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**SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF STEVENS**

JOHN DOES 1-5, individuals and residents of  
Stevens County, Washington; and SILENT  
MAJORITY FOUNDATION, a nonprofit  
organization organized under the laws of  
Washington;

Petitioners,

v.

JAY INSLEE, in his official capacity as  
Governor of Washington; ROBERT  
FERGUSON, in his official capacity as  
Attorney General of Washington; and BRAD  
MANKE, in his official capacity as Sheriff of  
Stevens County;

Respondents.

No: 23-2-00092-33

AMENDED PETITION FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF

Petitioners, by and through their attorneys, bring this complaint for Declaratory and  
Injunctive relief against Respondents Jay Inslee, in his official capacity as Governor of the  
state of Washington, Bob Ferguson, in his official capacity as Attorney General of  
Washington, and Brad Manke, in his official capacity as Sheriff of Stevens County, and allege  
as follows:

///

Silent Majority Foundation  
5238 Outlet Dr.  
Pasco, WA 99301

1 **INTRODUCTION**

2 1. In spite of the unambiguous text of the Washington Constitution and binding  
3 Washington Supreme Court precedent, on March 23, 2022 Governor Jay Inslee signed  
4 Engrossed Substitute House Bill 1705 (“ESHB 1705”). ESHB 1705 radically alters and  
5 expands Washington’s statutes pertaining to unserialized or untraceable firearms (“ghost  
6 guns”) codified at RCW 9.41.325 and .326 and defined in RCW 9.41.010(41) and which  
7 includes unserialized self-manufactured firearms (“SMFs”); unfinished frames and receivers  
8 (“non-firearm objects” or “NFOs”) codified at RCW 9.41.327 and defined in RCW  
9 9.41.010(39); as well as the very definition of “frame or receiver” under Chapter 9.41 RCW,  
10 Firearms and Dangerous Weapons. ESHB 1705 unconstitutionally and categorically bans,  
11 under severe monetary and confinement penalties, the manufacture and assembly of  
12 untraceable firearms, and the sale, transfer, purchase, possession, transport, and receipt of  
13 untraceable firearms and unfinished frames and receivers. Simultaneously, ESHB 1705  
14 drastically changes the definition of "frame or receiver" in a manner that results in an  
15 unconstitutionally vague definition of what may be “readily” completed or “partially  
16 complete.”  
17

18 2. Under the provisions of ESHB 1705, Respondents are enforcing, and will  
19 enforce, laws that:

20 a. Completely prohibit ordinary, law-abiding Washingtonians who are not  
21 federal licensed gun dealers or manufacturers from manufacturing, assembling, selling,  
22 transferring, purchasing, possessing, transporting, or receiving ghost guns, NFOs, and SMFs  
23 (RCW 9.41.010(39) and (41); 9.41.190(1)(d); 9.41.325; 9.41.326); and  
24  
25  
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1           b.       Establish an unconstitutionally vague and expansive definition of  
2 “unfinished frame or receiver,” encompassing virtually all conceivable forms and types of  
3 NFOs and UFOs and which will sweep into its net ordinary citizens in possession of a wide  
4 variety of items or materials that are not functional firearms or functional components of  
5 firearms. RCW 9.41.010(39).  
6

7           3.       These statutory bans are nothing less than a broad attack on Washington’s  
8 Constitution, including rights and conduct protected by article I, § 24, which provides that  
9 “[t]he right of the individual citizen to bear arms in defense of himself, or the state, shall not be  
10 impaired[.]”  
11

12           4.       ESHB 1705 took effect July 1, 2022, except for section 5(2), relating to  
13 possessing, transporting, or receiving a ghost gun, which takes effect March 11, 2023; and  
14 section 6(1), relating to possessing, transporting, or receiving an unfinished frame or receiver,  
15 which also takes effect March 11, 2023. The effective date of these provisions leaves  
16 thousands of individuals and countless local businesses little time to dispossess themselves of  
17 all lawfully owned property in Washington affected by the bans (without any expectation or  
18 possibility of due process or just compensation for the deprivation of this property), or to  
19 submit to serialization of their SMFs at individual expense. Furthermore, on and after March  
20 11, 2023, all residents of Washington have been at risk of enforcement and prosecution simply  
21 for possessing a SMF or NFO, regardless of when was manufactured or received, including  
22 Plaintiffs Doe 1-5 and individuals represented by Plaintiff Silent Majority Foundation.  
23  
24

25           5.       Respondents have made no showing that any of the numerous law-abiding  
26 citizens directly targeted by ESHB 1705 have ever misused, much less committed any crime of  
27

1 violence with any items or materials covered by the challenged laws that would justify this  
2 radical broadside against constitutional rights.

3  
4 6. Rather than tailor its laws as the Constitution requires, the state of Washington  
5 enacted, and Respondents are required to enforce, overbroad and categorical bans that  
6 unquestionably impair the rights of law-abiding Washington residents, businesses, and visitors,  
7 and empowers Respondents to use criminal sanctions and the force of the criminal justice  
8 system to impose the Respondents' misguided policy preferences on these law-abiding persons  
9 and entities, denying them access to and the exercise of their right to keep and bear protected  
10 arms and taking their property without just compensation.

11  
12 7. Petitioners bring this challenge to vindicate their rights and to immediately and  
13 permanently enjoin enforcement of Washington's bans as required to conform ESHB 1705 to  
14 the Constitution's text as informed by our state's history and tradition.

### 15 **JURISDICTION AND VENUE**

16  
17 8. This Court has original jurisdiction pursuant to Article IV, § 6 of the  
18 Washington Constitution, RCW 2.08.010, and RCW 7.24.010.

19  
20 9. This Court has personal jurisdiction over the Respondents, whom are sued in  
21 their official capacity only.

22  
23 10. Venue is proper in this Court under RCW 4.92.010(1), as it is where Petitioners  
24 reside.

### 24 **PARTIES**

25  
26 11. Petitioner John Doe 1 is a resident of Stevens County who owns several self-  
27 manufactured ghost guns and owns and operates a small ranch.

1           12.     Petitioner John Doe 2 is a resident of Stevens County who owns several  
2 firearms, and desires to add more ghost guns for self-defense.

3           13.     Petitioner John Doe 3 is a resident of Stevens County who owns several self-  
4 manufactured ghost guns and desires to add more ghost guns and unfinished frames and  
5 receivers in order to ensure a ready-supply of firearms for self-defense. He is a veteran of the  
6 U.S. Army and has extensive training and experience with AR-style rifles.

