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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.

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

5 **JURISDICTION AND VENUE**

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

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

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

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

20 **PROCEDURAL BACKGROUND OF CASE**

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

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

26 17. On October 23, 2020, the Court heard Cross-Motions for Summary Judgment
27 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

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

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

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

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

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

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

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

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

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

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

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

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

24 35. All of the NOVs issued to Danieli are Notices of Infractions; a Notice of
25 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.

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.

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.

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

2 **FIRST CAUSE OF ACTION:**

3 **INJUNCTIVE RELIEF**

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

6 96. Plaintiff requests the court issue Injunctive Relief:

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

13 **SECOND CAUSE OF ACTION:**

14 **DECLARATORY RELIEF**

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

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

- 19 c. A Finding that Bellevue's use of the King County Hearing Examiner
20 violates Wash. Const. Art. XI, section 11 and is therefore in conflict with
21 general laws.
- 22 d. A Finding that during the relevant time periods, the BCC did not or does
23 not authorize the use of the King County Hearing Examiner and the
24 actions of the King County Hearing Examiner within the City of Bellevue
25 and enforcement actions under the BCC lacks legal authority, is void, and
26 is without effect.
- 27

- 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.

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

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

6 **EIGHTH CAUSE OF ACTION:**

7 **CIVIL CONSPIRACY**

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

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

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

14 **NINTH CAUSE OF ACTION:**

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

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

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

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

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

26 120. As Manager of RASKC, Manager Mueller has authority to direct and influence
27 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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DATED this 5th day of February, 2021.

POSSINGER LAW GROUP, PLLC

/s/ Jeffrey Possinger
Jeffrey Possinger
WSBA# 30854
Attorney for Plaintiff
20250 144th Avenue, Suite 205
Woodinville, WA 98072
(t) 206-512-8030
(f) 206-569-4792
jeffrey.possinger@possingerlaw.com

LAW OFFICES OF JON ZIMMERMAN, PLLC

/s/ Jon M. Zimmerman
Jon M. Zimmerman
WSBA# 36296
Attorney for Plaintiff, Anna F. Danieli
918 South Horton Street, Suite 902
Seattle, WA 98072
(t) 206-285-5060
jon@seattletrafficattorneys.com