



FILED

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KITTITAS COUNTY
SUPERIOR COURT CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KITTITAS COUNTY

97-2.00041-1

BRAD HABERMAN and JANE DOE
HABERMAN, a marital community; MARK
CHARLTON and JANE DOE CHARLTON,
a marital community; WILLIAM WIRTH and
JANE DOE WIRTH, a marital community;
NATIONAL FEDERATION OF
INDEPENDENT BUSINESS, a corporation;
WASHINGTON FARM BUREAU, a
corporation; WASHINGTON RETAIL
ASSOCIATION, a corporation; and
NORTHWEST FOOD PROCESSORS
ASSOCIATION, a corporation,

No. _____

COMPLAINT FOR INJUNCTIVE
AND DECLARATORY RELIEF

Plaintiffs,

vs.

STATE OF WASHINGTON,

Defendant.

COME NOW the plaintiffs and plead as follows:

1. Brad Haberman is a taxpayer and resident of Kittitas County, doing business as Number 9 Hay LLC. Mark A. Charlton is a taxpayer and resident of Kittitas County, doing business as Charlton Farms. William P. Wirth is a taxpayer and resident of Chelan County, doing business as Precision Seed Production. The National Federation of Independent Business, the

Complaint for Declaratory Relief - 1

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Washington Farm Bureau, the Washington Retail Association, and the Northwest Food Processors Association are corporations with active members doing business in Kittitas County.

2. The defendant is the State of Washington.

3. The plaintiffs have standing and this Court has jurisdiction over this case under RCW 7.24, the Uniform Declaratory Judgment Act, and RCW 2.08.010.

4. This Court has venue over this case under RCW 4.92.010(1).

5. In November 2016, Washington voters approved Initiative Measure Number 1433 (“I-1433”). I-1433 is “AN ACT relating to fair labor standards.” It purports to amend sections of RCW 49.46 relating to Washington’s Minimum Wage Act. It adds new RCW sections relating to paid sick leave and family leave without amending the RCW sections pertaining specifically to such leave rights.

6. The ballot title for the voters was as follows:

Initiative Measure No. 1433 concerns labor standards.

This measure would increase the state minimum wage to \$11.00 in 2017, \$11.50 in 2018, \$12.00 in 2019, and \$13.50 in 2020, require employers to provide paid sick leave, and adopt related laws.

Should this measure be enacted into law?

7. Article II, § 19 of the Washington Constitution states:

No bill shall embrace more than one subject, and that shall be expressed in the title.

8. Article II, § 37 of the Washington Constitution provides as follows:

No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length.

9. Among the purposes of both constitutional provisions is avoidance of deception of legislators and the public by disclosing the effect of new legislation and its impact on existing laws, without hampering the Legislature or the people in enacting laws.

10. Because I-1433 purports to consider in a single measure at least two distinct and unrelated matters, and the title of the measure fails to give adequate notice of the measure's purpose, I-1433 violates article II, § 19 of the Washington Constitution.

11. Because I-1433 fails to set out the provisions in the existing leave statutes that it is amending, it violates article II, § 37 of the Washington Constitution.

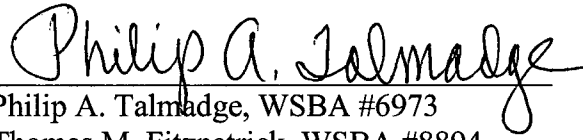
12. Plaintiffs are entitled to a declaratory judgment under RCW 7.24 that I-1433 is unenforceable insofar as it violates article II, § 19 and/or § 37 of the Washington Constitution and is therefore invalid.

13. Plaintiffs are entitled to injunctive relief permanently enjoining the defendants from enforcing I-1433 because it is invalid for the reasons enumerated above.

WHEREFORE, plaintiffs pray as follows:

1. For a declaratory judgment that I-1433 is void and unenforceable;
2. For an injunction permanently enjoining defendant from enforcing the provisions of I-1433;
3. For their costs and disbursements, including their reasonable attorney fees, incurred herein;
4. For such other relief as the Court may deem equitable and proper.

DATED this 28 day of February, 2017.



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