7           14.     Petitioner John Doe 4 is a resident of Stevens County who has worked in the  
8 firearms industry for many years and buys and sells firearms with regularity.

9           15.     Petitioner John Doe 5 is a resident of Stevens County who works in the medical  
10 community and possesses ghost guns, and who has had to use such firearms against dangerous  
11 predators.

12           16.     Petitioner Silent Majority Foundation (“the Foundation”) is a nonprofit  
13 organization incorporated under the laws of the state of Washington with its principal place of  
14 business in Pasco, Washington. The Foundation’s purposes include promoting public  
15 awareness of the importance of individual rights by means of public advocacy, providing  
16 classes and education services in the field of individual rights, and protecting individual rights  
17 through litigation and other legal efforts. The Foundation represents its members, donors, and  
18 supporters – whom include gun owners, individuals who wish to acquire firearms and  
19 ammunition, individuals who wish to manufacture their own personal use firearms, licensed  
20 firearm retailers, shooting ranges, trainers, and educators, among others – and brings this action  
21 on behalf of itself, its members, and supporters who possess all the indicia of membership, as  
22 well as similarly situated members of the public. The Foundation’s organizational standing is  
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1 clear as it has Members (monthly donors), Second Amendment fund donors (i.e., funds  
2 earmarked to protect Second Amendment rights), and supporters residing in Stevens County.

3  
4 17. Respondent Jay Inslee is the governor of the state of Washington (“Governor  
5 Inslee”) and is sued in his official capacity. Governor Inslee is the “supreme executive power  
6 of this state[.]” Wash. Const. art. III, § 2. Governor Inslee’s mandate is to “supervise the  
7 conduct of all executive and ministerial offices[.]” RCW 43.06.010(1). Further, he is to “see  
8 that the laws are faithfully executed.” Wash. Const. art. III, § 5. While he is the supreme  
9 executive power, he may only exercise and perform “those prescribed by the Constitution, ...  
10 [and] may exercise the powers and perform the duties prescribed in this and the following  
11 sections[.]” RCW 43.06.010, *et seq.* Governor Inslee is wholly or partially responsible for  
12 overseeing, implementing, and enforcing Washington’s bans, regulatory programs, and related  
13 policies, practices, and customs designed to propagate the same.  
14

15  
16 18. Respondent Bob Ferguson is the attorney general of the state of Washington  
17 (“AG Ferguson”) and is sued in his official capacity. AG Ferguson is the “legal adviser of the  
18 state officers, and shall perform such other duties as may be prescribed by law.” Wash. Const.  
19 art. III, § 21. Among other duties, the attorney general is directed to “[a]pppear for and  
20 represent the state before the supreme court or the court of appeals in all cases in which the  
21 state is interested[.]” and to “[c]onsult with and advise the governor, members of the  
22 legislature, and other state officers, and when requested, give written opinions upon all  
23 constitutional or legal questions relating to the duties of such officers[.]” and “[g]ive written  
24 opinions, when requested by either branch of the legislature, or any committee thereof, upon  
25 constitutional or legal questions[.]” RCW 43.10.030(1), (5), and (7). AG Ferguson is wholly  
26  
27 or partially responsible for overseeing, implementing, and enforcing Washington’s bans,

1 regulatory programs, and related policies, practices, and customs designed to propagate the  
2 same.

3           19.     Respondent Brad Manke is the Sheriff for Stevens County and is sued in his  
4 official capacity. Sheriff Manke is charged with the duties of serving as the “chief executive  
5 officer and conservator of the peace of the county.” RCW 36.28.010. He, or his deputies, are  
6 to “arrest and commit to prison all persons who break the peace ... and all persons guilty of  
7 public offenses;” and “defend the county against those who ... endanger the public peace or  
8 safety;” and “keep and preserve the peace in [his] respective count[y.]” *Id.* (1), (2), and (6).  
9 Manke and his staff are to enforce RCW 9.41.327 prohibiting, *inter alia*, the knowing  
10 possession of “an unfinished frame or receiver” – a prohibition that applies to Plaintiffs.  
11  
12

### 13                           **RIGHTS AT STAKE – NATURE OF THE ACTION**

#### 14   *The Right to Keep and Bear Arms*

15           20.     “We, the people of the State of Washington, grateful to the Supreme Ruler of  
16 the universe for our liberties, do ordain this constitution.” Wash. Const. Preamble. The  
17 Washington Constitution was drafted and adopted for the benefit and protection of  
18 Washingtonians. These liberties are not granted or conferred by the government, but are  
19 preexisting, “and governments derive their just powers from the consent of the governed, and  
20 are established to protect and maintain individual rights.” Wash. Const. art. I, § 1. It was  
21 created to *protect* and *maintain* their liberties. ESHB 1705 does neither of those things.  
22  
23

24           21.     “The right of the individual citizen to bear arms in defense of himself, or the  
25 state, shall not be impaired, but nothing in this section shall be construed as authorizing  
26 individuals or corporations to organize, maintain or employ an armed body of men.” Wash.  
27 Const. art. I, § 24. “Article I, section 24 plainly guarantees an individual right to bear arms.”

1 *State v. Sieyes*, 168 Wn.2d 276, 292, 225 P.3d 995 (2010). “This ‘right to bear arms’ is an  
2 individual right that exists in the context of that individual’s defense of himself or the state.”  
3 *City of Seattle v. Evans*, 184 Wn.2d 856, 862, 366 P.3d 906 (2015) (citing *Sieyes*, 168 Wn.2d at  
4 292-93). Additionally, the Supreme Court stated that “we regard the history, lineage, and  
5 pedigree of the Second Amendment right to bear arms necessary to an Anglo-American regime  
6 of ordered liberty and fundamental to the American scheme of justice. It is deeply rooted in  
7 this Nation’s history and tradition.” *Sieyes*, 168 Wn.2d at 287.

9           22.       The enactment of ESHB 1705, and specifically its provisions regarding ghost  
10 guns and NFOs, puts the fundamental right to keep and bear arms, and the practice of self-  
11 manufacturing them, at risk in light of the prohibitions of SMFs and ghost guns; such  
12 “regulations” are antithetical to the Washington Constitution. The Washington Supreme Court  
13 has held that “the right to bear arms protects instruments that are designed as weapons  
14 traditionally or commonly used by law-abiding citizens for the lawful purpose of self-defense.”  
15 *Evans*, 184 Wn.2d at 869. This “right was considered essential in the colonies and by the  
16 original states.” *Sieyes*, 168 Wn.2d at 287.

