

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

SILENT MAJORITY FOUNDATION,)	
a Washington non-profit)	
corporation,)	THURSTON COUNTY
)	NO. 22-2-1146-34
Plaintiff,)	
)	
vs.)	
)	
JAY INSLEE, in his capacity)	
as the Governor of the)	
State of Washington,)	
)	
Defendant.)	

VERBATIM REPORT OF PROCEEDINGS

BE IT REMEMBERED that on October 7, 2022,
the above-entitled matter came on for hearing before the
HONORABLE CAROL MURPHY, Judge of Thurston County Superior
Court.

Reported by: Aurora Shackell, RMR CRR
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APPEARANCES

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1 October 7, 2022, in Olympia, Washington
2 Before the Honorable CAROL MURPHY, Presiding

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5 THE COURT: We are back on the record to hear
6 Silent Majority Foundation versus Jay Inslee,
7 22-2-1146-34. And if we could please have the
8 parties put their appearances on the record.

9 MS. GRUNBERG: Emma Grunberg here representing
10 Governor Inslee.

11 THE COURT: Looks like Mr. Evans is speaking.

12 MR. EVEN: I'm sorry, just to identify myself,
13 Jeffrey Even, also here for Governor Inslee. Ms.
14 Grunberg would be arguing.

15 MR. SERRANO: And Pete Serrano on behalf of
16 Silent Majority Foundation.

17 THE COURT: Thank you. Are there any
18 preliminary matters before the court hears argument
19 on the motion before it?

20 MS. GRUNBERG: Not from us, Your Honor.

21 MR. SERRANO: And none here, Your Honor.

22 THE COURT: The parties will be limited to
23 12 minutes per side. And I will hear from Ms.
24 Grunberg first.

25 MS. GRUNBERG: Thank you, Your Honor. Emma

1 Grunberg representing Governor Inslee. This matter
2 comes before the court on defendant's motion for
3 judgment on the pleadings. Like every other governor
4 in America, Governor Inslee declared a COVID-19 state
5 of emergency and issued emergency orders on a
6 statewide basis, including the March 22nd mask and
7 vaccine orders challenged here. The reason is clear.
8 COVID-19 is a contagious airborne disease which
9 spread quickly throughout the world. This case is
10 nonetheless premised on plaintiff's claim that the
11 governor was required to manage his emergency
12 response on a county-by-county basis, stopping and
13 restarting the emergency in each county according to
14 fluctuations in county-level data, but varied
15 continuously week by week. This is unworkable and it
16 fails as a matter of law.

17 I'd like to first address the plaintiff's claim
18 that the governor was required to make
19 county-by-county findings before issuing the
20 challenged orders, and then we'll turn to the claim
21 that order had been restored in certain counties in
22 March 2022 when the challenged orders were issued.

23 First, statutory law does not require the governor
24 to make county-by-county findings in order to issue
25 statewide emergency orders pursuant to a statewide

1 emergency. Plaintiff's argument on this point
2 confuses the statutory requirements for A, an initial
3 declaration of an emergency, and B, an emergency
4 order issued pursuant to a declared emergency. For
5 the initial declaration of emergency, the governor
6 must find that a public disorder, disaster, et
7 cetera, affecting life, health, property or the
8 public peace exists within this state or any part
9 thereof. On that basis, he may, quote, proclaim a
10 state of emergency in the area affected. That's RCW
11 43.06.010(12).

12 In this case, in February 2020, the governor found
13 that COVID-19 was a public disaster affecting life,
14 health, property and the public peace statewide, and,
15 therefore, he proclaimed that an emergency existed
16 statewide. This emergency declaration unlocked the
17 governor's power to issue emergency orders such as
18 those challenged here. The governor has authority to
19 issue orders that are, quote, effective within the
20 area described in the emergency declaration. That's
21 RCW 43.06.010(12), and similar language is found in
22 RCW 43.06.220.

23 Here, because the emergency declaration explicitly
24 covered the entire state, the governor had issued
25 orders effective statewide. The only statutory

1 requirements for such orders are that they fall
2 within the categories enumerated in RCW 43.06.220,
3 which is not challenged, and that they be in writing,
4 signed by the governor and filed with the Secretary
5 of State under RCW 43.06.210, which is also not
6 challenged here.

