TABLE OF APPENDICES

Appendix 1

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

SEP 3 2021

Molly C Dwyer, CLERK
U S COURT OF APPEALS

JAY J. JOHN,
Plaintiff-Appellant,
v.

QUALITY LOAN SERVICE CORP OF WASHINGTON,

Defendant,

DEUTSCHE BANK NATIONAL TRUST COMPANY and NATIONSTAR MORTGAGE LLC, DBA Mr. Cooper,

Defendants - Appellees

No. 20-35843

DC No. 4:20-cv-05008-SAB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Stanley A. Bastian, Chief District Judge, Presiding

Submitted September 1, 2021**
Seattle, Washington

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* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2)(c)

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Before: HAWKINS, TASHIMA, and McKEOWN, Circuit Judges,

Plaintiff-Appellant Jay John appeals the order of the district court denying in part the motion by his attorney, Scott Stafne, to withdraw as John's attorney or in the alternative to "delay the briefing related to Defendants; motion to dismiss until such time as Stafne can recoup from the impact of the Covid-19 pandemic on his ability to practice law." We have jurisdiction under 28 U.S.C. § 1291, we review for an abuse of discretion, *LaGrand v. Stewart*, 133 F.3d 1253, 1269 (9th Cir. 1998), and we affirm.

1. The district court did not violate the principle of party presentation. *See United States v. Sineneng-Smith*, 140 S. Ct. 1575, 1579 (2020) (explaining that under the principle of party presentation "we rely on the parties to frame the issues Stafne raised and did not reach claims, issues, or theories that the parties themselves did not present. In addition, the district court had the authority to rule on Stafne's motion without waiting for Defendants to file a response.

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2. We reject John's contention that the district court failed to consider Stafne's "personal situation" and the State's Covid-19 orders. First, there is nothing in the record to suggest that the court failed to consider Stafne's contentions, and we assume that the court did so. Second, the district court was not required to reject Stafne's factual contentions on the record. *See* Fed. R. Civ. P. 52(a)(3) ("The court is not required to state findings or conclusions when ruling on a motion under Rule 12 or 56 or, unless these rules provide otherwise, on any other motion."). Third, district courts are not required to state on the record their reasons for rejecting every argument made by a moving party in support of a motion. *E.g., Ivey v. Bd. of Regents of Univ. of Alaska*, 673 F.2d 266, 269 (9th Cir. 1982).

3. Although John argues that the district court lacked the constitutional authority to order Stafne to work in contravention of the State's public health orders, John has not shown any conflict between the State's orders and the district court's order. The State's orders required Washinton residents to stay at home, but included an exception for essential workers, including "[p]rofessional services, such as legal or accounting and tax preparation services, when necessary to assist in compliance with legally mandated activities and critical sector services.: Office of the Governor, Proclamation 20-25, at p.3 & Appendix, at p. 11 (Mar. 23, 2020).

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4. The district court did not deny John his right to counsel. First, there is no general right to counsel in civil cases. *See Turner v. Rogers,* 564 W.S. 431, 441 (2011); *United States v. Sardone*, 94 f.3d 1233, 1236 (9th Cir.

1996). Second, the *in forma pauperis* statute upon which Stafne relies, 28 U.S.C. § 1915(e)(1), does not apply here. Third, even if § 1915 applied, this case did not present exceptional circumstances. *See Agyeman v. Corr. Corp. of Am.,* 390 F.3d 1101, 1103 (9th Cir. 2004) ("The decision to appoint such counsel . . . 'is granted only in exceptional circumstances.'" (quoting *Franklin v. Murphy,* 745 F2d 1221, 1236 (9th Cir. 1984), abrogated on other grounds by *Neitzke v. Williams*, 490 U.S. 319 (1989))).

5. The district court did not deny John due process by ruling on Defendants' motion to dismiss without affording him an opportunity to oppose the motion. The court afforded John an opportunity to respond (even granting an extension of time), but he failed to avail himself of that opportunity.

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In sum, we hold that the district court did not abuse its discretion by denying Stafne's motion. Stafne failed to establish good cause to withdraw as counsel of delay the proceedings indefinitely. AFFIRMED.[1]

[1] Because we affirm, we need not to address John's argument that this case should be reassigned to a different judge on remand.

Appendix 2

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-001

Scott S. Harris
Clerk of the Court
(202) 479-3011

January 10, 2022

Mr. Scott Erik Stafne
Stafne Law Advocacy & Consulting
239 N. Olympic Ave.
Arlington, WA 98223

Re: Jay J. John
v. deutsche Bank National Trust Company, et al.
Application No. 21A307

Dear Mr. Stafne:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to Justice Kagan, who on January 10, 2022, extended the time to and including March 12, 2022.

This letter has been sent to those designated on the attached notification list.

Sincerely,

Scott S. Harris, Clerk

s/ *Lisa Nesbitt*
Lisa Nesbitt
Case Analyst

Appendix 3

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JAY J. JOHN, Plaintiff-Appellant, v. QUALITY LOAN SERVICE CORP OF WASHINGTON, Defendant, DEUTSCHE BANK NATIONAL TRUST COMPANY and NATIONSTAR MORTGAGE LLC, DBA Mr. Cooper, Defendants - Appellees	No. 20-35843 D.C. No. 4:20-cv-5008-SAB ED Wash, Richland ORDER

Before: HAWKINS, TASHIMA, and McKEOWN, Circuit Judges.

The panel has voted to deny the petition for panel rehearing. Judge McKeown votes to deny the petition for rehearing en banc and Judges Hawkins and Tashima so recommend. The full court has been advised of the petition for rehearing en banc and no judge of the court has requested a vote on en banc rehearing. *See* Fed. R.

App. P. 35(f). The petition for panel rehearing and the petition for rehearing en banc are denied.

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Appendix 4

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAY J. JOHN, Plaintiff, v. QULAITY LOAN SERVICE CORP. OF WASHINGTON; DEUTSCHE BANK NATIONAL TRUST COMPANY; and NATIONSTAR MORTGAGE LLC, d/b/a MR. COOPER; Defendants.	NO. 4:20-CV-05008-SAB ORDER GRANTING MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM

Before the Court is Defendants Deutsche Bank National Trust Company and Nationstar Mortgage LLC's Motion to Dismiss for Failure to State a Claim, ECF No. 15. The motion was considered without oral argument. Defendants Deutsche Bank (in its capacity as trustee of HIS Asset Securitization Corp. Trust 2006-HE2) (hereinafter "Deutsche Bank") and Nationstar argue that

Plaintiff's Complaint fails to comply with Rules 8 and 9 and fails to allege any facts supporting a cognizable cause of action against Deutsche Bank and Nationstar. Despite being granted an extension, ECF No. 18, Plaintiff did not respond to the motion. Having reviewed

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the briefing and the relevant caselaw, the Court grants the motion and dismisses Defendants Deutsche bank and Nationstar from this matter.

Factual Background

On June 30, 2006, Plaintiff purchased a property located at 4301 West 35th Court, Kennewick, Washington 99337-2749 and received a Statutory Warranty Deed. ECF No. 1-2 at 3.1-3.2. Plaintiff had two mortgages against the property through Defendants. ECF No. 1-2 at 3.3. Relevant here is a $423,900 promissory note executed by Plaintiff to Golf Savings Bank. ECF No. 15-1. Mortgage Electronic Registration Systems assigned the deed of trust to Deutsche Bank by assignment on September 7, 2011. ECF No. 15-2. The prior servicer, Bank of America, recorded a corrective assignment of deed of trust due to an accidental assignment to Nationstar in 2013. ECF No. 15-3. Deutsche Bank is the beneficiary of record of the deed.

Plaintiff's loan is in default and due for the August 1, 2016 payment. ECF No. 15-4. Foreclosure proceedings began in September 2017. *Id.* Since that time, Plaintiff has been trying to delay those proceedings. He has filed for bankruptcy twice, both of which were dismissed shortly after filing. This case is this latest attempt to thwart the foreclosure proceedings.

Procedural history

On August 28, 2019, Plaintiff filed a pro se Complaint to Quiet Title in Benton County Superior Court.[1] In his original complaint, Plaintiff alleges that Defendants engaged "in a pattern of fraud…as relates to the failure to negotiate in good faith with elderly borrowers such as Plaintiff." *Id.* at ¶ 3.5. In particular, Plaintiff alleged that Defendants used deceptive means to induce Plaintiff to over

[1] Plaintiff alleges that he purchased a form complaint from a company called Rockingham, PMA. He later alleged that Rockingham was engaged in the unauthorized practice of law in preparing his deficient complaint. ECF No. 6 at 2- 3, ECF No. 7 at 2-5.

