

APPENDIX

Appendix A – Order of Denial

King County Superior Court Case No. 21-2-11149-8

Appendix B – Order of Denial

King County Superior Court Case No. 21-2-12270-8

Appendix C – Final Restraining Order & Final Parenting Order

King County Superior Court Case No. 21-5-00680-6

Appendix D – Order Dismissing Habeas Petition

King County Superior Court Case No. 22-2-11112-7

Appendix E - Order Dismissing Petition

Supreme Court of Washington Case No. 101964-5

Appendix F - Order Dismissing Habeas Petition

U.S. District Court, W. Washington Case No. 2:23-cv-00751-RAJ

Appendix G - Order to Show Cause

Ninth Circuit Court of Appeals Case No. 23-35418

Appendix H - Order of Dismissal

Ninth Circuit Court of Appeals Case No. 23-35418

Appendix I

City of Seattle COVID-19 Vaccination Program Provider Agreement

Seattle Public Health Order - Verification of Vaccination

Appendix A

FAM 01

Superior Court of Washington
For King County

Jessica Rae Owen

Petitioner (Protected Person)

vs.

Kurt Alden Bernshoof

Respondent (Restrained Person)

No. 21-2-11149-8 SEA

Denial Order - Domestic Violence

(Optional Use) (ORDMTP)

☒ Clerk's Action Required

Next Hearing Date/Time: _____

At: _____

This Matter is before the court upon the request of (name) Petitioner for a:

☐ Temporary Order

☒ Full Order

☐ Renewal Order

☐ Modification Order

☐ Termination Order

Court Finding:

- ☐ Petitioner ☐ respondent did not appear.
- ☐ Petitioner requested dismissal of petition.
- ☐ This order materially changes an existing order. A hearing after notice is necessary.
- ☐ No notice of this request has been made or attempted to the opposing party.
- ☐ The petitioner has failed to demonstrate that there is sufficient basis to enter a temporary order without notice to the opposing party.
- ☐ The petitioner and respondent do not have an eligible relationship for this type of order.
- ☐ The domestic violence protection order petition does not list a specific incident and approximate date of domestic violence.
- ☒ A preponderance of the evidence has not established that there is domestic violence.

Other: Either party may file a parenting plan action to address custody issues, if desired. The court found Respondent's testimony to be credible regarding the court did not consider documents filed by Respondent on 9/3/2021; Respondent chose to proceed with a hearing this morning even though the court had not had the opportunity to read the documents filed today.

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(ORDMTP) - Page 1 of 4
Mandatory (06/2020) - RCW 26.50

Incidents alleged by petitioner from Oct./Nov. 2015.

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Renewal:

☐ The respondent proved by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the protection order expires.

☐ Other: _____

Modify or Terminate:

☐ Petitioner's motion to modify or terminate a domestic violence Order for Protection is denied because:

☐ Respondent's motion to modify or terminate a domestic violence Order for Protection effective less than two years is denied because:

☐ The court finds that the respondent has previously filed a motion to modify or terminate during the current 12 month period following entry of the order, and is not eligible for the relief requested.

☐ For respondent's motion to modify or terminate a domestic violence Order for Protection effective longer than two years:

☐ The court finds that the respondent has previously filed a motion to modify or terminate during the current 12 month period following entry of the order, and is not eligible for the relief requested, or

☐ A preponderance of the evidence failed to establish that:

☐ the modification is warranted.

☐ for a modification to shorten the duration or remove restrictions against domestic violence acts or threats, or for termination, there has been a substantial change of circumstances such that the respondent is unlikely to resume acts of domestic violence against the petitioner or other persons protected in the order, to wit:

☐ since the protection order was entered, the respondent ☐ has committed or threatened domestic violence, sexual assault, stalking, or other violent acts;
☐ has exhibited suicidal ideation or attempts; ☐ has been convicted of criminal activity; ☐ neither acknowledged responsibility for the acts of domestic violence that resulted in entry of the protection order nor successfully completed domestic violence perpetrator treatment or counseling;

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- ☐ the respondent has continued to abuse drugs or alcohol, if such was a factor in the protection order.
- ☐ the petitioner ☐ has ☐ has not voluntarily and knowingly consented to terminating the protection order
- ☐ the respondent or petitioner moving further away from the other party will stop acts of domestic violence.
- ☐ other _____

- ☐ The respondent proved that there has been a substantial change of circumstances; however, the court declines to terminate the Order for Protection because the acts of domestic violence that resulted in the issuance of the Order for Protection were of such severity that the order should not be terminated.

☐ Other: _____

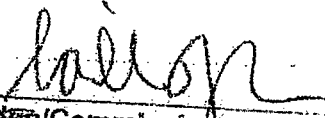
The court orders that:

- ☐ The request for a temporary order is denied and the case is dismissed.
- ☐ The request for a temporary order is denied, but a hearing on the merits of the petition after notice to the respondent is set for the date listed in the caption on page 1 of this order, or
- ☐ The request for a temporary order is denied and the clerk is directed to set a hearing on the petition.
- or
- ☐ The parties are directed to appear for a hearing as shown on page 1. The requesting party shall make arrangements for service of the petition/motion and this order on (name) _____ by law enforcement, professional process server, or a person who is 18 or older, competent to be a witness, and not a party to the case. A Return of Service shall be filed with the clerk at or before the hearing.
- ☒ The request for a full order is denied, and the petition is dismissed. Any previously entered temporary order expires at 10:32 a.m. today.
- ☐ The request to modify, terminate, or renew the order dated _____ is denied.
- ☒ The request for a temporary/final Order to Surrender and Prohibit Weapons is denied.
- ☐ If any firearms or dangerous weapons have been surrendered under this cause number, they shall be released to the respondent, absent some other legal reason that may exist prohibiting the respondent from possessing them.
- ☐ Other: _____

Failure to Appear at the Hearing May Result in the Court Granting All of the Relief Requested in the Petition or Motion.

This order is dated and signed in open court.

Date 9/2/2021 Time 10:32 a.m.


Judge/Commissioner **Camille J. Schaefer**

- ☐ Attended remotely/agreed to email copy
☐ Acknowledge receipt of a copy in court:

- ☐ Attended remotely/agreed to email copy
☐ Acknowledge receipt of a copy in court:

Appeared by Zoom

> Signature of Respondent/Lawyer WSBA No.
Appeared by Zoom

Print Name _____ Date _____

> Signature of Petitioner/Lawyer WSBA No.

