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Plaintiff,

No. 2:21-cv-00289

NOTICE OF REMOVAL OF ACTION  
UNDER 28 U.S.C. 1441(c)  
(FEDERAL QUESTIONS)

Defendants.

**1. Original Complaint.**

NOTICE OF REMOVAL OF ACTION UNDER  
28 U.S.C. 1441(c) (FEDERAL QUESTIONS)(2:21-cv-00289) - 1

**Daniel T. Satterberg**, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-0430 Fax (206) 296-8819

County Defendants and filed a Motion for Leave to File the Second Amended Complaint. A copy of the Motion and Second Amended Complaint in this action are attached as **Exhibit 1**. All parties have consented to the Motion to file the Second Amended Complaint, and signed a stipulation and proposed order to that effect. The Superior Court has not ruled on Plaintiff's motion. The matter was continued because Plaintiff filed a Notice of Appeal of the Court's decision to deny attorney's fees after a grant of partial summary judgment. The Court of Appeals perfected the appeal, precluding the Pierce County Superior Court under RAP 7.2 from ruling on the Motion to file a Second Amended Complaint. All defendants have moved to redesignate the Notice of Appeal as a Motion for Discretionary Review. **King County defendants are filing this Notice of Removal out of an abundance of caution pursuant to the 30-day provision in 28 U.S.C. § 1446 (b)(3); however, it may be prudent to reserve any action on the removal until after March 26, 2021.** That is the date the Pierce County Superior Court has set to resolve the aforementioned motion and jurisdictional issue.

2. **Nature of Action.** In the second amended complaint, Plaintiff raises alleged violations of the 14<sup>th</sup> Amendment under 42 U.S.C. § 1983 and seeks damages based on those allegations. The allegations in Plaintiff's Second Amended Complaint therefore raise a federal question.

3. **Jurisdiction.** This proceeding is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1331. Plaintiff's claims necessarily raise a federal question that must be decided as part of Plaintiff's affirmative case and federal question jurisdiction exists as part of Plaintiff's complaint.

4. **Intradistrict Assignment.** Pursuant to LCR 101(e) and LCR 3(d), this case is properly assigned to the Seattle Division because the incidents that form the basis for Plaintiff's cause of action occurred in King County.

1           5.       **Consent.** The City of Bellevue and King County Hearing Examiner are named  
2 defendants in this action and consent to the removal of the state action to the district court.

3           6.       **Notice and Filing.** Notice of the filing of this Notice of Removal has been given  
4 to Plaintiff and a true and correct copy of this Notice has been filed with the Clerk of the  
5 Superior Court of Washington for Pierce County.

6           7.       **Reservation.** Defendants reserve the right to amend or supplement this Notice of  
7 Removal.

8           8.       **Rule 11.** This Notice of Removal is signed pursuant to Rule 11 of the Federal  
9 Rules of Civil Procedure.

10          9.       **Certificate of Service.** A certificate of service for this removal notice, which  
11 includes all counsel and parties who have appeared in this action with their contact information  
12 (including emails), is attached.

13  
14 DATED this 5<sup>th</sup> day of March, 2021.

15 DANIEL T. SATTERBERG  
16 King County Prosecuting Attorney

17 By: /s/ Amy Montgomery  
18 AMY MONTGOMERY, WSBA #32068  
19 Senior Deputy Prosecuting Attorney  
20 King County Prosecuting Attorney's Office  
21 500 Fourth Avenue, Suite 900  
22 Seattle, WA 98104  
23 Phone: (206) 477-1881/ Fax: (206) 296-8819  
Email: [amy.montgomery@kingcounty.gov](mailto:amy.montgomery@kingcounty.gov)

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**CERTIFICATE OF FILING AND SERVICE**

I hereby certify that on March 5, 2021, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF E-Filing System, which will send notification of such filing to the following:

<p>Jon M. Zimmerman, WSBA #36296 Attorney for Plaintiff Law Offices of Jon M. Zimmerman, PLLC 918 South Horton Street Suite 902 Seattle, WA 98134 (206) 285-5060 <a href="mailto:jon@seattletrafficattorneys.com">jon@seattletrafficattorneys.com</a></p>	<p>Cheryl A. Zakrzewski, WSBA #15906 Chad R. Barnes, WSBA #30480 Assistant City Attorneys for Defendant City of Bellevue Office of the City Attorney 450 110<sup>th</sup> Avenue NE P.O. Box 90012 Bellevue, WA 98004 (425) 452-6829 <a href="mailto:czakrzewski@bellevuewa.gov">czakrzewski@bellevuewa.gov</a> <a href="mailto:cbarnes@bellevuewa.gov">cbarnes@bellevuewa.gov</a></p>
<p>Jennifer Stacy, WSBA #30754 Senior Deputy Prosecuting Attorney Attorney for King County Hearing Examiner &amp; David Spohr King County Prosecuting Attorney's Office 516 Third Avenue Seattle, WA 98104 <a href="mailto:jennifer.stacy@kingcounty.gov">jennifer.stacy@kingcounty.gov</a></p>	<p>Jeffrey Possinger, WSBA #30854 Attorney for Plaintiff Possinger Law Group 20250 144<sup>th</sup> Avenue NE, Suite 205 Woodinville, WA 98072 <a href="mailto:Jeffrey.possinger@possingerlaw.com">Jeffrey.possinger@possingerlaw.com</a></p>

I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

DATED this 5<sup>th</sup> of March, 2021.

/s/ Helen Fung  
HELEN FUNG  
Civil Litigation - Legal Secretary  
King County Prosecuting Attorney's Office

## **EXHIBIT 1**

## **EXHIBIT 1**

February 08 2021 8:30 AM

KEVIN STOCK  
COUNTY CLERK  
NO: 19-2-07054-0

THE HONORABLE TIMOTHY L. ASHCRAFT  
Hearing Date: Friday, February 19, 2021

SUPERIOR COURT OF THE STATE OF WASHINGTON  
PIERCE COUNTY

ANNA F. DANIELI,

Plaintiff,

v.

KING COUNTY, a municipal corporation;  
CITY OF BELLEVUE, a municipal  
corporation; KING COUNTY HEARING  
EXAMINER; REGIONAL ANIMAL SERVICES  
OF KING COUNTY; GENE EDWARD  
MUELLER, and marital community; TIM  
ANDERSON, and marital community; and  
DOES 1-10,

Defendants.