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leverage his home; use falsely inflated valuations; provided misleading statements regarding the balance of his mortgage, arrears, escrow balances, and reinstatement quotes; used the Mortgage Electronic Registration System to conceal the name of the true owner of the loan in violation of Washington law; forced a default by instructing Plaintiff to become 90 days past due in order to receive relief from his mortgage payment and then denying Plaintiff a loan medication; and failing to engage in the mediation process in a manner consistent with the facts, circumstances and needs of Plaintiff and with consideration of the actual value of the property at issue, and the likelihood of recovering comparable sums after foreclosure. ECF No. 1-2 at ¶¶ 3.5(a)-(f).

Plaintiff brings claims under the FDCPA, the Washington Consumer Protection Act, the Real Estate Settlement Procedures Act, the RICO Act, the Washington Unfair or Deceptive Trade Practices Act, the Foreclosure

Fairness Act, and the Washington Deed of Trust Act. Plaintiff requests that the Court confirm title to the Property in favor of Plaintiff and quiet Defendants' claims to the Property. ECF No. 1-2 at ¶ 5.1.

Soon after filing his complaint, Plaintiff and Defendant QLS filed a Stipulation of Nonparticipation. ECF No. 5-1 at 9-10. In the Stipulation, the Plaintiff and QLS agreed that QLS was a trustee under a Deed of Trust to the Property. ECF No. 5-1 at 9. Plaintiff and QLS also agreed that QLS was named solely in its capacity as trustee, and that Plaintiff would not seek any monetary damages against QLS. *Id.* Plaintiff also agreed that QLS would not be required to participate in the litigation proceedings in any manner. *Id.*

Defendant Deutsche Bank National Trust Company filed a notice of removal on January 15, 2020 on the basis of federal question and diversity jurisdiction. ECF No. 1 at 2-3. Subsequent to removal, Plaintiff voluntarily dismissed all of his federal law claims. ECF Nos. 4, 11, and 13. Plaintiff also filed a motion to remand,

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citing a myriad of theories. The Court denied the motion because, although Plaintiff dismissed all of his federal law claims, diversity jurisdiction still existed. ECF No. 14.[2]

Legal Standard

On a motion to dismiss, all well-pleaded allegations of material fact are taken as true and construed in a light most favorable to the non-moving party. Wyler Summit *P'ship v. Turner Broad. Sys., Inc.,* 135 F.3d 658, 661 (9th Cir. 1998). Under Rule 12(b)(6), a complaint "should not be dismissed unless it appears beyond doubt that [the] plaintiff can prove no set of facts in support of his claim

which would entitle him to relief." *Hydranautics v. Film-Tec Corp.*, 70 F.3d 533, 11 535-36 (9th Cir. 1995).

Federal Rule of Civil Procedure 8(a)(2) requires that each claim in a pleading be supported by "a short and plain statement of the claim showing that the pleader is entitled to relief." The purpose of Rule 8 is to "give the defendant fair notice of what the…claim is and the grounds upon which it rests." *Erickson v. Pardus*, 551 U.S. 89, 93 (2007). To satisfy this requirement and survive a 12(b)(6) dismissal, a complaint must contain sufficient factual content "to state a claim to relief that is plausible on its face." *Landers v. Quality Commc'ns, Inc.,* 771 F.3d 638, 641 (9th Cir. 2014) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A claim for relief is plausible on its face "when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 23 678 (2009).

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[2]Although it was not mentioned in the briefing on Plaintiff's Motion to Remand, Defendants' Motion to Dismiss indicates that Plaintiff filed another Complaint in Benton County Superior Court against these Defendants on October 7, 2019. This case raises claims under the Washington Torrens Act. That case is still pending in state court.

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Ordinarily, the Court is limited to those facts contained in the Complaint itself when considering a Rule 12 motion. However, the Court may also consider facts that are incorporated by reference in the complaint, in exhibits attached to the complaint, and matters susceptible to judicial notice. *Mir v. Little Co. of Mary Hosp.*, 844 F.2d 646, 649 (9th Cir. 1998). In evaluating whether a complaint states a plausible claim for relief, courts rely on

"judicial experience and common sense" to determine whether the factual allegations, which are assumed to be true, "plausibly give rise to an entitlement to relief." *Id.* at 679. Thus, the Court can consider the documents contained at ECF No. 16, because they are incorporated by reference in the complaint and are public records susceptible to judicial notice.

In assessing whether a case should be dismissed with prejudice and without leave to amend, five factors should be considered: "(1) bad faith; (2) undue delay; (3) prejudice to the opposing party; (4) futility of amendment; and (5) whether the plaintiff has previously amended his complaint." *Nunes v. Ashcroft*, 375 F.3d 805, 808 (9th Cir. 2004). "Futility alone can justify the denial of a motion for leave to amend." *Id.*

Discussion

Defendants Deutsche Bank and Nationstar argue that Plaintiff's allegations do not comply with Rules 8, 9, or 12(b)(6) and that his Complaint should be dismissed with prejudice. Plaintiff has not responded to the Motion despite the fact that he was given a four-week extension to respond.

1. Plaintiff's Failure to Respond to Motion to Dismiss

As a preliminary matter, per Local Civil Rule 7(e), Plaintiff's failure to respond may be deemed consent to entry of a dismissal order. *See e.g., Knemeyer v. Podruzny,* No. 2:19-CV-00108-SMJ, 2020 WL 1932337 at *2 n.1 (E.D. Wash. April 21, 2020); *Eileen Frances Living Trust v. Bank of America,* No. 2:15-CV-227-RMP; 2017 WL 2945732 at *2 (E.D. Wash. July 10, 2017) (denying motion to

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reconsider where case was dismissed on a Rule 12 motion after plaintiff failed to timely respond); *Gonzales v. SunTrust Morg.*, Inc., No. 2:11-CV-0460-EFS, 2012 WL 502258 at *2 (E.D. Wash. Feb. 14, 2012). Thus, the Court grants Defendants' motion to dismiss and dismisses Defendants Deutsche Bank and Nationstar based solely on Plaintiff's failure to comply with Local Rule 7.

2. Rule 8 Analysis

Even if Plaintiff had responded to the Motion to Dismiss, the Court grants Defendants' Motion to Dismiss for failure to comply with Rule 8. First, Plaintiff's Complaint does not include a "short and plain statement of the claim" as required by Rule 8(a). Plaintiff's Complaint is basically a list of legal conclusions and the elements of claims he wants to assert. ECF No. 1-2 at ¶¶ 3.5, 3.6. Indeed, the Complaint contains no facts that would put Defendants on notice of what Plaintiff is really seeking or that would lead to the reasonable inference that Defendants were liable to Plaintiff for the alleged misconduct. *See Iqbal*, 556 U.S. at 678 (plaintiff must plead more than an "unadorned, the-defendant-unlawfully-harmed-me accusation to satisfy Rule 8 and survive a Rule 12(b) motion to dismiss). Furthermore, Plaintiff's Complaint does not make any single allegation against Deutsche Bank or Nationstar in particular and instead lumps all of the Defendants together as one group who seem to all be responsible for each other's actions. This blanket treatment of Defendants in the Complaint makes it impossible for Deutsche Bank and Nationstar to determine what specific conduct is alleged to have been done by them, and therefore prevents them from determining what the claims against them specifically are. Accordingly, Plaintiff's Complaint fails to satisfy the requirements of Rule 8 and is dismissed.

3. Rule 9(b) Analysis

Plaintiff's Complaint raises claims that sound in fraud, so they must also comply with the specificity requirements of Rule 9(b). In order to satisfy the

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requirements of Rule 9(b) and survive a motion to dismiss, the plaintiff must allege "the who, what, when, where, and how of the misconduct charged." *Ebeid ex rel. United States v. Lungwitz,* 616 F.3d 993, 998 (9th Cir. 2010). When there are multiple defendants, Rule 9(b) does not allow "a complaint to merely lump defendants together but requires plaintiffs…to inform each defendant separately of the allegations surrounding his alleged participation in the fraud." *Swartz v. KPMG LLP*, 476 F.3d 756, 764-65 (9th Cir. 2007). As with the Rule 8 analysis, Plaintiff's Complaint fails to meet the standards of Rule 9(b) because he does not state facts that would amount to a plain and clear statement of his claims, let alone state them with the particularity required by Rule 9. As above, Plaintiff's Complaint lumps together all of the defendants into one group without specifying how each particular Defendant engaged in fraud. Thus, Plaintiff's claims that sound in fraud should be dismissed for failure to state a claim and failure to comply with Rule 9

4. Rule 12(b)(6) Analysis

Finally, Defendants argue that Plaintiff's Complaint fails to state facts to support his Consumer Protection Act claims, Unfair or Deceptive Trade Practices Act claims, his quiet title claims, and Deed of Trust Act claims. This Order considers each claim in turn.

