdependent of one another. This critical infrastructure is divided into three interrelated segments or subsectors—electricity, oil, and natural gas—to include the production, refining, storage, and distribution of oil, gas, and electric power, except for hydroelectric and commercial nuclear power facilities and pipelines. The Energy Sector supplies fuels to the transportation industry, electricity to households and businesses, and other sources of energy that are integral to growth and production across the Nation. In turn, it depends on the Nation's transportation, information technology, communications, finance, water, and government infrastructures.

### Essential Workforce - Electricity industry:

- Workers who maintain, ensure, or restore the generation, transmission, and distribution of electric power, including call centers, utility workers, reliability engineers and fleet maintenance technicians
- Workers needed for hydroelectric, biofuels, biogas, geothermal energy, wind, biomass, solar and coal energy generation.
- Workers who maintain emergency management, risk management, safety and security, and business continuity at all energy generation, transmission, distribution, delivery, production, processing or refining facilities that provide critical community services to Washington state.
- Workers needed for safe and secure operations at nuclear generation
- Workers at generation, transmission, and electric blackstart facilities
- Workers at Reliability Coordinator (RC), Balancing Authorities (BA), and primary and backup Control Centers (CC), including but not limited to independent system operators, regional transmission organizations, and balancing authorities
- Mutual assistance personnel
- IT and OT technology staff – for Energy Management System and Supervisory Control and Data Acquisition (SCADA) systems, and utility data centers; Cybersecurity engineers; cybersecurity risk management
- Vegetation management crews and traffic workers who support
- Environmental remediation/monitoring technicians
- Instrumentation, protection, and control technicians

### Essential Workforce - Petroleum workers:

- Petroleum product storage, pipeline, marine transport, terminals, rail transport, road transport
- Crude oil storage facilities, pipeline, and marine transport
- Petroleum refinery facilities
- Petroleum security operations center employees and workers who support emergency response services
- Petroleum operations control rooms/centers

- Petroleum drilling, extraction, production, processing, refining, terminal operations, transporting, and retail for use as end-use fuels or feedstocks for chemical manufacturing
- Onshore and offshore operations for maintenance and emergency response
- Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them.

**Essential Workforce - Natural and propane gas workers:**

- Natural gas transmission and distribution pipelines, including compressor stations
- Underground storage of natural gas
- Natural gas processing plants, and those that deal with natural gas liquids
- Liquefied Natural Gas (LNG) facilities
- Natural gas security operations center, natural gas operations dispatch and control rooms/centers natural gas emergency response and customer emergencies, including natural gas leak calls
- Drilling, production, processing, refining, and transporting natural gas for use as end-use fuels, feedstocks for chemical manufacturing, or use in electricity generation
- Propane gas dispatch and control rooms and emergency response and customer emergencies, including propane leak calls
- Propane gas service maintenance and restoration, including call centers
- Processing, refining, and transporting natural liquids, including propane gas, for use as end-use fuels or feedstocks for chemical manufacturing
- Propane gas storage, transmission, and distribution centers

**WATER AND WASTEWATER****Sector Profile**

The Water and Wastewater Sector is a complex sector composed of drinking water and wastewater infrastructure of varying sizes and ownership types. Multiple governing authorities pertaining to the Water and Wastewater Sector provide for public health, environmental protection, and security measures, among others.

**Essential Workforce**

Employees needed to operate and maintain drinking water and wastewater/drainage infrastructure, including:

- Operational staff at water authorities
- Operational staff at community water systems
- Operational staff at wastewater treatment facilities
- Workers repairing water and wastewater conveyances and performing required sampling or monitoring
- Operational staff for water distribution and testing

- Operational staff at wastewater collection facilities
- Operational staff and technical support for SCADA Control systems
- Chemical disinfectant suppliers for wastewater and personnel protection
- Workers that maintain digital systems infrastructure supporting water and wastewater operations

## TRANSPORTATION AND LOGISTICS

### Sector Profile

The Transportation Systems Sector consists of seven key subsectors, or modes:

- Aviation includes aircraft, air traffic control systems, and airports, heliports, and landing strips. Commercial aviation services at civil and joint-use military airports, heliports, and sea plane bases. In addition, the aviation mode includes commercial and recreational aircraft (manned and unmanned) and a wide-variety of support services, such as aircraft repair stations, fueling facilities, navigation aids, and flight schools.
- Highway and Motor Carrier encompasses roadway, bridges, and tunnels. Vehicles include trucks, including those carrying hazardous materials; other commercial vehicles, including commercial motorcoaches and school buses; vehicle and driver licensing systems; taxis, transportation services including Transportation Network Companies, and delivery services including Delivery Network Companies; traffic management systems; AND cyber systems used for operational management.
- Maritime Transportation System consists of ferries, coastline, ports, pilotage, waterways, and intermodal landside connections that allow the various modes of transportation to move people and goods to, from, and on the water.
- Mass Transit and Passenger Rail includes terminals, operational systems, and supporting infrastructure for passenger services by transit buses, trolleybuses, monorail, heavy rail—also known as subways or metros—light rail, passenger rail, and vanpool/rideshare.
- Pipeline Systems consist of pipelines carrying natural gas hazardous liquids, as well as various chemicals. Above-ground assets, such as compressor stations and pumping stations, are also included.
- Freight Rail consists of major carriers, smaller railroads, active railroad, freight cars, and locomotives.
- Postal and Shipping includes large integrated carriers, regional and local courier services, mail services, mail management firms, and chartered and delivery services.

**Essential Workforce**

- Employees supporting or enabling transportation functions, including dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, workers engaged in snow removal and avalanche control for state highways, and workers that maintain and inspect infrastructure (including those that require cross-border travel)
- Employees of firms providing services that enable logistics operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use.
- Mass transit workers
- Ferry workers
- Taxis, transportation services including Transportation Network Companies, and delivery services including Delivery Network Companies
- Workers responsible for operating dispatching passenger, commuter and freight trains and maintaining rail infrastructure and equipment
- Maritime transportation workers - port workers, pilots, longshoremen, mariners, equipment operators, ship and vessel operators, crane operators, and shipyard foremen/women, marina workers.
- Truck drivers who haul hazardous and waste materials to support critical infrastructure, capabilities, functions, and services
- Automotive, motorcycle, bicycle and motorized wheelchair/scooter repair and maintenance facilities
- Manufacturers and distributors (to include service centers and related operations) of packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations
- Postal and shipping workers, to include private companies
- Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers
- Air transportation employees, including air traffic controllers, ramp personnel, aviation security, and aviation management
- Workers who support the maintenance and operation of cargo by air transportation, including flight crews, maintenance, airport operations, and other on- and off- airport facilities workers

**COMMUNICATIONS AND INFORMATION TECHNOLOGY****Sector Profile**

The Communications Sector provides products and services that support the efficient operation of today's global information-based society. Communication networks enable people around the world to contact one another, access information instantly, and communicate from remote areas. This involves creating a link between a sender (including voice signals) and one or more recipients using technology (e.g., a telephone system or the Internet) to transmit information from one location to another. Technologies are changing at a rapid pace, increasing the number of products, services, service providers, and communication options. The national communications architecture is a complex collection of networks that are owned and operated by individual service providers. Many of this

sector's products and services are foundational or necessary for the operations and services provided by other critical infrastructure sectors. The nature of communication networks involve both physical infrastructure (buildings, switches, towers, antennas, etc.) and cyber infrastructure (routing and switching software, operational support systems, user applications, etc.), representing a holistic challenge to address the entire physical-cyber infrastructure.

The IT Sector provides products and services that support the efficient operation of today's global information-based society and are integral to the operations and services provided by other critical infrastructure Sectors. The IT Sector is comprised of small and medium businesses, as well as large multinational companies. Unlike many critical infrastructure Sectors composed of finite and easily identifiable physical assets, the IT Sector is a functions-based Sector that comprises not only physical assets but also virtual systems and networks that enable key capabilities and services in both the public and private sectors.

**Essential Workforce - Communications:**

- Maintenance of communications infrastructure- including privately owned and maintained communication systems- supported by technicians, operators, call-centers, wireline and wireless providers, cable service providers, satellite operations, undersea cable landing stations, Internet Exchange Points, and manufacturers and distributors of communications equipment
- Workers who support radio, television, newspapers and media service, including, but not limited to front line news reporters, studio, and technicians for newsgathering and reporting, and workers involved in the printing and distribution of newspapers.
- Workers at Independent System Operators and Regional Transmission Organizations, and Network Operations staff, engineers and/or technicians to manage the network or operate facilities
- Engineers, technicians and associated personnel responsible for infrastructure construction and restoration, including contractors for construction and engineering of fiber optic cables
- Installation, maintenance and repair technicians that establish, support or repair service as needed
- Central office personnel to maintain and operate central office, data centers, and other network office facilities
- Customer service and support staff, including managed and professional services as well as remote providers of support to transitioning employees to set up and maintain home offices, who interface with customers to manage or support service environments and security issues, including payroll, billing, fraud, and troubleshooting
- Dispatchers involved with service repair and restoration

**Essential Workforce - Information Technology:**

- Workers who support command centers, including, but not limited to Network Operations Command Center, Broadcast Operations Control Center and Security Operations CommandCenter
- Data center operators, including system administrators, HVAC & electrical engineers, security personnel, IT managers, data transfer solutions engineers, software and hardware engineers, and database administrators
- Client service centers, field engineers, and other technicians supporting critical infrastructure, as well as manufacturers and supply chain vendors that provide hardware and software, and

information technology equipment (to include microelectronics and semiconductors) for critical infrastructure

- Workers responding to cyber incidents involving critical infrastructure, including medical facilities, SLTT governments and federal facilities, energy and utilities, and banks and financial institutions, and other critical infrastructure categories and personnel
- Workers supporting the provision of essential global, national and local infrastructure for computing services (incl. cloud computing services), business infrastructure, web-based services, and critical manufacturing
- Workers supporting communications systems and information technology used by law enforcement, public safety, medical, energy and other critical industries
- Support required for continuity of services, including janitorial/cleaning personnel

## **OTHER COMMUNITY-BASED GOVERNMENT OPERATIONS AND ESSENTIAL FUNCTIONS**

### **Essential Workforce**

- Critical government workers, including the Governor's Office, as defined by the employer and consistent with Continuity of Operations Plans and Continuity of Government plans.
- State and county workers responsible for determining eligibility for safety net benefits
- Workers responsible for facilitating return to work resources.
- The Courts, consistent with direction from the Washington State Chief Justice
- Workers to ensure continuity of building functions
- Security staff to maintain building access control and physical security measures
- Elections personnel
- Federal, State, and Local, Tribal, and Territorial employees who support Mission Essential Functions and communications networks
- Trade Officials (FTA negotiators; international data flow administrators)
- Weather forecasters
- Workers that maintain digital systems infrastructure supporting other critical government operations
- Workers at operations centers necessary to maintain other essential functions
- Workers who support necessary credentialing, vetting and licensing operations for transportation workers
- Workers who are critical to facilitating trade in support of the national, state, and local emergency response supply chain
- Workers supporting public and private childcare establishments, licensed pre-K establishments, K-12 schools, colleges, and universities for purposes of distance learning, or the provision of school meals, or child care for the children of essential workers across all sectors and for uniquely vulnerable children.