19           23.       Throughout American history, all the way back even beyond the founding of  
20 this great nation, there is a rich tradition of citizens robustly exercising the cherished right to  
21 keep and bear arms, with people free to personally manufacture, construct, and/or assemble  
22 arms for lawful purposes, including self-defense in the home.

24           24.       In fact, “[p]rivately made firearms have been in existence since the first ignition  
25 system was developed close to 500 years ago, in the 1400s.”<sup>1</sup>

27 <sup>1</sup> *Stop Gun Violence: Ghost Guns, Hearing before the Subcomm. on the Constitution, Comm. on the Judiciary* (“Stop  
28 Gun Violence”), 117th Cong. 4 (2021) (Statement of Ashley Hlebinsky, Curator Emerita & Senior Firearms Scholar,  
AMENDED PETITION FOR DECLARATORY AND  
INJUNCTIVE RELIEF - 8



1           25.     “The influence of the gunsmith and the production of firearms on nearly every  
2 aspect of colonial endeavor in North America cannot be overstated, and that pervasive  
3 influence continuously escalated following the colonial era.” M. L. Brown, *Firearms in*  
4 *Colonial America: The Impact on History and Technology 1492-1792*, at 149 (1980).

5  
6           26.     Most colonies employed armorers to ensure that colonists had access to  
7 facilities for repair and acquisition of firearms, as firearms were essential to everyday life;  
8 “[t]he Colonists in America were the greatest weapon-using people of that epoch in the world.  
9 Everywhere the gun was more abundant than the tool.”<sup>1</sup> Charles Winthrop Sawyer, *Firearms*  
10 *in American History* 9 (1910).

11  
12           27.     From the colonial period through the Revolutionary War, local governments  
13 often subsidized, incentivized, or even required citizens to manufacture their own firearms,  
14 provide their own firearms as an aspect of their militia duty, and maintain arms for use in  
15 defense of the state; the need to self-manufacture firearms continued into the time period of  
16 Western expansion. Joseph G.S. Greenlee, *The American Tradition of Self-Made Arms*, 54 *St.*  
17 *Mary’s L. J.* 35, 45-71 (2023).

18  
19           28.     Certainly, the ratifiers of the Bill of Rights remembered that the young country  
20 depended on the manufacture of firearms by those outside of the firearms industry for survival  
21 and intended to protect such activity through the Second Amendment. Indeed, building  
22 firearms was entirely unregulated during the colonial and founding eras in America, and there  
23 were no restrictions on who could be a gunsmith or make guns.  
24

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27 \_\_\_\_\_  
Cody Firearms Museum, President, the Gun Code, LLC), available at:  
<https://www.judiciary.senate.gov/imo/media/doc/Ashley%20Hlebinsky%20Written%20Testimony%20Final.pdf>

1           29.     “Our citizens have always been free to make, vend, and export arms. It is the  
2 constant occupation and livelihood of some of them.” Letter from Sec’y of State Thomas  
3 Jefferson to George Hammond, British Ambassador to the U.S., (May 15, 1793), in 7 The  
4 Writings of Thomas Jefferson 325, 326 (Paul Ford ed., 1904).

5  
6           30.     Thus, no history or precedent exists for extinguishing citizens’ ability to self-  
7 manufacture firearms for self-defense or other lawful purposes – as Respondents mandate  
8 pursuant to the authority vested in them by ESHB 1705 – and rightly so, because the Second  
9 Amendment, through its text and history as informed by history and tradition, is intended to  
10 guarantee this right as part of the fundamental liberty it secures.

11  
12           31.     These mandates are inimical to the text of the Second Amendment to the federal  
13 Constitution, as informed by the undeniably rich American history and tradition of self-  
14 manufacturing firearms in the United States and its predecessor Colonies, and defy the U.S.  
15 Supreme Court’s binding decisions in *District of Columbia v. Heller*, 554 U.S. 570, 128 S. Ct.  
16 2783 (2008), *McDonald v. Chicago*, 561 U.S. 742, 130 S. Ct. 3020 (2010), and *New York State*  
17 *Rifle & Pistol Ass’n, Inc. v. Bruen*, \_\_\_ U.S. \_\_\_, 142 S. Ct. 2111 (2022).

18  
19           32.     “[W]e consider constitutional questions first under our own state constitution.”  
20 *Evans*, 184 Wn.2d at 862. “Washington retains ‘the sovereign right to adopt in its own  
21 Constitution individual liberties more expansive than those conferred by the Federal  
22 Constitution.’” *State v. Gunwall*, 106 Wn.2d 54, 59, 720 P.2d 808 (1986) (quoting *PruneYard*  
23 *Shopping Ctr. v. Robins*, 447 U.S. 74, 81, 100 S. Ct. 2035 (1980)). “Supreme Court  
24 application of the United States Constitution establishes a floor below which state courts  
25 cannot go to protect individual rights. But states of course can raise the ceiling to afford greater  
26 protections under their own constitutions.” *Sieyes*, 168 Wn.2d at 292. “Besides our  
27

1 responsibility to interpret Washington’s Constitution, we must furnish a rational basis for  
2 counsel to predict the future course of state decisional law.” *O’Day v. King County*, 109 Wn.2d  
3 796, 802, 749 P.2d 142 (1988).

