

E-NEWSLETTER

November 2017

ISSUE: 34



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Holmes sues opioid makers



City Attorney Holmes and Attorney General Bob Ferguson file separate suits seeking damages from opioid manufacturers.

The opioid epidemic allegedly caused by Purdue Pharma and other opioid manufacturers is a contemporary concern to the City of Seattle, the state and its residents.

“Patients who were prescribed opioids for chronic pain, many of whom became addicted, were not irresponsible; they were deceived,” Seattle City Attorney Pete Holmes said.

Both Attorney General Bob Ferguson and Holmes have filed lawsuits. The state’s suit only involves Purdue Pharma; however, the City of Seattle’s suit names Purdue Pharma, Teva Pharmaceuticals, Endo Pharmaceuticals, and several other prescription drug makers.

The two suits, filed in King County Superior Court, allege that the pharmaceutical companies contributed to the drugs being overprescribed by doctors, thus fueling the eruption in Washington state.

“The misconception of drug addicts is that they are poor, uneducated and morally bankrupt,” Deputy City Attorney Michelle Chen said. “The reality is that opioids and drug addiction can impact families across the entire economic spectrum,

all ethnicities, and all levels of our society. This is the worst drug epidemic our country has faced and it happened in large part, because the pharmaceutical companies, like Purdue, put greed and profit ahead of the patient's well-being."

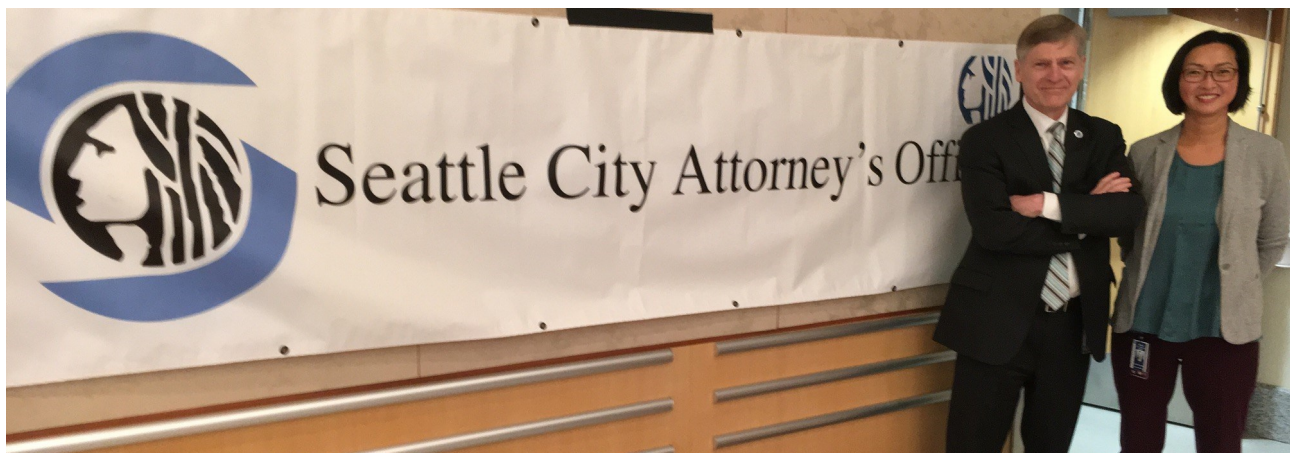
"This is not a class action," Holmes said. "And, while this lawsuit advances the public's interest, and the interests of patients who have been injured by opioids unwittingly prescribed, Seattle is seeking to redress injuries it has suffered as a municipality. No other lawsuit in the country is pursuing these damages on Seattle's behalf."

Opioids are drugs meant to relieve pain by acting on the nervous system; however, continued use and abuse of them may lead to physical dependence and withdrawal. The human-made crisis has led to devastations for Washingtonians and their families.

The City of Seattle is confident in its ability to prove the case in trial but also believes that relying on the criminal justice system to address the "symptoms" of the opioid crisis is not enough. Beyond the symptoms are the root "causes" of this epidemic, which are believed to be the deceptive marketing to persuade doctors and the public.

Because of these false pretenses, Washington state had 692 opiate-related deaths in 2015, according to the data from Alcohol and Drug Abuse Institute (ADAI) at the University of Washington.