- Hotel workers.
- Construction workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing construction) for all essential facilities, services and projects included in this document, and for residential construction related to emergency repairs and projects that ensure structural integrity.
- Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of construction sites and construction projects (including those that support such projects to ensure the availability of needed facilities, transportation, energy and communications; and support to ensure the effective removal, storage, and disposal of solid waste and hazardous waste)
- Commercial Retail Stores, that supply essential sectors, including convenience stores, pet supply stores, auto supplies and repair, hardware and home improvement, garden stores and nurseries that support food cultivation and production, office supply stores that support working-from home, and home appliance retailers
- Workers providing care to animals in zoos, aquariums, wildlife parks, nature preserves and game farms.
- Workers critical to operating Rental Car companies that facilitate continuity of operations for essential workforces, and other essential travel
- Workers who provide or determine eligibility for food, shelter, in-home supportive services, child welfare, adult protective services and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals (including family members and individuals experiencing homelessness)
- Professional services, such as legal or accounting and tax preparation services, when necessary to assist in compliance with legally mandated activities and critical sector services
- Artists and musicians providing services through streaming or other technology
- Unions and worker advocacy organizations
- Workers providing, maintaining and repairing heating, cooling and refrigeration services.
- Professional employer organizations providing payroll benefits, regulatory assistance and HR services.
- Laundromats and laundry services

## CRITICAL MANUFACTURING

### Sector Profile

The Critical Manufacturing Sector identifies several industries to serve as the core of the sector: Primary Metals Manufacturing, Machinery Manufacturing, Electrical Equipment, Appliance, and Component Manufacturing, Transportation Equipment Manufacturing Products made by these manufacturing industries are essential to many other critical infrastructure sectors.

### Essential Workforce

- Workers necessary for the manufacturing of materials and products needed for medical supply chains, transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base.

## HAZARDOUS MATERIALS

### Essential Workforce

- Workers at nuclear facilities, workers managing medical waste, workers managing waste from pharmaceuticals and medical material production, and workers at laboratories processing test kits
- Workers who support hazardous materials response and cleanup
- Workers who maintain digital systems infrastructure supporting hazardous materials management operations

## FINANCIAL SERVICES

### Sector Profile

The Financial Services Sector includes thousands of depository institutions, providers of investment products, insurance companies, other credit and financing organizations, and the providers of the critical financial utilities and services that support these functions. Financial institutions vary widely in size and presence, ranging from some of the world's largest global companies with thousands of employees and many billions of dollars in assets, to community banks and credit unions with a small number of employees serving individual communities. Whether an individual savings account, financial derivatives, credit extended to a large organization, or investments made to a foreign country, these products allow customers to: Deposit funds and make payments to other parties; Provide credit and liquidity to customers; Invest funds for both long and short periods; Transfer financial risks between customers.

### Essential Workforce

- Workers who are needed to process and maintain systems for processing financial transactions and services (e.g., payment, clearing, and settlement; wholesale funding; insurance services; and capital markets activities)
- Workers who are needed to provide consumer access to banking and lending services, including ATMs, and to move currency and payments (e.g., armored cash carriers)
- Workers who support financial operations, such as those staffing data and security operations centers

## CHEMICAL

### Sector Profile

The Chemical Sector—composed of a complex, global supply chain—converts various raw materials into diverse products that are essential to modern life. Based on the end product produced, the sector can be divided into five main segments, each of which has distinct characteristics, growth dynamics, markets, new developments, and issues: Basic chemicals; Specialty chemicals; Agricultural chemicals; Pharmaceuticals; Consumer products

### Essential Workforce

- Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, textiles, and paper products.
- Workers supporting the safe transportation of chemicals, including those supporting tank truck cleaning facilities and workers who manufacture packaging items
- Workers supporting the production of protective cleaning and medical solutions, personal protective equipment, and packaging that prevents the contamination of food, water, medicine, among others essential products
- Workers supporting the operation and maintenance of facilities (particularly those with high risk chemicals and/ or sites that cannot be shut down) whose work cannot be done remotely and requires the presence of highly trained personnel to ensure safe operations, including plant contract workers who provide inspections
- Workers who support the production and transportation of chlorine and alkali manufacturing, single-use plastics, and packaging that prevents the contamination or supports the continued manufacture of food, water, medicine, and other essential products, including glass container manufacturing

## DEFENSE INDUSTRIAL BASE

### Sector Profile

The Defense Industrial Base Sector is the worldwide industrial complex that enables research and development, as well as design, production, delivery, and maintenance of military weapons systems, subsystems, and components or parts, to meet U.S. military requirements. The Defense Industrial Base partnership consists of Department of Defense components, Defense Industrial Base companies and their subcontractors who perform under contract to the Department of Defense, companies providing incidental materials and services to the Department of Defense, and government-owned/contractor-operated and government-owned/government-operated facilities. Defense Industrial Base companies include domestic and foreign entities, with production assets located in many countries. The sector provides products and services that are essential to mobilize, deploy, and sustain military operations.

March 23, 2020  
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Appendix

**Essential Workforce**

- Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military. These individuals, include but are not limited to, aerospace; mechanical and software engineers, manufacturing/production workers; IT support; security staff; security personnel; intelligence support, aircraft and weapon system mechanics and maintainers
- Personnel working for companies, and their subcontractors, who perform under contract to the Department of Defense providing materials and services to the Department of Defense, and government-owned/contractor-operated and government-owned/government-operated facilities

To clarify status, or to petition to be added to this list, please email: [business@mil.wa.gov](mailto:business@mil.wa.gov).

**Exhibit 10**

JAY INSLEE  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

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**PROCLAMATION BY THE GOVERNOR  
AMENDING PROCLAMATIONS 20-05 AND 20-25**

**20-25.1**

**EXTENDING STAY HOME – STAY HEALTHY  
TO MAY 4, 2020**

**WHEREAS**, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington state as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

**WHEREAS**, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, 20-31, 20-32, 20-33, 20-34, 20-35, 20-36, 20-37, 20-38, and 20-39, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamation 20-25, Stay Home – Stay Healthy, prohibiting all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations therein; and

**WHEREAS**, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and is a significant health risk to all of our people, especially members of our most vulnerable populations; and

**WHEREAS**, since Proclamation 20-25 was issued on March 23, the number of confirmed cases and deaths in Washington State has more than doubled, and there are currently at least 5,984 cases of COVID-19 in Washington State with 247 associated deaths; and, furthermore, models predict that many hospitals in Washington State will reach capacity or become overwhelmed with COVID-19 patients within the next few weeks unless we significantly slow its spread throughout the state; and

**WHEREAS**, hospitalizations for COVID-like illnesses have been sharply increasing for the past month, and a large surge in the number of serious COVID-19 infections will compromise the ability of our health care system to deliver necessary health care services; and

**WHEREAS**, these conditions necessitate that to protect the health and safety of all Washingtonians, the stringent restrictions imposed on the people of Washington State in Proclamation 20-25 must be continued until May 4, 2020; and

**WHEREAS**, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

**WHEREAS**, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

**WHEREAS**, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

**NOW, THEREFORE**, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamation 20-25 (Stay Home – Stay Healthy) is amended to extend all of its provisions and each expiration date therein to 11:59 PM on May 4, 2020. All other provisions of Proclamation 20-25 shall remain in full force and effect.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.



**Exhibit 11**

JAY INSLEE  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • [www.governor.wa.gov](http://www.governor.wa.gov)

**TO:** Interested Stakeholders  
**FROM:** Governor Jay Inslee  
**DATE:** April 24, 2020  
**SUBJECT:** Implementation of Phase 1 Construction Restart – Proclamation 20-25

A handwritten signature in black ink, appearing to read "Jay Inslee".

As an addendum to Proclamation 20-25, this memorandum serves as the criteria for a limited Phase 1 Construction Restart.

After working with representatives from the Construction Roundtable, we have developed the comprehensive [Phase 1 Construction Restart COVID-19 Job Site Requirements](#). These requirements apply to all construction activities in Washington as long as Gubernatorial Proclamation 20-25, or any extension thereof, is in effect or if adopted as rules by a federal, state or local regulatory agency.

This memorandum rescinds previous guidance related to construction from the essential business list and allows for all activities meeting a low-risk threshold of six foot distancing to operate.

In limited circumstances where six foot distancing requirements cannot be maintained on construction projects previously authorized under Proclamation 20-25, a hazard assessment and control plan must be implemented identifying appropriate PPE use in accordance with Department of Labor & Industries requirements (<https://www.lni.wa.gov/forms-publications/F414-164-000.pdf>). No newly authorized projects are permitted to break social distancing standards during phase 1.

**No jobsite may operate until the contractor can meet and maintain all requirements, including providing materials, schedules and equipment required to comply. Currently operating projects must be in compliance by no later than Friday, May 1.**

- **All items minus numbers 28 and 30 are subject to enforcement action under L&I's Division of Occupational Safety and Health (DOSH). Workplace safety and health complaints** may be submitted to the L&I Call Center: (1-800-423-7233) or via e-mail to [adag235@lni.wa.gov](mailto:adag235@lni.wa.gov).
- **General questions about how to comply with construction safety practices** can be submitted to the state's Business Response Center at <https://app.smartsheet.com/b/form/2562f1caf5814c46a6bf163762263aa5>.
- **All other violations related to Proclamation 20-25** can be submitted at <https://bit.ly/covid-compliance>.

# Phase 1 Construction Restart COVID-19 Job Site Requirements

## ***Phase 1: Low-risk construction work resumes.***

***Any existing construction projects complying with the points below may resume only those work activities that do not require workers to be closer than six-feet together.***

***If a work activity requires workers to be closer than six-feet, it is not considered low-risk and is not authorized. Adherence to the physical distancing requirement and the health and safety points below will be strictly enforced.***

**Prior to recommencing work all contractors are required to develop and post at each job site a comprehensive COVID-19 exposure control, mitigation, and recovery plan.** The plan must include policies regarding the following control measures: PPE utilization; on-site social distancing; hygiene; sanitation; symptom monitoring; incident reporting; site decontamination procedures; COVID-19 safety training; exposure response procedures; and a post-exposure incident project wide recovery plan. A copy of the plan must be available on each job site during any construction activities and available for inspection by state and local authorities. Failure to meet posting requirements will result in sanctions, including the job being shut down.

**All Contractors are required to post at each job site written notice to employees, subcontractors and government officials the Phase 1 work that will be performed at that job site and signed commitment to adhere to the requirements listed in this document.**

**All contractors have a general obligation to keep a safe and healthy worksite in accordance with state and federal law.** Failure to follow these requirements will be considered a violation of these duties and be penalized accordingly. Under RCW 49.17.060, “each employer shall furnish to each of their employees a place of employment free from recognized hazards that are causing or likely to cause serious injury or death to his or her employees and shall comply with the rules, regulations, and orders promulgated under this chapter.” The Washington State Department of Labor & Industries’ Division of Occupational Safety and Health (DOSH) is responsible for workplace safety and health, including inspections and enforcement, consultation, technical assistance, training, education and grants.