4  
5 33. While the Washington Constitution is to be analyzed first, it is important to note  
6 that the “floor” established by the federal Constitution has recently been raised under *Bruen*,  
7 and the attendant “ceiling” needs to be adjusted accordingly. Gone is the “two-step”  
8 framework for analyzing Second Amendment challenges that combines history with means-  
9 end scrutiny.” *Bruen*, 142 S. Ct. at 2125-26. Today, “when the Second Amendment’s plain  
10 text covers an individual’s conduct, the Constitution presumptively protects that conduct.” *Id.*  
11 at 2126. A state must now “demonstrate that the regulation is consistent with the Nation’s  
12 historical tradition of firearm regulation.” *Id.* This is not a radical departure from the previous  
13 analytical framework, but rather a return to the standard set forth in *Heller* and an explicit  
14 rejection of means-end scrutiny as to the right to bear arms.  
15

16  
17 34. This return to textual and historical analysis and rejection of means-end scrutiny  
18 requires a new standard of review for the Washington Constitution art. I, § 24, which has  
19 previously been subjected to means-end analysis: “[t]he right to bear arms under the state  
20 constitution is not absolute but is instead subject to reasonable regulation.” *State v. Jorgenson*,  
21 179 Wn.2d 145, 154, 312 P.3d 960 (2013) (citing *City of Seattle v. Montana*, 129 Wn.2d 583,  
22 593, 919 P.2d 1218 (1996)). However, this approach is no longer viable under *Bruen*, as “[t]he  
23 Second Amendment is the very *product* of an interest balancing by the people and it surely  
24 elevates above all other interests the right of law-abiding, responsible citizens to use arms for  
25 self-defense. It is this balance – struck by the traditions of the American people – that  
26 demands our unqualified deference.” *Bruen*, 142 S. Ct. at 2131 (internal quotations and citation  
27

1 omitted) (emphasis in original). More explicitly, while “judicial deference to legislative  
2 interest balancing is understandable – and, elsewhere, appropriate – it is not deference that the  
3 Constitution demands here.” *Id.* The intermediate scrutiny standard utilized by the Supreme  
4 Court in *Jorgenson* is no longer allowed under *Bruen*; the floor has been raised, and the  
5 Washington Constitution cannot go below the protections afforded by the federal constitution.  
6 Accordingly, the findings of the legislature are afforded no deference and indeed have no place  
7 in the analysis of whether ESHB 1705 is constitutional as it must now pass strict scrutiny.  
8

9         35. Under *Heller*, the state of Washington cannot narrow the channels for  
10 exercising the right to keep and bear arms by limiting its citizens’ access to the essential  
11 instruments of that right to only state-approved manufacturers of firearms and predecessor  
12 materials, because the Article I, § 24 and Second Amendment rights necessarily include and  
13 thus guarantees the ability of law-abiding citizens to self-manufacture firearms “typically  
14 possessed by law-abiding citizens for lawful purposes[.]” *Heller*, 554 U.S. at 625; *Caetano v.*  
15 *Massachusetts*, 577 U.S. 411, 417, 136 S. Ct. 1027 (2016) (“A weapon may not be banned  
16 unless it is *both* dangerous *and* unusual.”) (emphasis in original). The Second Amendment is  
17 incorporated against the states through the due process clause of the Fourteenth Amendment.  
18 *Sieyes*, 168 Wn.2d at 279; *McDonald*, 561 U.S. at 750.  
19

20  
21         36. Under *Heller* and *Caetano*, Washington also cannot limit the right to bear arms  
22 under Article I, § 24 to only include ‘self-defense’ as the federal constitution, via the Second  
23 Amendment, has been construed to protect firearms “typically possessed by law-abiding  
24 citizens for lawful purposes[.]” *Heller*, 554 U.S. at 625 (emphasis added). Lawful purposes  
25 encapsulate more usages than mere self-defense, and includes target shooting, manufacturing,  
26 hunting, collecting, and more.  
27

1           37. Ghost guns, and their predecessor materials – NFOs – are typically possessed  
2 and commonly owned by law-abiding citizens, and are therefore not unusual; thus, their  
3 “relative dangerousness ... is irrelevant” because “they belong[ ] to a class of arms commonly  
4 used for lawful purposes.” *Caetano*, 577 U.S. at 418.

5  
6           38. That ownership and possession of SMFs and NFOs by law-abiding citizens are  
7 neither unusual nor dangerous leaves the possession of these firearms protected by the  
8 Washington Constitution. As stated *supra* in paragraph 32, a *Gunwall* analysis is necessary to  
9 determine the contours and limits of the Washington Constitution as compared to the federal  
10 Constitution; *Gunwall* provides:

11  
12           The following nonexclusive neutral criteria are relevant in  
13 determining whether, in a given situation, the Washington State  
14 Constitution should be considered as extending broader rights to its  
15 citizens than the United States Constitution: (1) the textual  
16 language; (2) differences in the texts; (3) constitutional history; (4)  
17 preexisting state law; (5) structural differences; and (6) matters of  
18 particular state or local concern.

19 *Gunwall*, 106 Wn.2d at 59.

### 20 ***Gunwall* Analysis**

21           39. Washington does not default to the federal constitutional protections or analysis.  
22 *State v. Reece*, 110 Wn.2d 766, 778, 757 P.2d 947 (1988). Instead, the above enumerated  
23 factors are evaluated to ensure the court uses the correct independent state grounds for a given  
24 situation. *Gunwall*, 106 Wn.2d at 62. Each of the factors will be examined, with the first two  
25 factors together due to their close relation.

#### 26 **(1) Textual Language and Differences in Texts**

27           40. Both the federal and Washington constitutions vest the right to bear arms in the  
28 individual citizen. But, unlike the Second Amendment, “the state right protects an individual’s

1 right to bear arms in defense of himself, or the state... [and] is no mere prefatory clause...  
2 Rather, the phrase is a necessary and inseparable part of the right in itself.” *Jorgenson*, 179  
3 Wn.2d at 153 (quoting Wash. Const. art. I, § 24) (internal citations and quotations omitted).  
4 “Reading the Washington Constitution to give these additional words meaning, we conclude  
5 that the plain language of article I, section 24 is distinct and should be interpreted separately  
6 from the Second Amendment to the federal constitution.” *Id.*

## 8 (2) Constitutional and Common Law History

9 41. Washington accords great weight to the contemporary facts and circumstances  
10 in effect at the time its Constitution was created. *State ex rel. Evans v. Bhd. Of Friends*, 41  
11 Wn.2d 133, 146, 247 P.2d 787 (1952).

13 42. “It is well known that the delegates to the Washington Convention borrowed  
14 heavily from the constitutions of other states.” Justice Robert F. Utter, *Freedom and Diversity*  
15 *in a Federal System: Perspectives on State Constitutions and the Washington Declaration of*  
16 *Rights*, 7 Seattle U. L. Rev. 491, 513-14 (1984).<sup>2</sup> “Washington’s Declaration of Rights in  
17 article 1 of the constitution had its sources primarily in other states’ constitutions, rather than  
18 the federal charter.” *Id.* at 497. Washington’s right to bear arms was based on Oregon’s art. I, §  
19 27 in addition to U.S. Const. amend. II. The Journal of the Washington State Constitutional  
20 Convention 1889, 512 n.40, (Beverly Rosenow, ed., 1962, reprint 1999). States can, and  
21 should, interpret their own constitutions as being more restrictive on governmental power than  
22 the federal constitution. Utter, *Freedom and Diversity in a Federal System*, 7 Seattle U. L. Rev.  
23 at 504-08.