Case No.: 19-2-07054-0

PLAINTIFF'S MOTION FOR LEAVE  
TO FILE SECOND AMENDED  
COMPLAINT

I. RELIEF REQUESTED

COMES NOW Plaintiff, Anna F. Danieli ("Danieli"), and moves the Court for an Order Granting Leave for the Filing of her Second Amended Complaint, as authorized under Washington Civil Rule 15. Having previously provided the Defendants with notice of Danieli's new claims, the Parties have stipulated to the Date of February 5, 2021 for Danieli to file her current Motion. Since this Court last issued orders in this matter, the Parties have engaged and are still in the midst of

1 intense discovery proceedings, which has included tens of thousands of pages of  
2 documents and emails produced by the Defendants, as well as interviews and  
3 depositions of various witnesses of the case.

4 During the course of the discovery proceedings, new facts have come to the  
5 attention of the Plaintiff concerning the extent to which Defendant, Gene Mueller  
6 ("Manager Mueller"), the head of the Regional Animal Services of King County  
7 ("RASKC") was involved with the various cases involving Danieli's cat Miska. And the  
8 role that this involvement likely had in the intensity of constant and overboard  
9 prosecution of Danieli and her cat. Manger Mueller, a neighbor of Danieli appears  
10 to have used his role as RASKC Manager in ways that have impacted Danieli's  
11 constitutional civil rights. This newly discovered evidence warrants an amendment  
12 to Danieli's Complaint.

## 13 II. STATEMENT OF FACTS

### 14 Procedural Background

15  
16  
17 On April 12, 2019, Plaintiff filed an initial Summons and Complaint against  
18 the Defendants, seeking, among others, Declaratory and Injunctive relief with  
19 respect to the King County Hearing Examiner's authority to hear animal  
20 enforcement cases involving civil infractions from the City of Bellevue. On October  
21 7, 2019 the Plaintiff filed her First Amended Complaint, which in addition to the  
22 existing claims for Declaratory and Injunctive Relief, added tort claims against the  
23 Government Defendants.

24 On September 25, 2020, Plaintiff and several Government Defendants filed  
25 four separate Motions for Summary Judgment: The Plaintiff's Motion for Partial  
26 Summary Judgment sought the Court's ruling on the Plaintiff's Declaratory and

1 Injunctive Relief contained in its First Amended Complaint; the other three Motions  
2 for Summary Judgment from several Defendants sought dismissal of all of Plaintiff's  
3 claims. A Hearing was held on October 23, 2020, where the Court by oral ruling  
4 granted Plaintiff's Motion for Partial Summary Judgment on Declaratory and  
5 Injunctive Relief. On November 13, 2020, the Court entered its written Order  
6 granting Plaintiff's Declaratory and Injunctive Relief, which included a finding that  
7 the King County Hearing Examiner had no authority to hear animal enforcement  
8 cases involving civil infractions from the City of Bellevue and that Danieli was the  
9 prevailing party as to these Declaratory and Injunctive causes of action contained  
10 in her First Amended Complaint.

#### 11 Plaintiff's Investigation and Discovery Efforts

12 During the above time period, Danieli and her attorneys commenced an  
13 investigation to further learn the circumstances and individuals' actions  
14 surrounding RASKC's and Danieli's neighbors' constant complaints and  
15 investigations against Danieli and her cat Miska. Danieli's discovery investigation  
16 included reviewing thousands of King County and RASKC documents, interviews of  
17 former and current RASKC employees and other witnesses. Danieli's investigation  
18 was further supported by the discovery obtained in this case, which included  
19 Plaintiff serving the different Defendants with her First Interrogatories and  
20 Requests for Production, depositions of several key witnesses and reviewing the  
21 Defendants' answers and their tens of thousands of produced documents.

22 Danieli's efforts revealed numerous new facts that were unknown to her at  
23 the time of filing of her First Amended Complaint.

24 First, it became known to Danieli that the head of RASKC, Defendant Gene  
25 Mueller, who lives in the same vicinity as Danieli, was personally involved in the  
26 filing of a complaint with RASKC regarding Miska. Mueller later admitted this fact in



1 his Declaration in support of King County Defendants' Motion for Summary  
2 Judgment. Mueller was also involved in the investigation of other alleged violations  
3 by Danieli's cat.

4 It was also revealed in an interview that Mueller had taken an unusual  
5 interest in the violations of Danieli's cat and expressed to other RASKC employees  
6 that he would be happy to see Miska shot; showing staff members at RASKC a  
7 photograph on his phone of what he said was his wife holding a rifle of some kind  
8 and indicating that this would be a solution to the problems with Danieli's cat.

9 Based on evidence gathered to date, it appears that RASKC employees, under  
10 the direction of Mueller, took a proactive approach and strongly encouraged  
11 Danieli's neighbors to constantly document and photograph Miska's whereabouts  
12 and report to RASKC through emails, as well as to file multiple formal complaints  
13 against Miska. RASKC employees also revealed to these neighbors personal  
14 information related to Danieli and her cat, including her alleged past violations and  
15 amounts of fines imposed on her by RASKC, as well as discussions regarding Miska's  
16 alleged particular breed.

17 In addition, it became apparent that after RASKC's and Danieli's neighbors'  
18 continued pursuit of Miska, she went missing in July 2019, a few months following  
19 the filing of the lawsuit. Merely a month after Miska went missing, and much before  
20 Danieli's search efforts were exhausted, Danieli's neighbors acquired new pets to  
21 roam their yards. These same neighbors previously told RASKC they would not  
22 purchase new outdoor pets as long as Miska was able to roam free in the  
23 neighborhood.

24 These actions, among others, are the basis to the new causes of actions  
25 included in Danieli's proposed Second Amended Complaint that is attached to the  
26 Possinger Declaration in support of this Motion as Exhibit A.

1 III. STATEMENT OF ISSUES

2 Whether Danieli should be granted leave to file its Second Amended  
3 Complaint pursuant to Civil Rule 15.  
4

5 IV. EVIDENCE RELIED UPON

6  
7 Danieli relies on the Declaration of Counsel, Jeffrey Possinger and its Exhibits,  
8 which includes the proposed Second Amended Complaint, as well as all other  
9 papers and pleadings on file with the Court.

10 V. LEGAL AUTHORITY AND ARGUMENT

11  
12 A. Leave to Amend is to be freely given under the plain terms of Civil Rule  
13 15(a)

14 Civil Rule 15 provides that “a party may amend the party’s pleading only by  
15 leave of court or by written consent of the adverse party; and leave shall be freely  
16 given when justice so requires”; accord *Sanwick v. Puget Sound Title Ins. Co.*, 70  
17 Wn.2d 438, 445, 423 P.2d 624 (1967) (“leave to amend shall be freely given when  
18 justice so requires, and accordingly, the rule is liberally applied”); 3 J. Moore,  
19 FEDERAL PRACTICE § 15.02 (2d ed. 1989). Under CR 15(c), parties may generally  
20 amend pleadings to relate back to the date of original filing if the amendment  
21 relates to conduct, transactions, or occurrences in the original pleading. *Watson v.*  
22 *Emard*, 165 Wn.App. 691, 698, 267 P.3d 1048 (2011). For the reasons set forth  
23 below, Danieli meets that standard.