**All contractors are also required to comply with the following COVID-19 worksite-specific safety practices,** as outlined in Gov. Jay Inslee’s “Stay Home, Stay Healthy” Proclamation 20-25, and in accordance with the Washington State Department of Labor & Industries General Coronavirus Prevention Under Stay Home-Stay Healthy Order (DOSH Directive 1.70: <https://www.lni.wa.gov/safety-health/safety-rules/enforcement-policies/DD170.pdf>) and the Washington State Department of Health Workplace and Employer Resources & Recommendations at <https://www.doh.wa.gov/Coronavirus/workplace>:

### **COVID-19 Site Supervisor**

1. A site-specific COVID-19 Supervisor shall be designated by the contractor at every job site to monitor the health of employees and enforce the COVID-19 job site safety plan. A designated COVID-19 Supervisor must be present at all times during construction activities, except on single-family residential job sites with 6 or fewer people on the site.

### **COVID-19 Safety Training**

2. A Safety Stand-Down/toolbox talk/tailgate training must be conducted on all job sites on the first day of returning to work, and weekly thereafter, to explain the protective measures in place for all workers. Social distancing must be maintained at all gatherings.
3. Attendance will be communicated verbally and the trainer will sign in each attendee.
4. COVID-19 safety requirements shall be visibly posted on each jobsite.

### **Social Distancing**

5. Social distancing of at least 6 feet of separation must be maintained by every person on the worksite at all times.
6. Gatherings of any size must be precluded by taking breaks and lunch in shifts. Any time two or more persons must meet, ensure minimum 6 feet of separation.
7. Identify “choke points” and “high-risk areas” on job sites where workers typically congregate and control them so social distancing is always maintained.
8. Minimize interactions when picking up or delivering equipment or materials, ensure minimum 6-foot separation.
9. To the extent practical allow only one trade/subcontractor at a time on a jobsite and maintain 6-foot separation social distancing for each member of that trade. If more than one trade/subcontractor must be on the job to complete the job then at a minimum all trades and subcontractors must maintain social distancing policies in accordance with this guidance.

### **Personal Protective Equipment (PPE) – Employer Provided**

10. Provide personal protective equipment (PPE) such as gloves, goggles, face shields and face masks as appropriate, or required, for the activity being performed.
11. Masks, in accordance with Washington Department of Health guidelines, or as required by Washington Department of Labor & Industries (L&I) safety rules, must be worn at all times by every employee on the worksite.
12. Eye protection must be worn at all times by every employee while on worksite.
13. Gloves must be worn at all times by every employee while on worksite. The type of glove worn should be appropriate to the task. If gloves are not typically required for the task, then any type of glove is acceptable, including latex gloves.
14. If appropriate PPE cannot be provided, the worksite must be shut down.

### **Sanitation and Cleanliness**

15. Soap and running water shall be abundantly provided on all job sites for frequent handwashing. Workers should be encouraged to leave their workstations to wash their hands regularly, before and after going to the bathroom, before and after eating and after coughing, sneezing or blowing their nose.
16. When running water is not available, portable washing stations, with soap, are required, per WAC 296-155-140 2(a) – (f). Alcohol-based hand sanitizers with greater than 60% ethanol or 70% isopropanol can also be used, but are not a replacement for the water requirement.
17. Post, in areas visible to all workers, required hygienic practices, including not to touch face with unwashed hands or with gloves; washing hands often with soap and water for at least 20 seconds; use hand sanitizer with at least 60% alcohol; cleaning and disinfecting frequently touched objects and surfaces such as workstations, keyboards, telephones, handrails, machines, shared tools, elevator control buttons, and doorknobs; covering the mouth and nose when coughing or sneezing as well as other hygienic recommendations by the U.S. Centers for Disease Control (CDC).
18. Make disinfectants available to workers throughout the worksite and ensure cleaning supplies are frequently replenished.
19. Frequently clean and disinfect high-touch surfaces on job sites and in offices, such as shared tools, machines, vehicles and other equipment, handrails, doorknobs, and portable toilets. If these areas cannot be cleaned and disinfected frequently, the jobsite shall be shut down until such measures can be achieved and maintained.
20. When the worksite is an occupied home, workers should sanitize work areas upon arrival, throughout the workday and immediately before they leave, and occupants should keep a personal distance of at least 10 feet.
21. If an employee reports feeling sick and goes home, the area where that person worked should be immediately disinfected.

### **Employee Health/Symptoms**

22. Create policies which encourage workers to stay home or leave the worksite when feeling sick or when they have been in close contact with a confirmed positive case. If they develop symptoms of acute respiratory illness, they must seek medical attention and inform their employer.
23. Have employees inform their supervisors if they have a sick family member at home with COVID-19. If an employee has a family member sick with COVID-19, that employee must follow the isolation/quarantine requirements as established by the State Department of Health.
24. Screen all workers at the beginning of their shift by taking their temperature and asking them if they have a fever, cough, shortness of breath, fatigue, muscle aches, or new loss of taste or smell. Thermometers used shall be ‘no touch’ or ‘no contact’ to the greatest extent possible. If a ‘no touch’ or ‘no contact’ thermometer is not available, the thermometer must be properly sanitized between each use. Any worker with a temperature of 100.4°F or higher is considered to have a fever and must be sent home.

25. Instruct workers to report to their supervisor if they develop symptoms of COVID-19 (e.g., fever, cough, shortness of breath, fatigue, muscle aches, or new loss of taste or smell). If symptoms develop during a shift, the worker should be immediately sent home. If symptoms develop while the worker is not working, the worker should not return to work until they have been evaluated by a healthcare provider.
26. Failure of employees to comply will result in employees being sent home during the emergency actions.
27. Employees who do not believe it is safe to work shall be allowed to remove themselves from the worksite and employers must follow the expanded family and medical leave requirements included in the Families First Coronavirus Response Act or allow the worker to use unemployment benefits, paid time off, or any other available form of paid leave available to the worker at the workers discretion.
28. Any worker coming to work on a construction site in Washington from any state that is not contiguous to Washington must self-quarantine for 14 days to become eligible to work on a job site in Washington.
29. If an employee is confirmed to have COVID-19 infection, employers should inform fellow employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA). The employer should instruct fellow employees about how to proceed based on the CDC [Public Health Recommendations for Community-Related Exposure](#).

#### **Job Site Visitors**

30. A daily attendance log of all workers and visitors must be kept and retained for at least four weeks. The log must include the name, phone number, and email address of all workers and visitors.

**No jobsite may operate until the contractor can meet and maintain all requirements, including providing materials, schedules and equipment required to comply.**

These Phase 1 COVID-19 job site safety practices are required as long as the “Stay Home, Stay Healthy” Gubernatorial Proclamation 20-25 is in effect or if adopted as rules by a federal, state or local regulatory agency. **All items minus numbers 28 and 30 are subject to enforcement action under L&I’s Division of Occupational Safety and Health (DOSH).**

**Workplace safety and health complaints** may be submitted to the L&I Call Center: (1-800-423-7233) or via e-mail to [adag235@lni.wa.gov](mailto:adag235@lni.wa.gov). **General questions about how to comply with construction safety practices** can be submitted to the state’s Business Response Center at <https://app.smartsheet.com/b/form/2562f1caf5814c46a6bf163762263aa5>. **All other violations related to Proclamation 20-25** can be submitted via at: <https://bit.ly/covid-compliance>.

**Exhibit 12**

JAY INSLEE  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

*P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • [www.governor.wa.gov](http://www.governor.wa.gov)*

**PROCLAMATION BY THE GOVERNOR  
AMENDING PROCLAMATIONS 20-05, 20-25 AND 20-25.1**

**20-25.2**

**ADJUSTING  
STAY HOME – STAY HEALTHY  
TO MAY 4, 2020**

**WHEREAS**, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

**WHEREAS**, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-52, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamation 20-25, and 20-25.1 (Stay Home – Stay Healthy), prohibiting all people in Washington State from leaving their homes or participating in gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations therein; and

**WHEREAS**, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and is a significant health risk to all of our people, especially members of our most vulnerable populations; and

**WHEREAS**, while there are currently at least 13,521 cases of COVID-19 in Washington State with 749 associated deaths, current models predict that we have started to slow its spread throughout the State; and

**WHEREAS**, Washington State is known for a high level of outdoor recreation on its many trails, parks, lakes, beaches and other outdoor recreational areas, and outdoor recreation is a fundamental part of maintaining physical, emotional and mental health, particularly in a time of great stress;

**WHEREAS**, these conditions now permit adjustment of some of the prohibitions in Proclamation 20-25 and 20-25.1 to allow for some recreational activities and related employment, while continuing to protect the health and safety of all Washingtonians by retaining the remainder of the prohibitions imposed in Proclamations 20-25 and 20-25.1; and

**WHEREAS**, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

**WHEREAS**, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

**WHEREAS**, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

**NOW, THEREFORE**, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under RCW 38.08, 38.52 and 43.06, do hereby proclaim and order that a State of Emergency continues to exist in all counties of the state, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-25 and 20-25.1 (Stay Home – Stay Healthy) are amended to extend all of their provisions, except those specifically listed below and as specifically allowed in the requirements available [here](#), and each expiration date therein, to May 4, 2020:

As of April 27, 2020, in order to prepare for re-opening on May 5, 2020, all employees necessary to operate and maintain day-use activity and trails, including those in state parks and state public lands, state hunting and fishing operations, golf operations, and day-use activities and trails in other public parks and public lands are authorized to return to work; and

As of May 5, 2020, the following outdoor recreational activities, when and where permitted, are authorized to commence so long as participants fully comply with the social distancing and coronavirus related hygiene requirements found [here](#), such as:

- Recreational hunting, fishing, and boating
- Outdoor exercise, including hiking, running, walking and biking
- Golfing
- Day-use activities at public parks and public lands

All other provisions of Proclamation 20-25 and 20-25.1 shall remain in full force and effect.

**ADDITIONALLY**, except as exempted above, I continue to prohibit all other public and private gatherings and multi-person activities for social, spiritual and recreational purposes, regardless of the number of people involved. Such activity includes, but is not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; team sports activities, and similar activities that involve a gathering of people other than a household unit. This prohibition continues to apply to planned wedding and funeral events.



**Exhibit 13**

## **HIKING AND OTHER OUTDOOR ACTIVITIES RESTART COVID-19 REQUIREMENTS AND RECOMMENDATIONS**

### **REQUIREMENTS**

#### **Users**

1. Gatherings are not permitted. Only members of the same household may travel and recreate together. Only members of the same household should travel in cars and boats together.
2. Physical distancing is required. Keep six feet between individuals outside your immediate household. At trailheads, on trails, and parks, practice extra care.

#### **Employees**

3. Employees authorized by this section are may begin work on April 27, 2020, in preparation for the May 5, 2020, opening.
4. Unless previously authorized under Proclamation 20-25, locations may not open to the public until May 5, 2020.
5. Employees necessary for bicycle and ORV/ATV/WATV rental are authorized to return to work. Under these requirements, no walk-in rental service will be permitted after May 5, 2020. All appointments must be made by telephone or online. All recreational rental bicycles and ORV/ATV/WATVs must be cleaned and disinfected after every use.
6. Employees necessary to operate trails, public lands for day-use activities, public parks for day-use activities, and public employees supporting recreational hunting and wildlife observation are authorized. This includes employees needed to maintain and improve trails and trail systems.
7. No seated indoor or outdoor food service in public parks is permitted.
8. No camping, including dispersed camping, is permitted in state parks or on state public lands at this time.
9. Retail sales are not covered by this proclamation. Only related retail establishments deemed essential under Proclamation 20-25, “Stay Home – Stay Healthy,” are allowed to operate until further notice.
10. All employees and employers must follow current Washington Department of Health, Washington Department of Labor and Industries, and CDC guidelines.