27 \_\_\_\_\_  
28 <sup>2</sup> Justice Utter wrote the referenced article while a Washington Supreme Court Justice.

1           43.     Washington’s declaration of rights was meant to be a primary protector of the  
2 fundamental rights of Washingtonians. *Id.* at 491; *State v. Coe*, 101 Wn.2d 364, 374, 679 P.2d  
3 353 (1984). These declarations of rights serve as limitations on the state’s plenary power over  
4 its people. *Id.* at 494-95; *Fain v. Chapman*, 89 Wn.2d 48, 53, 569 P.2d 1135 (1977).

5  
6           44.     The inclusion of an explicit individual right evinces an intent to protect that  
7 right more so than the Second Amendment; this is also borne out by examining the history of  
8 Washington Territory, which experienced two periods of martial law, including one that was a  
9 mere three years before the 1889 Constitutional Convention, and to protect against the  
10 “territorial experience of having armed detectives used in labor strikes at mines in the eastern  
11 part of Washington territory.” *Journal of the Washington Constitutional Convention*, at 513;  
12 *see also*, Utter, *Freedom and Diversity in a Federal System*, 7 Seattle U. L. Rev. at 516-17;  
13 Wilfred J. Airey, *A History of the Constitution and Government of Washington Territory*, 319-  
14 386 (1945) (unpublished Ph.D. thesis available at:  
15 <https://digitalcommons.law.uw.edu/cgi/viewcontent.cgi?article=1000&context=selbks>).

16  
17  
18           **(3) Preexisting State Law**

19           45.     Washington’s Constitution was created to protect the civil liberties of its people.  
20 *Gunwall*, 106 Wn.2d at 59. Because of this, the Court needs to analyze whether and under  
21 what circumstances it provides greater protections for civil liberties than the federal  
22 Constitution. In light of the recent decision in *Bruen*, wherein means-end analysis is no longer  
23 allowed, *Jorgenson*, which utilized intermediate scrutiny and a “reasonable regulation”  
24 analysis, no longer stands and new analysis is required under the Washington Constitution. As  
25 Washington does not default to the federal constitutional protections or analysis (*Reece*,  
26 *supra*), federal protections serve as the floor which states cannot go below, and current  
27

1 Washington jurisprudence (*i.e.*, *Jorgenson*) falls below that standard (*i.e.*, *Bruen*) in the  
2 context of the individual right to bear arms. Under the proper *Bruen* analysis, this Court will  
3 find that the challenged laws unconstitutionally *impair* Washington citizens’ right to bear arms.  
4

5 **(4) Structural Differences**

6 46. The Washington Constitution affords even broader protections to its citizens  
7 than does the federal Constitution. While the U.S. Constitution is a *grant* of enumerated  
8 powers, the Washington Constitution is a *limitation* on the plenary powers of the state. *State v.*  
9 *Gunwall*, 106 Wn.2d 54, 66-67, 720 P.2d 808 (1986). Our state Constitution is clear, on its  
10 face, that citizens’ rights do not spring from our state’s Constitution, but rather it is a  
11 memorialization of rights already possessed: “We the people of the State of Washington,  
12 grateful to the Supreme Ruler of the Universe for our liberties, do ordain this constitution.”  
13 *Malyon v. Pierce Cnty.*, 131 Wn.2d 779, 796 n.17, 935 P.2d 1272 (1997).  
14

15 47. Washington’s Constitution is to be interpreted with its common and ordinary  
16 meaning. *State ex rel. Albright v. City of Spokane*, 64 Wn.2d 767, 770, 394 P.2d 231 (1964).  
17 This is because it is the expression of the people’s will, adopted by the people of Washington.  
18 *Id.* If the language is unambiguous, then it will be given its plain and ordinary meaning, and  
19 no construction or interpretation is permissible. *State ex rel. Anderson v. Chapman*, 86 Wn.2d  
20 189, 191, 543 P.2d 229 (1975).  
21

22 **(5) Particular State Interest and Concern**

23 48. Firearm ownership varies radically between localities, as does the incidence of  
24 firearm violence. *McDonald*, 561 U.S. at 927 (Breyer, J., dissenting). Further, federalism and  
25 comity place the state courts in the role of the “primary protectors of the rights of criminal  
26 defendants.” *Cabana v. Bullock*, 474 U.S. 376, 391, 106 S. Ct. 689 (1986). Just as the  
27



1 Washington Supreme Court determined in *Jorgenson*, a *Gunwall* analysis “suggests we should  
2 interpret the state right separately and independently of its federal counterpart.” *Jorgenson*, 179  
3 Wn.2d at 155.

4  
5 49. In spite of the more robust protections afforded Washington citizens under the  
6 Washington constitution, the bans enacted through ESHB 1705 completely and categorically  
7 prohibit law-abiding individuals from exercising their right to bear arms from possessing,  
8 acquiring, selling, transferring, and self-manufacturing firearms that are of types, functions,  
9 and designs similar or identical to industrially-manufactured firearms, and are themselves  
10 commonly owned and possessed firearms.

11  
12 ***The Rights to Due Process of Law and Just Compensation***

13 50. The fundamental protection against deprivation of property without due process  
14 of law and the companion fundamental right to receive just compensation for taking of  
15 property are also at stake in light of Washington’s bans that require all ordinary, law-abiding  
16 citizens of Washington to dispossess themselves of all unfinished frames or receivers with no  
17 serial number (and many other NFOs that may or may not fall within Washington’s sweepingly  
18 broad definition of “unfinished frame or receiver”), as well as Washington’s SMF ban that  
19 requires all ordinary, law-abiding citizens of Washington to dispossess themselves of  
20 unserialized firearms, all without due process of law or any compensation for the destruction or  
21 serialization of their valuable property rights.

22  
23  
24 51. The Washington Constitution provides that “[n]o person shall be deprived of  
25 life, liberty, or property, without due process of law.” Wash. Const. art. I, § 3. The  
26 Washington Constitution further provides that “[n]o private property shall be taken or damaged  
27

1 for public or private use without just compensation having been first made[.]” Wash. Const.  
2 art. I, § 16.