"We hope to recoup economic damages from the opioid manufacturers for intentionally flooding the market with opioids that were diverted to illegal black market and contributed to the heroin and homelessness crisis in our City," Chen said. "We hope that the financial recovery will reimburse the City for the millions of dollars spent on mitigating the impact of the opioid epidemic, and fund future programs to help with the drug addiction and homelessness issues our City is facing."



Pete Holmes with Deputy City Attorney Michelle Chen, CAO co-lead on the litigation.

Holmes said King County had a record 332 overdose deaths last year and more than two-thirds were opioid-related. In Washington, opioids, prescription drugs and heroin have caused about 700 deaths a year since 2006. According to the data and Ferguson's suit, more people died in 2015 from these drugs than from car accidents or firearms.

Ferguson said that Purdue Pharma conducted an uncontrolled experiment by its deceptive marketing – marketing that has continued despite a 2007 court order in a prior lawsuit brought by Washington and 25 other states over the same issue.

“Typically, complex civil litigation can take a couple years to go to trial and the timing depends largely on the judge and court calendar,” Chen said. “There is a possibility that both lawsuits might get consolidated under one judge and there is also a very significant probability that the defendant will file a motion to remove our lawsuit to federal court.”

“Seattle has not sat idle as opioid abuse has ravaged its communities,” Holmes said. “Seattle has spent and continues to spend millions of dollars of taxpayer money, including for policing, fire, paramedic, opioid abuse treatment, human services, and criminal justice services to address the opioid pandemic and the needs of people addicted to opioids.”

Other cities (Everett and Tacoma) and states (Ohio and Missouri) have already sued other pharmaceutical companies that made these drugs. Though some of these other lawsuits have been focused on the manufacturing company’s knowledge about how opioids were being “diverted” into the illicit market, the City’s focus is on the deceptive way opioids were marketed to consumers.

“We expect the defendants will file a motion to dismiss, like they did in the City of Everett vs. Purdue Pharma case,” Chen said. “On Purdue’s motion to dismiss, [federal] Judge Ricardo Martinez ruled against Purdue in part and granted the motion in part. The judge rejected Purdue’s argument that Everett did not prove proximate cause and the case is barred by the statute of limitations. The judge instructed City of Everett to amend its complaint to allege a nexus to property damage. Similarly, our case relies on demonstrating the harm and economic damages that City of Seattle has incurred as a result of the defendant’s malfeasance.”

This focus is also the reason the lawsuit was filed in state rather than the federal court because the suit’s claims are related to the devastation that opioid has wrought locally, and about consumer protection and public nuisance.

The City’s case is being pursued by Hagens Berman Sobol Shapiro LLP, a Seattle-based firm, with the firm paying the costs of litigation. If the City succeeds at trial, a portion of the recovery will be remitted to the outside counsel, but if the City is not successful, it will not spend any money.

Currently, the City will continue to aggressively pursue documentation and discovery from defendants, which will help in trial.

“We hope through this lawsuit we will provide economic restitution to the city for the millions of dollars we are spending as a result of the opioid epidemic and have opioid manufacturers stop its practices of misleading consumers and doctors on the dangers of opioid addiction,” Chen said.

City Documents:

<http://www.seattle.gov/Documents/Departments/CityAttorney/OpioidLitigation/SeattleComplaint-Opioid.pdf>

<http://www.seattle.gov/Documents/Departments/CityAttorney/OpioidLitigation/QAPressConference-Opioid.pdf>

Links:

Opiate trends across Washington state, Insights from mortality, treatment, and crime lab data: https://adai.washington.edu/WAdata/opiate_home.htm

Opioid-related Deaths in Washington State, 2006–2016: <https://www.doh.wa.gov/Portals/1/Documents/Pubs/346-083-SummaryOpioidOverdoseData.pdf>

Seattle Opioid Litigation: <http://www.qa.seattle.gov/cityattorney/news/seattle-opioid-litigation>



Pete greets Bruce Harrell after he was sworn in as (temporary) mayor upon Ed Murray's resignation.



Along with Mayor Tim Burgess (right), Pete spoke at the appreciation tea for Gender-Based Violence Providers at City Hall on Oct. 17.

