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ATTORNEY GENERAL'S OFFICE
SPOKANE
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF WALLA WALLA

LINNIELL PHIPPS,)	
)	
Plaintiff,)	No. 18-2-00194-4
)	
vs.)	DECISION AND ORDER
)	DENYING PLAINTIFF'S MOTIONS
DEPARTMENT OF CORRECTIONS,)	AND DISMISSING CASE
et al.,)	
Defendants.)	

This matter was before the Court on the Law and Motion docket on July 16, 2018, on the Plaintiff's Motion for Joinder and for Remedy, and also upon the Plaintiff's Motion for an Order Allowing Alternative service on the law and motion docket on July 30, 2018. Both matters were considered without oral argument. Both motions are denied.

The Plaintiff's forty-six page Civil Complaint filed February 28, 2018, contains a veritable mountain of grievances arising from a variety of contexts against numerous employees of the Department of Corrections and local Walla Walla officials, professionals, and citizens who are not clearly identified. At least one pleading caption names "Department of Correction" as the defendant; the Civil Complaint itself names "Donald Holbrook, et al." The Complaint was never effectively served upon any

defendant, although an Assistant Attorney General entered a Limited Notice of Appearance on behalf of the “State of Washington Defendants.” It does not appear that there was any proper service of process although some documents were apparently mailed to the Attorney General’s office.

Regarding the Plaintiff’s Motion for Joinder of Claims and Remedy filed June 26, 2018, it appears that the Plaintiff is attempting to obtain an order requiring the State to show cause relating to a public records request. He asks this Court to issue the show cause in this cause, thereby “joining” it with the matters asserted in his Civil Complaint. The motion is denied because the Plaintiff’s allegations are already so overbroad and seemingly endless in scope as to appear patently frivolous. To join a further claim would add to the ridiculousness of the situation.

The Plaintiff’s motion to allow service of process by mail is also denied. Proper service of a summons and complaint is a jurisdictional prerequisite to suit. RCW 4.92.020 specifically addresses service of process in suits filed against the State, and service of process in suits against ... individuals is addressed in RCW 4.28.080(15). To service the State of Washington the Plaintiff may forward a copy of his summons and complaint to either a private process server in Olympia or to the Thurston County Sheriff for service upon the Attorney General. CR 4(d). The State’s Attorney General is not required to accept service of process for suits against its employees individually.

The court rule provides for service by mail only as an alternative to service by publication, which is not the case here. Publication is appropriate when an individual or party cannot be found within the state or is actively concealing himself/herself for the purpose of avoiding service. *See* CR 4(d)(3) and (4).

The Court further notes that while a lawsuit may be commenced either by filing the complaint or by service of the summons and complaint upon the defendant, the act not done first must be done no later than 90 days from the first act. RCW 4.16 .170; CR 3(a). Here there was no attempt after the initial filing on February 28, 2018, to effect service, and suit was thus never properly commenced.

This Court therefore concludes as follows:

1. The Plaintiff's Motion for Joinder of Claims and Remedy is DENIED;
2. The Plaintiff's Motion for Alternative Service of Process is DENIED;
3. The Court on its own motion finds that this case should be DISMISSED for lack of service of process. The Court further finds that the Plaintiff's Civil Complaint and other pleadings in this case are frivolous within the meaning and for the purposes of RCW 4.24.430.

SO ORDERED this 30th day of July, 2018.

JOHN W. LOHRMANN

SUPERIOR COURT JUDGE