3 52. “Where any significant property interest is at stake the safeguards of procedural  
4 due process are applicable.” *Olympic Forest Prods. v. Chaussee Corp.*, 82 Wn.2d 418, 428,  
5 511 P.2d 1002 (1973).

7 53. The Fifth Amendment to the United States Constitution states, in pertinent part,  
8 that “[n]o person shall ... be deprived of life, liberty, or property, without due process of law  
9 [the Due Process Clause of the Fifth Amendment]; nor shall private property be taken for  
10 public use, without just compensation [the Takings Clause].” U.S. Const. amend. V.

12 54. The Fourteenth Amendment to the United States Constitution states, in pertinent  
13 part, “nor shall any State deprive any person of life, liberty, or property, without due process of  
14 law [the Due Process Clause of the Fourteenth Amendment].” U.S. Const. amend. XIV, § 1.

15 55. “[W]here government requires an owner to suffer a permanent physical invasion  
16 of her property – however minor – it must provide just compensation.” *Lingle v. Chevron*  
17 *U.S.A., Inc.*, 544 U.S. 528, 538, 125 S. Ct. 2074 (2005). Even “a temporary, nonfinal  
18 deprivation of property is nonetheless a 'deprivation' in the terms of the Fourteenth  
19 Amendment.” *Fuentes v. Shevin*, 407 U.S. 67, 85, 92 S. Ct. 1983 (1972).

## 21 CHALLENGED BANS

### 22 *Untraceable Firearms*

24 56. Through ESHB 1705, the definition of “untraceable firearm” is revised to mean  
25 any firearm manufactured after July 1, 2019, that is not an antique firearm and that cannot be  
26 traced by law enforcement by means of a serial number affixed to the firearm by a federal  
27 firearms manufacturer, federal firearms importer, or federal firearms dealer in compliance with

1 all federal laws and regulations. Washington prohibits the manufacture of an “untraceable  
2 firearm” with intent to sell. A violation of this restriction is punishable as a class C felony.

3 57. The definitions applied in RCW 9.41, through the enactment of ESHB 1705, are  
4 unconstitutionally vague, arbitrary, and impossible to enforce.

5 58. “The test for evaluating the vagueness of legislative enactments contains two  
6 components: adequate notice to citizens and adequate safeguards to prevent arbitrary  
7 enforcement.” *State v. Maciolek*, 101 Wn.2d 259, 264, 676 P.2d 996 (1984). The Washington  
8 bans run afoul of both the notice and vagueness prohibitions, as the definition “unfinished  
9 frame or receiver” cannot pass constitutional muster, nor can the definition of “untraceable  
10 firearm.” “An ordinance is unconstitutional when it forbids conduct in terms so vague that  
11 persons of common intelligence must guess at its meaning and differ as to its application.”  
12 *Spokane v. Fischer*, 110 Wn.2d 541, 543, 754 P.2d 1241 (1988) (citing *Burien Bark Supply v.*  
13 *King Cy.*, 106 Wn.2d 868, 871, 725 P.2d 994 (1986).

14 59. After June 30, 2022, manufacturing, causing to be manufactured, assembling,  
15 causing to be assembled, selling, offering to sell, transferring, or purchasing an untraceable  
16 firearm is prohibited, in violation of Wash. Const. art. I, § 24 and U.S. Const. amend. II.

17 60. After March 10, 2023, knowingly or recklessly possessing, transporting, or  
18 receiving an untraceable firearm is prohibited, in violation of Wash. Const. art. I, § 24 and U.S.  
19 Const. amend. II.

20 61. A violation of these restrictions in the first instance is a civil infraction  
21 punishable by a monetary penalty of \$500. A second violation is punishable as a  
22 misdemeanor. A third or subsequent violation is punishable as a gross misdemeanor.  
23

1 Additionally, any violation of these restrictions with three or more untraceable firearms at a  
2 time is punishable as a gross misdemeanor.

3 62. The state of Washington has created an arbitrary dichotomy between SMFs  
4 made before July 1, 2019 and after that date; this arbitrary delineation subjects citizens of  
5 Washington to significant monetary penalties and incarceration, with no ascertainable means of  
6 proving that a SMF was made before July 1, 2019. This rule also eliminates the long and rich  
7 historical tradition of Americans being able to craft their own firearms for their self-defense.  
8

9 63. “Statutes are presumed to be constitutional, and the party asserting that a statute  
10 is unconstitutionally vague must prove its vagueness beyond a reasonable doubt.” *State v.*  
11 *Evergreen Freedom Found.*, 192 Wn.2d 782, 798, 432 P.3d 805 (2019). “The purpose of the  
12 vagueness doctrine is to ensure that citizens receive fair notice as to what conduct is  
13 proscribed, and to prevent the law from being arbitrarily enforced.” *In re Contested Election of*  
14 *Schoessler*, 140 Wn.2d 368, 388, 998 P.2d 818 (2000) (quoting *Haley v. Med. Disciplinary*  
15 *Bd.*, 117 Wn.2d 720, 739-40, 818 P.2d 1062 (1991)) (internal quotation marks omitted).  
16  
17

18 ***Unfinished Frame or Receiver***

19 64. Through ESHB 1705, the state of Washington seeks to control NFOs and raw  
20 materials deemed “unfinished frames or receivers.” An “unfinished frame or receiver” is  
21 defined as a frame or receiver that is partially complete, disassembled, or inoperable, that: (1)  
22 has reached a stage in manufacture where it may readily be completed, assembled, converted,  
23 or restored to a functional state; or (2) is marketed or sold to the public to become or be used as  
24 the frame or receiver of a functional firearm once finished or completed, including without  
25 limitation products marketed or sold to the public as an 80 percent frame or receiver or  
26 unfinished frame or receiver.  
27

1 a. For purposes of the foregoing definition, “readily” means a process that is  
2 fairly or reasonably efficient, quick, and easy, but not necessarily the most  
3 efficient, speedy, or easy process. Factors relevant in making this  
4 determination include time, ease, expertise, equipment, availability,  
5 expense, scope, and feasibility.  
6

7 b. For purposes of the foregoing definition, “partially complete,” as it modifies  
8 frame or receiver, means a forging, casting, printing, extrusion, machined  
9 body, or similar article that has reached a stage in manufacture where it is  
10 clearly identifiable as an unfinished component part of a firearm.  
11

12 65. After June 30, 2022, selling, offering to sell, transferring, or purchasing an  
13 unfinished frame or receiver is prohibited, with exceptions for purchases by federally licensed  
14 firearms importers, manufacturers, or dealers.