24 B. The Defendants Will Not Suffer Any Prejudice Due to Plaintiffs Second  
25 Amended Complaint Because the Second Amended Complaint Relies on the  
26 Same Events and Because Defendants Were Given Early Notice of the Second  
27 Amended Complaint

Allowing Danieli to file a Second Amended Complaint will not prejudice any of the Defendants because the additional causes of actions rely on the same circumstances detailed in the First Amended Complaint.

Washington law generally permits amending a complaint to assert new legal theories based on the same circumstances:

*"Appellate decisions permitting amendments have emphasized that the moving parties in those cases were merely seeking to assert a new legal theory based upon the same circumstances set forth in the original pleading."*

...  
*The judicial preference for those amendments based on the underlying circumstances set forth in the original complaint as compared with amendments raising new claims based on new factual issues is consistent with the policies behind CR 15. When an amended complaint pertains to the same facts alleged in the original pleading, denying leave to amend may hamper a decision on the merits."*

*Herron v. Tribune Publ'g Co.*, 108 Wn.2d 162, 166-167, 736 P.2d 249 (1987).

Furthermore, no prejudice will occur to the Defendants because Plaintiff has given them early notice of her intent to amend her First Amended Complaint and incorporate additional causes of actions. See Plaintiff's counsel's November 23, 2020 letter to the Court, attached to the Possinger Declaration in support of this Motion as Exhibit B.

Since providing the notice, Plaintiff's and Defendant's counsel have been communicating on the proper time for Plaintiff to file her Motion for Leave to Amend her Complaint and stipulated to the date of filing.

## VI. CONCLUSION

1 Accordingly, the court should grant leave to amend so Danieli will be permitted to  
2 assert all relevant legal theories against the Defendants. The proposed Second  
3 Amended Complaint, attached to the Possinger Declaration, meets the requirements  
4 of Civil Rule 15.  
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3 Respectfully submitted, this February 5, 2021

4  
5 **POSSINGER LAW GROUP, PLLC**

6  
7  
8 /s/ Jeffrey Possinger

9 Jeffrey Possinger  
10 WSBA# 30854  
11 Attorney for Plaintiff  
12 20250 144th Avenue, Suite 205  
13 Woodinville, WA 98072  
14 (t) 206-512-8030  
15 (f) 206-569-4792  
16 jeffrey.possinger@possingerlaw.com

17  
18  
19 **LAW OFFICES OF JON ZIMMERMAN, PLLC**

20 /s/ Jon M. Zimmerman

21 Jon M. Zimmerman  
22 WSBA# 36296  
23 Attorney for Plaintiff, Anna F. Danieli  
24 918 South Horton Street, Suite 902  
25 Seattle, WA 98072  
26 (t) 206-285-5060  
27 jon@seattletrafficattorneys.com

**CERTIFICATE OF SERVICE**

I certify that on the date shown below a copy of this Motion for Leave to Amend to File Second Amended Complaint was sent as stated below.

Amy E. Montgomery, WSBA #32068 Senior Deputy Prosecuting Attorney King County Prosecuting Attorney 500 Fourth Avenue, 9 <sup>th</sup> Floor Seattle, Washington 98104 <a href="mailto:Amy.montgomery@kingcounty.gov">Amy.montgomery@kingcounty.gov</a> Attorney for King County Defendants	<input checked="" type="checkbox"/> via eFiling/Email <input type="checkbox"/> via Messenger <input type="checkbox"/> via US Mail <input type="checkbox"/> via Fax
Cheryl A. Zakrzewski, WSBA #15906 Chad R. Barnes, WSBA #30480 Office of the City Attorney 450 110 <sup>th</sup> Avenue NE P.O. Box 90012 Bellevue, Washington 98004 <a href="mailto:czakrzewski@bellevuewa.gov">czakrzewski@bellevuewa.gov</a> <a href="mailto:cbarnes@bellevuewa.gov">cbarnes@bellevuewa.gov</a> Attorneys for Defendant City of Bellevue	<input checked="" type="checkbox"/> via eFiling/Email <input type="checkbox"/> via Messenger <input type="checkbox"/> via US Mail <input type="checkbox"/> via Fax
Jennifer Stacy, WSBA #30754 Senior Deputy Prosecuting Attorney King County Prosecuting Attorney 516 Third Avenue Seattle, Washington 98104 <a href="mailto:Jennifer.stacy@kingcounty.gov">Jennifer.stacy@kingcounty.gov</a> Attorney for King County Hearing Examiner	<input checked="" type="checkbox"/> via eFiling/Email <input type="checkbox"/> via Messenger <input type="checkbox"/> via US Mail <input type="checkbox"/> via Fax

DATED this 5th\_ day of February, 2021.

s/ Jessica Beatty \_\_\_\_\_  
Jessica Beatty  
Paralegal

# EXHIBIT A

THE HONORABLE TIMOTHY L. ASHCRAFT

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

ANNA F. DANIELI,

Plaintiff,

v.

KING COUNTY, a municipal corporation;  
CITY OF BELLEVUE, a municipal  
corporation; KING COUNTY HEARING  
EXAMINER; REGIONAL ANIMAL SERVICES  
OF KING COUNTY; GENE EDWARD  
MUELLER, and marital community; TIM  
ANDERSON, and marital community; and  
DOES 1-10,

Defendants.

CASE NO.: 19-2-07054-0

SECOND AMENDED COMPLAINT FOR  
DAMAGES, DECLARATORY RELIEF, AND  
INJUNCTIVE RELIEF; DEPRIVATION OF  
CONSTITUTIONAL RIGHTS REMEDIABLE  
UNDER THE FOURTEENTH  
AMENDMENT; REMEDIABLE UNDER 42  
USC 1983.

Plaintiff, ANNA F. DANIELI ("Danieli"), through her attorney of record JON M. ZIMMERMAN of the LAW OFFICES OF JON M. ZIMMERMAN, PLLC, and JEFFREY K. POSSINGER of POSSINGER LAW GROUP, PLLC, brings this Second Amended Complaint for Damages, Declaratory and Injunctive Relief; Deprivation of Constitutional Rights Remediable Under the Fourteenth Amendment; Remediable Under 42 USC 1983, and alleges:

**PARTIES**

1. Plaintiff ANNA DANIELI is a married woman residing in the City of Bellevue and is the owner-guardian of MISKA, a brown spayed female tabby housecat.

\*



1           2.     Defendant KING COUNTY is a municipal corporation and/or political  
2 subdivision of the State of Washington, organized under the laws of the State of  
3 Washington.