## RECOMMENDATIONS

1. Check with your destination before departing. While many state-managed land destinations are open for day-use, other local, tribal and federal land may still be closed.
2. Come prepared. Users may find reduced or limited restroom services as staff begin the process to reopen facilities at wildlife areas and water access sites. Users are advised to bring soap, water, hand sanitizer, and toilet paper, as well as a mask or facial covering to shield their noses and mouths.
3. When physical distancing is not feasible, including during retail transactions, masks or facial coverings are strongly recommended.
4. Avoid crowds. Be prepared to go somewhere else or come back another time if a destination looks crowded.
5. Practice social distancing trail etiquette. Give way to others on narrow trails to allow for ample social distancing.
6. Users should wash their hands often.
7. Pack out what you pack in. Take any garbage with you, including disposable gloves and masks.
8. Recreate locally and refrain from overnight stays.

## RECREATIONAL BOATING AND FISHING RESTART COVID-19 REQUIREMENTS AND RECOMMENDATIONS

### REQUIREMENTS

#### Users

11. Gatherings are not permitted. Only members of the same household may travel and recreate together. Only members of the same household should travel in cars and boats together.
12. Physical distancing is required. Keep six feet between individuals outside your immediate household. Launch one boat at a time to give others enough space to launch safely. Leave at least one parking space between your vehicle and the vehicle next to you. Trailer your boat in the same way.

#### Employees

13. Employees authorized by this section may begin work on April 27, 2020, in preparation for the May 5, 2020, opening.
14. Unless previously authorized under Proclamation 20-25, locations may not open to the public until May 5, 2020.
15. Employees necessary for boat rental are authorized to return to work. Under these requirements, no walk-in rental service will be permitted after May 5, 2020. All appointments must be made by telephone or online. All boats must be cleaned and disinfected after every use.
16. Employees necessary to operate marinas, boatyards, and boat launches are authorized.
17. Public employees directly related to recreational fishing are authorized.
18. No seated indoor or outdoor food service at any recreational facility is permitted.
19. Retail sales are not covered by this proclamation. Only related retail establishments deemed essential under Proclamation 20-25, "Stay Home – Stay Healthy," are allowed to operate until further notice. These include marina-related retail establishments previously considered essential under current rules allowed to operate.
20. All employees and employers must follow current Washington Department of Health, Washington Department of Labor and Industries, and CDC guidelines.

## RECOMMENDATIONS

9. Check with your destination before departing. While many state-managed land destinations are open for day-use, other local, tribal and federal land may still be closed.
10. Come prepared. Users may find reduced or limited restroom services as staff begin the process to reopen facilities at wildlife areas and water access sites. Users are advised to bring soap, water, hand sanitizer, and toilet paper, as well as a mask or facial covering to shield their noses and mouths.
11. When physical distancing is not feasible, including during retail transactions, masks or facial coverings are strongly recommended.
12. Avoid crowds. Be prepared to go somewhere else or come back another time if a destination looks crowded.
13. Users should wash their hands often.
14. Pack out what you pack in. Take any garbage with you, including disposable gloves and masks.
15. Recreate locally and refrain from overnight stays.

## GOLF RESTART COVID-19 REQUIREMENTS AND RECOMMENDATIONS

All golf courses have a general obligation to keep a safe and healthy facility in accordance with state and federal law. They must also comply with the following COVID-19 worksite-specific safety practices, as outlined in Gov. Jay Inslee's "Stay Home, Stay Healthy" Proclamation 20-25, and in accordance with the Washington State Department of Labor and Industries General Coronavirus Prevention Under Stay Home-Stay Healthy Order (DOSH Directive 1.70: <https://www.lni.wa.gov/safety-health/safety-rules/enforcement-policies/DD170.pdf>) and the Washington State Department of Health Workplace and Employer Resources & Recommendations at <https://www.doh.wa.gov/Coronavirus/workplace>.

Golf courses should stay updated on advice from the National Golf Course Owners Association (NGCOA) "Park and Play" program - <https://www.ngcoa.org/info-centers/covid19/park-and-play-program>.

Golf is widely seen as an activity that is viable and relatively low risk, however there are additional precautions that need to be in place to ensure the safety of players, golf course staff and club/course officials. In order to operate, the following requirements must be implemented at golf courses.

**Golf Operations** *(These items will be assessed, and potentially modified, on a weekly basis.)*

Any course planning to reopen on May 5, 2020, must comply with the following:

1. Utilize on-line or phone tee time reservation systems to pre-pay and limit interactions, and restrict payments to credit cards only to eliminate the handling of cash.
2. Maintain a log of all customers, including contact information.
3. At the golf course's discretion, foursomes are allowed if they are from the same household. Otherwise, no more than two players from separate households per tee time. Single players should be asked if they would like to be paired together.
4. Restrict play to one rider per power cart, unless a minor is also playing.
5. Regularly sanitize counter tops, door knobs, other common surfaces, range buckets, golf carts, push carts, cash registers, score posting kiosks, and other frequently touched surfaces including employee used equipment.
6. Ensure that the flagstick remains in at all times. Players will be educated to avoid touching the flagstick for any reason.
7. Be creative with cup liners to avoid having players reaching into the hole to retrieve golf balls, such as installing cups upside down or partly above ground.

8. Eliminate cups and holes on practice greens.
9. Discontinue club and equipment rentals.
10. Restrict use of driving range and putting green to those with a tee time within 30 minutes.
11. Remove bunker rakes and other on-course furniture like benches, ball washers, water coolers, etc.
12. Eliminate on-course garbage cans, encourage golfers to carry and properly dispose of their own garbage when leaving the course.
13. Modify driving range hitting areas to ensure a minimum 10-foot separation between players.
14. Install signage to discourage group congregation, or to limit numbers of people in a certain area of the club or pro shop. Golfers will be reminded to be especially mindful of social distancing in the parking lot, and around tees and greens.
15. Place appropriate signage outside the pro shop and clubhouse plus at the first tee entries briefly outlining the social distancing guidelines in place.
16. Keep up to date on all changes that are happening daily.
17. Marshall the course to ensure physical distancing by reminding golfers, and where necessary, warning repeat offenders.
18. Ask golfers to leave the golf course immediately after playing to eliminate congestion/gathering on the property or in the parking lot.

### **Other Facility Operations**

19. Increase the number of hand sanitizing stations throughout the clubhouse area and check-in areas.
20. Restrict access where unauthorized visitors may enter, most specifically “back of the house” doors and entry points.
21. Increase frequency of HVAC system filter changing.
22. Ensure restrooms are frequently cleaned and appropriately sanitized throughout the day.
23. Eliminate sit-down food and beverage services, and recommend customers use pre-order “take-out” or “to go” services only. Consider offering cart-to-cart delivery if feasible.

## **Employee Safety and Health**

24. Ensure operations follow L&I requirements to protect workers, including:

- Maintain minimum six-foot separation between staff and customers in all interactions. When strict social distancing is not feasible for a specific task, other prevention measures are required, such as use of barriers, personal protective equipment or other acceptable protection.
- Ensure frequent and adequate hand washing. Use gloves when possible (if not disposal, then ensure they are regularly washed).
- Make sure sick employees stay home or go home if they feel or appear sick, identify and isolate workers who exhibit signs or symptoms of COVID-19 illness, and follow [cleaning guidelines set by the CDC](#) to deep clean after reports of an employee with suspected or confirmed COVID-19 illness.
- Educate workers in the language they understand best about coronavirus and how to prevent transmission.
- See the L&I [Coronavirus \(COVID-19\) Prevention: General Requirements and Prevention Ideas for Workplaces](#) for more information.

**No golf course may operate until they can meet and maintain all the requirements in this document, including providing materials, schedules and equipment required to comply.**

- All issues regarding worker safety and health are subject to enforcement action under L&I's Division of Occupational Safety and Health (DOSH). Workplace safety and health complaints may be submitted to the L&I Call Center: (1-800-423-7233) or via e-mail to [adag235@lni.wa.gov](mailto:adag235@lni.wa.gov).
- General questions about how to comply with safety practices can be submitted to the state's Business Response Center at <https://app.smartsheet.com/b/form/2562f1caf5814c46a6bf163762263aa5>.
- All other violations related to Proclamation 20-25 can be submitted at <https://bit.ly/covidcompliance>.

**Exhibit 14**

JAY INSLEE  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • [www.governor.wa.gov](http://www.governor.wa.gov)

**PROCLAMATION BY THE GOVERNOR  
AMENDING PROCLAMATIONS 20-05, 20-25, 20-25.1, and 20-25.2**

**20-25.3**

**ADJUSTING AND EXTENDING  
STAY HOME – STAY HEALTHY  
TO MAY 31, 2020**

**Safe Start Washington: Phase I – Re-Opening Washington**

**WHEREAS**, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

**WHEREAS**, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-52, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamations 20-25, 20-25.1, and 20-25.2 (Stay Home – Stay Healthy), prohibiting all people in Washington State from leaving their homes or participating in social, spiritual or recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations therein; and

**WHEREAS**, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

**WHEREAS**, when I last amended the Stay Home – Stay Healthy order (Proclamation 20-25.2) on April 27, 2020, there were 13,521 cases of COVID-19 in Washington State with 749 deaths; and, just five days later, through May 2, 2020, the Department of Health confirmed another 1,664 cases and 85 more deaths, for a total of 15,185 cases with 834 associated deaths, demonstrating the ongoing, present threat of this lethal disease; and

**WHEREAS**, while there continues to be a significant number of cases of COVID-19 in Washington State with associated deaths, the data and epidemiological models predict that we have passed the peak of the virus' progression in the state; and, the health experts credit this decline to the mandatory social distancing practices and prohibitions we have put in place; and

**WHEREAS**, the health professionals and epidemiological modeling experts predict that we have passed the peak of the progression in the state, and the data suggests it is appropriate to continue a careful, phased, and science-based approach to slowly re-opening Washington State. In addition, modelers agree that fully relaxing social distancing measures will result in a sharp increase in the number of cases; and

**WHEREAS**, this unprecedented health crisis has caused extraordinary anxiety and a significant disruption of routine and important activities for every Washingtonian; and I recognize the extraordinary resiliency, strength, adaptability, and courage of every Washingtonian during this difficult time; and

**WHEREAS**, many people in Washington State attend religious services on a regular basis. Such services are a vital part of the spiritual and mental health of our community, and some of these services can be conducted in a manner similar to comparable secular activities to prevent prolonged exposure to individuals outside of their immediate household while ensuring safe social distancing and hygiene practices. And, to help inform future lifting of additional restrictions in phases, I have directed my staff to engage with a broad range of religious leaders beginning as soon as this week; and

**WHEREAS**, the science also suggests that some business activities can be conducted with limited exposure to customers while ensuring safe social distancing and hygiene practices. These business activities include landscaping, pet walking, car washing, vehicle and vessel sales, and retail limited to curb-side pickup, all of which are important to revitalizing Washington State's economy, restoring jobs and providing necessary goods and services; and

**WHEREAS**, counties in Washington State with lower population density generally are experiencing a lower transitory population which decreases the risk of virus spread and, under appropriate conditions, are able to control and absorb virus outbreaks within the capacity of existing local and regional health care systems without significant increased risk of being overwhelmed; and

**WHEREAS**, the Washington State Department of Health's data demonstrates that some less-populated counties with fewer than 75,000 residents have not identified a new COVID-19 case for the last three consecutive weeks, and this data supports providing those counties with an opportunity to lift additional restrictions, subject to certain conditions and requirements, an opportunity that is not yet safe to offer to other counties; and

**WHEREAS**, based on the science and data, current COVID-19 pandemic conditions now permit further adjustment of the prohibitions in Proclamations 20-25, 20-25.1 and 20-25.2 to allow for resumption of some religious services and certain business activities, and the opportunity for less densely populated counties that have not identified a resident with COVID-19 in the last three weeks to seek additional exceptions to these prohibitions under certain limited circumstances, while retaining the remainder of the restrictions imposed in Proclamations 20-25, 20-25.1 and 20-25.2 to protect the health and safety of all Washingtonians; and

**WHEREAS**, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

**WHEREAS**, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

**WHEREAS**, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

**NOW, THEREFORE**, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-25, 20-25.1 and 20-25.2 (Stay Home – Stay Healthy) are amended to extend all of the prohibitions and each expiration date therein to May 31, 2020, except for those prohibitions regarding the specific activities listed below. All other provisions of Proclamations 20-25, 20-25.1, 20-25.2 shall remain in full force and effect.