7 But nowhere in any of the governing statutes is
8 there any requirements that the governor make any
9 findings, let alone county-by-county findings, before
10 issuing an emergency order pursuant to an underlying
11 state of emergency. The fact that the governor's
12 statutory authority to issue such emergency orders is
13 broad does not mean the orders themselves are immune
14 from legal oversight. To the contrary, numerous
15 lawsuits have been filed challenging various COVID-19
16 orders, including mask and vaccine requirements on
17 constitutional and other grounds. But under
18 statutory law, when the governor declares a statewide
19 emergency, he may then issue orders applying
20 statewide. There is simply no statutory requirement
21 that the governor first make findings that the
22 emergency continues to exist in each county.

23 I'd like to turn lastly to plaintiff's claim that
24 order had been restored in certain counties in
25 March 2022 and, therefore, the governor was required

1 to terminate the emergency in those counties. To be
2 clear, plaintiff has not claimed in his complaint and
3 does not argue in its response brief that order had
4 been restored on a statewide basis in March 2022.
5 Instead, the crux of plaintiff's claim is that order
6 had been restored in certain counties at that time.
7 And that's really encapsulated in paragraph 3 of the
8 complaint. But the law permits the governor to
9 declare and maintain a state of emergency on a
10 statewide basis. The statute allows the governor to
11 proclaim a state of emergency, quote, in the area
12 affected, which can be either the entire state or
13 even any part thereof, RCW 43.06.010. The governor
14 must terminate the state of emergency, quote, when
15 order has been restored in the area affected, RCW
16 43.06.210.

17 Here, the area affected, as the governor found in
18 his February 2020 emergency declaration, is the
19 entire state. Therefore, the question for the
20 governor in deciding whether to lift the state of
21 emergency in March 2022 was whether order had been
22 restored statewide. Plaintiffs claim that the
23 governor was, in fact, required to consider that
24 question for each county, and because the data
25 suggests that new COVID-19 cases were low or zero in

1 particular counties during the weeks the challenged
2 orders were issued in March, plaintiffs claim that
3 order had been restored in those counties, and,
4 therefore, the governor was required to end the State
5 of emergency in those counties.

6 And to be clear, this is a 12(c) motion, so we
7 accept all of those facts and citations to statistics
8 as true for the purposes of this motion. And
9 plaintiff's argument is that the governor was
10 required to end the state of emergency in those
11 counties, even if only temporarily, until statistics
12 went back up, and that's the response brief on
13 page 8.

14 If accepted, this argument would require stopping
15 and restarting not only the state of emergency on a
16 county-by-county basis, but also all emergency
17 orders, including statutory waivers and suspensions
18 based on continual fluctuations in county-level data.
19 This is not what the law requires. The governor
20 appropriately exercised his discretion in finding
21 that an emergency existed statewide and in making the
22 determination of when to lift the state of emergency
23 on a statewide basis.

24 Indeed, plaintiff has cited no case, and defendant
25 could find none, which maintained the COVID-19 state

1 of emergency on a county-by-county basis. And the
2 federal government has declared a nationwide
3 emergency that remains ongoing with no announced
4 ending. The reason for this is clear, that this is
5 not a localized disaster such as a flood. Rather, it
6 is a highly contagious viral disease that spread
7 quickly throughout the world by a person-to-person
8 transmission. Plaintiff has advanced no plausible
9 argument that the governor was required to declare
10 and maintain the COVID-19 state of emergency by a
11 county-by-county level. Its proposed rule and its
12 interpretation of these statutes would arrest
13 discretion from the governor to respond to statewide
14 emergencies on statewide basis. This is not only
15 unworkable, it is incompatible with the governing
16 statutes.

17 Plaintiff's claim fails, therefore, as a matter of
18 law, and the defendant asks that this court grant its
19 motion for judgment on the pleadings. I'm happy to
20 answer any questions and otherwise save any remaining
21 time for rebuttal. Thank you.

22 THE COURT: Ms. Grunberg, I do have a question
23 just regarding procedurally your motion. First, I
24 will tell you that the motion does reference many,
25 many documents, websites, et cetera, and asks the

1 court to take judicial notice of multiple things. I
2 have not researched each of those websites and
3 references. Some of them change often, like the
4 Department of Health dashboard. I have reviewed the
5 pleadings filed in this case and the proclamations
6 referenced as they have been referenced in the
7 complaint in this case and truly considered this as a
8 motion for judgment on the pleadings, not a motion
9 for summary judgment.

10 That being said, reviewing carefully the
11 complaint, is it the position of governor that the
12 issue of whether the governor's authority must be
13 based upon statistics on a county-by-county basis and
14 whether the emergency was over and order was restored
15 on a county-by-county basis addresses each and every
16 claim for relief in the complaint?