Print Name _____ Date _____

Appendix B

REGARDING DENIAL ORDER

King County Superior Court

Case No. 21-2-12270-8 SEA

Petitioner does not have a copy of the denial order if one was issued. Petitioner sought an emergency protection order on September 15, 2021, and an *ex parte* Zoom hearing was held the next day. Commissioner Denali denied Petitioner's petition, stating that the court would not entertain any petition for restraining orders outside of a family court parentage action.

Appendix C

FILED
2022 OCT 21 10:59 AM
KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE #: 21-5-00680-6 SEA

Superior Court of Washington, County of King

In re:

Petitioner/s (person/s who started this case):

JESSICA R. OWEN,

And Respondent/s (other party/parties):

KURT A. BENSHOOF.

No. 21-5-00680-6 SEA

Restraining Order

Final (RSTO)

Clerk's action required: 6, 7

Surrender Weapons Ordered: ☒ yes ☐ no

Restraining Order

This order replaces all earlier Restraining Orders with the same Restrained Person, issued under this case number.

1. This Order restrains (name):

Kurt A. Benshoof

Restrained Party's distinguishing features:

Restrained Party's Identifiers

Sex	Race	Hair
Male	White	Grey/Bald
Height	Weight	Eyes
6'0"	175	Blue

Caution: Access to weapons: ☒ yes ☐ no ☐ unknown

2. This Order protects JESSICA OWEN,
and the following children, who are under 18 (if any)

Child's name

Age

1. Azhrael R. Walker

13

3. To the Restrained Person listed in 1:

This Order starts immediately, and ends in 12 months or on September 28, 2027

Warning! You must obey this order. Violation of this order with actual notice of its terms is a **criminal offense** under Chapter 7.105 RCW and will subject the violator to arrest (RCW 7.105.450). This order is enforceable in all 50 U.S. states, the District of Columbia, and U.S. territories and tribal lands (18 U.S.C. § 2265).

2 **4. Findings**

4 **Authority:** The court has jurisdiction over the parties, the children listed in **2**, and the subject matter.

6 **Notice:** The Restrained Person had reasonable notice and an opportunity to be heard. This Final Restraining Order was entered pursuant to an Order for Default.

8 **Credible Threat:** The Restrained Person represents a credible threat to the physical safety of the Protected Person.

10 **Intimate Partner:** The Restrained Person and the Protected Person are/were intimate partners because they are parents of a child-in-common, and
12 formerly in a dating relationship (age 13 or older) and have lived
14 together.

16 **5. Court Orders to the Restrained Person listed in 1:**

18 **Warning!** You must obey this order until it ends. If you know about this order but do not obey, you may be arrested and charged with a crime.

20 **Do not disturb**

Do not disturb the peace of the Protected Person or of any child listed in **2**.

22 **Stay away**

24 Do not go onto the grounds of or enter the Protected Person's home, workplace, vehicle, or school, or the daycare or school of any child listed in **2**.

26 Do not knowingly go or stay within **500 feet** of the Protected Person's home, vehicle, workplace, school, or the daycare or school of any child listed in **2**.

28 **Do not hurt or threaten**

30 **Warning!** If the court checks this box, the court must consider if weapons restrictions are required by state law; federal law may also prohibit the Restrained Person from possessing firearms or ammunition.

32 **Do not:**

- 34
 - 36
 - Assault, harass, stalk or molest the Protected Person or any child listed in **2**;
 - or
 - Use, try to use, or threaten to use physical force against the Protected Person or children that would reasonably be expected to cause bodily injury.

38 **Prohibit weapons and order surrender (separate order required)**

40 The Restrained Person must:

- 42
 - 44
 - Immediately surrender to law enforcement and not access, possess, have in their custody or control, purchase, receive, or attempt to purchase or receive firearms, other dangerous weapons, or concealed pistol licenses; and
 - 46 - Comply with the **Order to Surrender and Prohibit Weapons** (form WS 001) filed separately.

48 **Findings** – The court **must** issue the orders referred to above because the court ordered the **do not hurt or threaten** restraints above and the court finds that the restrained person had **actual notice** and an **opportunity to participate**. AND:

- the restrained person represents a **credible threat** to the physical safety of a protected person, OR
- This order explicitly prohibits the use, attempted use, or threatened use of **physical force** against any protected person.

Therefore, the weapons restrictions are required by state law. RCW 9.41.800(2).

Do not contact. KURT BENSHOOF shall make no attempts whatsoever to contact the protected person or the child listed in 1, including but not limited to contact in-person, by phone, by text, by email, by written letter, or through third parties, except as may be set out in the parties' Parenting Plan.

Service of Process. KURT BENSHOOF may only effect service of process, for any and all legal proceedings, through use of either Pegasus Process Service or ABC Legal Services. Any service of process made by KURT BENSHOOF by any other means is a violation of this Restraining Order.

6. Washington Crime Information Center (WACIC) and Other Data Entry

Clerk's Action. The court clerk shall forward a copy of this order immediately to the following law enforcement agency Seattle Police Department.

This agency shall enter this order into WACIC and National Crime Info. Center (NCIC).

7. Service:

- ☒ **Required.** The Restrained Person must be served with a copy of this order.

Important! The Protected Person has a right to have law enforcement serve this order free of charge if the "Do not disturb," "Stay away," "Do not hurt or threaten," or "Prohibit weapons and order surrender" boxes are checked above.

- ☒ The **law enforcement agency** where the Restrained Person lives or can be served shall serve the Restrained Person with a copy of this order and shall promptly complete and return proof of service to this court.

Law enforcement agency: SEATTLE POLICE DEPARTMENT

- ☐ The **Protected Person** shall make private arrangements for service.
(*This is only an option if surrender of weapons is **not** ordered*)

After serving, the server fills out a *Proof of Personal Service* (form FL All Family 101) and gives it to you. File the original *Proof of Personal Service* with the court clerk, and give a copy to the law enforcement agency listed in section 6 above.

Clerk's Action. The court clerk shall forward a copy of this order on or before the next judicial day to the agency and/or person checked above. The court clerk shall also provide a copy to the Protected Person.

- ☐ **Not required.** The Restrained Person does not have to be served because the Restrained Person or their lawyer signed this order, or was at the hearing when this order was made and the court finds sufficient notice.

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Ordered.

_____	_____	_____
<i>Date</i>	<i>Time</i>	<i>Judge or Commissioner</i>

Petitioner and Respondent or their lawyers fill out below.

<i>This order (check any that apply):</i>	<i>This order (check any that apply):</i>
<input type="checkbox"/> is an agreement of the parties	<input type="checkbox"/> is an agreement of the parties
<input checked="" type="checkbox"/> is presented by me	<input type="checkbox"/> is presented by me
<input type="checkbox"/> may be signed by the court without notice to me	<input type="checkbox"/> may be signed by the court without notice to me

NATHAN CLIBER, WSBA 41787
Attorney for Petitioner

KURT A. BENSHOOF,
Respondent, pro se

AMY FRANKLIN-BIHARY,
WSBA #35787
Guardian ad Litem

Important! Protected Person: you must fill out a *Law Enforcement and Confidential Information* form, PO 003, and give it to the court clerk.