Feds fail to stop Seattle's day in court on sanctuary cities

A federal judge in Seattle has denied the Trump administration's attempt to quash a challenge by Seattle and Portland to President Trump's executive order that financially punishes sanctuary cities.

"The Executive Order fails to provide an adequate nexus between its immigration-related enforcement conditions and grants of funds, especially in light of evidence that Plaintiffs require federal funding for various essentials unrelated to immigration, including infrastructure, healthcare, and affordable housing," ruled U.S. District Judge Richard A. Jones.

Seattle first sued in late March, arguing that denying the City federal funds is unconstitutional under the 10th Amendment and the Spending Clause. Three months later, the complaint was amended to include Portland as a plaintiff.

Judge Jones noted in his order that "Both Seattle and Portland rely heavily on federal funds for their budgets." "Between both capital and operating [Seattle] will receive over \$155 million from the federal government in 2017," he wrote, while Portland expects to receive nearly \$49 million in federal funds.

City Attorney Pete Holmes, whose office pursued the lawsuit on behalf of City's executive and legislative branches, said, "Seattle is committed to rebuffing the Trump administration's unconstitutional efforts to coerce us into supporting its divisive and un-American anti-immigrant policies. It's my job to lead that fight on behalf of the City in the courtroom. I am pleased Judge Jones is allowing our lawsuit to proceed so we can continue to promote Seattle's values as a city that's welcoming to all."

"I am pleased by today's ruling and proud that Seattle is continuing the fight to protect our values," said Mayor Tim Burgess. "The Trump administration's attacks on so-called 'sanctuary cities' are divisive, wrong, and unconstitutional. Diversity makes this city stronger, more prosperous, and culturally rich. Seattle will continue to stand up for all of its residents and push back against dangerous efforts to demonize them."

The judge's ruling is replete with evidence of President Trump's goal, both during the 2016 campaign and since the election, to deprive sanctuary cities of federal largess. He said the president specifically referred to Seattle as a sanctuary city, "and [he] said that 'sanctuary cities are out...sanctuary cities are over.'"

Further, Judge Jones quoted the President's press secretary as "insist[ing] that 'the President is going to do everything he can within the scope of the executive order to make sure that cities who don't comply with it—counties and other institutions that remain sanctuary cities don't get federal government funding in compliance with the executive order.'" The press secretary further stated that the government would "strip federal grant money from sanctuary states and cities that harbor illegal immigrants," the order quoted.

[Sanctuary cities order](#)

RSJI volunteer project at Cathedral Kitchen



The Cathedral Kitchen is located at St. James Cathedral, serving over 150 hot meals each weekday to those in need in the First Hill and Downtown Seattle neighborhoods. About 15 volunteers from our office served dinner to guests, cleared and washed dishes, wiped down tables, and mopped the floors—and all completed in less than two hours! Thanks for your participation volunteers! This is our second event at Cathedral Kitchen, which is just a short 10-minute walk from our office. Due to its proximity and the short-time commitment, we are measuring interest for another volunteer event at Cathedral Kitchen.



City seeks “full and effective compliance” status for SPD

09/29/2017

The City of Seattle today asked U.S. District Judge James L. Robart to declare that the Seattle Police Department (SPD) has reached “full and effective compliance” under the consent decree under which the department has been operating since 2012. “Full and effective compliance” status does not mark the end of the police reform process or consent decree supervision; it is an intermediate step to a period in which SPD still must demonstrate two years of sustained compliance before seeking termination of the consent decree.

It has been five years since the beginning of the consent decree and federal court oversight of the City and SPD. After years of collaboration among the City, the U.S. Department of Justice and the court-appointed monitor in developing and implementing new policies and practices for SPD, the monitor embarked on a series of 10 assessments over the last two years to consider SPD’s compliance. The last of those assessments came in June, and the monitor’s compliance status report followed.

“Seattle has made significant progress on reforming its police department since this process began, but we still have a great deal of work to do,” City Attorney Pete Holmes said. “We will continue to work, through the consent decree and under continued oversight from the Monitor and Court, to sustain the important reforms that have already taken place, build upon them, and implement the City’s recent police accountability ordinance to ensure that reform will continue long after the end of federal oversight.”