**FURTHERMORE**, in collaboration with the Washington State Department of Health, and based on analysis of the data and epidemiological modeling, I have established a phased-in approach to re-opening Washington State, which can be found in the Safe Start Washington re-opening plan [here](#); and, while all counties are currently in Phase I, counties with a population of less than 75,000 that have not identified a resident with COVID-19 the three most recent consecutive weeks, may request an exemption from specific aspects of the remaining prohibitions of this Proclamation by submitting a variance application to the Secretary of the Washington State Department of Health in compliance with the requirements found in the Safe Start Washington re-opening plan.

**FURTHERMORE**, while I continue to permit remote spiritual and religious services, and while I continue to classify religious counseling as an essential activity that may be conducted in person if it is not possible to provide those counseling services remotely, I now hereby order that religious services may also be provided as a drive-in service, with one household per vehicle, but only so long as participants fully comply with requirements that will be issued as soon as possible, but no later than May 15, 2020, and with the social distancing requirements and coronavirus related hygiene recommended by the Washington State Department of Health.

**FURTHERMORE**, I continue to permit the low-risk activities previously permitted, including some outdoor recreation as reflected in Emergency Proclamation 20-25.2 and its accompanying guidance materials issued April 27, 2020, as well as the business activities reflected or clarified in formal guidance documents issued on March 25, 2020 (construction), March 27, 2020 (real estate and mortgage), March 31, 2020 (general guidance) and April 29, 2020 (construction).

**FURTHERMORE**, I hereby order that the data and science supports re-opening additional low-risk activities during Phase I, including the business activities listed below. Re-opening these low-risk activities may occur when participants are able to fully comply with the industry-specific requirements that will be issued as soon as possible but no later than May 15, 2020, which, at a minimum, will require compliance with the social distancing and hygiene requirements indicated by the Washington State Department of Health:

- Landscaping and lawn care
- Vehicle and vessel sales
- Pet walking
- Retail (curb-side pick-up orders only)
- Car washes

**FURTHERMORE**, in collaboration with the Washington State Department of Health, in furtherance of the physical, mental, and economic well-being of all Washingtonians, I will continue to analyze the data and epidemiological modeling and adjust the Safe Start Washington re-opening plan accordingly.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military



**Exhibit 15**



# Safe Start Washington

## A Phased Approach to Recovery

ISSUED BY THE OFFICE OF THE GOVERNOR | MAY 4, 2020



## Safe Start Washington Governor Jay Inslee

Governor Jay Inslee, in collaboration with the Washington State Department of Health, has established a data-driven approach to reopen Washington and modify physical distancing measures while minimizing the health impacts of COVID-19. This approach reduces the risk of COVID-19 to Washington’s most vulnerable populations and preserves capacity in our health care system, while safely opening up businesses and resuming gatherings, travel, shopping, and recreation. The plan involves assessing COVID-19 activity in the state along with health care system readiness, testing capacity and availability, case and contact investigations, and ability to protect high-risk populations.



COVID-19 Disease Activity

## COVID-19 DISEASE ACTIVITY

Before reopening Washington and modifying physical distancing measures, COVID-19 disease burden must be low and decreasing as measured by:

- Number and trend of COVID-19 cases, hospitalizations and deaths in Washington State
- Modeling data, including Institute for Disease Modeling on Puget Sound area rates of COVID-19 spread, University of Washington Institute for Health Metrics and Evaluation modeling, and Youyang Gu modeling
- Mobility trends in Washington State, including WSDOT traffic data and Google Mobility Data

## READINESS AND CAPABILITIES NEEDED

The Department of Health and local public health officials will monitor data to assess our state’s readiness for safely reopening and modifying physical distancing measures. In addition to a low and decreasing disease burden, readiness must be achieved in four key areas to proceed from where we are now in the “Stay Home, Stay Healthy” order (Phase I) to Phase II, III and IV of the plan. The four key areas include healthcare system readiness, testing capacity and availability, case and contact investigations, and ability to protect high-risk populations. The overall goals for each area, along with the pertinent data that will be considered, are detailed below.





### 1. Health Care System Readiness

Adequate bed capacity, staffing and supplies in the health care system to handle a surge in COVID-19 cases, measured by:

- Number and percentage of licensed beds and ICU beds available in hospitals
- Number of available ventilators
- Days of personal protective equipment (PPE) supply available at hospitals, long-term care facilities, and other health care settings
- Ability of the state to fill high priority PPE requests from local emergency management agencies
- Ability of hospitals and other health care facilities to surge and coordinate movement of patients



### 2. Testing Capacity and Availability

Ability for everyone with COVID-19 symptoms and those with high-risk exposures to be tested immediately using a polymerase chain reaction (PCR) test and rapidly receive test results as measured by:

- Geographic distribution of testing sites and ability to serve the entire population
- Number and capacity of laboratories in Washington performing COVID-19 testing
- Availability of sufficient swabs, viral transport media, lab reagents, and other materials required for COVID-19 testing
- Number of tests performed per day



### 3. Case and Contact Investigations

Ability to rapidly isolate those with COVID-19, identify and quarantine their contacts, and provide case management services as measured by:

- Number of investigators trained and working
- Plans for case management
- Availability of isolation and quarantine facilities in local jurisdictions
- Percent of cases investigated within 24 hours of receipt of positive test report
- Percent of contact investigations initiated within 48 hours of receipt of positive test report





#### 4. Ability to Protect High-Risk Populations

Ability to immediately respond to outbreaks in congregate settings, such as long-term care facilities, behavioral health facilities, agricultural worker housing, homeless shelters and correctional facilities, and address the needs of other high-risk populations, including the elderly and the medically frail, measured by:

- Number of outbreaks in long-term care facilities
- Demographic data, including race/ethnicity data, on COVID-19 cases, hospitalizations and deaths
- Ability of local or state strike teams with adequate PPE to respond to an outbreak within 24 hours

### ALL INDIVIDUALS AND BUSINESSES

Until there is an effective vaccine, effective treatment or herd immunity, it is crucial to maintain some level of community interventions to suppress the spread of COVID-19 throughout all phases of recovery. This includes heightened protections for the health and safety of workers in essential sectors, people living and working in high-risk facilities (e.g., senior care facilities) and all other workers.

All Washingtonians have a responsibility to protect themselves and others. Each phase, while allowing for additional services to open and return to full capacity, is grounded in the following required basic practices:

#### Guidance for Individuals

All phases – Individuals should continue to:

- Engage in physical distancing, staying at least six feet away from other people
- Wear cloth face coverings in public places when not eating or drinking (cloth face coverings should not be placed on children younger than 2 years of age, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the cover without assistance)
- Stay home if sick
- Avoid others who are sick
- Wash hands frequently with soap and water (use hand sanitizer if soap and water are not available)
- Cover coughs and sneezes
- Avoid touching eyes, nose and mouth with unwashed hands
- Disinfect surfaces and objects regularly



## Requirements for All Employers

All phases – Employers are required to:

- Maintain the six-foot physical distancing requirements for employees and patrons. Adopt other prevention measures such as barriers to block sneezes and coughs when physical distancing is not possible for a particular job task.
- Provide services while limiting close interactions with patrons.
- Provide adequate sanitation and personal hygiene for workers, vendors and patrons. Ensure employees have access to hand washing facilities so they can wash their hands frequently with soap and running water.
- Ensure frequent cleaning and disinfection of the business, particularly of high-touch surfaces.
- Identify personal protective equipment (PPE) and cloth facial coverings in accordance with L&I requirements on facial coverings and industry specific COVID-19 standards. Provide the necessary PPE and supplies to employees.
- Identify strategies for addressing ill employees, which should include requiring COVID-19 positive employees to stay at home while infectious, and potentially restricting employees who were directly exposed to the COVID-19 positive employee. Follow CDC cleaning guidelines to deep clean after reports of an employee with suspected or confirmed COVID-19 illness. This may involve the closure of the business until the location can be properly disinfected.
- Educate employees about COVID-19 in a language they best understand. The education should include the signs, symptoms and risk factors associated with COVID-19 and how to prevent its spread.
- On a case-by-case basis, as directed by federal, state and local public health and workplace safety officials, implement other practices appropriate for specific types of businesses, such as screening of employees for illness and exposures upon work entry, requiring non-cash transactions, etc.
- Follow requirements in [Governor Inslee's Proclamation 20-46 High-Risk Employees – Workers' Rights](#).
- Keep a safe and healthy facility in accordance with state and federal law, and comply with COVID-19 worksite-specific safety practices, as outlined in Governor Inslee's "Stay Home, Stay Healthy" Proclamation 20-25, and in accordance with the Washington State Department of Labor & Industries [General Coronavirus Prevention Under Stay Home, Stay Healthy Order](#) and the Washington State Department of Health [Workplace and Employer Resources & Recommendations](#).
- Challenge Seattle and the Washington Roundtable have developed a [business checklist](#) which is a great starting point for businesses as they prepare for a Safe Start. Our shared goal is to establish clear requirements that everyone can understand and apply — employers, workers and customers.

Businesses are also expected to implement any additional requirements developed specifically for their industry, such as those that have been established for construction.



## PHASED APPROACH TO REOPENING WASHINGTON AND MODIFYING PHYSICAL DISTANCING MEASURES

Phase I of reopening Washington begins on May 5, 2020. When COVID-19 disease burden is low and decreasing and the four above capabilities are met, the Governor will issue an order for the state to move into future phases. The state will stay in every phase for a **minimum of three weeks**. During that time, the Department of Health and the Governor will re-evaluate the above indicators and determine if the state should remain in the current phase, advance to the next phase or return to the previous phase. No phase will last less than three weeks before moving to the next phase, in order to allow one complete disease incubation period plus an additional week to compile complete data and confirm trends.