King County Superior Court
Judicial Electronic Signature Page

Case Number: 21-5-00680-6
Case Title: OWEN VS BENSHOOF
Document Title: ORDER RE RESTRAINING ORDER
Signed By: David Keenan
Date: October 21, 2022

A handwritten signature in black ink, appearing to read 'D. Keenan', is written over a horizontal line.

Judge: David Keenan

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: D4CD579720E4BB8A7E792BCE878FD210340F014A
Certificate effective date: 1/3/2022 3:21:39 PM
Certificate expiry date: 1/3/2027 3:21:39 PM
Certificate Issued by: C=US, E=kcscefilng@kingcounty.gov, OU=KCDJA,
O=KCDJA, CN="David Keenan:
CCQR2jst7BGY3+AVCKww+Q=="

Superior Court of Washington, County of King

In re parentage:

Petitioner/s (person who started this case):

JESSICA R. OWEN,

And Respondent/s (parent / presumed parent / possible genetic parents):

KURT A. BENSHOOF.

No. 21-5-00680-6 SEA

Final Parentage Order
(JDOEP)

☒ Clerk's action required: 1, 2, 3, 8, 13, 14, 15

Final Parentage Order

1. Money Judgment Summary

No money judgment is ordered.

➤ The court approved Findings and Conclusions for this case and now orders:

2. Child

This case is about the parentage of:

Child's name (first, middle, last)	Born (month/day/year)	Lives in (county and state)
<u>Azhrael Rune Walker</u>	<u>April 22, 2009</u>	<u>King County, Wa</u>

Important! Don't list more than one child unless they have all the same parents or possible parents. If they have (or may have) different parents, fill out a separate Petition for each child. If multiple children are listed, change "child" to "children" in this form as needed.

3. Parentage Decision

Parent – JESSICA R. OWEN remains a legal parent of the child with all the rights and responsibilities of natural or adoptive parent based on her giving birth to the child and already having legal parent status.

Parent – KURT A. BENSHOOF is now a legal parent of the child with all the rights and responsibilities of natural or adoptive parent based on the assertions of the Petitioner and his signing a Confirmation of Genetic Testing filed on or about February 10, 2022.

4. Child's Name Change

The child's name will stay the same.

5. Birth Record

The state registrar of vital statistics must amend the child's birth certificate and any other birth record to list the parents as decided above.

Important! The court does **not** forward this *Order* to the State Registrar. To amend the birth certificate, a party must provide a certified copy of this *Order* and the *Findings and Conclusions* to the State Registrar of Vital Statistics. Other information may be required by the State Registrar of Vital Statistics. If the child was **not** born in Washington, contact the appropriate agency in the state where the child was born.

6. Parents' contact and employment information

Each parent must fill out and file with the court a *Confidential Information* form (FL All Family 001) including personal identifying information, mailing address, home address, and employer contact information.

Important! If you move or get a new job any time while support is owed, you must:

- notify the Support Registry, and
- fill out and file an updated *Confidential Information* form with the court.

Warning! Any notice of a child support action delivered to the last address you provided on the *Confidential Information* form will be considered adequate notice, if the party trying to serve you has shown diligent efforts to locate you.

7. Parenting Plan or Residential Schedule

The court has jurisdiction over the child. The child will live exclusively with *JESSICA R. OWEN*. This parent is named custodian for those state and federal laws that require a custodian.

JESSICA R. OWEN is the sole residential and custodial parent of Azhrael Rune Walker and has sole decision-making authority as to any and all issues (e.g., education, medical care, international travel, etc.) having to do with the child.

8. Child Support

The court is not making a decision about child support now. The Petitioner will seek child support administratively through DCS.

9. Past due child support

This order **does not decide** past due child support issues.

10. Payment Plan

Does not apply.

11. Enforcement of judgment through income withholding (garnishment)

Does not apply because no money judgment is ordered in section **9** above.

12. Money judgment for fees and costs (summarized on page 1)

No money judgment is ordered.

13. Protection Order

No one requested a *Protection Order* in this case.

14. Restraining Order

Approved – The request for a *Restraining Order* is approved. The *Restraining Order* is filed separately.

15. Guardian ad Litem

The Guardian ad Litem (GAL) is discharged.

16. Other Orders

The *Warnings* below are required by law and are made part of this order.

Ordered.

Date

Judge or Commissioner

Petitioner and Respondent/s or their lawyers fill out below.

This document (*check any that apply*):

- ☐ is an agreement of the parties
☒ is presented by me
☐ may be signed by the court without notice to me

NATHAN CLIBER, WSBA #41787
Attorney for Petitioner

This document (*check any that apply*):

- ☐ is an agreement of the parties
☐ is presented by me
☐ may be signed by the court without notice to me

KURT A. BENSHOOF
Respondent, pro se

This document (*check any that apply*):

- ☐ is an agreement of the parties
☒ is presented by me
☐ may be signed by the court without notice to me

JESSICA R. OWEN
Petitioner

This document (*check any that apply*):

- ☐ is an agreement of the parties
☐ is presented by me
☐ may be signed by the court without notice to me

AMY FRANKLIN-BIHARY, WSBA 35787
Guardian ad Litem

Warnings about Moving with the Children (Relocation)!

Notice

Anyone with majority or substantially equal residential time (at least 45 percent) who wants to move with the children **must notify** every other person who has court-ordered time with the children.

Move to a different school district

If the move is to a different school district, the relocating person must complete the form *Notice of Intent to Move with Children* (FL Relocate 701) and deliver it at least **60 days** before the intended move.

Exceptions:

- If the relocating person could not reasonably have known enough information to complete the form in time to give 60 days' notice, they must give notice within **5 days** after learning the information.
- If the relocating person is relocating to a domestic violence shelter or moving to avoid a clear, immediate and unreasonable risk to health or safety, notice may be delayed **21 days**.
- If information is protected under a court order or the address confidentiality program, it may be withheld from the notice.
- A relocating person who believes that giving notice would put themselves or a child at unreasonable risk of harm, may ask the court for permission to leave things out of the notice or to be allowed to move without giving notice. Use form *Motion to Limit Notice of Intent to Move with Children (Ex Parte)* (FL Relocate 702).

The *Notice of Intent to Move with Children* can be delivered by having someone personally serve the other party or by any form of mail that requires a return receipt.