Mayor Tim Burgess said, “Today’s filing by City Attorney Holmes is a clear signal that we’ve made major improvements in how we police Seattle. This is a significant milestone, and I’m very proud of the women and men of the Seattle Police Department who have worked hard to meet higher expectations. While we welcome this good news, we will not stop in our efforts to assure that all Seattleites feel safe and secure and have a relationship of trust with their police.”

[Full Compliance Motion](#)

SPD use-of-force policy upheld by federal appeals court

09/20/2017

The Seattle Police Department’s new use-of-force policy, first implemented in early 2014 after approval by the federal court overseeing the consent decree between the City and the U.S. Department of Justice, has been a critical component in transforming policing for the residents of Seattle. It is because SPD officers have followed that policy that the court-appointed monitor overseeing the Consent Decree found a 60 percent decline in incidents in which SPD officers have used force.

Today the 9th Circuit Court of Appeals rejected an appeal, in a case filed just as SPD began implementing the new policy, that claimed that the use-of-force policy unconstitutionally limited SPD officers’ ability to act in self-defense. It acknowledged that the policy served the “City of Seattle’s important government interest in ensuring the safety of both the public and its police officers.”

“On behalf of the City, I welcome this confirmation that constitutional policing and officer safety go hand-in-hand,” said City Attorney Pete Holmes, whose Civil Division attorneys defended SPD from U.S. District Court to the 9th Circuit Court of Appeals.

The decision in *Mahoney v. City of Seattle* is attached. [Use-of-force policy decision](#)

City is fully within its authority to enact income tax, motion

10/02/2017

The Seattle City Council was fully authorized by the state Legislature to enact a personal income tax on high-income residents and should not be bound by cases from the 1930s that held income is property for tax purposes, attorneys for the City Attorney's Office argue.

Those nearly century-old Washington Supreme Court decisions "relied on case law that is no longer valid, incorrect statements of the law, and unfounded conclusions," says the City's motion for summary judgment filed Friday in the consolidated cases by four opponents of the tax.

Seattle's personal income tax is best characterized as an excise tax rather than a property tax, the motion asserted. The case is assigned to King County Superior Court Judge John Ruhl, who will hear arguments at 10 a.m. on Nov. 17.



Judge orders full hearing into whether Seattle Municipal Court judge exceeded her authority in sexual exploitation case

09/27/2017

King County Superior Court Judge Sean O'Donnell today granted the City's request for a full review of the legality of an order that Seattle Municipal Court Presiding Judge Karen Donahue made in a sexual exploitation case brought this year by the City Attorney's Office (CAO).

The hearing on Nov. 27, before Judge O' Donnell, will explore whether the lower court judge exceeded her authority and infringed on CAO's prosecutorial discretion in ordering the prosecution to consider diversion for a man charged with sexual exploitation, a simple misdemeanor formerly labeled patronizing a prostitute. The name change, approved by the City Council and Mayor in January 2015, accompanied Holmes' policy change to place more emphasis on sex buyers while connecting prostituted people with social services.

"I'm grateful that Judge O'Donnell recognized the serious implications on prosecutorial discretion," City Attorney Pete Holmes said after the hearing, "and I look forward to presenting a fuller case to the court."

Three Men and a Baby (squirrel)



From left to right, Sean Whitcomb, Pete Holmes and Kent Meyer.

Peter Hawthorne's road to salvation began on a side street in the Seattle neighborhood of Wedgwood.

There the baby gray squirrel lay near a sidewalk, dazed by unknown circumstances that had rendered him motherless at the very tender age of a few weeks.

But Peter's fortunes were soon to change dramatically for the best. Ada Meyer, a college student out for a run one afternoon, rescued him and gave him shelter in her parents' house overnight. There Ada fed him Pedialyte to encourage his survival instincts while her father, Assistant City Attorney Kent Meyer, emailed his boss, City Attorney Pete Holmes, seeking advice on how to best help the baby squirrel.

Peter was in luck. Pete is a known squirrel rescuer, who now does penance for shooting at squirrels for target practice while he was growing up on a Virginia farm. While Kent was on the way to the office with Peter, who was curled up on blankets in a cardboard box, Pete stopped by a pet store to buy formula. In Kent's office, Pete demonstrated how to interest the squirrel in the formula, using a syringe.