a. *Consumer Protection Act*

Plaintiff alleges that Defendants violated the Consumer Protection Act by claiming "amounts due in the notice of sale which exceeded those permitted under the applicable statute of limitations." See ECF No. 1-2 at ¶ 4.0. In particular, Plaintiff alleges that Defendants claimed the entire indebtedness due in the Notice of Sale although default occurred in June 2017. *Id.* at ¶ 3.6. However, the Deed of Trust provides that, should Plaintiff default on the loan and the default is not cured on or before the date specified in the Notice, "Lender, at its option, may require immediate payment in full of all sums secured by this Security Instrument without

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further demand and may invoke the power of sale and/or any other remedies permitted by Applicable Law." ECF No. 16-1 at 14-15. Per the Notice of Trustee's Sale, Plaintiff received notice that he was in default on the loan as of August 2, 2017. ECF No. 16-4 at 29. The Notice of Trustee's Sale also noted that Plaintiff could cure the default by paying the amount owed on the loan. *Id.* at 28.[3]

The Washington Consumer Protection Act provides that unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are unlawful. Wash. Rev. Code 19.86.020. Plaintiff does not identify with particularity what provision of the Act he alleges has been violated or how the conduct alleged here violates the Act. Plaintiff does not allege that he cured the default by paying off the amount owed on the loan, nor does he allege any facts that would amount to a violation of the Consumer Protection Act. Accordingly, the Court grants Defendants' motion and dismisses Plaintiff's CPA claim for failure to state a claim upon which relief may be granted.

b. *Unfair or Deceptive Trade Practices Act*

These claims also seem to sound under the CPA, as there is no Act by this name in Washington. Plaintiff alleges that Defendants violated the "Unfair or Deceptive Trade Practices Act" "for practices associated with the origination and/or servicing of the subject loan." Plaintiff alleges no further facts in support of this claim. Accordingly, the Court dismisses Plaintiff's Unfair or Deceptive Trade Practices Act claims.

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[3] The Court notes that Defendants may have neglected to update some of the dates and totals owed on the loan in their Motion, because the documents filed in support of the motion have different dates and amounts owed. This Order refers to the dates and totals owed in the documents filed in support of Defendants' motion, as they appear to be specific and correct as to Plaintiff's situation.

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c. *Quiet Title*

Plaintiff also brings claims to quiet title to the property in question and requests that the Court confirm and quiet title in his favor. ECF No. 1-2 at ¶ 4.4. A quiet title claim against a mortgagee requires an allegation that the mortgagor is the rightful owner of the property and that the mortgagor has paid an outstanding debt secured by the mortgage. *Tonseth v. WaMu Equity Plus,* No. C11-1359-JLR, 2012 WL 37406, at *6 (W.D. Wash. Jan. 9, 2012). Defendants argue that Plaintiff cannot allege facts supporting satisfaction of his deed of trust obligations such that title should be quieted in his favor. Reviewing the complaint, Plaintiff does not dispute that he is in default or that he tried to make payments on the debt. He

cannot meet the requirements of a quiet title action, and accordingly his claim is dismissed.

d. *Deed of Trust Act*

Finally, Plaintiff alleges that Defendants violated the Deed of Trust Act by using MERS as a beneficiary "to purposely conceal the name of the true owner of the loan. ECF No. 1-2 at ¶¶ 3.5(d), 4.6. The deed of trust here identifies Golf Savings Banks as the original lender, ECF No. 16-1 at ¶ C, and MERS as a "separate corporation that is acting solely as a nominee for Lender and Lender's successors and assigns." *Id.* at ¶ E. Defendants Nationstar and Deutsche Bank were later identified as assignees of the loan. ECF Nos. 16-3, 16-4. It is not clear what provision of the Deed of Trust Act Plaintiff alleges Defendants violated. However, it is clear that these allegations also fail to state a claim upon which relief can be granted. Plaintiff alleges no facts from which Defendants' liability could be inferred. Accordingly, the Court dismisses this claim.

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5. Whether to Dismiss with Leave to Amend

Finally, the Court considers whether Plaintiff should be given leave to amend his complaint to cure the deficiencies discussed above. Defendants request that this matter be dismissed without leave to amend and with prejudice. Plaintiff did not respond to the motion to dismiss, so it is difficult to assess whether there are facts that could be alleged to support his claims. The Court finds that amendment here would likely be futile. In addition, this is at least the third case brought by Plaintiff against these Defendants to enjoin the foreclosure of the property. Any time given to amend the Complaint would

likely cause undue delay and prejudice to the opposing parties. Therefore, the claims against Defendants Deutsche Bank and Nationstar are dismissed with prejudice and without leave to amend.

Accordingly, IT IS HEREBY ORDERED:

1. Defendants Deutsche Bank and Nationstar's Motion to Dismiss for
Failure to State a Claim, ECF No. 15, is GRANTED.

The claims against Defendants Nationstar Mortgage LLC, d/b/a Mr. Cooper, and Deutsche Bank National Trust Company are dismissed in their entirety with prejudice and without leave to amend.

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3. Defendant Quality Loan Services of Washington is dismissed pursuant to the Stipulation of Non-Participation, ECF No. 5-1 at 9.

IT IS SO ORDERED. The District Court Clerk is hereby directed to enter this Order, to provide copies to counsel, and close the file.

DATED this 26th day of August 2020.

s/ Stanley A. Bastian
Stanley A. Bastian
Chief United States District Judge

Appendix 5

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
WASHINGTON

Jay J. John, et al. Plaintiffs, v. Quality Loan Service Corp. of Washington; Deutsche Bank National Trust Company; Nationstar Mortgage LLC d/b/a Mr. Cooper; Defendants.	No. 4:20-CV-05008-SAB ORDER DENYING MOTION TO WITHDRAW AND GRANTING MOTION FOR EXTENSION OF TIME TO RESPOND TO MOTION TO DISMISS

Before the Court is Plaintiff's Motion to Withdraw as the Attorney for Plaintiffs pursuant to LCivR 83.2(d)(4) or Alternatively to Delay the Briefing Related to Defendants' Motion to Dismiss Until Such a Time as Stafne Can Recoup from the Impact of the COVID-19 Pandemic on His Ability to Practice Law, ECR No. 17. The motion was considered without oral argument.

Plaintiff's counsel requests that the Court allow him to withdraw as counsel in this matter because he is unable to practice as effectively as he could prior to the COVID-19 pandemic due to his own health conditions that make him vulnerable to COVID-19 infection and state and local stay-home orders. In the alternative,

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Plaintiff requests that the Court extend his deadline to respond to the Defendants" pending Motion to Dismiss, ECF No. 15, "until such a time as he is able to practice law again free from the legal and practical constraints of the ongoing pandemic." ECF No. 17 at 2.

An attorney must obtain leave of the Court if their withdrawal would leave their client unrepresented or without local counsel. LCivR 83.2(d)(4). The motion must be supported by a finding of good cause and be served on the client and opposing counsel. *Id.* The ultimate decision of whether to permit counsel to withdraw is within the sound discretion of the Court. *See LaGrand v. Stewart,* 133 F.3d 1253, 1269 (9th Cir. 1998). The Washington Rules of Professional Conduct provide that an attorney may withdraw from representation if, inter alia, withdrawal can be accomplished without material adverse effect on the interests of the client, if the client has substantially failed to fulfill an obligation to the lawyer regarding her service, if the representation will result in an unreasonable financial burden on the attorney, or if other good cause for withdrawal exists. Wash. RPC 16 1.16(b).

As a preliminary matter, it appears that Mr. Stafne failed to serve his motion to withdraw on Plaintiff. ECF No. 17 at 11. He has therefore failed to satisfy the requirements of LCivR 83.2(d)(4) and his motion to withdraw is denied.

Even if Mr. Stafne had properly served his motion on his client, the motion would still be denied for failing to demonstrate good cause. The Court is sympathetic to Mr. Stafne's health concerns and desire to abide by public health guidance. And the Court is not considering the State's authority to exercise its police powers to

implement laws about public health during the pandemic. However, and as Mr. Stafne fully and repeatedly admits, if he is allowed to withdraw as counsel his clients will be left without legal representation. Mr. Stafne insists that this is not relevant to the question of whether there is good cause to
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allow him to withdraw. ECF No. 17 at 8. However, the Rules of Professional Conduct and the Local Civil Rules clearly state that whether a party would be left unrepresented is a relevant factor in whether to grant leave to withdraw. The Court finds Mr. Stafne has not established good cause to allow him to withdraw and leave his clients unrepresented. A pandemic may be good cause for an extension of time to respond or reply to a motion or to amend an initial scheduling order; it is not good cause to withdraw as counsel where clients would be left wholly unrepresented and where counsel has otherwise failed to show good cause exists.