17 MS. GRUNBERG: Yes, Your Honor. So we did
18 include in our motion a statement of facts which
19 addressed the kind of statewide COVID situation in
20 March. If Your Honor believes that should be
21 disregarded on this motion, we accept that. Our
22 motion is really based on that claim as a matter of
23 law and the proclamations referenced in the
24 complaint, which we also cite in our brief. And so,
25 yes, all of plaintiff's claims in their complaint

1 rest upon these legal arguments that county-by-county
2 findings were necessary and that those COVID
3 statistics meant that order was restored in those
4 named counties and that, therefore, the governor's
5 emergency authority had -- had gone over those
6 counties.

7 THE COURT: Thank you. Mr. Serrano.

8 MR. SERRANO: Good morning, Your Honor. Pete
9 Serrano on behalf of Silent Majority Foundation,
10 plaintiffs. Thank you for your time this morning.

11 I'd like to clarify two issues. I'd also like to
12 then run into a couple of words that are very
13 relevant this morning as to what the governor --
14 sorry, was that on my end?

15 THE COURT: No, I don't think so. Go ahead.

16 MR. SERRANO: Okay. So, first, what other
17 governors have done in other states is unquestionably
18 irrelevant here. Not a single other governor in the
19 50 states of the territories of the United States is
20 bound to Washington law. Washington law requires
21 that the governor must do two things in relation to
22 emergency proclamations. Simply these two elements
23 bookend his statutory authority and provide his two
24 statutory duties.

25 The first is, he must find a state of emergency

1 prior to so declaring one and then address the areas
2 affected. That's the opening bookend, if you will.

3 The second bookend, under Revised Code of
4 Washington 43.06.210, is that the governor must
5 terminate the emergency once order has been restored
6 to the affected area. The two challenged
7 proclamations, Proclamation 20-25.19 as well as
8 21-14.4 use two extremely critical operative words,
9 which is why these pleadings are done in such a
10 fashion. The governor proclaimed a state of
11 emergency -- and these are Jay Inslee's written
12 words -- "for all counties throughout the State of
13 Washington." He declared that, those three words,
14 "for all counties," and obviously in the other two,
15 "throughout the State of Washington," the other
16 three -- those six words, "for all counties
17 throughout the State of Washington" are the operative
18 words that define the area affected. Not some
19 counties. Not the State of Washington generically.
20 He declared a state of emergency in all counties.

21 So when the area affected addressed, as required
22 by RCW 43.06.010(12), it says the governor may, after
23 finding that a public disorder, et cetera, occurs
24 affects the life, health and property of the public
25 peace, may proclaim a state of emergency in the area

1 affected. Jay Inslee, on his own, in his writing, in
2 his oral delivery of these proclamations declared the
3 area affected all counties of the State of
4 Washington.

5 So when we address these things -- when we
6 addressed these two proclamations and challenged them
7 in early May of 2022 and when Jay Inslee declared
8 them, we expected that all counties of the State of
9 Washington would be affected by the COVID-19. When
10 Jay Inslee, through his finding -- and I'll address
11 these here shortly -- cited to CDC COVID numbers that
12 mean medium transmissions, when he cites to specific
13 hospitalizations numbers, again from the CDC, and
14 these threshold numbers aren't met, his findings
15 failed. He has not found an emergency, and the
16 proclamations from their initiation were invalid.

17 And I want to go through those. But again, the
18 bookend here is that the governor must find a state
19 of emergency, he declared one in all counties in the
20 State of Washington, seemingly utilized data that
21 didn't support such a finding, and then once the
22 order is restored to the areas affected in all
23 counties or in each county, because he elected to use
24 that county -- "all counties" statement, he must --
25 he must -- this is not a discretionary duty --

1 terminate. The proclamations must terminate. And
2 that's as required by 43.06.210.

3 Just running through the proclamations themselves,
4 in 20-25.19, Governor Inslee addressed what seemingly
5 was a claimed victory or nearing victory over the
6 COVID-19 pandemic when he stated -- this was part of
7 his warehouse clause, which seemed to be his
8 finding -- notably, Governor Inslee never clearly
9 stated, aside from the existence of COVID-19, what
10 the emergency was. His findings have been kind of
11 all over the place. But in proclamation 20-25.19, he
12 states the following, "Many eligible Washingtonians
13 have been able to take advantage of the remarkable
14 lifesaving vaccines being administered throughout the
15 State have made a difference and altered the course
16 of the pandemic in fundamental ways." That -- again,
17 those are Jay Inslee's words.

