

JUL 13 2023

FILED
Hearing Date: July 28, 2023

Hearing Time: 1:30

Hearing Location: Benton County Superior Court

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**SUPERIOR COURT OF WASHINGTON
IN AND FOR BENTON AND FRANKLIN COUNTIES**

MICHAEL K. TURNER, an individual,
RICHARD WILKINSON, an individual;
RYAN N. COLE, and an individual;
RENATA S. MOON, an individual;

CASE NO.: 23-2-01316-03

Plaintiffs,
v.

**PLAINTIFFS' MOTION FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

WASHINGTON MEDICAL COMMISSION,
a Washington State Agency,

Defendant

I. INTRODUCTION

Plaintiff, MICHAEL K. TURNER, RICHARD WILKINSON, RYAN N. COLE, and RENATA S. MOON, each an individual, respectfully move this Court, in the exercise of its discretion and pursuant to its equitable powers to do justice according to the law, for the entry of an Order enjoining Defendants from enforcing its *COVID-19 Misinformation Position Statement* ("Statement") as the Statement: (1) was improperly adopted out of compliance with the Washington Administrative Procedures Act (Revised Code of Washington Section 34.05, et seq.); and (2) because the Statement has the effect of infringing the Plaintiffs' to fee speech protected by the Article I, Section 5 of the Washington Constitution.

Furthermore, the Plaintiffs request this Court to Declare that the *COVID-19 Misinformation Position Statement* is unenforceable/non-viable law as an invalidly adopted rule

PLAINTIFFS' MOTION FOR
DECLARATORY AND INJUNCTIVE RELIEF - 1

SILENT MAJORITY FOUNDATION
5238 OUTLET DR.
PASCO, WA 99301



1 (i.e., outside of the APA requirements) that is an unconstitutional infringement upon the
2 constitutionally-protected rights of Plaintiffs to free speech protected under Article I, Section 5
3 of the Washington State Constitution.

4 Plaintiffs declare and allege that the harm of the Statement are ongoing harm to Plaintiffs
5 on a daily basis since the effective date the Statement, September 22, 2021, and that per RCW
6 7.40.020, this court may immediately enjoin the enforcement, viability, efficacy, and/or use by
7 Washington government actors of said rule(s) to prevent further harm to Plaintiffs'
8 constitutionally protected rights.

9 This motion is based upon the authority of CR 65(b), LCR 7, RCW 7.40.020, and the
10 equitable powers of this Court. This motion is supported by a Memorandum of Law in Support
11 of Plaintiff's Motion for Injunctive and/or Declaratory Relief, the Affidavit Plaintiff MICHAEL
12 K. TURNER, Plaintiff RICHARD WILKINSON, Plaintiff RYAN N. COLE, and Plaintiff
13 RENATA S. MOON, and the pleadings herein.

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15 **DATED** this 11th day of July, 2023.

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17 **SILENT MAJORITY FOUNDATION**

18 /s/Karen L. Osborne

19 Karen L. Osborne, WSBA No. 51433

20 5238 Outlet Dr.
21 Pasco, WA 99301
22 (509_567-7083
23 karen@smfjb.org

24 Counsel for Plaintiffs

25 *Brian Anderson* WSBA #39061
26
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CERTIFICATE OF SERVICE

I hereby certify, under penalty of perjury under the laws of the state of Washington, that on this date a true and correct copy of this Motion for Injunctive and Declaratory Relief on the Washington Attorney General’s Office, as Counsel for the Washington Medical Commission were served via electronic mail, as required by the Washington Attorney General on its website, *Electronic Service of Original Summons & Complaint* (<https://www.atg.wa.gov/electronic-service-original-summons-complaint>), at: serviceATG@atg.wa.gov.

DATED this of 11th day of July 2023, at Camas, Washington.

/s/Karen L. Osborne
Karen L. Osborne, WSBA No. 51433

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5238 Outlet Dr.
Pasco, WA 99301

Attorney for Plaintiffs

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No. 23-2-01316-03

GR17 AFFIDAVIT RE:
FAXED MATERIALS

I, Brian Anderson, Attorney, with Anderson Law, PLLC, declare and state the following:

The attached is a digital transmission of the Plaintiffs' Motion for Preliminary Injunction and Declaratory Relief submitted by Simon Peter Serrano, attorney for Plaintiffs, in the above-entitled matter.

The attached document, prepared for filing this 12th day of July, 2023, and consisting of 3 pages, including this affidavit page, has been examined and determined by me to be complete and legible.

Dated: 7/12/2023



WSBA # 39061