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CLARK COUNTY

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STATE OF WASHINGTON
CLARK COUNTY SUPERIOR COURT

9 WASHINGTON STATE HUMAN
RIGHTS COMMISSION,

10 Petitioner,

11 v.

12 RUDY LIES and BRIAN LIES,

13 Respondents.
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NO. 19 2 03303 06
TEMPORARY
RESTRAINING ORDER

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TEMPORARY RESTRAINING ORDER

This matter came before the Court on a Motion for a Temporary Restraining Order Pursuant to RCW 49.60.350(1) brought by Petitioner, the Washington State Human Rights Commission (the Human Rights Commission or Commission). The Court has considered the motion, Petition for Temporary Restraining Order and Preliminary Injunction Pursuant to RCW 49.60.350(1), the documents filed therewith, including declarations and exhibits attached thereto, Petitioner's Appendix of Unpublished, Non-Washington Authorities, and the arguments of counsel provided to the Court assigned ex parte judge on November 1, 2019, at 1:00 p.m. in open court. Having considered the foregoing, the Court hereby enters the following findings of fact and conclusions of law.

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FINDINGS OF FACT

2. Petitioner took the following steps to provide sufficient notice to Respondents:
- a. Called the office of Respondents' attorney, Quinn Posner at approximately 9 a.m. to notify Respondents of Petitioner's intention to present their Petition and motion at 1:00 p.m. on November 1, 2019 before a Clark County Superior Court judge assigned to review and sign ex parte orders;
 - b. Emailed a courtesy copy of the Petition, the motion, declarations, and exhibits, to Respondents' attorney, Quinn Posner, at approximately 1:24 p.m. on October 31, 2019; and
 - c. Hand-delivered a copy of the same to Respondents' attorney, Quinn Posner, by approximately 9:00 a.m. on November 1, 2019.
3. Petitioner faces an immediate and irreparable injury as a result of Respondents' attempt to evict Kaleena Fancher and her children before Petitioner has an opportunity to complete its investigation of Ms. Fancher's housing discrimination complaint against Respondents. Evicting Ms. Fancher will not only deprive Petitioner of its ability to eliminate the effects of discriminatory conduct engaged in by Respondents, it is also likely to result in homelessness for Ms. Fancher and her four children.
3. A temporary restraining order against Respondents, as provided below, is necessary pending Petitioner's completion of its investigation of Ms. Fancher's housing discrimination complaint.

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CONCLUSIONS OF LAW

1. The Court has jurisdiction over Respondents and the subject matter of this action.
2. Petitioner's efforts to contact Respondents reasonably and substantially complied with the requirements of Washington State's Superior Court Civil Rule ("CR") 65(b).
3. The Court deems no security bond is required under CR 65(c).

- 1 4. To obtain a temporary restraining order, the Petitioner must establish: 1) that it has a clear
2 legal or equitable right; 2) that it has a well-grounded fear of immediate invasion of that
3 right; 3) that the acts complained of are either resulting in or will result in actual and
4 substantial injury to it; and 4) that the balance of the relative interests of the parties and the
5 public weigh in favor of granting injunctive relief. *See Wash. Fed'n of State Employees,*
6 *Council 28, AFL-CIO v. State*, 99 Wn.2d 878, 888, 665 P.2d 1337 (1983); *Rabon v. City of*
7 *Seattle*, 135 Wn.2d 278, 284, 957 P.2d 621 (1998).
- 8 5. Based on the Findings of Fact set forth above, there is a strong likelihood that Petitioner will
9 succeed on the merits of its claims and irreparable injury is likely if the requested restraining
10 order is not issued.
- 11 6. The balance of equities tips in favor of the Petitioner and the public interest weighs in favor
12 of entering temporary relief.

13 14 TEMPORARY RESTRAINING ORDER

15 Now, therefore, it is hereby ORDERED THAT:

- 16 1. Respondents Rudy Lies and Brian Lies, and all their respective officers, agents, servants,
17 employees and attorneys, and persons in active concert or participation with them who
18 receive actual notice of this Order are hereby fully enjoined from the following:
- 19 a. Continuing to prosecute their unlawful detainer action against Kaleena Fancher, i.e.,
20 *Rudy Lies, et al. v. Kaleena Fancher, et al.*, Cause No. 19-2-02473-06, pending
21 completion of the Human Rights Commission's investigation of Ms. Fancher's
22 housing discrimination complaint against Respondents.
- 23 b. Seeking the issuance of, or enforcing, any writ of restitution in *Rudy Lies, et al. v.*
24 *Kaleena Fancher, et al.*, Cause No. 19-2-02473-06.
- 25 c. Taking any other actions to effectuate Ms. Fancher's eviction from the subject
26 premises, 15510 NW 2nd Avenue, Vancouver, Washington 98685.

2. Respondents shall remain enjoined until an expedited hearing for preliminary injunction can be held at 9:00 a.m./p.m. on 25th day of November 2019.

3. Respondents are ordered to show cause why a preliminary injunction should not issue restraining them from evicting Ms. Fancher from the subject premises pending completion of the Human Rights Commission's investigation of Ms. Fancher's housing discrimination complaint against Respondents.

4. Respondents shall file any response papers opposing the entry of a preliminary injunction by November 20, 2019, ^{at 4:30 p.m.} and shall serve a copy on Petitioner's counsel by email and overnight mail.

5. Petitioner shall file any reply papers in support of the entry of a preliminary injunction, together with a proposed preliminary injunction, by November 22, 2019, ^{at 4:30 p.m.} and shall serve a copy on Respondents' counsel by email and overnight mail.

DATED this 19th day of November 2019, at 10:53 a.m./p.m.

Clark County Superior Court Judge

Presented by:

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