Accordingly, the Court denies Mr. Stafne's motion to withdraw as counsel and grants his motion in the alternative for an extension of time to respond to Defendants' Motion to Dismiss. However, the extension is not indefinite, as Mr. Stafne apparently desires. The Court cannot predict when the pandemic situation will be resolved, and this case cannot be placed on hold forever. Plaintiff is granted a brief extension so that he may have sufficient time to reply to the motion to dismiss.

Accordingly, IT IS HEREBY ORDERED:
1. Plaintiff's Motion to Withdraw as the Attorney for Plaintiffs Pursuant to LCivR 83.2(d)(4) or Alternatively to Delay the Briefing Related to Defendants' Motion to Dismiss Until Such a Time as Stafne Can Recoup from the Impact of the COVID-19 Pandemic on His Ability to

Practice Law, ECF No. 17, is DENIED IN PART and GRANTED IN PART. Plaintiff's motion to withdraw as counsel is denied. Plaintiff's motion for an extension of time to respond is granted.

2. Plaintiff shall file a response to Defendants' Motion to Dismiss, ECF No. 15, no later than July 28, 2020.

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3. Defendants' reply, if any, shall be filed no later than August 11, 2020. Defendants' Motion to Dismiss, ECF No. 15, shall be renoted for hearing without oral argument on August 12, 2020.

IT IS SO ORDERED. The District Court Clerk is hereby directed to enter this Order and to provide copies to counsel.

DATED this 24th day of June 2020.

s/ Stanley A. Bastian
Stanley A. Bastian
Chief United States District Judge

Appendix 6

Scott E. Stafne WSBA No. 6964
Stafne Law Advocacy & Consulting
239 N. Olympic Ave.
Arlington, WA 98223
360.403.8700
Scott@stafnelaw.com
Attorney for Plaintiffs

Honorable Stanley A. Bastian

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
WASHINGTON

Jay J. John, et al. Plaintiffs, v. Quality Loan Service Corp. of Washington; Deutsche Bank National Trust Company; Nationstar Mortgage LLC d/b/a Mr. Cooper Defendants.	No. 4:20-CV-05008 Motion to Withdraw as the Attorney for Plaintiffs Pursuant to LCivR 83.2(D)(4) or Alternatively to Delay the Briefing Related to Defendant's Motion to Dismiss Until Such Time as Stafne Can Recoup from the Impact of the COVID-19 Pandemic on His Ability to Practice Law Note for Hearing August 4, 2020

Requested Relief:

Scott E. Stafne moves to withdraw as the attorney for Jay J. John, his wife Diane Costello, and their marital community in the above-captioned case because of the

ongoing pandemic and for those other reasons stated herein and in his declaration supporting this
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motion. Stafne claims those facts in the context of the ongoing pandemic and state governmental orders related to the pandemic constitute "good cause" for his withdrawal.

Alternatively, because it is unlikely his clients will be able to find another lawyer to represent them, Stafne will agree to represent the Plaintiffs if this Court grants him an extension of time to respond to the Defendants' Motion to Dismiss until such time as he is able to practice law again free from the legal and practical constraints of the ongoing pandemic.

Issue:

Whether "good cause" supports Stafne's motion to withdraw as the attorney for Mr. Jay John and Ms. Diane Costello?

Evidence Relied Upon:

Stafne relies upon his declaration in support of this motion as evidence in support of this motion. Stafne also relies upon as evidence and asks this Court to take judicial notice of the executive orders of Governor Jay Inslee regarding the Covid-19 coronavirus and the underlying factual circumstances which have precipitated such local orders. These can be accessed at this government website:

https://www.governor.wa.gov/issues/issues/covid-19-resources.

Stafne also asks the Court take judicial notice of this Court's own Orders coronavirus orders. These can be accessed at:

https://www.waed.uscourts.gov/court-info/local-rules-and-orders/general-orders.

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Facts:

Stafne works as an attorney for Stafne Law Advocacy and Consulting (SLAC), a not for profit religious entity affiliated with the Church of the Gardens. Until SLAC was recently temporarily closed due to the Covid-19 pandemic Stafne was paid less than $14.00 per hour to provide legal work for SLAC's clients because all too often clients cannot pay their legal fees and SLAC does not collect them.

Because Stafne is one of the few lawyers in Washington state willing to represent homeowners in foreclosure cases against money lenders, debt buyers, and/or securitized trusts his services are frequently in high demand. This has created numerous problems during the Pandemic because Stafne has not been able to work in a meaningful way since he was ordered by Governor Inslee as a "vulnerable" member of the community to shelter at home.

Stafne is a 71-year-old man who suffers from several serious underlying and disabling conditions that make him peculiarly vulnerable to infection by Covid-19. The Governor of

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[1]Church of the Gardens has several missions. Among those pertinent to Stafne's representation of persons like Mr. John and Ms. Costello are the following:

The mission of "Church Of the Gardens" is:

* * *

4) to minister to and protect those in need such as the hungry, the sick, the poor, the homeless, the indebted, the enslaved, the vulnerable, and all others who are unfairly

prevented from exercising their inalienable God-given natural rights;

* * *

7) to affiliate with other churches and faith-based organizations to promote truth;

11) to engage in activities necessary for the accomplishment of the mission.

12) to oppose all, which by design or through corruption, are inimical to the church's mission;

As a part of its mission the Church of the Gardens, through its members, will engage in free speech, free assembly, free exercise of religion to promote religious, spiritual, social, and political strategies through worship and education of people, governments, and institutions. (Emphasis Supplied)

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the State of Washington has issued several executive orders, including those orders presently in place, requiring persons of Stafne's age and/or with his conditions to stay at home and not work if unable to do so from home. Unfortunately, because Stafne lives in the foothills of the Cascade Mountains he does not have the necessary tools to do legal work effectively from his home. *See* Stafne declaration.

Additionally, Stafne's underlying medical conditions, particularly his heart problems and diabetes are presently causing him imminent problems that make legal work difficult for him to do and strain his health during this pandemic. *See* Stafne declaration.

Argument:

Review of cases from this District Court indicate the meaning of the "good cause" language in LR 83.2(d)(4) may stem from Washington's Rule of Professional Conduct (RPC) 1.16(b), which states in pertinent part:

> a lawyer may withdraw from representing a client if:
> (1) withdrawal can be accomplished without material adverse effect on the interests of the client;
> (2) the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent;
> (3) the client has used the lawyer's services to perpetrate a crime or fraud;
> (4) the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement;
> (5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;
> (6) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or
> (7) other good cause for withdrawal exists

(Emphasis Supplied) *See e.g., Elf-Man, LLC v. Albright*, No. 13-CV-0115-TOR, 2014 U.S.

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Dist. LEXIS 197828, at *3 (E.D. Wash. June 19, 2014) (*Unpublished*). See also *Thompsons Film, LLC v. Kappen*, No. 13-CV-0126-TOR, 2014 U.S. Dist. LEXIS 195117 (E.D. Wash. June 19, 2014) (*Unpublished*).

A. Structural concerns mitigate in favor of Stafne's right to Withdraw as counsel

Stafne asserts that the Pandemic and facts related thereto with regard to him provide "good cause" for his withdrawal from this case because this Court has no authority under the structural provisions of the United States Constitution, *i.e.* Federalism, the Separation of Powers, and Checks and Balances, to order him to perform work in violation of a properly issued emergency order by the properly designated local official exercising the police power of a State within its borders during an emergency. This is because the emergent nature of the harm posed by this Pandemic to the local community at large, as well as Stafne, makes the benefit of control of the Pandemic a greater benefit to society than the benefit of forcing Stafne to represent clients when he cannot effectively do so. *See* Stafne Declaration, ¶ 8.

In South Bay United Pentecostal Church v. Gavin Newsom, 590 U.S. __, 2020 U.S. LEXIS 3041 (May 29, 2020) the issue before the Supreme Court was whether the Church could obtain an injunction against enforcement of an executive order restricting the size of the Church's worship services. A majority of the Supreme Court denied the injunction, stating:

> The precise question of when restrictions on particular social activities should be lifted during the pandemic is a dynamic and fact-intensive matter subject to reasonable disagreement. Our Constitution principally entrusts "[t]he safety and the health of the people" to the politically accountable officials of the States "to guard and protect." *Jacobson v. Massachusetts,* 197 U. S. 11, 38 (1905). When those officials "undertake [ ] to act in areas fraught with medical and scientific

> uncertainties," their latitude "must be especially broad." *Marshall v. United States,* 414 U. S. 417, 427 (1974). Where those broad limits are not exceeded, they should not be subject to second-guessing by an "unelected federal judiciary," which lacks
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> the background, competence, and expertise to assess public health and is not accountable to the people. *See Garcia v. San Antonio Metropolitan Transit Authority*, 469 U. S. 528, 545 (1985).
>
> That is especially true where, as here, a party seeks emergency relief in an interlocutory posture, while local officials are actively shaping their response to changing facts on the ground. The notion that it is "indisputably clear" that the Government's limitations are unconstitutional seems quite improbable.