15 66. After March 10, 2023, knowingly or recklessly possessing, transporting, or  
16 receiving an unfinished frame or receiver is prohibited, with exceptions for law enforcement  
17 agencies and federally licensed firearms importers, manufacturers, or dealers.  
18

19 67. A violation of these restrictions in the first instance is a civil infraction  
20 punishable by a monetary penalty of \$500. A second violation is punishable as a  
21 misdemeanor. A third or subsequent violation is punishable as a gross misdemeanor.  
22 Additionally, any violation of these restrictions with three or more unfinished frames or  
23 receivers at a time is punishable as a gross misdemeanor.  
24

25 68. The definitions of “readily” and “partially complete” are unconstitutionally  
26 vague and impossible to enforce. The vagueness and impossibility of enforcement, or at the  
27 very least a clear protection for Washington citizens is demonstrated by the fact that “short-

1 barreled rifles” (defined in RCW 9.41.010(34) as “a rifle having one or more barrels less than  
2 sixteen inches in length and any weapon made from a rifle by any means of modification if  
3 such modified weapon has an overall length of less than twenty-six inches”) could be created  
4 by the combination of an AR-style rifle upper and an AR-style pistol lower. Given the  
5 modularity of modern sporting rifles and pistols, it is easily conceivable that a Washington  
6 citizen could have several of each individual components or parts lying around, and  
7 constructive possession of a “short-barreled rifle” would be possible and prosecutable under  
8 the nebulous definitions of Ch. 9.41 RCW. Further, the very definition of “firearm” is  
9 troublesome, as it encapsulates any “weapon or device from which a projectile or projectiles  
10 may be fired by an explosive such as gunpowder.” RCW 9.41.010(15). According to that  
11 definition, hunting dog training devices which use .22 caliber loads to fire a bird dummy are  
12 firearms requiring serialization, and the purchase of such a device to acclimate a hunting dog to  
13 the sound of a firearm discharge is subject to a background check.

14  
15  
16  
17 69. This definition seeks to bring NFOs under the ambit of the Firearms and  
18 Dangerous Weapons Act, RCW 9.41 *et seq.*, although raw materials are not firearms or  
19 dangerous weapons. Thus, the law is unconstitutionally vague, leaving Washington citizens to  
20 only guess as to what falls within the definition of “unfinished frame or receiver.” “A statute is  
21 void for vagueness if it is framed in terms so vague that persons of common intelligence must  
22 necessarily guess at its meaning and differ as to its application.” *In re Contested Election of*  
23 *Schoessler*, 140 Wn.2d at 388 (quoting *Haley v. Med. Disciplinary Bd.*, 117 Wn.2d 720, 739-  
24 40, 818 P.2d 1062 (1991)) (internal quotation marks omitted).

25  
26 ///

27 ///

28 AMENDED PETITION FOR DECLARATORY AND  
INJUNCTIVE RELIEF - 22

Silent Majority Foundation  
5238 Outlet Dr.  
Pasco, WA 99301

1 **FIRST CAUSE OF ACTION**  
2 **VIOLATION OF ARTICLE I SECTION 24 OF THE WASHINGTON STATE**  
3 **CONSTITUTION**  
4 **(UNCONSTITUTIONAL IMPAIRMENT OF THE RIGHT TO BEAR ARMS)**

5 70. Petitioners reallege and incorporate by reference, as if fully set forth herein, the  
6 foregoing paragraphs.

7 71. Article I, § 24 of the Washington Constitution provides: “[t]he right of the  
8 individual citizen to bear arms in defense of himself, or the state, shall not be impaired, but  
9 nothing in this section shall be construed as authorizing individuals or corporations to organize,  
10 maintain or employ an armed body of men.”

11 72. “Article I, section 24 plainly guarantees an individual right to bear arms. There  
12 is quite explicit language about the right of the individual citizen to bear arms in defense of  
13 himself. This means what it says.” *Sieyes*, 168 Wn.2d at 292 (quoting Hugh Spitzer, *Bearing*  
14 *Arms in Washington State* 9 (proceedings of the Spring Conference, Washington State  
15 Association of Municipal Attorneys (Apr. 24, 1997)) (internal quotation marks omitted).

16 73. Even under the “reasonable regulation” or intermediate scrutiny standard  
17 (abrogated by *Bruen*), ESHB 1705 fails the test that “the regulation must be reasonably  
18 necessary to protect the public safety, health, morals, and general welfare and must be  
19 substantially related to the legitimate ends sought.” *State v. Spencer*, 75 Wn. App. 118, 122,  
20 876 P.2d 939 (Div. 1 1994). The new federal standard, under *Bruen*, is that the state must  
21 show a historical analogue for laws that burden the right of citizens to bear arms; Washington  
22 has no such analogous serialization requirement or control of self-manufacturing of firearms.  
23

24 74. Simply burdening law-abiding citizens’ right to bear arms and self-manufacture  
25 firearms does nothing to curb crime; criminals, by definition, break laws. Requiring the  
26

1 serialization of firearms and banning self-manufacturing of firearms eschews the long  
2 historical tradition of self-manufacturing arms for self-defense and defense of the state, as well  
3 as other lawful purposes. Americans have resisted databases and registration of arms since the  
4 time of our founding, harkening back to the efforts of Governor General Thomas Gage to store  
5 and register all arms of Boston residents in Faneuil Hall in an effort to prevent an insurrection,  
6 which were promptly destroyed. Christopher D. Fox and Joel R. Bohy, “For the Necessary  
7 Defense of this Town: The Arms of Boston, Massachusetts, 1630-1822, Part 2,” 14 *Man At*  
8 *Arms* 14, 15 (2021).

11 75. ESHB 1705 does nothing to prevent criminals from grinding off serial numbers  
12 and using an “untraceable firearm” from committing crime. The only thing it does is  
13 unconstitutionally burden the right to bear arms of law-abiding citizens and subject them to  
14 arbitrary enforcement.

15 76. Coupled with the unconstitutionally vague definitions of what constitutes a  
16 “firearm,” an “unfinished frame or receiver,” and what falls into that category by virtue of in  
17 turn vague definitions of “readily” and “partially complete,” Respondents simultaneously seek  
18 to impair and restrict the fundamental right of Washington citizens to bear arms in self-defense  
19 and other lawful purposes while expanding what constitutes a firearm, to include raw materials  
20 if those materials pass some ill-defined and arbitrary visual appearance test.