The following table shows the phased approach for reopening businesses and resuming activities not authorized under Proclamation 20-25. **This phased approach may be adjusted as the pandemic evolves.** The industries listed are not an exclusive or exhaustive list of industries. Businesses listed in each phase of the plan will have industry-specific guidance and safety criteria developed to ensure workplace safety and public health are maintained. Those business activities are not authorized to open until the industry-specific guidance and safety criteria are issued.

A number of different factors were considered when deciding which activities could be resumed and which businesses could be reopened in various phases. These factors included:

- Risk of disease spread during the individual or business activity
- Number of people who could potentially be infected during the individual or business activity
- Economic benefits to opening the business
- Individual benefits to opening the business

Additional plans for a phased approach to restarting health care and educational activities are under development.

Families are adjusting to a new way of life, and we understand the impacts this is having on them. The connection between education, childcare, youth sports, summer programs and extracurricular activities is critical and must be viewed from a holistic lens to ensure equity and high quality of life. As we prepare for what the reopening of school looks like, we will be working closely with the Department of Health, Office of the Superintendent for Public Instruction, Department of Children, Youth and Families, and parents to release plans in the future.

While childcare is currently an essential business activity and a key component to the reopening plan, we know there is more to do. The state will continue efforts to ensure adequate access and affordability for families.



# WASHINGTON'S PHASED APPROACH

## Modifying Physical Distancing Measures as we Reopen the State

**INDIVIDUALS AND BUSINESSES SHOULD FOLLOW ALL REQUIREMENTS LISTED ABOVE DURING ALL PHASES**

	 <b>Phase 1</b>	 <b>Phase 2</b>	 <b>Phase 3</b>	 <b>Phase 4</b>
<b>High-Risk Populations*</b>	Continue to Stay Home, Stay Healthy	Continue to Stay Home, Stay Healthy	Continue to Stay Home, Stay Healthy	Resume public interactions, with physical distancing
<b>Recreation</b>	Some outdoor recreation (hunting, fishing, golf, boating, hiking)	Outdoor recreation involving fewer than 5 people outside your household (camping, beaches, etc.)	<ul style="list-style-type: none"> <li>- Outdoor group recreational sports activities (5–50 people)</li> <li>- Recreational facilities at &lt;50% capacity (gyms, public pools, etc.)</li> <li>- Professional sports without audience participation (horseracing, baseball, etc.)</li> </ul>	Resume all recreational activity
<b>Gatherings (social, spiritual)</b>	<ul style="list-style-type: none"> <li>- None</li> <li>- Drive-in spiritual service with one household per vehicle</li> </ul>	Gather with no more than 5 people outside your household per week	Allow gatherings with no more than 50 people	Allow gatherings with >50 people
<b>Travel</b>	Essential travel and limited non-essential travel for Phase 1 permissible activities	Essential travel and limited non-essential travel for Phase I & II permissible activities	Resume non-essential travel	Continue non-essential travel
<b>Business/Employers</b>	<ul style="list-style-type: none"> <li>- Essential businesses open</li> <li>- Existing construction that meets agreed upon criteria</li> <li>- Landscaping</li> <li>- Auto/RV/Boat/ORV sales</li> <li>- Retail (curb-side pick-up orders only)</li> <li>- Car washes</li> <li>- Pet walkers</li> </ul>	<ul style="list-style-type: none"> <li>- Remaining manufacturing</li> <li>- Additional construction phases</li> <li>- In-home/domestic services (nannies, housecleaning, etc.)</li> <li>- Retail (in-store purchases allowed with restrictions)</li> <li>- Real estate</li> <li>- Professional services/office-based businesses (telework remains strongly encouraged)</li> <li>- Hair and nail salons/barbers</li> <li>- Pet grooming</li> <li>- Restaurants &lt;50% capacity table size no larger than 5</li> </ul>	<ul style="list-style-type: none"> <li>- Restaurants/taverns &lt;75% capacity/ table size no larger than 10</li> <li>- Bar areas in restaurant/taverns at &lt;25% capacity</li> <li>- Movie theaters at &lt;50% capacity</li> <li>- Customer-facing government services (telework remains strongly encouraged)</li> <li>- Libraries</li> <li>- Museums</li> <li>- All other business activities not yet listed except for nightclubs and events with greater than 50 people</li> </ul>	<ul style="list-style-type: none"> <li>- Nightclubs</li> <li>- Concert venues</li> <li>- Large sporting events</li> <li>- Resume unrestricted staffing of worksites, but continue to practice physical distancing and good hygiene</li> </ul>

\* High-risk populations are currently defined by CDC as: persons 65 years of age and older; people of all ages with underlying medical conditions (particularly not well controlled), including people with chronic lung disease or moderate to severe asthma; people who have serious heart conditions; people who are immunocompromised; people with severe obesity; people with diabetes; people with chronic kidney disease undergoing dialysis; and people with liver disease; people who live in a nursing home or long-term care facility.

## COUNTY VARIANCE REQUESTS

The Department of Health recognizes that there are currently some small counties with a population of less than 75,000 that have not identified a resident with COVID-19 for the past three weeks. These counties have the opportunity to apply for a variance to move to Phase II of this plan before the rest of the state. To apply for a variance, the local jurisdiction must follow the below process and submit the following materials to the Department of Health. County variance applications will be approved or denied by the Secretary of Health.

**1. The process must adhere to the following steps:**

- a. The local public health officer must submit a signed recommendation to the local board of health with one of the following recommendations: not request a variance and stay in Phase I, request a variance to include all of the Phase II modifications above, or request a variance to include a subset of Phase II modifications.
- b. The local board of health, if they choose to move forward with a variance request, must vote on such a request.
- c. The local hospital(s) must submit a letter certifying that they have adequate bed capacity to serve their community and adequate PPE supplies to keep their workers safe.
- d. The county commission/council must request to move to Phase II (or a subset of Phase II) of the plan.

**2. The county commissioner must submit a letter requesting a variance, the letter from the local hospital certifying they have adequate bed capacity to serve their community and adequate PPE supplies to keep their workers safe, and a document that includes the following information to the Department of Health:**

- a. Plans to make COVID-19 testing available and accessible to everyone in the county with symptoms consistent with COVID-19.
- b. The number of tests performed by week over the past three weeks.
- c. The number of people trained and ready to perform case investigations and contact tracing.
- d. Plans to house people in isolation or quarantine who do not have a home or wish to isolate or quarantine themselves outside of their home.
- e. Plans to provide case management services to cases and contacts in isolation and quarantine.
- f. Plans to rapidly respond to outbreaks in congregate settings.



- 3. Included with this application are documents demonstrating approvals and endorsements for all of the following:**
- a. The local public health officers' recommendation to the Board of Health.
  - b. Documentation of the vote of the Board of Health, including the motion and the vote totals.
  - c. Letters from all hospitals used by the county certifying their bed capacity for COVID-19 patients and PPE supplies.
  - d. Documentation of the vote of the county commission, including the vote totals.

In the next two weeks, the Department of Health and Governor Inslee will consider additional criteria which could include cases per capita for allowing other counties to apply for a variance. Local jurisdictions will be allowed to partially implement a phase.



# Appendix B

The Honorable Benjamin H. Settle

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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

JOSHUA FREED,  
  
Plaintiff,  
  
vs.  
  
JAY INSLEE, Governor of Washington,  
in his official capacity,  
  
Defendant.

NO. 2:20-cv-00599-BHS  
  
DECLARATION OF DR. KATHY  
LOFY

I, Kathy Lofy, MD, declare as follows:

1. I am over the age of 18, competent to testify as to the matters herein, and make this declaration based on my personal knowledge. I am currently employed as State Health Officer and Chief Science Officer at the Washington State Department of Health (DOH), a position I have held for six years.

2. I am responsible for advising the Secretary of Health and the Governor on public health issues, including health promotion, disease prevention, and emergency response, including the response to the COVID-19 pandemic. I earned a BA in human biology from Stanford University and an MD from the UCLA School of Medicine and completed a pediatric residency at Children’s Hospital Oakland. I started my public health career in 2002 as a U.S. Centers for Disease Control and Prevention (CDC) Epidemic Intelligence Service Officer assigned to DOH. I then joined DOH. Prior to attaining my current position, I served as the state

1 foodborne disease epidemiologist, influenza surveillance coordinator, and medical consultant to  
2 the Offices of Communicable Disease Epidemiology and Infectious Disease.

3 3. On January 8, 2020, I received an advisory from the CDC regarding an outbreak  
4 of pneumonia of unknown etiology in Wuhan, China. This cluster of pneumonia was  
5 subsequently determined to be the start of the COVID-19 pandemic. Since early January, in  
6 collaboration with state and local public health experts, I have helped lead Washington State's  
7 response to the COVID-19 pandemic by developing, implementing, and advising the Secretary  
8 of Health and Governor on public health interventions to limit the spread of COVID-19 in  
9 Washington and maintain capacity and supplies in our healthcare system to adequately provide  
10 care to people with COVID-19.

11 4. On January 21, 2020, the CDC and DOH announced what was then believed to  
12 be the first confirmed case of COVID-19 in the United States in Snohomish County,  
13 Washington. By late February/early March, public health officials recognized the spread of  
14 COVID-19 in Washington, including an individual with COVID-19 from Snohomish County  
15 who had not traveled and an outbreak in the Life Care Center, a skilled nursing facility in  
16 Kirkland, associated with at least 167 cases and 35 deaths. On February 29, 2020, DOH  
17 announced that a patient had died in the EvergreenHealth Medical Center in Kirkland, which  
18 was then believed to be the first COVID-19 death in the United States. (In April, it was  
19 determined that the first known COVID-19 death had occurred in early February in California.).  
20 Since then, public health officials have worked to determine the extent of COVID-19 in  
21 Washington and worked with the Office of the Governor and others to coordinate a response.

22 5. On January 30, 2020, the World Health Organization declared the COVID-19  
23 outbreak a "public health emergency of international concern." On January 31, 2020, the United  
24 States Health and Human Services Secretary, Alex M. Azar II, declared a public health  
25 emergency.  
26

1           6.       COVID-19, a disease that can result in serious illness or death, is caused by the  
2 SARS-CoV-2 virus, which is a coronavirus not previously identified in humans prior to  
3 December 2019, that spreads easily from person to person. It spreads mainly from person to  
4 person through respiratory droplets produced when an infected person coughs, sneezes, or talks.  
5 A person may also get COVID-19 by touching a surface or object that has the virus on it and  
6 then touching their own mouth, nose, or possibly their eyes. People can spread the virus before  
7 their symptoms begin (pre-symptomatic transmission) and during an asymptomatic infection  
8 which results in people unknowingly spreading the virus to others. The CDC has reported two  
9 situations in Singapore where pre-symptomatic transmission likely occurred in a religious setting  
10 (CDC. *Morbidity and Mortality Weekly Report* 2020; 69[14]:411–415). In addition, a large  
11 COVID-19 outbreak occurred in Skagit County after a pre-symptomatic individual attended a  
12 church choir practice.