If the relocating person wants to change the *Parenting Plan* because of the move, they must deliver a proposed *Parenting Plan* together with the *Notice*.

Move within the same school district

If the move is within the *same* school district, the relocating person still has to let the other parent know. However, the notice does not have to be

served personally or by mail with a return receipt.

Notice to the other party can be made in any reasonable way. No specific form is required.

Warning! If you do not notify...

A relocating person who does not give the required notice may be found in contempt of court. If that happens the court can impose sanctions. Sanctions can include requiring the relocating person to bring the children back if the move has already happened, and ordering the relocating person to pay the other side's costs and lawyer's fees.

Right to object

A person who has court-ordered time with the children can object to a move to a different school district and/or to the relocating person's proposed *Parenting Plan*. If the move is within the same school district, the other party doesn't have the right to object to the move, but they may ask to change the *Parenting Plan* if there are adequate reasons under the modification law (RCW 26.09.260).

An objection is made by filing the *Objection about Moving with Children and Petition about Changing a Parenting/Custody Order (Relocation)* (form FL Relocate 721). File your *Objection* with the court and serve a copy on the relocating person and anyone else who has court-ordered time with the children. Service of the *Objection* must be by personal service or by mailing a copy to each person by any form of mail that requires a return receipt. The *Objection* must be filed and served no later than **30 days** after the *Notice of Intent to Move with Children* was received.

Right to move

During the 30 days after the *Notice* was served, the relocating person may not move to a different school district with the children unless they have a court order allowing the move.

After the 30 days, if no *Objection* is filed, the relocating person may move with the children without getting a court order allowing the move.

After the 30 days, if an *Objection* has been filed, the relocating person may move with the children **pending** the final hearing on the *Objection* **unless**:

- The other party gets a court order saying the children cannot move, or
- The other party has scheduled a hearing to take place no more than 15 days after the date the *Objection* was served on the relocating person. (However, the relocating person may ask the court for an order allowing the move even though a hearing is pending if they believe that they or a child is at unreasonable risk of harm.)

The court may make a different decision about the move at a final hearing on the *Objection*.

Parenting Plan after move

If the relocating person served a proposed *Parenting Plan* with the *Notice*, **and** if no *Objection* is filed within 30 days after the *Notice* was served (or if the parties agree):

- Both parties may follow that proposed plan without being held in contempt of the *Parenting Plan* that was in place before the move.

However, the proposed plan cannot be enforced by contempt unless it has been approved by a court.

- Either party may ask the court to approve the proposed plan. Use form *Ex Parte Motion for Final Order Changing Parenting Plan – No Objection to Moving with Children* (FL Relocate 706).

Forms

You can find forms about moving with children at:

- The Washington State Courts' website:
www.courts.wa.gov/forms,
- Washington LawHelp:
www.washingtonlawhelp.org, or
- The Superior Court Clerk's office or county law library (for a fee).

(This is a summary of the law. The complete law is in RCW 26.09.430 through 26.09.480.)

King County Superior Court
Judicial Electronic Signature Page

Case Number: 21-5-00680-6
Case Title: OWEN VS BENSHOOF
Document Title: ORDER RE PARENTAGE

Signed By: David Keenan
Date: October 21, 2022

A handwritten signature in black ink, appearing to read 'D. Keenan', is written over a horizontal line.

Judge: David Keenan

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: D4CD579720E4BB8A7E792BCE878FD210340F014A
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Certificate expiry date: 1/3/2027 3:21:39 PM
Certificate Issued by: C=US, E=kcscefiling@kingcounty.gov, OU=KCDJA,
O=KCDJA, CN="David Keenan:
CCQR2jst7BGY3+AVCKww+Q=="

Appendix D

**SUPERIOR COURT OF THE STATE OF WASHINGTON
KING COUNTY**

Kurt A. Benshoof,

Petitioner

NO. 22-2-11112-7 SEA

vs

Order On Writ of Habeas Corpus

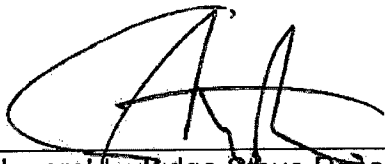
Judge David Keenan,
Commissioner Jason Holloway,
Nathan Cliber,
Seattle Police Chief Adrian Diaz,
Jessica R. Owen,
Magalie Lerman,

Respondents.

The Court, having reviewed the Petitioner's Writ and attached materials, and having reviewed the Court file and the Court files for the other cause numbers mentioned in the Writ, now decides that the Petitioner's Writ of Habeas Corpus should be DENIED without oral argument. Therefore,

IT IS SO ORDERED.

Dated: July 21, 2022



Honorable Judge Steve Rosen

Appendix E

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

KURT BENSHOOF,

Petitioner,

v.

HON. DAVID KEENAN, ADRIAN
DIAZ, and JESSICA R. OWEN,

Respondents.

No. 101964-5

RULING DISMISSING PETITION

Pro se petitioner Kurt Benshoof filed a pleading directly in this court, entitled “VERIFIED PETITION FOR COMMON LAW WRIT OF HABEAS CORPUS” (petition), together with a motion for leave to file said petition. In response to questions from the deputy clerk, petitioner clarified he is not filing a personal restraint petition but is instead seeking relief by way of a common-law habeas petition. To the extent this petition seeks to initiate an original action contemplated under article IV, section 4 of the Washington Constitution, the petition is dismissed pursuant to RAP 16.2(d), as explained more fully below.

The instant petition consists of 87 pages of text, not including the title page, table of contents, and table of authorities. As indicated, petitioner also filed a motion for leave to file the petition, apparently trying to comply with a King County Superior

Court order restricting petitioner's filing of pleadings in that court.¹ The motion is unnecessary here but is granted to expedite ruling on the petition.

The petition is packed with factual allegations but there are no supporting exhibits. The petition cites documents apparently contained in lower court files but none of those have been provided here. Accordingly, there is no way for this court to assess the veracity of petitioner's bald allegations.

The petition names as respondents King County Superior Court Judge David Keenan, Seattle Police Chief Adrian Diaz, and private citizen Jessica Owen. To the extent the petition is styled as an original action against a state officer, it cannot be lodged against respondent Owen. RAP 16.2(a).

As for petitioner's many claims for relief, they mainly relate to a child custody dispute between petitioner and respondent Owen. Petitioner claims Owen wrongfully took custody of the child and ownership of his motor vehicle. He also castigates COVID-19 mask and vaccine mandates. He complains that the child has been vaccinated without his permission. Petitioner contends he is the victim of religious discrimination. He claims he has been unlawfully arrested. He claims he has been barred from access to the courts and court records. Petitioner demands this court issue a show cause order directed at respondents compelling them to be examined based on his allegations.

