No. 19-291

In The

Supreme Court of the United States

ANNE BLOCK,

Petitioner,

v.

WSBA, et al.,

Respondents.

On Petition For Writ Of Certiorari
To The United States District Court Of Appeals For The Ninth Circuit

REPLY TO DEFENDANTS KING COUNTY AND OFFICER CARY COBLANTZ RESPONSE TO PETITION FOR WRIT OF CERTIORARI

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REPLY ARGUMENT

A. All three judges associated in this case have pre-existing conflicts of interest which require their disqualification.

King County has only cursorily reviewed the detailed analysis provided in Block's Petition for Writ of Certiorari which addressed in detail the very cases that King County wants to consider, including the specific reference in *Riss v. Angel*, 934 P.2d 669, 131 Wash.2d 612 (Wash. 04/10/1997) to *Nolan v. McNamee*, 82 Wash. 585, 144 P. 904 (1914) in the first footnote. Since Block has already refuted King

County's argument in the petition, there is no need to repeat those argument in a reply brief.

B. The plaintiff has properly pled first amendment retaliation claims with respect to Officer Coblantz .

In response to her detailed analysis provided in Block's Petition for Writ of Certiorari which addressed in why Block easily established a prima facie case for retaliation under existing case law, the King County defendants only provided two cases, both of which had long predated *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007), and *Ashcroft v. Iqbal* 556 U.S. 662. (2009). If these two cases, *NLRB v. Pittsburgh Steel SS Co.*, 340 US 498, 503 (1951) and *United States v. Johnston*, 268 U.S. 220, 227 (1925).were applied to motions under the standards of *Iqbal* and *Twombly* it would be difficult to imagine any case that could survive a motion on the pleadings after an appeal to the United States Supreme Court. We cannot believe it was the intent of the court to dispose of First Amendment cases in this manner without even a possibility of appeal to the United States Supreme Court.

In her petition, Anne Block presented detailed, well documented and plausible allegations against Officer Coblantz that are well supported by existing case law that even the slightest first amendment violation of first amendment rights is enough to trigger a 42 USC §1983 violation:

The act v t es of the government defendants are an unlawful attempt to prevent publ cat on of controvers al top cs by shutt ng down the press (pr or restra nt). Such "pr or restra nts on speech and publ cat on are the most ser ous and the least tolerable nfr ngements on F rst Amendment r ghts." *Nebraska Press Assn' v., Stuart, 427, US 539, 559 (1976).* They come to a court bear ng a heavy presumpt on aga nst the r val d ty. *New York Times Co. v. United states, 403 U.S. at 714 (1971)*

> *In Mendocino Environmental Center v. Mendocino County* we pointed out that the proper First Amendment inquiry asks "whether an official's acts would chill or silence a person of ordinary firmness from future First Amendment activities."192 F.3d 1283, 1300 (9th Cir. 1999)(quoting *Crawfor-El v. Britton*, 93 F.3d 813, 826 (D.C. Cir. 1996), vacated on other grounds 520 US 1273, 117 S.Ct.2451, 138 L. Ed.. 2d (1997). Because "it would be unjust to allow a defendant to escape liability for a First amendment violation merely because an unusually determined plaintiff persists in his protected activity," Rhodes not not have demonstrate that his speech was "actually inhibited or suppressed." See id. Rhodes' allegations that his First Amendment rights were chilled, though not necessarily silenced is enough to perfect his claim. *Rhodes v. Robinson*, 408 f.3d 559 (9th Cir. 04/25/2005).

By allow ng the courts to gnore these pr nc ples by us ng *Twombly* and *Iqbal* to character ze the r v olat on as a d spute over f nd ngs of fact would effect vely end f rst amendment protect ons.

C. Block should have been given an opportunity to amend her complaint with respect to King County.

As argued in her petition, Block also should have been granted a continuance to demonstrate that officer Coblantz's action were part of a broader custom and policy which would have made King County liable under 42 USC 1983

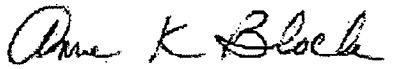
D. Block's petition was timely filed and served.

King County's third argument about an untimely appeal appears to stem from a misreading of the record, when the Supreme Court substituted the corrected Petition for Writ of Certiorari for the original petition on the docket. The original petition signed and timely mailed on July 1, 2019 by commercial carrier and was served on all the parties by regular mail on the same date as shown by the certificate of mailing on the original petition. A notice of deficiency was issued on July 5, 2019 which gave the petitioner 60 days to make the corrections. The petitioner complied by mailing and serving the corrected petition of August 30, 2019, which is the one mentioned in the motion.

CONCLUSION

For all the foregoing reasons, petitioner respectfully requests the US Supreme Court reject the arguments of the King County defendants and accept the petition of Anne Block for review by the full court.

Dated this 11th day of October, 2019.



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