4           3.     Defendant CITY OF BELLEVUE, is a municipal corporation and/or political  
5 subdivision of the State of Washington, organized under the laws of the State of  
6 Washington;

7           4.     Defendant KING COUNTY HEARING EXAMINER, is an agency or department  
8 created and administered by KING COUNTY;

9           5.     Defendant REGIONAL ANIMAL SERVICES OF KING COUNTY ("RASKC"), is an  
10 agency or department created and administered by KING COUNTY;

11          6.     Defendant GENE MUELLER ("Mueller"), is a resident of King County, and at  
12 germane times hereto is and was the RASKC Manager, and a current employee of King  
13 County. He was, at all germane times, an employee and/or agent of King County. He is  
14 being sued in his personal and official capacities. Mueller and his wife also live in the  
15 general proximity of Danieli in Bellevue, Washington, specifically in an adjacent  
16 neighborhood to the neighborhood to that of Danieli.

17          7.     Defendant TIM ANDERSON ("Anderson"), is a resident of King County, is a  
18 sergeant with RASKC, and was at one time germane to this case the Interim Manager of  
19 RASKC. He was, at all germane times, an employee and/or agent of King County. He is  
20 being sued in his personal and official capacities.

21          8.     Together the Defendants, King County, RASKC, King County Hearing  
22 Examiner, Mueller in both his official capacity and personal capacity, and Anderson in both  
23 his official capacity and personal capacity are (the "Government Defendants").

24          9.     On information and belief, other as yet-unknown and unnamed defendants  
25 DOES 1-10 may be liable in part or in whole for the harms inflicted upon Danieli. When  
26 their identities are discovered, the complaint will be amended to name the unnamed  
27 defendants.

\*

10. The marital or domestic partner communities of Mueller, and Anderson have also been sued on the basis that the acts of Mueller, and Anderson enriched the marital or domestic partner communities. Should such communities not exist, each is sued individually.

## JURISDICTION AND VENUE

11. This lawsuit challenges the unlawful decision of Defendants Bellevue, King County, Constantine, Mueller, Miyake, Anderson, and RASKC to pursue Bellevue animal code enforcement proceedings before the Office of the King County Hearing Examiner, and this lawsuit further challenges the unlawful decision of the King County Hearing Examiner to assert jurisdiction over these cases.

12. This lawsuit further challenges the legality of municipal fines asserted by Defendant City of Bellevue through its agents, Defendants King County, RASKC, Mueller and Anderson. Jurisdiction is proper in this Court under Washington Constitution Art. 4 §6 and RCW 2.08.010, which vest the Superior Court with original jurisdiction over all matters involving the “legality of any tax, impost, assessment, toll or municipal fine.” This Court has personal and subject matter jurisdiction over all defendants.

13. Venue is proper in Pierce County, Washington, under RCW 36.01.050.

14. State and Federal Courts have common jurisdiction over actions brought for deprivation of constitutional rights under 42 USC 1983.

## PROCEDURAL BACKGROUND OF CASE

15. On April 12, 2019 Danieli filed her first Complaint for Declaratory and Injunctive Relief in this case.

16. On October 7, 2109 Danieli filed her First Amended Complaint, which added additional causes of action, against the various Government Defendants, namely for: Abuse of Process, Trespass to Chattels, Conversion, Negligent Supervision, and Civil Conspiracy.

17. On October 23, 2020, the Court heard Cross-Motions for Summary Judgment from Danieli and the various Government Defendants. After a hearing on the various

1 Cross-Motions, the Court granted Danieli's Motion for Partial Summary Judgment for  
2 Declaratory and Injunctive Relief, finding among other things that the City of Bellevue had  
3 failed to properly update the Bellevue City Code ("BCC") and as a result the King County  
4 Hearing Examiner had lacked authority *ab initio* to hear animal control cases arising out of  
5 the City of Bellevue. The Order was entered on November 13, 2020 and has not been  
6 appealed.

7 18. The Court enjoined the King County Hearing Examiner from maintaining or  
8 hearing any further animal control cases arising out of the City of Bellevue until such time  
9 as the City of Bellevue properly updated its City Code.

10 19. Despite the fact that the Court has already ruled on the Plaintiff's injunctive  
11 and declaratory relief, the Plaintiff realleges these facts in this Second Amended  
12 Complaint because it is an integral part of this case, which has not yet reached its  
13 conclusion.

14 20. As of the date of this Second Amended Complaint, discovery between the  
15 Parties in the case has been ongoing and has been the source of certain facts and  
16 circumstances concerning transactions and occurrences, which were unknown to Danieli  
17 nor able to be reasonably known by her at the time of the filing of the original Complaint  
18 and First Amended Complaint.

19 **GENERAL FACTUAL ALLEGATIONS**

20 21. As a matter of convenience to the Court, Danieli realleges and incorporates  
21 by reference the previous Complaint and First Amended Complaint and all attached  
22 Exhibits thereto as if fully set forth herein. Any reference to Exhibits in this Second  
23 Amended Complaint refer to the Exhibits attached to the First Amended Complaint.

24 22. In 2010, the City of Bellevue ("City") passed an ordinance in which the City  
25 established a municipal code title, for and titled Animal Care and Control, Title 8 of the  
26 Bellevue City Code ("BCC").  
27

\*

23. In Title 8 BCC, the City designated King County's RASKC as the City's animal care services and enforcement agency for such City matters.

24. During the last decade, the City has contracted with RASKC for animal control services in various interlocal agreements ("ILAs").

25. The RASKC Manager is the chief official of RASKC. When there is no RASKC Manager, the chief official is the RASKC Interim Manager.

26. The BCC expressly grants the RASKC Manager or an animal care and control officer authority to commence enforcement proceedings for purported animal code violations. **See Ex. A.**

27. The BCC designates the King County Board of Appeals to hear appeals by parties aggrieved by RASKC Manager actions. These appeals are to contest animal code enforcement proceedings initiated by or on behalf of the City of Bellevue. **See Ex. A.**

28. Prior to 2016, the King County Board of Appeals would adjudicate animal code enforcement proceedings when a party contested a received NOV.

29. In 2016, the King County Board of Appeals stopped adjudicating animal code enforcement proceedings.

30. Purported code violations heard by the Board of Appeals were civil infraction cases.

31. Beginning on or around September 9, 2014, RASKC began to issue Notices of Violation ("NOV") to Danieli. All of these NOV involved her feline companion, Miska.

32. All of the NOVs Danieli received involved civil violations of law.

33. All of the NOVs are punishable by a fine.

34. Under the BCC, fines and civil penalties have the same meaning.

35. All of the NOVs issued to Danieli are Notices of Infractions; a Notice of Infraction is another name for a Notice of Violation.