18 He further states that as of March 7th, 2022,
19 81 percent of people five years and older have
20 initiated COVID-19 vaccination, 73.4 percent are
21 fully vaccinated, and more than 58 percent of people
22 eligible for COVID-19 boosters have received one.

23 The governor then proceeds to give us -- and I'm
24 not sure what the relevance is, he never explained
25 it -- the metrics for designating medium-level

1 COVID-19 infection from the CDC, a seven-day case
2 rate of 92 cases per 100,000, hospitalization
3 administration of 6.7 per 100,000, and 12 percent of
4 staff beds occupied by people who have COVID-19.

5 When you look at the pleadings, when you look at
6 our complaint as well as our motion for relief, each
7 one of those numbers is lower specifically at the
8 time that all counties -- and again, I'm using Jay
9 Inslee's words -- all counties suffered this
10 emergency. At the issuance of the first
11 proclamation, three counties had zero COVID-19 cases.
12 Thirteen counties had more than zero but less than
13 ten. Quite frankly, Your Honor, I don't know what
14 the relevance of any of those numbers are. And Jay
15 Inslee has yet, after two and a half years of the
16 pandemic, to declare what threshold it is that a
17 state of emergency persists, exists or terminates.

18 Moving to April 19th, 2022, six counties had zero
19 cases in relation to the ICU beds. When he declared
20 in March -- on March 11th, it was 5.57 percent, and
21 2.36 percent on April 19th, and it had risen from
22 2.36 percent to 2.91 on May 1st, 2022.

23 Let me walk you back to what he declared a medium
24 level of COVID-19 infection was. Hospital admission
25 rates of 6.7 for 100,000 people. Not a single time

1 within the month of the declarations, and I'm talking
2 about preceding and after, was that threshold met.
3 So when Jay Inslee, the governor, using his
4 discretionary powers, quote-unquote, finds a state of
5 emergency and he fails to support it with the science
6 and data, whether it's discretionary or not, he
7 cannot continue to persist that state of emergency in
8 all counties of the State of Washington where that,
9 quote-unquote, emergency does not exist.

10 THE COURT: Mr. Serrano.

11 MR. SERRANO: Yes, ma'am.

12 THE COURT: Is there any case that identifies
13 specifically what "affected areas" is defined as?

14 MR. SERRANO: That is a great --

15 THE COURT: Can it never be the whole state?

16 MR. SERRANO: That is a great question. I've
17 yet to find one. I think the best case, and we've --
18 I think we've almost kind of beat this case up, is
19 the *Cougar Association*. And I will use words, and I
20 think quite frankly, this statement cuts both ways,
21 where it's beneficial to our statement, and I think
22 to a degree, it's not exactly the best. But I'll
23 read it. It's from page 76 of that holding.

24 "The statute does not define what the phrase 'when
25 order has been restored' means. Logically, it means

1 a time where the public disorder" -- and I apologize,
2 this doesn't address the affected areas, because I
3 have yet to really see someone or a court, if you
4 will, opine on that. But I do want to talk about
5 when order has been restored. So I apologize, I'm
6 not, you know, sidestepping your question. I'm
7 getting as close as I can. "The statute" -- I'll
8 restart.

9 "The statute does not define what the phrase 'when
10 order has been restored' means. Logically, it means
11 a time when the public disorder, disaster, energy
12 emergency or riot which led the governor to declare
13 the state of emergency no longer exists. The
14 governor's discretion is the same at determining both
15 the start and end of such an occurrence. This is
16 particularly true when the disaster is an active but
17 not currently erupting volcano."

18 Now, obviously, that statement, the back end,
19 leads itself to the governor has wide discretion.
20 But unquestionably, the courts still seem to be
21 silent on this issue of when order has been restored,
22 aside from the simple single statement that,
23 logically, it means when the public disorder,
24 disaster, energy emergency or riot which led the
25 governor to declare the state of emergency no longer

1 exists.

2 I think problematically, Your Honor, when the
3 governor says all counties, he means all counties,
4 not some counties, not most counties, not 36 of 39 or
5 33 of 39, but where he declares an emergency and it
6 does not exist by the data that he relies upon to
7 declare it, the data produced by the State of
8 Washington. You know, these aren't numbers that
9 we've manufactured. These are the State Department
10 of Health's numbers that we've pulled up. Zero COVID
11 cases means it does not exist.