22  
23 **SECOND CAUSE OF ACTION**  
24 **VIOLATION OF ARTICLE I SECTIONS 3, 16 OF THE WASHINGTON STATE**  
25 **CONSTITUTION**  
26 **(DUE PROCESS AND TAKINGS VIOLATIONS)**

27 77. Petitioners reallege and incorporate by reference, as if fully set forth herein, the  
28 foregoing paragraphs.



1           78. Article I, § 3 of the Washington Constitution provides “[n]o person shall be  
2 deprived of life, liberty, or property, without due process of law.”

3           79. Article I, § 16 of the Washington Constitution provides “[n]o private property  
4 shall be taken or damaged for public or private use without just compensation having been first  
5 made[.]”

6           80. ESHB 1705 requires that law-abiding citizens of Washington either  
7 permanently alter their SMFs or destroy them under threat of severe penalties. No other  
8 disposition is allowed. The resistance to weapon registration is as old as this Nation. Self-  
9 manufacturing firearms is as old as this Nation. The Washington bans do not curb crime, and  
10 only burden law-abiding citizens.  
11

12           81. Serialization is not the means of matching a weapon to a crime that was  
13 committed; that is the purview of forensics and ballistics. Serialization is simply the state  
14 keeping track of its citizens, and only those who abide by the law.  
15

16           82. The permanent alteration of SMFs or the requirement that they be destroyed is a  
17 taking without due process of those who own such weapons (or NFOs, in accordance with the  
18 sweeping definition of what is now considered an “unfinished frame or receiver”). This  
19 violates the rights of law-abiding citizens of Washington who have neither broken any law nor  
20 committed any other crime.  
21

22           83. Additionally, RCW 9.41.220 provides that unlawful firearms and parts “are  
23 hereby declared to be contraband, and it shall be the duty of all peace officers, and/or any  
24 officer or member of the armed forces of the United States or the state of Washington, to seize  
25 ... wherever and whenever found.” Aside from the *posse comitatus* implications, this is a clear  
26 intent to take private property without due process.  
27

1 **THIRD CAUSE OF ACTION**  
2 **VIOLATION OF ARTICLE I SECTION 23 OF THE WASHINGTON STATE**  
3 **CONSTITUTION**  
4 **(EX POST FACTO LAW)**

5 84. Petitioners reallege and incorporate by reference, as if fully set forth herein, the  
6 foregoing paragraphs.

7 85. Article I, § 23 of the Washington Constitution provides that “[n]o bill of  
8 attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed.”

9 86. EHSB 1705 is precisely the type of retroactively effective law that the  
10 Washington Constitution prohibits; as of March 11, 2023, Washington citizens who self-  
11 manufactured a firearm after July 1, 2019, are suddenly subject to misdemeanors, gross  
12 misdemeanors, or even a class C felony simply for possessing the SMF they made more than  
13 three years ago.

14 **FOURTH CAUSE OF ACTION**  
15 **VIOLATION OF ARTICLE I SECTION 3 OF THE WASHINGTON STATE**  
16 **CONSTITUTION**  
17 **(VOID FOR VAGUENESS)**

18 87. Petitioners reallege and incorporate by reference, as if fully set forth herein, the  
19 foregoing paragraphs.

20 88. Article I, § 3 of the Washington Constitution provides “[n]o person shall be  
21 deprived of life, liberty, or property, without due process of law.”

22 89. Several definitions promulgated under ESHB 1705 are unconstitutionally vague,  
23 namely the definitions of “unfinished frame or receiver;” “readily” which contains no less than  
24 eight factors, “with no single one controlling,” and contains a caveat that “readily means a  
25 process that is fairly or reasonably efficient, quick, and easy, but not necessarily the most  
26 efficient, speedy, or easy process[;]” and “partially complete” means a “forging, casting,  
27

1 printing, extrusion, machined body, or similar article that has reached a stage in manufacture  
2 where it is clearly identifiable as an unfinished component” of a firearm.

3 90. A person of ordinary intelligence cannot determine from the statute whether  
4 various objects are regulated. The indeterminacy of the various tests gives Respondents  
5 virtually unlimited and unpredictable discretion as to what constitutes “readily” or “partially  
6 complete.”  
7

### 8 **REQUEST FOR RELIEF**

9 Petitioners seek the following relief:

- 10 A. An order GRANTING an injunction against implementation of the challenged sections  
11 of the Code, RCW 9.41.190(1)(d), .326, and .327, respectively;  
12  
13 B. An order GRANTING Declaratory Judgment under RCW 7.24.010, declaring the  
14 challenged laws invalid as they impair Petitioners’ rights to bear arms, are void for  
15 vagueness, and violate Petitioners’ Due Process Rights;  
16  
17 C. An injunction against implementation of RCW 9.41.190(1)(d), .325, .326, and .327,  
18 respectively;  
19  
20 D. An order to pay the Petitioners’ costs for pursuing this action, including reasonable  
21 attorney fees, pursuant to RCW 7.24.100 and any other applicable authority; and  
22  
23 E. Award such other relief as the Court deems appropriate.

24 Dated this 16th of March, 2023.

25 

26 Austin F. Hatcher, WSBA #57449  
27 Simon Peter Serrano, WSBA #54769  
28 Attorneys for Petitioners

CERTIFICATE OF SERVICE

I certify that I filed with the Court and electronically served a copy of this document on all parties on the date below as follows:

Office of the Attorney General:	<a href="mailto:serviceATG@atg.wa.gov">serviceATG@atg.wa.gov</a>
July Simpson, Assistant Attorney General:	<a href="mailto:july.simpson@atg.wa.gov">july.simpson@atg.wa.gov</a>
Andrew Hughes, Assistant Attorney General:	<a href="mailto:andrew.hughes@atg.wa.gov">andrew.hughes@atg.wa.gov</a>
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Office of the Governor: [serviceATG@atg.wa.gov](mailto:serviceATG@atg.wa.gov)

Stevens County Sheriff’s Office: physical service to Stevens County Auditor, per RCW 4.28.080(1)

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

DATED this 16th day of March, 2023, at Spokane, WA.



Austin Hatcher, WSBA #57449  
Attorney for Petitioners