\*

1           36. In the period of 2014-2019, Danieli received NOVs for no fewer than 30  
2 alleged civil infractions. Each infraction carries a separate civil penalty. Many of these are  
3 alleged trespassing infractions. **See Ex. B** for partial list.

4           37. No other cat in Bellevue and King County has had more civil infractions filed  
5 against it than Miska.

6           38. To put this in perspective, of the approximately 20,000 infractions filed by  
7 RASKC over a ten-year period, approximately 50 involved cats, and most of these  
8 infractions involved Miska.

9           39. RASKC and King County have expended significant resources to prosecute  
10 Danieli's cat. For example, King County has assigned no fewer than four King County  
11 prosecutors to prosecute Miska.

12           40. Upon information and belief, RASKC has cited no other cat in Bellevue,  
13 despite the fact that cats are crawling around all over Bellevue.

14           41. The civil penalties for the dozens of NOVs filed against Danieli and Miska  
15 amount to thousands of dollars.

16           42. In or around 2014, RASKC Manager Gene Mueller determined that Miska was  
17 "vicious" and, in pursuit of his desire to separate Miska from Danieli and Miska's family,  
18 Manager Mueller signed an order to have Miska euthanized or deported from King County.

19           43. Typically, the terms "potentially dangerous," "vicious," and "dangerous" are  
20 used as a condition precedent to have such dogs euthanized or deported.

21           44. State law prescribes definitions for "potentially dangerous dog" and  
22 "dangerous dog," but the BCC does not use or define these terms.

23           45. The BCC does define the term "vicious," and applies the term to any animal  
24 regardless of species. Although the BCC also uses the term "vicious propensities," that  
25 term is not defined.

26           46. In animal law, a deportation order is known as a "Notice of Removal" ("NOR")  
27 and also carries a civil penalty.

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\*

1           47. Any number of civil infractions could subject an animal to removal, including  
2 offenses not related in any way to the animal's temperament or demeanor. For example, a  
3 cat that is trespassing or a chicken that is making an undesirable noise can cause  
4 prosecution and deportation proceedings against animals in Bellevue. Thus, an  
5 unwelcome cat can be subject to deportation proceedings in Bellevue.

6           48. Although Miska is a mixed breed tabby cat, she has the markings of a  
7 "Savannah Cat" or "Bengal." Although she is regularly described as a Savannah Cat by  
8 various people, she is not a pure breed or true Savannah Cat, and likely only has some  
9 Savannah Cat in her background if at all. For all practical purposes, Miska is a domestic  
10 housecat with Savannah-like markings. Even her behavior is consistent with a domestic  
11 housecat.

12           49. There are no state or local regulations or other prohibitions to Savannah Cats  
13 in Washington State, King County, or the City of Bellevue.

14           50. On information and belief, Manager Mueller has communicated to RASKC  
15 Staff that he does not like Savannah Cats as a breed and does not believe that people  
16 should own them.

17           51. From early on in her interactions with RASKC, RASKC has described Miska in  
18 official records as a Savannah Cat.

19           52. In 2015 Danieli fought Manager Mueller's euthanization or deportation order  
20 of Miska in the Superior Court of Washington for King County.

21           53. Manager Mueller, at all times relevant to this action, lived in the same  
22 general neighborhood as Danieli and Miska, approximately two blocks away from Danieli's  
23 residence.

24           54. Unbeknownst to Danieli at the time, and while she was fighting for Miska in  
25 Superior Court, Manager Mueller was continuing to take official action against Danieli and  
26 Miska based on his own personal interest by filing his own complaints against Miska as one  
27 of Danieli's neighbors.

---

\*

1           55.     Manager Mueller was listed as the investigating officer on at least two of the  
2 matters involving Miska.

3           56.     On information and belief, Manager Mueller at one point showed Lead  
4 Sargent Anderson and a RASKC Animal Control Officer (“ACO”) a photograph on his phone  
5 of what he indicated was a photograph of his wife holding a rifle of some kind and  
6 indicated to these RASKC staff members that this was a “solution” to the Danieli “cat  
7 problem.”

8           57.     After Manager Mueller filed one of these self-filed complaints to RASKC, the  
9 ACO to whom Mueller had shown the photograph with Mueller’s wife holding a rifle was  
10 assigned to the case related to Mueller’s complaints.

11          58.     Because of this personal vendetta and/or bias towards Danieli and Miska,  
12 Manager Mueller used his authority as RASKC Manager to further punish Danieli through  
13 the use of excessive fines and deportation orders against Miska. Mueller’s heavy-  
14 handedness was the direct result of bias towards Danieli and discriminatory treatment of  
15 her and Miska because Danieli lives in his neighborhood.

16          59.     In or around June 2015, Manager Mueller directed RASKC personnel to take a  
17 report about Miska so that RASKC personnel could then issue more NOVs and civil  
18 penalties to Danieli in the hopes that as Manager, he could eventually euthanize or deport  
19 Miska from King County.

20          60.     Manager Mueller and RASKC pursued Miska like no other cat in Bellevue and  
21 King County. On information and belief, no other cat much less any other animal in King  
22 County has been fined as much as Miska.

23          61.     Manager Mueller’s actions as a neighbor complainant against Danieli and his  
24 personal use of county resources as the sole individual for RASKC who can decide Miska’s  
25 fate amounts to a clear and actual conflict of interest.

26          62.     While Manager Mueller was pursuing Miska, in November 2015, the Superior  
27 Court of Washington for King County vacated Manager Mueller’s deportation order.

1           63.     However, as late as the first few months of 2016, Danieli continued to deal  
2 with fighting Manager Mueller in front of the King County Board of Appeals.

3           64.     Then, in 2016, the King County Council passed a new ordinance in which the  
4 King County Council removed the authority of the King County Board of Appeals to hear  
5 animal enforcement cases and delegated that authority to the King County Hearing  
6 Examiner.

7           65.     From the beginning of its adoption in 2010 to the present day, the City of  
8 Bellevue never amended Title 8 of the BCC, the Animal Care and Control title for Bellevue.

9           66.     In or around February or March 2017, after a relative period of calm of about  
10 18 months of no NOVs being issued to Danieli, RASKC personnel encouraged another of  
11 Danieli's neighbors to file one or more complaints against Miska for purported trespassing  
12 on a neighbor's property. On information and belief, RASKC staff members working with  
13 other neighbors of Danieli actively sought to solicit complaints against Danieli for Miska  
14 from additional neighbors, which could then be sent to RASKC for investigation and further  
15 fines.