Petitioner claims to be seeking a writ of habeas corpus, but Washington appellate courts no longer consider petitions for writs of habeas corpus; that procedure has been superseded by personal restraint procedures set forth in Title 16 of the Rules of Appellate Procedure. RAP 16.3(b). It is also uncertain petitioner is restrained for purposes of a personal restraint petition, *see* RAP 16.4(a) (personal restraint petitioner

¹ It appears there is a pending action in Division One of the Court of Appeals concerning the superior court's order.

must be under “restraint”). In an event, petitioner has expressly stated that he is not seeking relief by personal restraint petition. Upon close inspection of the petition, it seems petitioner asserts claims vaguely sounding in mandamus or prohibition, two ancient forms of writ this court has original jurisdiction to issue under article IV, section 4 of our state’s constitution. The petition here will be treated as such.² Accordingly, before me for determination is whether to retain the petition in this court for a decision on the merits, transfer it to the superior court for further proceedings, or dismiss it outright. RAP 16.2(d).³

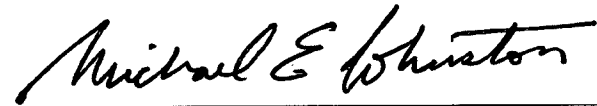
Writs of mandamus or prohibition are extraordinary remedies turning on, in the case of mandamus, the existence of nondiscretionary duties of the respondent officials or, in the case of prohibition, an official acting without or outside of their jurisdiction. *See, e.g., Colvin, et al. v. Inslee, et al.*, 195 Wn.2d 879, 890-94, 467 P.3d 953 (2020) (discussing mandamus); *Riddle v. Elofson*, 193 Wn.2d 423, 430, 439 P.3d 647 (2019). Petitioner fails to identify any duties that can be compelled by a writ of mandamus or any extrajurisdictional actions that must be suspended or prevented by way of a writ of prohibition. More critically, petitioner has not persuasively shown that he has no plain, speedy, and adequate remedies at law—in state or federal court—for all of the alleged injustices he complains of. *See King County v. Sorensen*, 200 Wn.2d 252, 258, 516 P.3d 388 (2022) (mandamus); *Riddle*, 193 Wn.2d at 430 (prohibition). An original action in mandamus or prohibition is not cognizable under these

² Quo warranto and other writs necessary for this court’s appellate or revisory jurisdiction are not at play here. CONST. art. IV, § 4.

³ Petitioner contends the Rules of Appellate Procedure do not apply here because he is seeking a “common law” writ, but these rules do apply because they set forth the procedures necessary for seeking relief in this court. Original actions of the type contemplated by petitioner are governed by procedures set forth in RAP 16.2. Procedural rules governing motions filed in this court set forth in Title 17 RAP govern. RAP 16.2(c). It is not necessary to call for an answer to the petition in this instance. RAP 17.4(c)(1).

circumstances, and nothing else in petitioner's filings indicates he is entitled to relief directly in this court.

The petition is dismissed.

A handwritten signature in black ink, reading "Michael E. Whinston". The signature is written in a cursive, flowing style with a long horizontal line extending from the end of the name.

COMMISSIONER

May 8, 2023

Appendix F

1 Plaintiff's prior appeals in state court for habeas relief have been denied. Dkt. # 18-1 at
2 2, 23, 27.

3 It is well-settled that federal district courts have no jurisdiction over child custody
4 issues, which are exclusively matters of state law. *See Ankenbrandt v. Richards*, 504 U.S.
5 689, 702-704 (1992) (holding that the domestic relations exception to federal subject
6 matter jurisdiction "divests the federal courts of power to issue divorce, alimony and
7 child custody decrees."). Although styled as a habeas petition, Plaintiff's allegations here
8 raise issues of child custody. Federal habeas corpus has never been available to challenge
9 parental rights or child custody. *See Lehman v. Lycoming County Children's Services*,
10 458 U.S. 502, 511 (1982). A federal habeas petition challenging a state's child-custody
11 determination simply seeks to relitigate the petitioner's interest in his or her own parental
12 rights. *See id.* A federal court has no jurisdiction to relitigate these interests; and federal
13 courts are not courts of appeal from state decisions. *See D.C. Ct. App. v. Feldman*, 460
14 U.S. 462, 486 (1983). Accordingly, the petition is **DISMISSED** for lack of jurisdiction.

15 **B. Temporary restraining order**

16 A TRO is an "extraordinary remedy that may only be awarded upon a clear
17 showing that the plaintiff is entitled to such relief." *Winter v. Nat. Res. Def. Council,*
18 *Inc.*, 555 U.S. 7, 22 (2008).¹ To obtain a TRO, Plaintiff must show that (1) it is likely to
19 succeed on the merits, (2) it is likely to suffer irreparable harm in the absence of
20 preliminary relief, (3) the balance of equities tips in its favor, and (4) an injunction is in
21 the public interest. *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1127 (9th Cir. 2009).

22 Having found no jurisdiction to hear this petition, the Court finds that Plaintiff has
23 not established a likelihood of success on the merits, irreparable harm in the absence of a
24 TRO, that the balance of equities tips in his favor, or that an injunction is in the public
25 interest. Therefore, the Court **DENIES** Plaintiff's Motion for a TRO. Dkt. # 15.

26 ¹ The standard for issuing a TRO is identical to the standard for issuing a preliminary
27 injunction. *New Motor Vehicle Bd. of California v. Orrin W. Fox Co.*, 434 U.S. 1345, 1347
28 (1977).

1 **III. CONCLUSION**

2 For the reasons above, the Court **DENIES** Plaintiff's motion for a Temporary
3 Restraining Order ("TRO") and dismisses the habeas petition with prejudice. Dkt. # 15.

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6 DATED this 12th day of June, 2023.

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9 The Honorable Richard A. Jones
10 United States District Judge
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Appendix G

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

JUN 28 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

KURT BENSHOOF, individually and on
behalf of minor A.R.W.,

Plaintiff-Appellant,

v.

DAVID S. KEENAN; et al.,

Defendants-Appellees.

No. 23-35418

D.C. No. 2:23-cv-00751-RAJ
Western District of Washington,
Seattle

ORDER

Before: R. NELSON and BUMATAY, Circuit Judges.

The motion for injunctive relief (Docket Entry No. 2) is denied. *See Feldman v. Ariz. Sec'y of State*, 843 F.3d 366, 367 (9th Cir. 2016) (“The standard for evaluating an injunction pending appeal is similar to that employed by district courts in deciding whether to grant a preliminary injunction.”); *see also Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008) (defining standard for preliminary injunction in district court). No motions for reconsideration of the denial of injunctive relief will be entertained.