In *Jacobson v. Massachusetts*, 197 U. S. 11 (1905), a defendant appealed from a decision of the Massachusetts Supreme Court requiring him to accept a mandatory smallpox vaccination because it was not an unconstitutional violation of his liberty. The Supreme Court affirmed, ruling the vaccination had a real and substantial relationship to the protection of local health and safety.

The Supreme Court further ruled the Constitution gave the states the ultimate authority with regard to the exercise of such emergency police powers.

> The authority of the State to enact this statute is to be referred to what is commonly called the police power -- a power which the State did not surrender when becoming a member of the Union under the Constitution. Although this

court has refrained from any attempt to define the limits of that power, yet it has distinctly recognized the authority of a State to enact quarantine laws and "health laws of every description;" indeed, all laws that relate to matters completely within its territory and which do not by their necessary operation affect the people of other States. *According to settled principles the police power of a State must be held to embrace, at least, such reasonable regulations established directly by legislative enactment as will protect the public health and the public safety. Gibbons v. Ogden,* 9 Wheat. 1, 203; *Railroad Company v. Husen,* 95 U.S. 465, 470; *Beer Company v. Massachusetts,* 97 U.S. 25; *New Orleans Gas Co. v. Louisiana Light Co.,* 115 U.S. 650, 661; *Lawton v. Steele*, 152 U.S. 133. *It is equally true that the State may invest local bodies called into existence for purposes of local administration with authority in some appropriate way to safeguard the public health and the public safety. The mode or manner in which those results are to be accomplished is within the discretion of the State*, subject, of course, so far as Federal power is concerned, only to the condition that no rule prescribed by a State, nor any regulation adopted by a local governmental agency acting under the sanction

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of state legislation, shall contravene the Constitution of the United States or infringe any right granted or secured by that instrument.

Jacobson v. Massachusetts, 197 U.S. at 24–25. (Emphasis Supplied)

Applying the above principles to the facts of Jacobson the first Justice Harlan observed that it was necessary for a local community to have lodged "somewhere or in some body" the authority to determine what should be done in an emergency. This necessity is based "[u]pon the principle of self-defense . . . , a community has . . . to protect itself against an epidemic of disease which threatens the safety of its members." 197 U.S. at 27. It is this principle from *Jacobson, i.e.* the right of a local community to protect itself, that was cited by the majority in the recent *Pentecostal Church* decision that Stafne claims controls the relationship between him and the judge of this Court in this case during this pandemic.

That is to say: The judges of this Federal Court have a duty, just like any other citizens, to respect the law of Washington with regard to the emergency measures the State of Washington has put into force protecting Stafne, the Judge, and all other persons in this State from the potential dangers of this Pandemic. A federal judge is no more above state law in regards to this emergency than are other members of the community. Federal judges are not and should not be allowed to be judicial arbiters of the legal authority of local officials in cases like this unless a party in a case claims the state has overstepped its authority in the promulagation [*sic*] or enforcement of the emergency regulations. *See Bond v. United States,* 564 U.S. 211, 221-22, 131 S. Ct. 2355, 2364-65 (2011)("Federalism [] protects the liberty of all persons within a State by ensuring that laws in excess of delegated power cannot direct or control their actions. . . ." *Id.*). *Cf. United States v. Sineneng-Smith*, 140 S. Ct. 1575 (2020).

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("Courts are essentially passive instruments of government . . . . [C]ourts normally decide only questions presented by the parties," *Id* at 1579.). No party has asserted that Stafne is not entitled to assert Washington's powers in an emergency under the federal structure of our government to protect his life and liberties.

Rather, the facts demonstrate the Defendants have purposely filed a Motion to Dismiss during a pandemic in which Defendants knew or should have known that Stafne likely would be required (and allowed) to shelter at home, taking care of himself and indirectly protecting his community in the way mandated by those governmental officials tasked with responding to Covid-19 Pandemic.

B. It would be debatable whether Stafne should be allowed to withdraw under R Civ P 82.3(d)(4) absent the structural concerns implicated by the Pandemic

Stafne concedes that it is more likely than not that his withdrawal as their attorney will have a materially adverse impact on the Plaintiffs in this case because "when I withdraw the Plaintiffs will not likely be able to find any other attorney to represent them." Thus, Stafne concedes with regard to criteria (1) of RCivP 82.3(d)(4) that his withdrawal will have an unfortunate, but materially adverse effect on his clients. But this unfortunate circumstance is not germane to the legal issue before this Court.

The legal question is whether this unjust result precludes application of the structural concerns expressed by the Supreme Court in *South Bay United Pentecostal Church* and *Jacobson.* Clearly, it does not. In granting a writ of mandamus against a Federal District Court from enjoining Texas coronavirus regulations from going into

effect because it would violate a woman's constitutional right to abortion, the Fifth Circuit observed:

> [T]the district court ignored the framework governing emergency public health
>
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>
> measures like GA-09. *See Jacobson v. Commonwealth of Massachusetts*, 197 U.S. 11, 25 S. Ct. 358, 49 L. Ed. 643 (1905). *"[U]nder the pressure of great dangers," constitutional rights may be reasonably restricted "as the safety of the general public may demand." Id.* at 29. *That settled rule allows the state to restrict, for example, one's right* to peaceably assemble, to publicly worship, to travel, and *even to leave one's home.*

In re Abbott, 954 F.3d 772, 778 (5th Cir. 2020) (Emphasis Supplied). *See also In re Rutledge*, 956 F.3d 1018 (8th Cir. 2020); *Robinson v. AG*, 957 F.3d 1171 (11th Cir. 2020).

Certainly, if State emergency laws and regulations may provide a basis for violating constitutional rights, they can provide a basis for trumping a local civil rule of this Court requiring an attorney to represent a client in a pandemic when he is not able to do so competently, take care of himself, and protect his community. And in this particular case there is no reason for this Court to force the attorney to represent the client now, as Stafne has agreed to represent the Plaintiffs if allowed to do so after the emergency has ended and he has access to such professional equipment and support as is necessary for him to provide competent representation for Plaintiffs.

C. If this Court wants assurance that Plaintiffs are represented by an attorney then it should accept Stafne's offer to represent Plaintiffs after the emergency has ended and he is able to competently practice law again

As Stafne indicates in his declaration in support of this motion, he is willing to continue his representation of Plaintiffs if this Court allows him to do so without one hand tied behind his back, *i.e.* Stafne is allowed adequate time following the expiration of the stay at home order to represent the Plaintiffs without having to sacrifice his health or the quality of his legal representation for Plaintiffs.

Conclusion:

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For the foregoing reasons and those stated in Stafne's supporting declaration this Court should grant Stafne's Motion to Withdraw as an attorney from this case. Alternatively, this Court should accept Stafne's offer to continue representing Plaintiffs after he is no longer required to shelter in place, has had an opportunity to survey the status of his client files generally, and has access to those legal supplies and services which are necessary for him to competently practice law.

DATED this 15th day of June, 2020, at Arlington, Washington.

By: */s/ Scott E. Stafne*

Scott E. Stafne, WSBA No. 6964
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Appendix 7

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Attorney for Plaintiffs

Honorable Stanley A. Bastian

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
WASHINGTON

Jay J. John, et al. Plaintiffs, v. Quality Loan Service Corp. of Washington; Deutsche Bank National Trust Company; Nationstar Mortgage LLC d/b/a Mr. Cooper Defendants.	Case No.: 4:20- CV-05008 Declaration of Scott E. Stafne in Support of His Motion to Withdraw as the attorney for Plaintiffs Pursuant to LCivR 83.2(d)(4) or Alternatively to Delay the Briefing Related to Defendants' Motion to Dismiss until such time as Stafne has to Recoup from the Impact of the Pandemic on his Ability to Practice Law Noted for August 4, 2020

1. My name is Scott E. Stafne. I am over the age of majority and competent to make this declaration. I make this

declaration based on my personal knowledge as appears more fully herein.

2. I am a 71-year-old man who suffers from several serious and debilitating medical conditions that make working during this pandemic problematic.

3. Presently, my ability to work as a lawyer is hampered by blood sugar swings attributable to

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my diabetes that make me sleepy and my thoughts sluggish. This often requires I must sleep during a time I wanted to work.

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4. Presently, I am also debilitated to some extent from working by my alternating high and low blood pressures and occasionally irregular heartbeats. These maladies frequently affect my ability to concentrate generally as well as to do legal research and prepare legal pleadings.