16           67.     During the course of these communications with Danieli's neighbors, RASKC  
17 staff members shared with Danieli's neighbor's information regarding Danieli, information  
18 purported to be related to the "long legal history" she allegedly had with King County and  
19 RASKC concerning Miska, and information about the fines being levied against her and  
20 other sensitive information of this nature. This information was then used in part by the  
21 neighbors organizing for having reports be filed with RASKC to further investigate and fine  
22 Danieli.

23           68.     During this time, certain neighbors discussed taking extra-judicial action to  
24 address Miska and Danieli, including discussions of shooting the cat with various forms of  
25 guns to solve the problem with the cat.

26           69.     Although RASKC did not see Miska trespassing, RASKC assisted and  
27 encouraged a neighbor to lure and trap Miska in a dog trap provided by RASKC.

\*



1           70.     RASKC then detained Miska for several months in the King County “kitty jail”  
2 (aka the cattery of the RASKC animal control facility in Kent).

3           71.     While Miska was detained in the kitty jail, RASKC again filed several civil NOV  
4 and NORs against Danieli.

5           72.     The 2017 NOVs and/or NORs indicated that Danieli, should she wish to  
6 contest RASKC determinations and Miska’s detention and impending deportation, would  
7 have to appeal to RASKC, which would then send the matter to the King County Hearing  
8 Examiner.

9           73.     While the March 2017 NOVs were pending and Miska was in the kitty jail,  
10 there were no rules in place to contest the NOVs before the King County Hearing Examiner.

11          74.     In March 2017, Manager Mueller moved to deport Miska under the King  
12 County Code. Manager Mueller issued an NOR for Miska and imposed a \$1,000 fine  
13 against Danieli. **See Ex. D.**

14          75.     In May 2017, at Mueller’s direction, Lead Sergeant Tim Anderson issued a  
15 second NOR, this time under the Bellevue City Code, with a \$1,000 fine against Danieli, all  
16 while RASKC unlawfully detained Miska. **See Ex. E.**

17          76.     In addition, Danieli incurred per day boarding fees for RASKC’s detention of  
18 Miska in RASKC’s cat detention facility.

19          77.     In June 2017, months after the NOVs were issued to Danieli, the King County  
20 Council passed rules for proceedings before the King County Hearing Examiner.

21          78.     After a series of continuances by Danieli and RASKC, in late 2017 Danieli and  
22 RASKC resolved to have Miska released upon Danieli’s payment of kenneling fees; however,  
23 Danieli felt she was in a hostage situation because she continued to suffer during RASKC’s  
24 imposed separation from her cat. For example, RASKC denied Danieli visitation rights and  
25 Miska was suffering by RASKC’s isolation of Miska to solitary confinement. Miska was not  
26 the same following months of isolation at the Kent Facility.  
27

1           79.     In 2018, even after Miska's release, RASKC continued to file NOV's against  
2     Danieli.

3           80.     In July 2018, Danieli notified RASKC that the King County Hearing Examiner  
4     lacked jurisdiction to enforce Title 8 of the Bellevue City Code in the forum of the King  
5     County Hearing Examiner.

6           81.     On July 11, 2018 RASKC asserted that the King County Code superseded the  
7     Board of Appeals' authority and that the Hearing Examiner therefore has jurisdiction.

8           82.     RASKC failed to address the fact that the BCC had remained unchanged and  
9     that under Bellevue's own city code, the Board of Appeals is the proper authority to  
10    adjudicate Bellevue animal enforcement case.

11          83.     At the same time, Danieli and RASKC agreed to attempt to mediate their  
12    dispute, but the parties were unable to reach an agreement.

13          84.     Although RASKC and Danieli took steps to involve the City of Bellevue, the  
14    City of Bellevue refused to participate in the mediation.

15          85.     After mediation, in late 2018, RASKC placed the NOV's back before the  
16    Hearing Examiner, and a dispute over King County Hearing Examiner jurisdiction became  
17    public, namely, whether the Hearing Examiner lacked jurisdiction.

18          86.     Danieli moved to dismiss the NOV's in front of King County Hearing Examiner  
19    Spohr, but Spohr held the motion and ordered briefing. After a couple rounds of briefing,  
20    the Hearing Examiner denied Danieli's motion to dismiss, but found jurisdiction "not as  
21    clear" for NOV's prior to 2018. **See Ex. G.**

22          87.     Danieli also sent a reconsideration letter to Hearing Examiner Spohr and to  
23    many of the other defendants, and none of them other than Spohr responded. **See Ex. H.**

24          88.     Following the filing of the original Complaint by Danieli in April 2019, certain  
25    neighbors of Danieli became upset that Danieli had filed a lawsuit, and began contacting  
26    various agencies, including RASKC. One such neighbor who stated she would not purchase  
27    a pet until Miska was gone from the neighborhood began making numerous public records

1 requests of King County among other attempts to communicate with RASKC. At this time,  
2 Manager Mueller reached out by email to this neighbor and responded among other things  
3 that “[w]e are all seeking the same resolution.”

4 89. On information and belief, within approximately two weeks of that  
5 correspondence between Manager Mueller and the neighbor, Miska disappeared, and has  
6 not been seen since.

7 90. On information and belief, the same neighbor who communicated with  
8 Manager Mueller purchased new pets within a month, and never followed through with  
9 retrieval of any of the public document requests she had previously requested and  
10 received from King County.

11 91. Unfortunately, the Hearing Examiner Guide does indeed provided (albeit  
12 erroneous) legal advice to those individuals who received the Guide from RASKC or view  
13 the Guide on the Hearing Examiner’s website, despite the fact that the Guide was  
14 inapplicable to Bellevue and inconsistent with Bellevue’s adjudication procedures under  
15 Bellevue law.

16 Since Danieli made her motion to dismiss NOVs for lack of jurisdiction, RASKC has  
17 filed thousands of dollars of additional civil penalties against Danieli. RASKC  
18 continued to provide this Hearing Examiner Guide to Danieli and others charged  
19 with NOVs.

20  
21 92. Danieli has state and federal constitutional rights to due process of law. The  
22 requirements of minimal due process include compliance with governing statute statutes  
23 and local ordinances not in conflict with state laws.

24 93. Danieli has incurred, and continues to incur, substantial attorney’s fees and  
25 costs in order to fight for her beloved cat, Miska.

26 94. Danieli has suffered, and continues to suffer, severe mental anguish  
27 resulting from the acts and omissions described herein.

\*

Pursuant to CR 8(e)(2), Danieli pleads alternatively and cumulatively:

**FIRST CAUSE OF ACTION:**

**INJUNCTIVE RELIEF**

95. The Plaintiff realleges and incorporate by reference all preceding paragraphs of this Complaint as if fully set forth herein.