A review of the record suggests that this appeal may be appropriate for summary disposition under Ninth Circuit Rule 3-6(b) because the district court did not err in dismissing the petition for lack of subject matter jurisdiction. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982); *see also Lehman v. Lycoming*

County Children's Servs. Agency, 458 U.S. 502, 511-12 (1982) (federal habeas corpus not available to challenge state's child custody determination).

Within 21 days after the filing date of this order, appellant must show cause why summary affirmance of the district court's judgment is not appropriate. A response may be filed within 10 days after service of the memorandum.

If appellant does not comply with this order, this appeal will be automatically dismissed by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1. |

The briefing schedule is stayed pending further order of the court.

Appendix H

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

OCT 27 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

KURT BENSHOOF, individually and on
behalf of minor A.R.W.,

Plaintiff-Appellant,

v.

DAVID S. KEENAN; et al.,

Defendants-Appellees.

No. 23-35418

D.C. No. 2:23-cv-00751-RAJ
Western District of Washington,
Seattle

ORDER

Before: W. FLETCHER, CALLAHAN, and BENNETT, Circuit Judges.

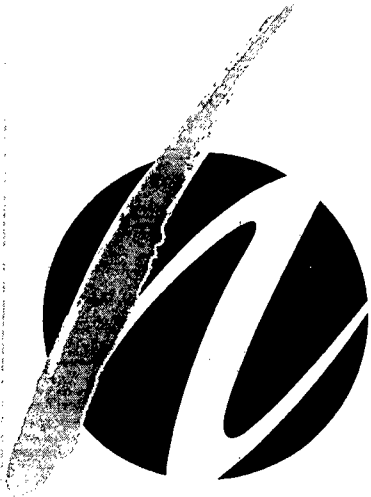
A review of the record and the responses to the June 28, 2023 order to show cause indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (stating standard).

Accordingly, we summarily affirm the district court's judgment.

No further filings will be entertained in this closed case.

AFFIRMED.

Appendix I



Washington State Department of Health

Agreement and Signatures

COVID-19 Vaccination Program Provider Profile Information

Organization: City of Seattle

Location: Seattle Fire Department

To save your progress and return later, click on the 'Survey Queue' button in the top right corner of the screen, and then click 'Get link to my survey queue.' Do not share this link with others as it is unique to your facility. You can also select the 'Save and Return Later' button at the end of each form to save your progress and return at a later time.

If you lose your survey queue link or need to make changes to the provider profile, please contact the COVID-19 Vaccine Response Team at COVID.Vaccine@doh.wa.gov

Your Organization's chief medical officer (or equivalent) and chief executive officer (or chief fiduciary)—collectively, Responsible Officers—must complete and sign this COVID-19 Vaccination Program Provider Requirements and Legal Agreement. The agreement covers every location associated with your organization and does not need to be repeated for each location.

ⓘ We're sorry, but this survey response cannot be modified because someone has locked the response to prevent any changes to it. It can only be unlocked by a survey administrator who has locking/unlocking privileges. If this seems incorrect, please contact your survey administrator for this survey.

Signing this form does not guarantee approval to be a pandemic provider. The WA Office of Immunization will be in contact after submission of this form.

Agreement Requirements

I understand this is an agreement between Organization and CDC. This program is part of a collaboration under the relevant state, local, or territorial immunization program's cooperative agreement with CDC.

To receive one or more of the publicly funded COVID-19 vaccines (COVID-19 vaccine), constituent products, and ancillary supplies at no cost, Organization agrees that it will adhere to the following requirements:

1.	Organization must administer COVID-19 vaccine in accordance with all requirements and recommendations of CDC and <u>CDC's Advisory Committee on Immunization Practices (ACIP)</u> .
2.	<p>Within 24 hours of administering a dose of COVID-19 vaccine and adjuvant (if applicable), Organization must record in the vaccine recipient's record and report required information to the relevant state, local, or territorial public health authority. Details of required information (collectively, Vaccine Administration Data) for reporting can be found on <u>CDC's website</u>.</p> <p>Organization must submit Vaccine Administration Data through either (1) the immunization information system (IIS) of the state and local or territorial jurisdiction or (2) another system designated by CDC according to CDC documentation and data requirements.</p> <p>Organization must preserve the record for at least 3 years following vaccination, or longer if required by state, local, or territorial law. Such records must be made available to any federal, state, local, or territorial public health department to the extent authorized by law.</p>
3.	Organization must not sell or seek reimbursement for COVID-19 vaccine and any adjuvant, syringes, needles, or other constituent products and ancillary supplies that the federal government provides without cost to Organization.
4.	Organization must administer COVID-19 vaccine regardless of the vaccine recipient's ability to pay COVID-19 vaccine administration fees.
5.	Before administering COVID-19 vaccine, Organization must provide an approved Emergency Use Authorization (EUA) fact sheet or vaccine information statement (VIS), as required, to each vaccine recipient, the adult caregiver accompanying the recipient, or other legal representative.
6.	Organization's COVID-19 vaccination services must be conducted in compliance with CDC's <u>Guidance for Immunization Services During the COVID-19 Pandemic</u> for safe delivery of vaccines.
7.	<p>Organization must comply with CDC requirements for COVID-19 vaccine management. Those requirements include the following:</p> <ul style="list-style-type: none"> a) Organization must store and handle COVID-19 vaccine under proper conditions, including maintaining cold chain conditions and chain of custody at all times in accordance with the manufacturer's package insert and CDC guidance in CDC's Vaccine Storage and Handling Toolkit, which will be updated to include specific information related to COVID-19 vaccine; b) Organization must monitor vaccine storage unit temperatures at all times using equipment and practices that comply with guidance in CDC's <u>Vaccine Storage and Handling Toolkit</u>; c) Organization must comply with each relevant jurisdiction's immunization program guidance for dealing with temperature excursions; d) Organization must monitor and comply with COVID-19 vaccine expiration dates; and e) Organization must preserve all records related to COVID-19 vaccine management for a minimum of 3 years, or longer if required by state, local, or territorial law.
8.	Organization must report the number of doses of COVID-19 vaccine and adjuvants that were unused, spoiled, expired, or wasted as required by the relevant jurisdiction.