5 . I also suffer from an immune deficiency disease and presently my blood work reveals too few "t" cells. My "t" cells have been recently and remain in the 300 range, which I understand is medically problematic.

6. I have been an attorney licensed to practice law before the Courts of Washington since 1976. I am also licensed to practice law before the United States Supreme Court, the Ninth Circuit Court of Appeals, and the United States District Courts for both the Eastern and Western Districts of Washington.

7. Since approximately 2015—when my former law firm, Stafne Trumbull, dissolved[1]—I have worked as an attorney employee for Stafne Law Advocacy and Consulting (SLAC). SLAC is a not for profit religious entity affiliated

with the Church of the Gardens. The mission of the Church of the Gardens[2] includes among other things:

> 4) to minister to and protect those in need such as the hungry, the sick, the poor, the homeless, the indebted, the enslaved, the vulnerable, and all others who are unfairly prevented from exercising their inalienable God-given natural rights;
>
> * * *

---

[1] This event is memorialized in the article "Stafne Trumbull is ending," which was last accessed on June 12, 2020 at: http://www.scottstafne.com/?s=stafne+trumbull.

[2] COTG's mission statement was last accessed on June 11, 2020 at: http://churchofthegardens.org/mission-statement/

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> 7) to affiliate with other churches and faith-based organizations to promote truth;
>
> * * *
>
> 11) to engage in activities necessary for the accomplishment of the mission; and
> 12) to oppose all, which by design or through corruption, are inimical to the church's mission.
>
> As a part of its mission the Church of the Gardens, through its members, will engage in free speech, free assembly, free exercise of religion to promote religious, spiritual, social, and political strategies through worship and education of people, governments, and institutions.

(Emphasis Supplied).

8. I am also the Church Advocate for the Church of the Gardens (COTG). This is an unpaid volunteer position that I perform separate from the work I do for SLAC.

9. In addition to representing people within the meaning of the COTG's fourth mission directly, *see supra,* SLAC also occasionally provides legal services for people and organizations that indirectly promote the interests of this class of people, i.*e.* those who are unfairly prevented from exercising their inalienable God-given natural rights. Examples of such types of clients include organizations and people seeking to obtain better representation of the people, who are sovereign, within the government of this Republic through such measures as increasing the number of legislators and ensuring fair and honest elections. Another example would be representing employees of large corporations that abuse the natural rights of their employees by violating worker protection laws.

10. Since sometime in March 2020—shortly after Washington's Governor ordered people vulnerable to contracting the coronavirus to shelter at home and President Trump and the CDC also advised vulnerable people to do the same—my paralegal, LeeAnn Halpin, and I have been

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sheltering at home. During this time SLAC has been essentially closed to the public; meaning for the most part neither LeeAnn nor I were available at the office to receive mail or take calls.

11. In late May, 2020 both LeeAnn and I applied for unemployment because SLAC's office would be temporarily closed until approximately August 1, 2020. Both LeeAnn

and I were awarded unemployment benefits. I am on "stand-by" with SLAC presently scheduled to return to work August 1, 2020. LeeAnn was unable to obtain "stand-by" status and is having to look for other jobs.

12. Because this case involves legal issues regarding Governor Inslee's executive orders regarding emergency regulations related to the pandemic I have attached copies of several such regulations, which I obtained from a government website, as Exhibit 1 to this declaration.

13. Attached hereto as Exhibit 1A is Proclamation 20-05 issued on February 29, 2020 by Washington's Governor establishing a State of Emergency in Washington as a result of the Covid-19 Coronavirus pandemic. [3]

14. Attached hereto as Exhibit 1B are Proclamations 20-25, 20-25.1 and 20-25.2, issued by Washington's Governor imposing "stay home-stay healthy" restrictions as a result of the Covid-19 Coronavirus pandemic[4].

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[3] Proclamation 20-25 can be accessed: https://www.governor.wa.gov/sites/default/files/proclamations/20-05%20Coronavirus%20%28final%29.pdf

[4] Proclamation 20-25.1 and 20-25.2 can be accessed: https://www.governor.wa.gov/sites/default/files/proclamations/20-25.1%20-%20COVID-19%20-%20Stay%20Home%2C%20Stay%20Healthy%20Extension%20%28tmp%29%29.pdf

https://www.governor.wa.gov/sites/default/files/proclamations/20-25.2%20Coronovirus%20Stay%20Home%20Amend%20%28tmp%29%20%28with%20links%29.pdf

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15. Attached hereto as Exhibit 1C is Proclamation 20-25.3 issued by Washington's Governor amending the "stay home-stay healthy" restrictions set forth above.[5]

16. Attached hereto as Exhibit 1D is Proclamation 20-25.4 issued by Washington's Governor on May 31, 2020.[6]

17. Attached hereto as Exhibit 1E is Proclamation 20-46.1 establishing protections for High Risk workers.[7]

18. After careful reflection about these executive proclamations I believe they are premised on the notion that because of my age and other medical conditions I am more susceptible to contracting the COVID-19 coronavirus than are most people; That if I contract the virus because of this susceptibility I will put others in the community at risk to the virus by exposing them to it; That in order to guard against this risk I am required by my community to shelter at home until the virus has subsided to the point where the risk of my contracting the disease is acceptable; and That I am also protected against others forcing me to work until after such time as my local community, through my State Government, has determined that it is safe for me, as a vulnerable individual, to return to work.

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[5] Proclamation 20-25.3 can be accessed: at:https://www.governor.wa.gov/sites/default/files/20-25.3%20-%20COVID-19%20Stay%20Home%20Stay%20He althy%20-%20Reopening%20%28tmp%29.pdf

[6] Proclamation 20-25.4 can be accessed athttps://www.governor.wa.gov/sites/default/files/proclamations/20-25.4%20-%20COVID-19%20Safe%20Start.pdf

[7] Proclamation 20.46.1 can be accessed: at:https://www.governor.wa.gov/sites/default/files/proclamations/20-46.1%20-%20COVID-19%20High%20Risk%20Ext%20%28tmp%29.pdf

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19. The purpose of this declaration is to among other things show why I believe I have "good cause" within the meaning of LCivR 83.2(d)(4)8 to withdraw as the attorney for the Plaintiffs in the above-captioned case, which was removed to this Court over the objection of my clients and myself who were litigating this action in the Washington Superior Court for Benton County.

20. The circumstances of my representation of these Plaintiffs in that Washington state court action are explained in the declarations of my clients and myself previously filed in this case. Those declarations, which I hereby incorporate herein, can be found at ECF Nos. 7, ¶¶ 8-25; 8, ¶¶ 4-12; and ECF 9, ¶¶ 72-98. These declarations demonstrate, among other things, that I did not agree to represent Plaintiffs with regard to the action pled in the State Court in this Court, that I did not write the Plaintiff's complaint in the state court action, and that I did not come into their Washington state case in order to litigate that complaint, but to amend it to raise, among other things, Torrens Act causes of action and other constitutional and equitable challenges. In this regard, this Court should remember Plainittfs' [*sic*] original complaint was prepared by an East Coast entity and/or persons not legally capable of practicing law in Washington. I came into that case at the last minute to litigate causes of action, affirmative defenses and counterclaims, which I have been unable to do because of the emergence of the pandemic and its effects on me and my community.

21. I have attached hereto as Exhibit 2 a motion for an extension of time and declaration in

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support thereof that I filed with Division One of the Washington Court of Appeals in *Cozza v. PNC Bank,*

National Association, Court of Appeals No. 80966-1 on April 8, 2020. The motion and declaration accurately reflect those facts relating to the impact the pandemic was having upon my ability to practice law at the time it was filed. This situation has gotten much worse because I am now much further behind in my work and am currently receiving unemployment compensation through the state and federal program, which appear to impose some restrictions on the amount I can work upon without the imposition of harsh monetary penalties.

22. Washington Rule of Professional Conduct (RPC) 1.16 currently provides in pertinent part:

> (b)Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:
> (1)withdrawal can be accomplished without material adverse effect on the interests of the client;
> (2)the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent;
> (3)the client has used the lawyer's services to perpetrate a crime or fraud;
> (4)the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement;
> (5)the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;
> (6)the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or
> (7)other good cause for withdrawal exists.

> (c) A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.

23. It is my position here that the pandemic and the facts related thereto with regard to me provide "good cause" for my withdrawal from this case because: (1) this Court has no authority
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under the structural provisions of the United States Constitution, *i.e.* Federalism, the Separation of Powers, and Checks and Balances, to order me to perform work in violation of properly issued emergency laws and regulations by the properly designated local officials exercising the police power of Washington within the borders of that State's authority; (2) the emergent nature of the harm posed by this pandemic to myself and the local community at large is presently more pressing to the community than the benefit of forcing me to represent the Plaintiffs in this case, where because of a number of factors, beyond my control, it is likely that my legal representation cannot be effective.
24. I must concede, however, that it is more likely than not *my withdrawal cannot be accomplished without adversely affecting the interests of these Plaintiffs, my clients.* This is because Washington courts, including Washington's federal courts, have made practicing foreclosure defense law in this State untenable for most practitioners. This means that there are few, if any lawyers left, in Washington who practice law in this field. Therefore, I expect that when I withdraw the Plaintiffs will not

likely be able to find any other lawyer to represent them and will have to argue their case pro se.