96. Plaintiff requests the court issue Injunctive Relief:

- a. Enjoining RASKC from prosecuting any Bellevue case involving Danieli and her cat Miska before the King County Hearing Examiner, and enjoining RASKC from disseminating its present forms to citizens in Bellevue;
- b. Enjoining Spohr and the King County Hearing Examiner from hearing Bellevue animal enforcement cases involving Danieli and her cat Miska;

**SECOND CAUSE OF ACTION:**

**DECLARATORY RELIEF**

97. The Plaintiff realleges and incorporates by reference all preceding paragraphs of this Complaint as if fully set forth herein.

98. Plaintiff requests the court to issue a Declaratory Judgment providing the following declaratory relief:

- c. A Finding that Bellevue's use of the King County Hearing Examiner violates Wash. Const. Art. XI, section 11 and is therefore in conflict with general laws.
- d. A Finding that during the relevant time periods, the BCC did not or does not authorize the use of the King County Hearing Examiner and the actions of the King County Hearing Examiner within the City of Bellevue and enforcement actions under the BCC lacks legal authority, is void, and is without effect.

- 1 e. Voiding Notices of Violation against Danieli and her cat Miska for any  
2 NOVs that RASKC has issued to Danieli wherein such NOVs have indicated  
3 that Danieli must appeal to the King County Hearing Examiner;  
4 f. Voiding RASKC's determination of Miska as "vicious" and any subsequent  
5 Removal Orders issued by former Manager Gene Mueller and former  
6 Sergeant and present Interim Manager Tim Anderson;  
7 g. Confirming that civil penalty and civil violation animal enforcement cases  
8 involving Miska in Bellevue are civil infractions;

9 **THIRD CAUSE OF ACTION:**

10 **PROMISSORY/EQUITABLE ESTOPPEL**

11 99. The Plaintiff realleges and incorporates by reference all preceding  
12 paragraphs of this Complaint as if fully set forth herein.

13 100. King County, City of Bellevue, and the Hearing Examiner should be estopped  
14 from enforcing actions under the existing Bellevue City Code under the doctrines of  
15 promissory and/or equitable estoppel.

16 **FOURTH CAUSE OF ACTION:**

17 **ABUSE OF PROCESS**

18 101. The Plaintiffs reallege and incorporate by reference all preceding paragraphs  
19 of this Complaint as if fully set forth herein. Defendant city of Bellevue, through Defendant  
20 RASKC, Defendant Mueller, Anderson and/or other Defendants have prosecuted and  
21 issued Plaintiff with NOV's.

22 102. Upon information and belief, one or more of the Defendants' actions were  
23 taken, without proper legal authority and outside the scope of their regular duties and  
24 business. And such actions were taken in furtherance of an ulterior motive not within the  
25 proper scope of the relevant processes. The mere fact that the Defendants employed  
26 disproportionate and unprecedented resources to prosecute Plaintiff clearly demonstrates  
27 that the Defendants were acting outside the regular course of normal proceedings.

1           103. As a direct and proximate cause of Defendants' conduct described herein,  
2 Plaintiff has suffered injuries and damages to be proven at trial.

3                                   **FIFTH CAUSE OF ACTION:**

4                                   **TRESSPASS TO CHATTELS**

5           104. The Plaintiff realleges and incorporates by reference all preceding  
6 paragraphs of this Complaint as if fully set forth herein.

7           105. The Defendants have deprived the Plaintiff of possession of her cat. The  
8 Defendants pursued and are pursuing Plaintiff's cat while taking unjust custody of it. The  
9 Defendants were and are still acting without legal authority.

10          106. As a direct and proximate cause of Defendants' conduct described herein,  
11 Plaintiff has suffered injuries and damages to be proven at trial.

12                                   **SIXTH CAUSE OF ACTION:**

13                                   **CONVERSION**

14          107. The Plaintiff realleges and incorporates by reference all preceding  
15 paragraphs of this Complaint as if fully set forth herein.

16          108. The Defendants have interfered with Plaintiffs possession of its cat. The  
17 Defendants had pursued and is pursuing Plaintiff's cat while taking unjust custody of it and  
18 threatening to deport it from King County or euthanize it. The Defendants were and are  
19 still acting without proper legal authority.

20          109. As a direct and proximate cause of Defendants' conduct described herein,  
21 Plaintiff has suffered injuries and damages to be proven at trial.

22                                   **SEVENTH CAUSE OF ACTION:**

23                                   **NEGLIGENT SUPERVISION**

24          110. The Plaintiff realleges and incorporates by reference all preceding  
25 paragraphs of this Complaint as if fully set forth herein.

26          111. Defendants King County, City of Bellevue and/or their respective officers and  
27 managers have failed in their duty to properly supervise their respective respectively.

Furthermore, King County and Bellevue have failed to properly exercise their duty of care to ensure that their employees did not exceed the scope of their authority and/or use the authority given to them to promote the employees' own personal interests.

112. As a direct and proximate cause of Defendants' conduct described herein, Plaintiff has suffered injuries and damages to be proven at trial.

#### **EIGHTH CAUSE OF ACTION:**

##### **CIVIL CONSPIRACY**

113. The Plaintiff realleges and incorporates by reference all preceding paragraphs of this Complaint as if fully set forth herein.

114. Upon information and belief, some or all of the Defendants engaged in a civil conspiracy against Plaintiffs in connection with the actions alleged herein.

115. Because of their tortious and/or illegal conduct, the Defendants involved in the civil conspiracy are jointly and severally liable for all damages suffered by Plaintiffs.

#### **NINTH CAUSE OF ACTION:**

##### **DENIAL OF EQUAL PROTECTION UNDER THE FOURTEENTH AMENDMENT**

116. The Plaintiff realleges and incorporates by reference all preceding paragraphs of this Complaint as if fully set forth herein.

117. This cause of action arises under the Equal Protection Clause of the Fourteenth Amendment of and 42 U.S.C. § 1983.

118. Upon information and belief, Danieli and her cat Miska were treated differently than similarly situated cat owners in Bellevue and King County.

119. Danieli has been placed in the status of a "class of one" by Manager Mueller and RASKC's actions directed against her. And the unique treatment that she and her cat have received varies from the usual and customary treatment of other pet owners in the City of Bellevue and King County.

120. As Manager of RASKC, Manager Mueller has authority to direct and influence resources and activities of those employees working at RASKC.

\*





1 discovery process, to conform to the evidence adduced at trial or as may be necessary to  
2 serve the ends of justice  
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4 DATED this 5<sup>th</sup> day of February, 2021.