9.	Organization must comply with all federal instructions and timelines for disposing of COVID-19 vaccine and adjuvant, including unused doses.*
10.	Organization must report any adverse events following vaccination to the Vaccine Adverse Event Reporting System (VAERS) (1-800-822-7967 or http://vaers.hhs.gov/contact.html).
11.	Organization must provide a completed COVID-19 vaccination record card to every COVID-19 vaccine recipient, the adult caregiver accompanying the recipient, or other legal representative. Each COVID-19 vaccine shipment will include COVID-19 vaccination record cards.
12.	<p>a) Organization must comply with all applicable requirements as set forth by the U.S. Food and Drug Administration, including but not limited to requirements in any EUA that covers COVID-19 vaccine.</p> <p>b) Organization must administer COVID-19 vaccine in compliance with all applicable state and territorial vaccination laws.</p>

This agreement expressly incorporates all recommendations, requirements, and other guidance that this agreement specifically identifies. Organization must monitor such identified guidance for updates. Organization must comply with such updates.

*The disposal process for remaining unused COVID-19 vaccine and adjuvant may be different from the process for other vaccines; unused vaccines must remain under storage and handling conditions noted in Item 7 until CDC provides disposal instructions; website URL will be made available.

Chief Medical Officer (or Equivalent) Information

First Name:

Michael

* must provide value

Middle Initial:

R

Last Name:

Sayre

* must provide value

Title:

MD

* must provide value

Licensure (State)

Washington

* must provide value

Licensure (Number):

60262588

* must provide value

Phone Number:

(206) 521-1254

* must provide value

Email:

sayrem@uw.edu

* must provide value

Address Street 1:

325 9th Ave

Address Street 2:

Box 359727

Address City:

Seattle

Address Zip Code:

98104

Address State:

Washington

Address County:

King

By signing this form, I certify that all relevant officers, directors, employees, and agents of Organization involved in handling COVID-19 vaccine understand and will comply with the agreement requirements listed above and that the information provided in sections A and B is true.

The above requirements are material conditions of payment for COVID-19 vaccine administration claims submitted by Organization to any federal healthcare benefit program, including but not limited to Medicare, Medicaid, and the Health Resources and Services Administration COVID-19 Uninsured Program.

Reimbursement for administering COVID-19 vaccine is not available under any federal healthcare benefit program if Organization fails to comply with these requirements with respect to the administered COVID-19 vaccine dose. Each time Organization submits a reimbursement claim for COVID-19 vaccine administration to any federal healthcare benefit program, Organization expressly certifies that it has complied with these requirements with respect to that administered dose.

Non-compliance with the terms of Agreement may result in suspension or termination from the CDC COVID-19 Vaccination Program and criminal and civil penalties under federal law, including but not limited to the False Claims Act, 31 U.S.C. § 3729 et seq., and other related federal laws, 18 U.S.C. §§ 1001, 1035, 1347, 1349.

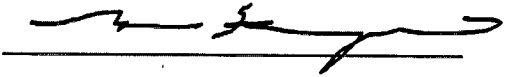
By entering Agreement, Organization does not become a government contractor under the Federal Acquisition Regulation.

Coverage under the Public Readiness and Emergency Preparedness (PREP) Act extends to Organization if it complies with the PREP Act and the PREP Act Declaration of the Secretary of Health and Human Services.*

*See Pub. L. No. 109-148, Public Health Service Act § 319F-3, 42 U.S.C. § 247d-6d and 42 U.S.C. § 247d-6e; 85 Fed. Reg. 15,198, 15,202 (March 17, 2020).

Signature:

* must provide value



signature 2020-11-27 1648.png (0.01 MB)

Signature Date

* must provide value

2020-11-27

Chief Executive Officer (or Chief Fiduciary) Information

First Name:

* must provide value

Harold

Middle Initial:

D.

Last Name:

* must provide value

Scoggins

Phone Number:

* must provide value

(206) 386-1423

Email:

* must provide value

harold.scoggins@seattle.gov

Address Street 1:

301 2nd Ave South

Address Street 2:

Address City:

Seattle

Address Zip Code:

98104

Address State:

Washington

Address County:

King

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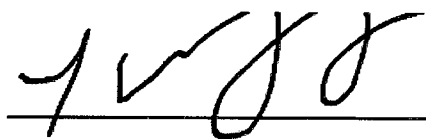
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Signature:

* must provide value



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Signature Date

* must provide value

2020-11-27

REVISED
LOCAL HEALTH OFFICER
VERIFICATION OF VACCINATION
ORDER

Whereas state law, RCW 70.05.070(2) - (3), requires and empowers the Local Health Officer to take such action as is necessary to maintain health and to control and prevent the spread of any contagious or infectious diseases within the jurisdiction, and;

Whereas state regulation, WAC 246-100-036, requires the Local Health Officer, when necessary, to institute disease control measures as he, she, or they deem necessary based on his, her, or their professional judgment, current standards of practice, and the best available medical and scientific information;

Whereas SARS-CoV-2 spreads from person to person primarily through inhalation of air carrying very small droplets and aerosol particles that contain infectious virus, and;

Whereas the risk of transmission is greatest within three to six feet of an infectious source, but can also occur more than six feet away, and;

Whereas COVID-19 infections can be spread from persons who are symptom-free and before symptoms appear, and;

Whereas in King County SARS-CoV-2 transmission is increasing largely due the spread of the more contagious Delta variant, the discontinuation of the Heathy Washington Roadmap to Recovery community level CoV-19 restrictions, and a corresponding increase in activities and opportunities for SARS-CoV-2 transmission from person to person;

Whereas the Delta variant of SARS-CoV-2 virus that causes CoV-19 infection is significantly more contagious than previous SARS-CoV-2 viruses and has been associated with a greater risk for hospitalization;

Whereas fully-vaccinated people have a very high level of protection against serious illness due to CoV-19, and are at lower risk for transmitting the infection to others;

Whereas currently some 73% of King County residents are fully vaccinated against CoV-19, yet approximately 620,000 King County residents are unvaccinated or not fully vaccinated, including approximately, 500,000 King County residents who are eligible for vaccination and not fully vaccinated, and there are tens of thousands of persons in King County with underlying immunocompromise, and all of these groups are at increased risk for CoV-19 due to the Delta variant compared with previously circulating SARS-COV-2 lineages;

Whereas the vaccine completion rate is significantly lower in younger age groups (73% in persons 12-34-year-olds versus over 85% in persons 35 years and older and in certain neighborhoods);

Whereas approximately 183,000 children 5-11 years of age have recently become eligible for vaccine and have not had sufficient opportunity to be vaccinated;

Whereas the risk of being exposed is higher for everyone – vaccinated and unvaccinated – and more infections will occur, primarily among unvaccinated people, when CoV-19 spreads at a high rate primarily among the unvaccinated, and;

Whereas reducing the number of infected adults in the community will also decrease the risk for children not yet eligible for vaccination;