25. As I presume this Court knows pro se litigants almost never win cases in Washington courts, thus making my withdrawal from this litication [*sic*] a case in which justice cannot likely be achieved[9]. Of course, the contrary argument might be that Plaintiffs should not have any

[9] It would be very difficult for me (or anyone) to claim that forcing represented litigants to give up their attorney will not cause those litigants problems. Indeed, I have written on several occasions about my observations that American courts' fondness for the wealthy and distaste for the unrepresented has adversely affected the goals of Framers to create a Constitution establishing justice for the People. See *e.g.* scottstafne.com, CRISIS in U.S. – Lack of Justice for 99% October 19, 2017 last accessed on June 14, 2020 at http://www.scottstafne.com/?p=1376; scottstafne.com, Scorched Earth Litigation Model (September 15, 2015) last accessed on June 14, 2020, at http://www.scottstafne.com/?p=818 ("The degeneration of the American empire's legal system has been accompanied by litigation models which rely on the disparity of resources between the parties (not the facts or law

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representation because their claims are without merit and that is why the banks and debt buyers always win against those who have to borrow money. But I do not believe this and never will.

26. RPC 1.16(b) subpart (5),—client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw—supports allowing me to withdraw from this case. On numerous occasions SLAC personnel have contacted Mr. John and requested modest payments on his outstanding bills. He has refused to make them notwithstanding SLAC's indication that if he

did not do so I would be forced to withdraw from his case because SLAC cannot not pay its rent or employees without money.

27. Indeed, I have called Mr. John personally and asked him to pay something on his bills.

In this regard I explained to him that in order for SLAC to continue operating it needed to have enough money to pay the organization's bills. He blew me off until recently when I sent him a copy of Defendants' motion to dismiss. Then Mr. John called me up and asked if I would continue with his case. I told him I would do so if he immediately started making payments on SLAC's bill. Mr. John said he would do so, but he didn't. Yesterday a check for $1,500 showed up.

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of any specific case) as the primary basis for resolving cases.") And in this regard the Supreme Court, or at least a Task Force created by that Court and having several of its justices as its members appears to agree with me that "Justice is absent for low-income Washingtonians who [are not represented and] frequently experience serious civil legal problems." *See also* Washington Supreme Court, 2015 WASHINGTON STATE Civil Legal Needs Update Study (2015) Last accessed on June 14, 2020 at: https://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf

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28. It is not about the money for me[10]. I believe that all people deserve (and the federal Constitution requires) legal representation for them if they need it to avoid egregious consequences, such as death, injury, and/or significant losses of life and liberty befalling them as a result of legal proceedings. This is especially clear now because it cannot be disputed that those who are made

homeless by government are likely to contract COVID-19 during this pandemic.

29. And it is not like the government has not known about the dire consequences of making people homeless for a long time. In 2006, long before this pandemic began, it was well known that:

> *Homelessness dramatically elevates one's risk of illness, injury and death*
>
> For every age group, *homeless persons are three times more likely to die than the general population.* Middle-aged homeless men and young homeless women are at particularly increased risk.
>
> The average age of death of homeless persons is about 50 years, the age at which Americans commonly died in 1900. Today, non-homeless Americans can expect to live to age 78.
>
> *Homeless persons die from illnesses that can be treated or prevented. Crowded, poorly-ventilated living conditions, found in many shelters, promote the spread of communicable diseases.* Research shows that risk of death on the streets is only moderately affected by substance abuse or mental illness, which must also be understood as health problems. Physical health conditions such as heart problems or cancer are more likely to lead to an early death for homeless persons. The difficulty getting rest, maintaining medications, eating well, staying clean and staying warm prolong and exacerbate

> illnesses, sometimes to the point where they are life threatening.

---

[10] I earn something less than $14.00 per hour working as an attorney for SLAC. I do not do this legal work for the money as I could probably make more doing something else. I have discovered as I have aged that I would rather be poor than support an evil society and its institutions. That is why I represent people against the governmental abuse which has become endemic in this once great nation. The primary purpose for founding this government was to establish justice for the People—not for the money lenders and debt buyers who abuse and defraud the people and their government with the help of the courts. The Framers promised the Constitution would protect the people, not money. But our courts have failed to live up to this promise. See Hamilton, Alexander. Federalist Paper 78 (last accessed on June 15, 2020 at: https://guides.loc.gov/federalist-papers/text-71-80#s-lg-box-wrapper-25493470

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> Homeless persons die on the streets from exposure to the cold. In the coldest areas, homeless persons with a history of frostbite, immersion foot, or hypothermia have an eightfold risk of dying when compared to matched non-homeless controls.
>
> Homeless persons die on the streets from unprovoked violence, also known as hate crimes. For the years 1999 through 2005, the National Coalition for the Homeless has documented 472 acts of violence against homeless people by housed people, including 169 murders of homeless people and 303 incidents of non-lethal violence in 165 cities from 42 states and Puerto Rico.

> Poor access to quality health care reduces the possibility of recovery from illnesses and injuries. Nationally, 71% of Health Care for the Homeless clients are uninsured, as were 46.6 million other Americans in 2005.

National Health Care for the Homeless Council, "Homeless Persons' Memorial Day, 2006: THE HARD, COLD FACTS ABOUT THE DEATHS OF HOMELESS PEOPLE" (2006)11. *See also* NHS.UK, "Homeless Die 30 Years Younger than Average" (December 21, 2011)12.

30. However, given the pandemic, my medical conditions, my present difficulties working, and other cases having higher priority over Plaintiffs' case when I return to work, I do not think there is much I can do to help these Plaintiffs at this time because they are presently tied to a complaint prepared by those engaged in the unauthorized practice of law that is, in my view, unwinnable. In order to help these clients I would need to first have the opportunity to amend that complaint to raise more valid causes of action, including those based on the Torrens Act and founded in equity. Then I would need time to prepare an adequate response based on the

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[11]Last accessed on August 6, 2019, at https://www.google.com/search?q=Homeless+Persons%E2%80%99+Memorial+Day,+2006:+THE+HARD,+COLD+FACTS+ABOUT+THE+DEATHS+OF+HOMELESS+PEOPLE&tbm=isch&source=univ&sa=X&ved=2ahUKEwj8kJyvoI3kAhVSLX0KHSfYD8cQ7Al6BAgGECQ&biw=1920&bih=888#imgrc=eks9v45eEw7bpM:

[12] Last accessed on August 6, 2019, at https://www.nhs.uk/news/lifestyle-and-exercise/homeless-die-30-years-younger-than-average/

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facts and law to Defendants' motion to dismiss which was filed when the shelter at home orders were applicable to me.

31. I would agree not to withdraw from this case if this Court would afford me a reasonable time to prepare the legal pleadings in support of Plainitffs' [*sic*] motion to amend their complaint and in response to Defendants' motion to dismiss Plainitffs' [*sic*] complaint. Such reasonable time should take into account the application of government laws, regulations, and orders applicable to me and my local community related to the pandemic; consideration of whether I have access to a workplace conducive to the practice law consistent with that of my adversaries; and consideration of my health to prepare such briefing—or such other conditions as this Court may decide that will allow my clients an opportunity to competently present their best legal and/or equitable positions under the United States and Washington Constitution.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my information and belief.

DATED this 15th day of June, 2020, at Arlington, Washington.

By: /s / Scott E. Stafne x
Scott E. Stafne, Declarant

Appendix 8

CONSTITUTIONAL PROVISIONS

United States Constitution

Article III, Sections One and Two:

Section. 1.

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section. 2.