7 POSSINGER LAW GROUP, PLLC

10 /s/ Jeffrey Possinger

11 Jeffrey Possinger  
12 WSBA# 30854  
13 Attorney for Plaintiff  
14 20250 144th Avenue, Suite 205  
15 Woodinville, WA 98072  
16 (t) 206-512-8030  
17 (f) 206-569-4792  
18 jeffrey.possinger@possingerlaw.com

18 LAW OFFICES OF JON ZIMMERMAN, PLLC

21 /s/ Jon M. Zimmerman

22 Jon M. Zimmerman  
23 WSBA# 36296  
24 Attorney for Plaintiff, Anna F. Danieli  
25 918 South Horton Street, Suite 902  
26 Seattle, WA 98072  
27 (t) 206-285-5060  
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\*

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**  
  
**(b)** County of Residence of First Listed Plaintiff \_\_\_\_\_  
*(EXCEPT IN U.S. PLAINTIFF CASES)*  
  
**(c)** Attorneys *(Firm Name, Address, and Telephone Number)* \_\_\_\_\_

**DEFENDANTS**  
  
County of Residence of First Listed Defendant \_\_\_\_\_  
*(IN U.S. PLAINTIFF CASES ONLY)*  
**NOTE:** IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.  
  
Attorneys *(If Known)* \_\_\_\_\_

**II. BASIS OF JURISDICTION** *(Place an "X" in One Box Only)*  

☐ 1 U.S. Government Plaintiff

☐ 2 U.S. Government Defendant

☐ 3 Federal Question *(U.S. Government Not a Party)*

☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

**III. CITIZENSHIP OF PRINCIPAL PARTIES** *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** *(Place an "X" in One Box Only)*  

**CONTRACT**  
☐ 110 Insurance  
☐ 120 Marine  
☐ 130 Miller Act  
☐ 140 Negotiable Instrument  
☐ 150 Recovery of Overpayment & Enforcement of Judgment  
☐ 151 Medicare Act  
☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)  
☐ 153 Recovery of Overpayment of Veteran's Benefits  
☐ 160 Stockholders' Suits  
☐ 190 Other Contract  
☐ 195 Contract Product Liability  
☐ 196 Franchise

**TORTS**  
**PERSONAL INJURY**  
☐ 310 Airplane  
☐ 315 Airplane Product Liability  
☐ 320 Assault, Libel & Slander  
☐ 330 Federal Employers' Liability  
☐ 340 Marine  
☐ 345 Marine Product Liability  
☐ 350 Motor Vehicle  
☐ 355 Motor Vehicle Product Liability  
☐ 360 Other Personal Injury  
☐ 362 Personal Injury - Medical Malpractice  
**PERSONAL INJURY**  
☐ 365 Personal Injury - Product Liability  
☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability  
☐ 368 Asbestos Personal Injury Product Liability  
**PERSONAL PROPERTY**  
☐ 370 Other Fraud  
☐ 371 Truth in Lending  
☐ 380 Other Personal Property Damage  
☐ 385 Property Damage Product Liability

**FORFEITURE/PENALTY**  
☐ 625 Drug Related Seizure of Property 21 USC 881  
☐ 690 Other  
**LABOR**  
☐ 710 Fair Labor Standards Act  
☐ 720 Labor/Management Relations  
☐ 740 Railway Labor Act  
☐ 751 Family and Medical Leave Act  
☐ 790 Other Labor Litigation  
☐ 791 Employee Retirement Income Security Act  
**IMMIGRATION**  
☐ 462 Naturalization Application  
☐ 465 Other Immigration Actions

**BANKRUPTCY**  
☐ 422 Appeal 28 USC 158  
☐ 423 Withdrawal 28 USC 157  
**PROPERTY RIGHTS**  
☐ 820 Copyrights  
☐ 830 Patent  
☐ 835 Patent - Abbreviated New Drug Application  
☐ 840 Trademark  
☐ 880 Defend Trade Secrets Act of 2016  
**SOCIAL SECURITY**  
☐ 861 HIA (1395ff)  
☐ 862 Black Lung (923)  
☐ 863 DIWC/DIWW (405(g))  
☐ 864 SSID Title XVI  
☐ 865 RSI (405(g))  
**FEDERAL TAX SUITS**  
☐ 870 Taxes (U.S. Plaintiff or Defendant)  
☐ 871 IRS—Third Party 26 USC 7609

**OTHER STATUTES**  
☐ 375 False Claims Act  
☐ 376 Qui Tam (31 USC 3729(a))  
☐ 400 State Reapportionment  
☐ 410 Antitrust  
☐ 430 Banks and Banking  
☐ 450 Commerce  
☐ 460 Deportation  
☐ 470 Racketeer Influenced and Corrupt Organizations  
☐ 480 Consumer Credit (15 USC 1681 or 1692)  
☐ 485 Telephone Consumer Protection Act  
☐ 490 Cable/Sat TV  
☐ 850 Securities/Commodities/Exchange  
☐ 890 Other Statutory Actions  
☐ 891 Agricultural Acts  
☐ 893 Environmental Matters  
☐ 895 Freedom of Information Act  
☐ 896 Arbitration  
☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision  
☐ 950 Constitutionality of State Statutes

**REAL PROPERTY**  
☐ 210 Land Condemnation  
☐ 220 Foreclosure  
☐ 230 Rent Lease & Ejectment  
☐ 240 Torts to Land  
☐ 245 Tort Product Liability  
☐ 290 All Other Real Property

**CIVIL RIGHTS**  
☐ 440 Other Civil Rights  
☐ 441 Voting  
☐ 442 Employment  
☐ 443 Housing/Accommodations  
☐ 445 Amer. w/Disabilities - Employment  
☐ 446 Amer. w/Disabilities - Other  
☐ 448 Education

**PRISONER PETITIONS**  
**Habeas Corpus:**  
☐ 463 Alien Detainee  
☐ 510 Motions to Vacate Sentence  
☐ 530 General  
☐ 535 Death Penalty  
**Other:**  
☐ 540 Mandamus & Other  
☐ 550 Civil Rights  
☐ 555 Prison Condition  
☐ 560 Civil Detainee - Conditions of Confinement

**V. ORIGIN** *(Place an "X" in One Box Only)*  

☐ 1 Original Proceeding

☐ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

☐ 5 Transferred from Another District *(specify)* \_\_\_\_\_

☐ 6 Multidistrict Litigation - Transfer

☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**  

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):* \_\_\_\_\_  
Brief description of cause: \_\_\_\_\_

**VII. REQUESTED IN COMPLAINT:**  

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMAND \$** \_\_\_\_\_

CHECK YES only if demanded in complaint:  
**JURY DEMAND:** ☐ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY** *(See instructions):* JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_  
DATE \_\_\_\_\_ SIGNATURE OF ATTORNEY OF RECORD \_\_\_\_\_

**FOR OFFICE USE ONLY**  
RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

# INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

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Anna F. Danieli v. King County, et al.  
PCSC Cause No. 19-2-07054-0

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