13           7.       Although many patients experience mild to moderate, or no symptoms, some  
14 patients experience severe or critical illness requiring hospitalization and intense care treatment,  
15 such as the use of ventilators (intubation). A subset of those with severe disease will die. People  
16 who are 65 years and older and people of all ages with underlying medical conditions,  
17 particularly if not well controlled, are at higher risk for severe COVID-19 illness. *See* CDC,  
18 *Groups at Higher Risk for Severe Illness*, [https://www.cdc.gov/coronavirus/2019-ncov/need-](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/groups-at-higher-risk.html)  
19 [extra-precautions/groups-at-higher-risk.html](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/groups-at-higher-risk.html).

20           8.       Because of the speed with which COVID-19 spreads in a community, and the  
21 significant portion of COVID-19 patients who require hospitalization, intensive care, and  
22 mechanical ventilation, outbreaks threaten to overwhelm the healthcare system.

23           9.       There are currently no drugs or therapeutics presently approved by the U.S. Food  
24 and Drug Administration (FDA) or vaccines to treat or prevent COVID-19. On May 1, 2020, the  
25 FDA issued an Emergency Use Authorization for emergency use of remdesivir for the treatment  
26

1 of hospitalized COVID-19 patients with severe disease. An Emergency Use Authorization does  
2 not constitute formal FDA approval.

3 10. On February 29, 2020, Governor Inslee proclaimed that “a State of Emergency  
4 exists in all counties in the state of Washington,” and directed that emergency plans be  
5 implemented. At the same time, the Governor ordered into active state service the National  
6 Guard and the State Guard. Proclamation 20-05 (attached as Exhibit 1 to the Declaration of  
7 David Postman). In a series of proclamations issued over the following months, the Governor  
8 took multiple actions to slow the spread of COVID-19, including: prohibiting gatherings of 250  
9 people or more (and, later, 50 or more); permitting gatherings of fewer than 50 people only if  
10 individuals complied with CDC and DOH social distancing and sanitation guidelines; closing  
11 schools, colleges, and universities; prohibiting gatherings of any size in “public venues,”  
12 including restaurants, gyms, private clubs, faith-based organizations, and any “other similar  
13 venues.”

14 11. These actions have been essential to mitigating the spread of COVID-19 and  
15 easing the strain on our healthcare system. Because COVID-19 spreads from person to person  
16 through close contact, maintaining distance between people and avoiding large crowds,  
17 particularly indoors, is critical. If people consistently retain a distance of at least six feet from  
18 each other, the risk of the virus spreading from an infected person to an uninfected person is very  
19 low. That reduces the overall spread and number of persons infected within a geographic area  
20 and persons requiring hospitalization, which in turn reduces the number of intensive-care beds  
21 and ventilators needed to treat patients.

22 12. Without efforts to stop person-to-person transmission, modeling studies have  
23 shown that unmitigated spread of COVID-19 would lead to an explosion of cases, many more  
24 hospitalizations and fatalities, and an untenable burden on the healthcare system. This potentially  
25 includes deaths of patients who could potentially recover but for the unavailability of ventilators  
26 and other medical care due to the strain on the healthcare system.

1           13. For that reason, significant preventative steps were medically and scientifically  
2 necessary in order to stem the outbreak in Washington. The Governor has issued numerous  
3 proclamations since his initial emergency proclamation on February 29, 2020. Throughout this  
4 process, I have worked in tandem with the Governor’s Office, other DOH officials, and public  
5 health experts to ensure the state’s mitigation strategies are based on the latest and most accurate  
6 data and accepted scientific practice. Despite the state’s early and aggressive mitigation efforts,  
7 the virus continued to spread rapidly in the first month of the outbreak: In mid-March,  
8 Washington had the highest absolute number and had among the highest number per capita of  
9 COVID-19 cases of any state in the country. The effective reproductive rate ( $R_e$ ) during the first  
10 half of March—that is, the number of new infections estimated to stem from a single case—was  
11 estimated in the 1.5 to 3 range. By late March, 400 to 500 new COVID-19 cases were being  
12 reported each day. From a public health standpoint, that transmission rate was unsustainable.

13           14. Thus, DOH and the Governor’s Office determined that it was necessary  
14 to escalate Washington’s mitigation strategies. Most prominently, these include  
15 Proclamation 20-25, the Governor’s “Stay Home, Stay Safe” proclamation on March 23, 2020,  
16 as well as subsequent modifications to that Proclamation, which generally requires  
17 Washingtonians not to leave their homes except for certain essential activities and essential  
18 employment, and generally prohibits social, spiritual, and recreational gatherings other than  
19 those attended by household members in the home. My office continues to work with the  
20 Governor, Secretary of Health, and others to modify proclamations.

21           15. Without a vaccine, cure, or treatment for COVID-19, reducing person-to-person  
22 transmission through community mitigation measures is the most effective way of mitigating the  
23 outbreak and ensuring that the healthcare system is not overwhelmed. The “Stay Home, Stay  
24 Healthy” order serves this mitigation objective by imposing a clear, categorical prohibition on  
25 all gatherings, private or public, for any purpose. If exceptions were made to this prohibition  
26

1 based on the subjective purpose of the gathering, mitigation efforts would be less successful and,  
2 it would be difficult, if not impossible, for officials to enforce.

3 16. The state’s Essential Critical Infrastructure Workers list (Essential Workers list)  
4 referenced in Proclamation 20-25 establishes exceptions to the stay-home order based on  
5 objective criteria, including the epidemiological risk inherent in and the necessity of continued  
6 operations in light of public health, economic, national security, and other governmental  
7 objectives. The essential activities and essential business services allowed under the  
8 Proclamation do not present comparable health risks to the “public and private gatherings and  
9 multi-person activities for social, spiritual, and recreational purposes, regardless of the number  
10 of people involved” that the Proclamation prohibits. They do not present a comparable health  
11 risk because face-to-face interactions—those most likely to result in transmission—with workers  
12 at a grocery store or pharmacy are generally much shorter in duration than face-to-face  
13 interactions during social, spiritual or recreational events.

14 17. Throughout the outbreak, DOH has collected, and updated daily, statistical  
15 information concerning the outbreak. Data is available online at: [https://www.doh.wa.gov/  
16 Emergencies/Coronavirus](https://www.doh.wa.gov/Emergencies/Coronavirus). Six weeks after the Stay Home, Stay Healthy order was announced,  
17 the data indicates that Washington has made progress in slowing the spread of COVID-19.  
18 COVID-19 activity peaked in late March then steadily declined throughout April. Although the  
19 rate of new cases confirmed each day has declined while Proclamation 20-25 has been in effect,  
20 as of May 3, 2020, data demonstrates that about 200 new confirmed cases continue to arise daily.  
21 In addition, for every confirmed case detected, there are an estimated 3 to 19 infected people that  
22 are not detected. For those reasons, the Governor has extended the stay-home order until  
23 May 31, 2020, while at the same time establishing a phased approach to reopening guided by a  
24 range of important public health metrics, including COVID-19 cases, hospitalizations and  
25 deaths; disease modeling; demographic and equity data; testing capacity and availability; case  
26 and contact investigation capacity; and health care system readiness.



# Appendix C

Document title: Northwest Fitness Company - Posts

Capture URL: <https://www.facebook.com/nwfitco/posts/749732335550096>

Captured site IP: 31.13.66.35

Page loaded at (UTC): Mon, 18 May 2020 16:08:24 GMT

Capture timestamp (UTC): Mon, 18 May 2020 16:09:18 GMT

Capture tool: v6.13.15

Collection server IP: 54.174.78.137

Browser engine: Chrome/70.0.3538.77

Operating system: Microsoft Windows NT 10.0.14393.0 (10.0.14393.0)

PDF length: 3

Capture ID: 571900c2-92cf-4450-9743-36fd3dd865fd

User: wag-rhartsock



Northwest Fitness Company

@nwfitco

Home

About

Reviews

Events

Photos

Posts

Videos

Community

Create a Page



Like Follow Share

Sign Up Send Message

Northwest Fitness Company is at Northwest Fitness Company. January 13 · Puyallup, WA

LAST CHANCE TO JOIN AT THESE SPECIAL MEMBERSHIP RATES BEFORE THEY ARE GONE FOR GOOD! GO TO OUR WEBSITE, NWFITCO.COM, FOR EASY ONLINE SIGN-UP AS WELL INFO REGARDING LOCATION, HOURS, AMENITIES, CHILD WATCH CLASS SCHEDULES, 7-DAY PASSES, PERSONAL TRAINING AND CONTACT INFO.

**LAST CHANCE**

THESE SPECIAL OFFERS ARE ENDING SUNDAY, JANUARY 19th!

**NWFITCO**  
NORTHWEST FITNESS CO.

**MONTHLY PREMIERE OPTION 1:**  
ONLY \$30 TO START, PLUS YOUR 1ST MONTHLY DUES OF \$24 = \$54+tax TO BEGIN TODAY!  
Monthly Rate \$24 plus tax

**MONTHLY PREMIERE OPTION 2:**  
ONLY \$70 TO START, PLUS YOUR 1ST MONTHLY DUES OF \$19 = \$89+tax TO BEGIN TODAY!  
Monthly Rate \$19 plus tax  
\*\*THIS RATE IS LOCKED IN FOR THE LIFE OF YOUR MEMBERSHIP\*\*

**PAID-IN-FULL OPTION:**  
PAY FOR 1 YEAR UP FRONT, AND GET 1 YEAR FREE!  
ONLY \$0 TO START, PLUS \$24 x 12 MONTHS = \$288+tax  
AFTER THE TWO YEARS DUES DROP TO \$20 MONTHLY  
THAT'S \$288 SAVINGS! (\*\*\$20 MONTHLY DUES

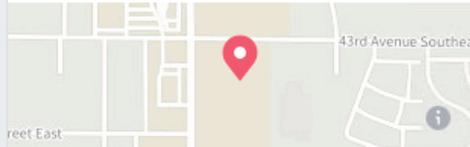
Gym/Physical Fitness Center in Puyallup, Washington

Open Now

Community See All

- Invite your friends to like this Page
- 2,031 people like this
- 2,089 people follow this
- 3,970 check-ins

About See All



4301 South Meridian, Suite H Puyallup, Washington 98373

- Get Directions
- (253) 228-7685
- Send Message
- WWW.NWFITCO.COM
- Gym/Physical Fitness Center
- Hours 4:00 AM - 11:59 PM
- Open Now
- Suggest Edits

Page Transparency See More

Facebook is showing information to help you better understand the purpose of a Page. See actions taken by the people who manage and post content.

Page created - December 2, 2018

Related Pages Chat



Northwest Fitness Company

@nwfitco

- Home
- About
- Reviews
- Events
- Photos
- Posts**
- Videos
- Community

Create a Page

Like Follow Share

Sign Up Send Message

**BEGIN TODAY!**  
 Monthly Rate \$24 plus tax  
 \*\*THIS RATE IS LOCKED IN FOR THE LIFE OF YOUR MEMBERSHIP.\*\*

Monthly Rate \$19 plus tax  
 \*\*THIS RATE IS LOCKED IN FOR THE LIFE OF YOUR MEMBERSHIP.\*\*

AFTER THE TWO YEAR DUES DROP TO \$20 MONTHLY  
 THAT'S \$288 SAVINGS!  
 (\*\*\$20 MONTHLY DUES RATE IS LOCKED IN FOR THE LIFE OF YOUR MEMBERSHIP AFTER THE PREPAID YEAR, PLUS FREE 1 YEAR, HAVE EXPIRED.\*\*)

11 2 Comments 7 Shares

Like Comment Share

All Comments

Write a comment...