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;— between a State and Citizens of another State,—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

Tenth Amendment:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Appendix 9

JAY INSLEE
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • www.governor.wa.gov

PROCLAMATION BY THE GOVERNOR AMENDING PROCLAMATIONS 20-05 AND 20-46

20-46.1
High-Risk Employees – Workers' Rights

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in the state of Washington; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout the state of Washington,

significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the Centers for Disease Control and Prevention reports that groups at higher risk of severe illness or death from COVID-19 are those over 65 years of age, and people of any age who have certain chronic underlying health conditions; and

WHEREAS, the threat of severe illness and death from COVID-19 to Washington State's public and private sector workers who are in these higher-risk groups is recognized, and action must be taken to protect them from working conditions that require them to be placed in situations where they may be exposed to infection by the virus that causes the COVID-19 disease; and

WHEREAS, during this critical period of virus spread throughout our state, public and private sector workers in these high-risk groups must have access to accommodations to prevent greater risk of contracting COVID-19, and these decisions cannot be left solely to the employer; and

WHEREAS, to protect our public and private sector workers in these high-risk categories from the significant life, health and safety risks of the COVID-19 disease, it is necessary that employers seek any and all options for alternative work arrangements and that these workers are protected from job displacement, loss of employment benefits, and any requirement that they use personal accrued leave before applying for any available unemployment benefits; and

WHEREAS, the worldwide COVID-19 pandemic and its

progression in Washington State continue to threaten the life and health of our people, as well as the state economy, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues to coordinate resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues to coordinate with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim: that a State of Emergency continues to exist in all counties of Washington State; that Proclamation 20-05 and all amendments thereto remain in effect; and, that Proclamations 20-05 and 20-46 are amended, through the exercise of my prohibitory powers under RCW 43.06.220(1)(h), to continue to prevent all employers, public or private, from failing to provide accommodation to high-risk workers, as defined by the Centers for Disease Control and Prevention, that protects them from

risk of exposure to the COVID-19 disease on the job. If an employer determines that alternative work arrangements are not feasible, the employer is prohibited from failing to permit an employee to utilize all available accrued leave options free from risk of adverse employment action.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public

peace, I hereby continue to prohibit all public and private employers in Washington State from taking any action that is inconsistent with practices related to high-risk employees, as described in Emergency Proclamation 20-46. This prohibition shall remain in effect until 11:59 PM on August 1, 2020, unless extended beyond that date.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace and to support implementation of the above prohibited activities by employers, I also hereby continue to prohibit all public and private employers in Washington State and labor unions representing employees in Washington State from applying or enforcing any employment contract provisions that contradict or otherwise interfere with the above prohibitions and the intent of this Proclamation as described herein until 11:59 PM on August 1, 2020, unless extended beyond that date.

To the greatest extent possible, all prohibitions in this Proclamation shall be construed to protect employees from loss of their positions, loss of employment benefits, and retaliation for decisions made regarding whether and how to work for their employers pursuant to this Proclamation.

This Proclamation shall not be construed to prohibit employers from hiring temporary employees so long as it does not negatively impact permanent employees' rights under this Proclamation to return to their employment positions without any negative ramifications to their employment status by their employer.

This Proclamation also shall not be construed to prohibit employers from requiring employees who do not report to work under this Proclamation to give up to five days' advance notice to employers of any decision to report to work or return to work under this Proclamation.

This Proclamation also shall not be construed to prohibit employers from taking employment action when no work reasonably exists, such as in a circumstance of a reduction in force, for a high-risk employee during this Proclamation. However, in the case that no work exists, employers shall not take action that may adversely impact an employee's eligibility for unemployment benefits.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 9th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

Appendix 10

PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05

20-25

STAY HOME – STAY HEALTHY

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, and 20-24, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic,

has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 2,221 cases of COVID-19 in Washington State and, tragically, 110 deaths of Washingtonians associated with COVID-19; and

WHEREAS, models predict that many hospitals in Washington State will reach capacity or become overwhelmed with COVID-19 patients within the next several weeks unless we substantially slow down the spread of COVID-19 throughout the state; and

WHEREAS, hospitalizations for COVID-19 like illnesses are significantly elevated in all adults, and a sharply increasing trend in COVID-19 like illness hospitalizations has been observed for the past three (3) weeks; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the

Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim: that a State of Emergency continues to exist in all counties of Washington State; that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended; and that Proclamations 20-05, 20-07, 20-11, 20-13, and 20-14 are amended and superseded by this Proclamation to impose a Stay Home – Stay Healthy Order throughout Washington State by prohibiting all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations provided herein.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized

militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, and to implement the Stay Home—Stay Healthy Order described above, I hereby impose the following necessary restrictions on participation by all people in Washington State by prohibiting each of the following activities by all people and businesses throughout Washington State, which prohibitions shall remain in effect until midnight on April 6, 2020, unless extended beyond that date:

1. All people in Washington State shall immediately cease leaving their home or place of residence except: (1) to conduct or participate in essential activities, and/or (2) for employment in essential business services. This prohibition shall remain in effect until midnight on April 6, 2020, unless extended beyond that date.

To implement this mandate, I hereby order that all people in Washington State are immediately prohibited from

leaving their home or place of residence except to conduct or participate in (1) essential activities, and/or (2) employment in providing essential business services:

a. Essential activities permitted under this Proclamation are limited to the following:
   1) Obtaining necessary supplies and services for family or household members and pets, such as groceries, food and supplies for household consumption and use, supplies and equipment needed to work from home, and products necessary to maintain safety, sanitation and essential maintenance of the home or residence.
   2) Engaging in activities essential for the health and safety of family, household members and pets, including things such as seeking medical or behavioral health or emergency services and obtaining medical supplies or medication.
   3) Caring for a family member, friend, or pet in another household or residence, and to transport a family member, friend or their pet for essential health and safety activities, and to obtain necessary supplies and services.
   4) Engaging in outdoor exercise activities, such as walking, hiking, running or biking, but only if appropriate social distancing practices are used.

b. Employment in essential business services means an essential employee performing work for an essential business as identified in the "Essential Critical Infrastructure Workers" list, or carrying out minimum basic operations (as defined in Section 3(d) of this Order) for a non-essential business.
c. This prohibition shall not apply to individuals whose homes or residences are unsafe or become unsafe,

such as victims of domestic violence. These individuals are permitted and urged to leave their homes or residences and stay at a safe alternate location.

d. This prohibition also shall not apply to individuals experiencing homelessness, but they are urged to obtain shelter, and governmental and other entities are strongly encouraged to make such shelter available as soon as possible and to the maximum extent practicable.
e. For purposes of this Proclamation, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities.

2. All people in Washington State shall immediately cease participating in all public and private gatherings and multi-person activities for social, spiritual and recreational purposes, regardless of the number of people involved, except as specifically identified herein. Such activity includes, but is not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; and similar activities. This prohibition also applies to planned wedding and funeral events. This prohibition shall remain in effect until midnight on April 6, 2020, unless extended beyond that date.

To implement this mandate, I hereby order that all people in Washington State are immediately prohibited from participating in public and private gatherings of any number of people for social, spiritual and recreational purposes. This prohibition shall not apply to activities and gatherings solely including those people who are part of a single household or

residential living unit.

3. Effective midnight on March 25, 2020, all non-essential businesses in Washington State shall cease operations except for performing basic minimum operations. All essential businesses are encouraged to remain open and maintain operations, but must establish and implement social distancing and sanitation measures established by the United States Department of Labor or the Washington State Department of Health Guidelines. This prohibition shall remain in effect until midnight on April 8, 2020, unless extended beyond that date.

To implement this mandate, I hereby order that, effective midnight on March 25, 2020, all non-essential businesses in Washington State are prohibited from conducting all activities and operations except minimum basic operations.

a. Non-essential businesses are strongly encouraged to immediately cease operations other than performance of basic minimum operations, but must do so no later than midnight on March 25, 2020.
b. Essential businesses are prohibited from operating under this Proclamation unless they establish and implement social distancing and sanitation measures established by the United States Department of Labor's Guidance on Preparing Workplaces for COVID-19 at https://www.osha.gov/Publications/OSHA3990.pdf and the Washington State Department of Health Workplace and Employer Resources & Recommendations at https://www.doh.wa.gov/Coronavirus/workplace.
c. This prohibition does not apply to businesses

consisting exclusively of employees or contractors performing business activities at their home or residence, and who do not engage in in-person contact with clients.

d. For purposes of this Proclamation, minimum basic operations are the minimum activities necessary to maintain the value of the business' inventory, preserve the condition of the business' physical plant and equipment, ensure security, process payroll and employee benefits, facilitate employees of the business being able to continue to work remotely from their residences, and related functions.

This Proclamation shall not be construed to prohibit working from home, operating a single owner business with no in-person, on-site public interaction, or restaurants and food services providing delivery or take-away services, so long as proper social distancing and sanitation measures are established and implemented.

No business pass or credentialing program applies to any activities or operations under this Proclamation.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 23rd day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By: /s/_____
Jay Inslee, Governor

BY THE GOVERNOR:

/s/_____
Secretary of State

Appendix 11

JUL 24 2020
COURTS/USDC-WA-E 509-458-3400 WA Card# [redacted]

Amount: negative five hundred five dollars-$505.00
Running
[redacted]

*Expand/Collapse
Statement Description:
COURTS/USDC-WA-E 509-458-3400 WA Card# xx
[redacted]

Date:
7/24/2020
Type:
Debit