12 The best I can do, Your Honor, is give you what
13 *Cougar* has given us, which is that, logically, when
14 there's no existence, and the governor has declared
15 in all counties that seemingly when some counties
16 have none, the only decision is that whether or not
17 Governor Newsom in California or Governor DeSantis in
18 Florida -- and I intentionally picked two very
19 politically opposite individuals -- are declaring
20 emergencies or not declaring emergencies, that's
21 irrelevant. Not a single one of them is bound by the
22 bookends of Revised Code of Washington 43.06. Jay
23 Inslee is, however.

24 And this precedent is limited. We're limited to
25 an active volcano that blew up, you know, when I was

1 a child, so I don't recall this, but, obviously, it
2 was a very, you know, disastrous situation. There's
3 no question that ensuing courts, including our State
4 Supreme Court over the past two years, including
5 cases I've been involved in, have declared the
6 COVID-19 a disorder or a disaster.

7 But there is no question that when the governor
8 uses the term "all counties," he means all counties.
9 He cannot mean some. If that were the case, he
10 should have declared in most. I'm not his adviser,
11 so I can't speak to what he did, aside from what I
12 read, Your Honor. He used two operative words, "all
13 counties."

14 When we challenged these proclamations as soon as
15 we could after their issuance, COVID did not exist in
16 some counties. I understand it fluctuates, but you
17 cannot use your power to declare an emergency in all
18 counties and not mean it if it doesn't exist in some
19 counties. And that's the position that we've taken
20 since day one. It's the position that will continue.

21 I do want to read two things -- I see my time is
22 short, so I'll be very quick here. Looking to the
23 State's reply on this motion that we're hearing this
24 morning, it's on page 10, so it's right before the
25 conclusion. Says, "As the governor explained, the

1 October 31 end date is necessary to provide lead time
2 for healthcare systems to prepare for the
3 reimposition of statutory requirements for training,
4 licensing and temporary permitting of healthcare and
5 long-term care workers currently waived by emergency
6 orders." When the governor predictably declared the
7 end of COVID about 50 days out on September 8th that
8 it would terminate on Halloween October 31st, the
9 justification he used and defendants have cited here
10 is that some sort of administrative burden on
11 permitting and licensing constitutes the state of
12 emergency. If the emergency was over when he so
13 declared on September 8th, it should have been
14 declared over. He had a statutory obligation under
15 RCW 43.06.210 to declare it and it terminates. Quite
16 frankly, I don't think -- and yet -- there's yet to
17 be a real good case on whether he even has discretion
18 on that termination.

19 Unquestionably -- yes, Your Honor?

20 THE COURT: Please conclude.

21 MR. SERRANO: Okay. Unquestionably, Revised
22 Code of Washington 43.06.210 states that the governor
23 must terminate said state of emergency proclamation
24 when order has been restored in the affected area,
25 and we believe that's been the position, and it

1 certainly is the position now.

2 Thank you, Your Honor.

3 THE COURT: Thank you. Ms. Grunberg.

4 MS. GRUNBERG: Thank you, Your Honor. If Your
5 Honor has specific questions for me, I'm happy to
6 focus on those. If not, I'd like to respond to the
7 question about whether there is any caselaw or
8 statutory law supporting this idea that an emergency
9 can exist statewide, that this area affected
10 described in the statutes can mean statewide.

11 The *Cougar* case itself dealt with a statewide
12 emergency. So in *Cougar*, the governor proclaimed an
13 emergency based on Mount St. Helens volcanic activity
14 statewide on the basis that there was a danger to the
15 entire state. I think the quote was, "The
16 unpredictable nature of the volcano created a
17 statewide threat to life and property." And then the
18 residents of that town in that case challenged the
19 specific emergency orders placing their town in the
20 restricted access zone and said the governor had lost
21 emergency authority over the town because order had
22 been restored in that specific town sometime in, I
23 think it was June 1980. And the court rejected this
24 contention, holding that the governor's emergency
25 authority over that town persisted after June 1980,

1 because despite the claim that order had been
2 restored, that determination was reserved for the
3 governor's discretion.

4 But in terms of the question of whether there can
5 be an emergency statewide, there was a statewide
6 emergency in *Cougar*. I don't think any party even
7 challenged the ability of the governor to declare an
8 emergency statewide. The statutes themselves say the
9 governor may declare that a public disorder,
10 disaster, energy emergency or riot exists within this
11 state or any part thereof. That order would be
12 rendered meaningless if it could not be statewide, if
13 it had to be only within any part thereof.

