

FILED

August 7, 2020

SAN JUAN COUNTY, WASHINGTON

LISA A. HENDERSON

**SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SAN JUAN COUNTY**

Kathryn C. Loring
Judge

Jane M. Severin
Court Administrator

August 7, 2020

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Re: *Grifo et al. v. American Federation of State, County and Municipal Employees et al.*, San Juan County Superior Court Cause No. 19-2-05179-28
Request for Additional Information Related to Motion for Summary Judgment

Dear All:

This case came on for hearing on June 26, 2020, on the motion of Interpleader Defendants American Federation of State, County and Municipal Employees (AFSCME), AFSCME Local 114 (through its asserted administrator), and Administrator Walter Blair's Motion for Summary Judgment (collectively "movants"). The Court is still analyzing the factual and legal issues related to movants' request for relief in this unique context. I apologize for the time required for this consideration, which in part is a result of scheduled vacation time out of the office during the month of July.

In analyzing the issues and arguments presented, I have determined that I need to provide the opportunity for additional submissions. Specifically, movants' requests for relief—to obtain Local 114's client file with attorneys James Grifo and Nicholas Power in litigation directly adverse to AFSCME and an accounting from said attorneys for that work—are premised on the conclusion that AFSCME Local 114 is represented by Administrator Walter Blair appointed by AFSCME pursuant to a process set forth in its governing constitution. Movants point out that this Court is not tasked with reviewing the legitimacy of the administratorship.

Motion for Summ. J. at 11. Movants note that an evidentiary hearing on the administratorship was held on November 5, 2019, according to the review process set forth in its constitution, and a written decision was issued November 26, 2019, upholding the administratorship.

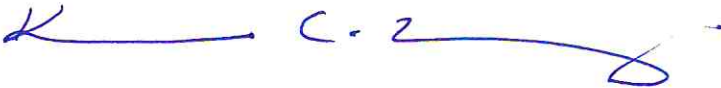
However, responding interpleader defendants Colin Maycock and Jael Komac have provided sworn statements of Jael Komac and Kirk Juneau and exhibits thereto indicating that bargaining unit members of Local 114 appealed that determination to the AFSCME International Executive Board. Exhibit D to Kirk Juneau's Declaration confirms AFSCME's receipt of such request to appeal, which represented that the hearing would be scheduled in March 2020. Both Ms. Komac's declaration and Mr. Juneau's declaration assert that no action has been taken on that appeal. As a result, Ms. Komac asserts at page 9, paragraph 3.5 of her response, that the Court's consideration of the subject motion is premature. Movants did not respond to this assertion—or the underlying fact that the appeal still is pending—in its reply.

While the Court continues to analyze the merits of the subject motion, I want to provide the parties' with the opportunity to provide an update and additional briefing, if desired, on the status of the Local 114 members' appeal of the administratorship to the AFSCME International Executive Board, pursuant to AFSCME's constitution providing for such appeal, and why this Court should not wait to rule on movants' Motion for Summary Judgment until the appeal of that foundational issue is resolved.

Any party may file additional declarations or briefing by end of day on Monday, August 17, and may file a response to the information submitted by opposing parties by end of day on Monday, August 24, 2020. This opportunity is optional; no party is required to submit additional information.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. C. Loring', with a stylized flourish at the end.

Kathryn C. Loring
Superior Court Judge