Press Enter to post.

Ashley Sievers Kimberly Peterson Like · Reply · 17w

Giselle Ventrella Vahnessa Aguayo Like · Reply · 17w

Create Post

Write a post...

Photo/Video Tag Friends Get Messages

Northwest Fitness Company April 16

Mike Baker April 16 · GoFundMe

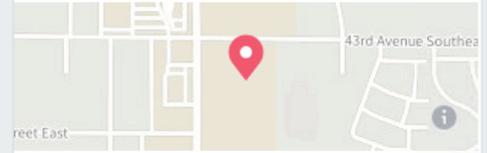
We hate to ask for this, but like many business we are in need of any help we can get. Northwest Fitness Company is working on coming out of this stronger and better than before. Thank you in advance.



GOFUNDME.COM

NWFITCO Employee COVID-19 Help organized by Michael Baker

About See All



4301 South Meridian, Suite H Puyallup, Washington 98373

Get Directions

(253) 228-7685

Send Message

WWW.NWFITCO.COM

Gym/Physical Fitness Center

Hours 4:00 AM - 11:59 PM

Open Now

Suggest Edits

Page Transparency See More

Facebook is showing information to help you better understand the purpose of a Page. See actions taken by the people who manage and post content.

Page created - December 2, 2018

Related Pages

Pierce County Sheriff's Office Law Enforcement Agency Like

Fisher Scones Foodservice Distributor Like

KIRO 7 News TV Channel Like

Pages Liked by This Page

We Are Puyallup Like

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Chat

# Appendix D

Document title: Personal Training | Northwest Fitness Company | United States

Capture URL: <https://www.nwfitco.com/>

Captured site IP: 185.230.60.96

Page loaded at (UTC): Mon, 04 May 2020 15:43:20 GMT

Capture timestamp (UTC): Mon, 04 May 2020 15:43:53 GMT

Capture tool: v6.13.15

Collection server IP: 52.7.109.102

Browser engine: Chrome/70.0.3538.77

Operating system: Microsoft Windows NT 10.0.14393.0 (10.0.14393.0)

PDF length: 3

Capture ID: 065becdb-dbf-4ad0-9632-74ead148b504

User: wag-rhartsock

# NWFITCO

NORTHWEST FITNESS CO.



HOME/HOURS

MENU

JOIN

## Closed Due To The State Mandated Closure

*We appreciate all of the support our Member Base has shown during this difficult time. We are running some great specials for your Friends & Family members and would greatly appreciate if you will help promote these specials to all of your loved ones!*

### MASSIVE QUARANTINE SPECIAL ENDS 5/4/2020

*The amenities included with ALL NWFITCO memberships are the same! To see the list of amenities, go to the menu link at the top of the page and choose the "amenities" tab.*

**NO ANNUAL FEE!**

**NO CONTRACTS!**

**NO HIDDEN FEES!**

JOIN

*Monthly Premiere  
Option 1  
Quarantine Special  
ONLY \$0  
TO START  
NORMALLY \$15, PLUS  
YOUR 1ST MONTHLY  
DUES OF \$26 = \$26+tax  
TO BEGIN TODAY!  
Monthly Rate of \$26  
for the first year then  
dues drop to \$21 FOR  
THE LIFE OF  
YOUR MEMBERSHIP!*

**Family Membership Add On  
Available At Time Of  
Enrollment On Any  
Membership Option  
ONLY**

**\$0 Enrollment and \$21 +  
Tax Monthly Dues**

**\* After Enrollment You Will  
Receive An Email With A  
Family Add-on Link**

JOIN

*Monthly Premiere  
Option 2  
Quarantine Special  
ONLY \$25 TO START  
NORMALLY \$90,  
PLUS YOUR 1ST  
MONTHLY DUES OF \$19  
= \$44+tax TO BEGIN  
TODAY!  
Monthly Rate \$19 plus  
tax  
\*\*THIS RATE IS LOCKED  
IN FOR THE LIFE OF  
YOUR MEMBERSHIP.\*\**

JOIN

*Paid-In-Full Option  
Option 3  
Quarantine Special  
PAY FOR 1 YEAR UP FRONT, AND GET 1  
YEAR FREE!*

# Mandated Closure

We appreciate all of the support our Member Base has shown during this difficult time. We are running some great specials for your Friends & Family members and would greatly appreciate if you will help promote these specials to all of your loved ones!

## MASSIVE QUARANTINE SPECIAL ENDS

5/4/2020

The amenities included with ALL NWFITCO memberships are the same! To see the list of amenities, go to the menu link at the top of the page and choose the "amenities" tab.

**NO ANNUAL FEE!**

**NO CONTRACTS!**

**NO HIDDEN FEES!**

**JOIN**

*Monthly Premiere*

*Option 1*

*Quarantine Special*

ONLY \$0

TO START

**NORMALLY \$15**, PLUS  
YOUR 1ST MONTHLY  
DUES OF \$26 = \$26+tax  
TO BEGIN TODAY!

*Monthly Rate of \$26  
for the first year then  
dues drop to \$21 FOR  
THE LIFE OF  
YOUR MEMBERSHIP!*

Family Membership Add On

Available At Time Of  
Enrollment On Any  
Membership Option

**ONLY**

\$0 Enrollment and \$21 +  
Tax Monthly Dues

\* After Enrollment You Will  
Receive An Email With A  
Family Add-on Link

**JOIN**

*Monthly Premiere*

*Option 2*

*Quarantine Special*

ONLY \$25 TO START

**NORMALLY \$90,**

PLUS YOUR 1ST  
MONTHLY DUES OF \$19  
= \$44+tax TO BEGIN  
TODAY!

*Monthly Rate \$19 plus  
tax*

\*\*THIS RATE IS LOCKED  
IN FOR THE LIFE OF  
YOUR MEMBERSHIP.\*\*

**JOIN**

*Paid-In-Full Option*

*Option 3*

*Quarantine Special*

PAY FOR 1 YEAR UP FRONT, AND GET 1  
YEAR FREE!

ONLY \$0 TO START NORMALLY \$15, PLUS  
\$26 x 12 MONTHS = \$312+tax  
**AFTER THE TWO YEARS DUES DROP TO  
\$21 MONTHLY  
FREE LOCKER RENTAL FOR 2 YEARS  
WHICH IS A \$240 VALUE**

*THAT'S \$288 SAVINGS FOR THE  
FREE YEAR AND \$240 SAVINGS  
FOR THE LOCKER! TOTAL SAVINGS  
OF \$528*

(\$21 MONTHLY DUES RATE IS LOCKED IN FOR THE LIFE OF  
YOUR MEMBERSHIP AFTER THE PREPAID YEAR, PLUS FREE 1  
YEAR, HAVE EXPIRED)

# Appendix E

Document title: Personal Training | Northwest Fitness Company | United States

Capture URL: <https://www.nwfitco.com/>

Captured site IP: 185.230.60.195

Page loaded at (UTC): Mon, 11 May 2020 18:01:03 GMT

Capture timestamp (UTC): Mon, 11 May 2020 18:02:00 GMT

Capture tool: v6.13.15

Collection server IP: 52.7.109.102

Browser engine: Chrome/70.0.3538.77

Operating system: Microsoft Windows NT 10.0.14393.0 (10.0.14393.0)

PDF length: 4

Capture ID: 04aeb11b-ee8b-4e84-bce3-00f818b51bcd

User: wag-rhartsock

# NWFITCO



NORTHWEST FITNESS CO.



[HOME/HOURS](#)

[MENU](#)

[JOIN](#)

**WE ARE NOT OPEN!**

**Protest Hours**

**Monday-Friday 8am-6pm**

**Saturday 8am-2pm**

**You must be a member to**

**PROTEST!**

**>PROTEST SPECIALS BELOW<**

**We will not be answering phones for the duration  
of the protest!**

# >PROTEST SPECIALS BELOW<

**We will not be answering phones for the duration  
of the protest!**

*We appreciate all of the support our Member Base has shown during this difficult time. We are running some great specials for your Friends & Family members and would greatly appreciate if you will help promote these specials to all of your loved ones!*

***"Exercise your RIGHTS to Protest SPECIALS!"***

*The amenities included with ALL NWFITCO memberships are the same! To see the list of amenities, go to the menu link at the top of the page and choose the "amenities" tab.*

***NO ANNUAL FEE!***

***NO CONTRACTS!***

***NO HIDDEN FEES!***

***3 Membership Options To Choose From***

**JOIN**

*Protest Special  
Option 1*

*Monthly Membership*

**ONLY \$75 TO START**

**NORMALLY \$90,**

**PLUS YOUR 1ST MONTHLY  
DUES OF \$19 = \$94+tax TO**

**BEIN TODAY!**

**JOIN**

*Protest Special  
Option 2*

*Paid-In-Full Membership*

**PAY FOR 1 YEAR UP FRONT, AND GET 1 YEAR  
FREE!**

**ONLY \$0 TO START NORMALLY \$45, PLUS**

**\$26 x 12 MONTHS = \$312+tax**

**AFTER THE TWO YEARS DUES DROP TO  
\$21 MONTHLY**

**THAT'S \$99 SAVINGS FOR THE**

*Protest Special*

*Option 1*

*Monthly Membership*

**ONLY \$75 TO START**

**NORMALLY \$90,**

**PLUS YOUR 1ST MONTHLY  
DUES OF \$19 = \$94+tax TO  
BEGIN TODAY!**

*Monthly Rate \$19 plus tax*

**\*\*THIS RATE IS LOCKED IN FOR  
THE LIFE OF YOUR  
MEMBERSHIP.\*\***

*Protest Special*

*Option 2*

*Paid-In-Full Membership*

**PAY FOR 1 YEAR UP FRONT, AND GET 1 YEAR  
FREE!**

**ONLY \$0 TO START NORMALLY \$45, PLUS  
\$26 x 12 MONTHS = \$312+tax  
AFTER THE TWO YEARS DUES DROP TO  
\$21 MONTHLY**

***THAT'S \$288 SAVINGS FOR THE  
FREE YEAR***

**(\$21 MONTHLY DUES RATE IS LOCKED IN FOR THE  
LIFE OF YOUR MEMBERSHIP AFTER THE PREPAID  
YEAR, PLUS FREE 1 YEAR, HAVE EXPIRED)**

**JOIN**

*Protest Special*

*Option 3*

*One Month Paid*

*Pass*

**Only \$89**

***This membership can  
rollover into a month to  
month membership at  
\$24 a month!***

# Appendix E

**NWFITCO**  
NORTHWEST FITNESS CO.

**NOW OPEN**  
[WWW.NWFITCO.COM](http://WWW.NWFITCO.COM)

Temptation  
**TANNING**

**ONLY**  
**\$**

**NWFITCO**



**NORTHWEST FITNESS CO.**

**ONLY**

**\$19**

**A MONTH**

- \* FREE TRAINING**
- \* FREE TANNING**
- \* FREE CLASSES**

**NWFITCO.COM**