Whereas the risk of CoV-19 cases, hospitalizations and deaths is greatest among unvaccinated persons, and vaccination affords excellent protection against serious CoV-19 infections. In the last 30 days in King County, unvaccinated individuals were 36 times more likely to be hospitalized, and 18 times more likely to die of COVID-19 than vaccinated individuals;

Whereas our regional healthcare system is experiencing serious challenges managing the patient loads from increased hospitalizations and intensive care unit admissions related to the current Delta surge. Local hospitals are seeing more COVID-19 patients now than at any other time during the pandemic;

Whereas there is concern that COVID-19 transmission, hospitalization and deaths will increase during the fall and winter months of 2021;

Whereas reducing the spread of COVID-19 in the community through multiple strategies will result in reduced cases, hospitalizations, and deaths;

Whereas when unvaccinated people gather indoors, they are particularly at risk both of getting CoV-19 themselves as well as spreading it to others. The risk of exposure is especially higher in crowded indoor spaces with unvaccinated people, poor ventilation, and activities that can increase the amount of virus in the air such as singing, shouting and aerobic exercise, or when removing masks for prolonged periods of time to eat or drink;

Whereas the University of Washington's Institute of Health Metrics and Evaluation estimates that a vaccine verification system would prevent a substantial number of COVID-19 infections, hospitalizations, and deaths in King County over the next 6 months;

Based upon all the above, as the Local Health Officer, I hereby find that at this time, the verification

of vaccination upon entry for individuals attending social, recreational, entertainment events and establishments, is reasonable and necessary in King County to reduce the risk for CoV-19 transmission.

EFFECTIVE IMMEDIATELY, as Local Health Officer I hereby **ORDER** as follows:

VERIFICATION OF VACCINATION ORDER

For all **patrons and customers 12-years of age and older**, verification that they are **fully vaccinated** is **required** at the following establishments and public events:

- ***Outdoor recreational and entertainment events with 500 or more people***, such as collegiate sports, professional sports, and concerts.
Effective Date: October 25, 2021
- ***Indoor restaurants, bars, and taverns with seating capacity of 12 and more, AND indoor entertainment and recreational establishments***, such as gyms, fitness facilities, public pools, entertainment and performing arts venues, night clubs, music and concert venues, movie theaters, museums, collegiate and professional sports stadiums and arenas, exhibition halls, and convention centers.
Effective Date: October 25, 2021
- ***Indoor restaurants, bars, and taverns with seating capacity of less than 12.***
Effective Date: December 6, 2021

For purposes of this **ORDER**, “fully vaccinated” means that a person has received all the required doses of an FDA-authorized COVID-19 vaccine (two doses of the Moderna or Pfizer-BioNTech vaccines, or one dose of the Johnson & Johnson vaccine) or a WHO-authorized COVID-19 vaccine series, and 14 days have passed since the final dose.

Verification of vaccination may be established by any of the following methods of documentation:

- CDC COVID-19 Vaccine Record Card, or photo of CDC Vaccine Record Card
- Vaccine administration record from a vaccine provider, including an individual’s doctor, pharmacy, or other official immunization record from within or outside the U.S., including a photo or photocopy
- QR Code or digital copy of your COVID-19 vaccination record from WA Verify -- <https://waverify.doh.wa.gov/>
- Printed certificate or digital record from [MyIRMobile.com](https://myirmobile.com) or other apps

Additional identification, such as a driver’s license or ID, is **not** required.

As an alternative to providing vaccine verification, prior to entry individuals **must** provide digital or printed **documentation** from a testing agent, including a laboratory, health care provider, or pharmacy of a negative FDA-authorized or approved molecular (e.g., PCR) test, or an FDA-authorized or approved antigen (e.g., rapid) test administered within the previous 72 hours. Antigen

tests that are self-administered will not be accepted.

Medical and religious vaccine exemptions are **not** accepted in place of vaccine verification or documentation of a negative COVID test.

Establishments and events included in this order are required to display signage regarding vaccination verification requirements.

This **ORDER** does **not** apply to:

- Patrons and other individuals entering an establishment for a quick and limited purpose – for example to make a delivery, to pick up take-out from a restaurant, tavern, or bar, or to use a restroom
- Children **under 12-years of age**
- Any pre-school through grade 12 school-based event of any kind, and both participants and spectators.
- *Outdoor* dining
- Airports, train stations or other transportation hubs.
- *Indoor* dining in other buildings that primarily serve non-dining purposes such as mall food courts, and school or employee cafeterias
- Funerals
- Weddings, except those occurring in any of the above public *indoor establishments*. However, proof of vaccination or documentation of a negative CoV-19 test is strongly **recommended**.
- Faith-based gatherings, except those occurring in any of the above public *indoor establishments*. However, proof of vaccination or documentation of a negative CoV-19 test is strongly **recommended**.
- Vote centers sanctioned by King County Elections at any location.

As the Local Health Officer, I strongly **recommend** that employers and event organizers require vaccination for the workers and volunteers at the events and establishments covered by this **ORDER**. Guidance and resources are available from the Washington Department of Labor & Industries, Washington State Coronavirus Response, and U.S. Equal Employment Opportunity Commission, and available here:

- <https://lni.wa.gov/agency/outreach/coronavirus-covid-19-vaccines-and-paid-sick-leave-common-questions>
- <https://www.coronavirus.wa.gov/>
- <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>.

ANTI-DISCRIMINATION REQUIREMENT

Discrimination will not be tolerated in the implementation of this **ORDER**.

Employers, their employees, and volunteers, **must** implement this **ORDER** equitably and may **not**:

- Scrutinize proof of vaccination more closely based on an individual's race, national origin, religion, sexual orientation, gender identity, disability, age, or
- Refuse to accept valid proof of vaccination that is authorized by this **ORDER**, such as WHO approved vaccination from countries outside of the U.S. or photographs of CDC vaccination cards.

Employers, employees, and volunteers should provide reasonable accommodation for those with disabilities who attest to having completed their vaccination series but are unable to provide proof of vaccination due to a disability.

King County government and Public Health – Seattle & King County are dedicated to providing all residents and visitors with fair and equal access to services, opportunities, and protection, and reflecting consideration for cultural differences and disabilities.

Entities and persons responsible for establishments and public events covered by this **ORDER** are **required** to ensure compliance with this **ORDER** at such establishments and public events.

This **ORDER** will remain in effect for 6-months, until March 16, 2022, and reevaluated at that time, or sooner based on the status and impacts of the COVID-19 outbreak in King County.

Signed and ordered the 16th day of September, *revised the* 1st day of November 2021 and further revised this 22nd day of November 2021 in Seattle, Washington, by



Dr. Jeff Duchin
Local Health Officer
Public Health – Seattle & King County