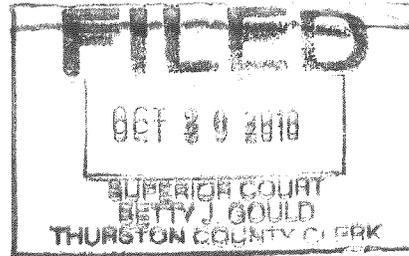


- 1 EXPEDITE
- 2 Trial is not set
- 3 Trial is Set
- 4 Date:
- 5 Time:

6 The Honorable Paula Casey



7
8 **STATE OF WASHINGTON**
9 **THURSTON COUNTY SUPERIOR COURT**

10 STATE OF WASHINGTON,
11 *ex rel.* WASHINGTON STATE PUBLIC
12 DISCLOSURE COMMISSION,

13 Plaintiff,

14 v.

15 NATIONAL EDUCATION
16 ASSOCIATION,

17 Defendant.

18 STATE OF WASHINGTON, *ex rel.*
19 EVERGREEN FREEDOM
20 FOUNDATION,

21 Plaintiff,

22 v.

23 NATIONAL EDUCATION
24 ASSOCIATION,

25 Defendant.

NO. 02-2-01709-3

STIPULATION AND
JUDGMENT

26 **JUDGMENT SUMMARY (RCW 4.64.030)**

- A. JUDGMENT CREDITOR: STATE OF WASHINGTON
- B. JUDGMENT DEBTOR: NATIONAL EDUCATION ASSOCIATION

COPY

- 1 C. PRINCIPAL JUDGMENT AMOUNT: \$50,000 civil penalty payable to the State of Washington
- 2
- 3 D. INTEREST: No prejudgment interest is owed. Principal judgment amount(s) due and owing shall not bear interest unless the principal judgment is unpaid by the due date specified herein. Payments not made by the due date shall bear interest at the rate of 12% per year from the due date until paid.
- 4
- 5
- 6
- 7 E. COSTS AND FEES: \$35,000 as attorney fees and costs of the Evergreen Freedom Foundation payable to Ellis, Li & McKinstry PLLC Trust Account
- 8
- 9
- 10 F. ATTORNEYS FOR JUDGMENT CREDITOR: ROBERT M. MCKENNA
Attorney General
LINDA A. DALTON, WSBA No. 15467
Senior Assistant Attorney General
STEVEN T. O'BAN, WSBA No. 17265
Attorney at Law
- 11
- 12
- 13 G. ATTORNEY FOR JUDGMENT DEBTOR NATIONAL EDUCATION ASSOCIATION: HARRIET STRASBERG, WSBA No. 15890
JOHN M. WEST, *Pro Hac Vice*
Attorneys at Law
- 14
- 15

16 **STIPULATION**

17 The parties to this Stipulation and Judgment, the Plaintiff, STATE OF
18 WASHINGTON, *ex rel.* Washington State Public Disclosure Commission and the Evergreen
19 Freedom Foundation, and the Defendant, NATIONAL EDUCATION ASSOCIATION
20 ("NEA"), being desirous of resolving the claims arising out of the Complaints filed in these
21 consolidated actions and of fully and finally settling and compromising any and all claims of
22 any party related to this action brought under RCW 42.17, hereby enter into the following
23 Stipulation.

- 24 1. Release: This is a final, conclusive and complete release between the parties hereto, in and
25 for consideration of the terms, covenants and obligations herein specified, of all claims, causes
26 of action, damages, costs, fees, known and unknown, anticipated and unanticipated, that were

1 or could have been raised by the Plaintiff under RCW 42.17.760 and related enforcement
2 statutes, arising out of or in connection with circumstances addressed in the Complaints in this
3 matter. The undersigned hereby declare that the terms of this settlement have been
4 completely read and are fully understood and voluntarily accepted, for the purpose of making
5 a full and final compromise, adjustment and settlement of any and all claims, disputed or
6 otherwise. The Stipulation and Judgment entered by the Court contains the entire agreement
7 of the parties.