14 And then the other statutes say that emergency
15 orders can cover the area identified in the initial
16 emergency declaration. And here, as plaintiff has
17 repeatedly said that is all counties in the State of
18 Washington. Plaintiff's argument appears to be
19 premised on perhaps a difference between a statewide
20 emergency or an emergency that exists in all counties
21 in the State of Washington. There is no difference
22 under law. All counties cover the entire territory
23 of the State of Washington for good reason. Because
24 this is a viral disease that does not respect
25 jurisdictional boundaries. It is easily transmitted

1 from person to person.

2 So the question of when order has been restored
3 means, as the statutes clearly set out, has order
4 been restored in the area affected in the emergency
5 declaration, and that is all counties in the State of
6 Washington. And plaintiff admits, to say otherwise
7 would mean stopping and restarting the emergency
8 declarations in all orders issued pursuant thereto on
9 a county-by-county basis, and that is simply not
10 required by law to deal with a global crisis and
11 nationwide and statewide crisis.

12 If the court has no further questions, we ask the
13 court grant this motion. Thank you.

14 THE COURT: Thank you. The court is going to
15 take a brief recess, and then I will announce my oral
16 ruling. I anticipate doing that in about ten
17 minutes. Court is in recess.

18 (Recess.)

19 THE COURT: The court is prepared at this time
20 to issue a ruling on the motion before it. The
21 central issue here is whether the governor must find
22 a state of emergency and terminate that state of
23 emergency based upon information on a
24 county-by-county basis. A key determination here is
25 what is meant by the phrase "affected areas." The

1 court agrees as a matter of law that the governor
2 must identify a state of emergency by specifically
3 identifying the areas affected and that the governor
4 must terminate once order has been restored to the
5 identified areas affected.

6 The court has considered the pleadings in the case
7 and the documents referenced in the complaint. The
8 court has not found in its research any additional
9 authorities to assist the court in the questions
10 before it. I believe that the parties have very well
11 briefed these issues.

12 Based upon this record and the authorities cited
13 by the parties, the court concludes that the phrase
14 "for all counties" is identifying the affected area.
15 The court finds no legal requirement to identify the
16 affected area by county. In addition, the court
17 finds that the particular emergency here presents an
18 adequate record supporting the authority for the
19 governor's action and inaction challenged here.

20 While a fire or flood may affect a particular area
21 of the State, which may be one or more counties or
22 some other area, those events may impact other areas
23 as well. An example that I have come up with that
24 doesn't apply to this case is a flood in Lewis County
25 that causes an extended closure of Interstate 5.

1 That may have severe impacts in other parts of the
2 state, even though beyond the flooded area. Here,
3 the issue surrounds an airborne virus that may have
4 impacts across county lines.

5 Because the legal question presented here answers
6 the issues presented in this particular motion as to
7 the governor's authority to issue the challenged
8 proclamations and to terminate the proclamations once
9 order is restored, the motion is granted.

10 Do the parties require further clarification?

11 MS. GRUNBERG: No, Your Honor.

12 MR. SERRANO: No, Your Honor. Will you reduce
13 this ruling to writing at all?

14 THE COURT: I do not plan to do so. If the
15 parties could please confer as to the form of an
16 order that reflects the court's ruling today, and
17 then it can be presented to the court either through
18 the court's telephonic ex parte process or the
19 clerk's ex parte process, or if it is not agreed as
20 to form, it can be set for presentation on the
21 court's civil motion calendar.

22 So, just to review, the ex parte process that
23 works most efficiently is for the parties to file in
24 the court file a proposed order that is agreed as to
25 form as indicated by signatures of counsel, and then

1 call the court's ex parte line between 8:30 and 9:00
2 each court day.

3 Any questions about that process?

4 MR. SERRANO: No, Your Honor.

5 MS. GRUNBERG: No, Your Honor.

6 THE COURT: Thank you very much, counsel. I
7 very much appreciate the hard work on this case. We
8 are completed for today. And that completes the
9 court's motion calendar this morning. Court is in
10 recess.

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CERTIFICATE OF REPORTER

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

I, AURORA J. SHACKELL, CCR, Official Reporter of the Superior Court of the State of Washington in and for the County of Thurston do hereby certify:

1. I reported the proceedings stenographically;
2. This transcript is a true and correct record of the proceedings to the best of my ability, except for any changes made by the trial judge reviewing the transcript;
3. I am in no way related to or employed by any party in this matter, nor any counsel in the matter; and
4. I have no financial interest in the litigation.

Dated this 3rd day of November, 2022.

AURORA J. SHACKELL, RMR CRR
Official Court Reporter
CCR No. 2439