8 2. Non-Admission of Liability: The parties have entered into this stipulated settlement in
9 order to resolve the dispute between them without the expense and uncertainty of continued
10 litigation. This agreement and compliance with this agreement shall not be construed as an
11 admission by the NEA of any liability, or an admission by the NEA of any violation of any
12 law, statute, or rule.

13 3. Total Payment: The parties agree that NEA will pay a total of \$85,000, as follows:

14 a) A civil penalty payable to the State of Washington in the amount of \$50,000, due
15 and payable within 30 days of the entry of this Stipulation and Judgment.

16 b) Attorney fees and costs of the Evergreen Freedom Foundation payable to Ellis, Li &
17 McKinstry PLLC Trust Account in the amount of \$35,000, due and payable within 30
18 days of the entry of this Stipulation and Judgment.

19 4. Judgment: In accordance with this stipulation, the parties agree to the entry of the
20 Judgment set forth below.

21 DATED this ___ day of October, 2010.

22 ROBERT M. MCKENNA
23 Attorney General

24 
25 LINDA A. DALTON, WSBA No. 15467
26 Senior Assistant Attorney General
Attorneys for Plaintiff State of Washington

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2
3 STEVEN T. O'BAN, WSBA No. 17265
4 Attorney for Evergreen Freedom Foundation

5 
6 HARRIET STRASBERG, WSBA No. 15890
7 JOHN M. WEST, *Pro Hac Vice*
8 Attorneys for Defendant National Education Association

9 **JUDGMENT**

10 THIS MATTER came on regularly before the undersigned judge of the above-entitled
11 Court, and the Plaintiff, STATE OF WASHINGTON, *ex rel.* Washington State Public
12 Disclosure Commission and the Evergreen Freedom Foundation, appearing through their
13 attorneys of record, ROBERT M. McKENNA, Attorney General, and LINDA A. DALTON,
14 Sr. Assistant Attorney General (for the Washington State Public Disclosure Commission),
15 STEVEN T. O'BAN (for the Evergreen Freedom Foundation), and the Defendant,
16 NATIONAL EDUCATION ASSOCIATION, appearing through its attorneys, HARRIET
17 STRASBERG and JOHN M. WEST, having apprised the Court of their agreement to the entry
18 of this judgment for the purpose of finally settling and compromising any and all claims of any
19 party related to this action brought under RCW 42.17. The court, having reviewed the records
20 and files herein, and having found the settlement to be a just and proper resolution of this
21 matter of each party's claims, and being otherwise fully advised in the premises, now,
22 therefore, it is hereby

23 ORDERED that the Defendant, NATIONAL EDUCATION ASSOCIATION, shall pay
24 to the State of Washington a civil penalty in the amount of \$50,000. It is further

1 ORDERED that the Defendant shall pay to Ellis, Li & McKinstry PLLC Trust Account
2 the amount of \$35,000 as attorney fees and costs of the Evergreen Freedom Foundation. It is
3 further

4 ORDERED that the Defendant shall pay the civil penalty and attorney fees and costs
5 within 30 days of the entry of this Judgment.

6 DONE IN OPEN COURT this 20 day of October, 2010.

7 CHRISTINE A. POMEROY

8 for
9 JUDGE PAULA CASEY

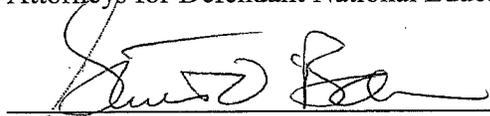
9 Presented by:

10 ROBERT M. MCKENNA
11 Attorney General

12 
13 LINDA A. DALTON, WSBA No. 15467
14 Senior Assistant Attorney General
15 Attorneys for Plaintiff State of Washington

15 Approved as to form and presentation waived:

16 
17 HARRIET STRASBERG, WSBA No. 15890
18 JOHN M. WEST, *Pro Hac Vice*
19 Attorneys for Defendant National Education Association

20 
21 STEVEN T. O'BAN, WSBA No. 17265
22 Attorney for Evergreen Freedom Foundation
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