While Kent fed the baby at regular intervals during the work day, the discussion turned to the baby's future: Who would assume the role of Peter's protector until he was old enough to be released into the wild? Pete himself wasn't the optimum candidate, having two jobs at the time – running the office and running for re-election. Kent wasn't either, though he wanted to be sure the baby was in safe hands. Kimberly Mills reported her two terriers had strong prey instincts. Then Kimberly remembered that Pete and SPD's Sgt. Sean Whitcomb had bonded over their love of animals. She called Sean at his public affairs office: Would he agree to be Peter's protector? Sean was intrigued, and asked to think it over. Not 10 minutes later, Sean called to say he and his family were on board.

The handoff was arranged for mid-afternoon in the office. Sean gingerly carried the baby squirrel, and a lot of squirrel-raising equipment from Pete, home to Issaquah, where they were greeted with cries of delight by his wife, Kellie, and children Violet and Isaac. Thus began Peter Hawthorne's new life.



Peter Hawthorne is thriving in his temporary home in Issaquah. He enjoys a corner of the family room overlooking Cougar Mountain and Tippet's creek, residing in a luxurious 4-level structure designed by his namesake, complete with branches and sword ferns.

His diet consists of protein blocks, puppy formula and organic fruit and vegetables purchased at the local PCC. He is particularly fond of blueberries.

Peter Hawthorne remains under the care of a veterinary doctor. He spends his days engaged in his favorite pastimes: chewing branches, defying the laws of gravity and climbing up the legs of his host family. Unlike most mammals his age, Peter Hawthorne is a good sleeper.

Interested in learning more about Peter Hawthorne's life journey? His adopted 'mother' proudly posts regular updates via Twitter, [@seanpwhitcomb](https://twitter.com/seanpwhitcomb)

EVENTS

- 11/1** Pete will attend the Bellwether Breakfast at Benaroya Hall.
- 11/3** Pete will attend the 15th Anniversary Seattle Police Annual Awards Banquet at The Westin.
- 11/4** Pete will attend the ACLU Bill of Rights Dinner at The Westin
- 11/16** Pete will attend the DV Unit SPD Awards Ceremony at City Hall.
- 11/28** Pete will attend the PAGV Conference in DC.
- 12/6** Pete will attend the Seattle Metropolitan Chamber of Commerce's 2017 Public Officials Reception at Washington State Convention Center Skybridge.

LINKS TO NEWS STORIES

9/07 Business Groups Blame City Politics For Amazon's Expansion Out of Seattle Because Of Course They Do - Amazon [begins its search](#) for another city where it says it will establish a second headquarters. HQ2, as the company is calling it, will be a "full equal" to its offices in Seattle. Surprising no one, the state's conservatives and business interests can't wait to blame Seattle for this news. (The Stranger) <http://www.thestranger.com/slog/2017/09/07/25400984/business-groups-blame-income-tax-for-amazons-expansion-out-of-seattle-because-of-course-they-do>

9/27 Seattle Police Will Internally Manage Off-Duty Work -- Following news that [the FBI is investigating](#) officers' off-duty work, Mayor Tim Burgess is requiring the Seattle Police Department to manage all secondary employment for its cops. (Seattle Met) <https://www.seattlemet.com/articles/2017/9/27/seattle-police-will-internally-manage-off-duty-work>

10/12 After massive email leak, the city scrambles -- Last summer, a man named Matthew Chapman did what researchers, reporters, lawyers and others do thousands of times a year: He filed a public disclosure request with the City of Seattle. He wanted records of emails sent and received by employees of the city, but not necessarily the emails themselves. (Crosscut.com) <http://crosscut.com/2017/10/seattle-information-technology-department-email-leak-city-scrambles/>

10/18 With Seattle's Housing Crisis, Could Inaction Be the Best Action? -- Just how expensive has housing become? King County's home prices have skyrocketed 15.7 percent compared to the previous year. We've heard many solutions: [a property tax](#) to subsidize housing; a [tax exemption for new multifamily buildings](#) that set aside rent-restricted homes; [citywide up-zoning](#), allowing taller buildings in exchange for affordable housing units or fines for developers who don't meet those quotas. How about doing nothing? (Seattle Met) <https://www.seattlemet.com/articles/2017/10/18/with-seattles-housing-crisis-could-inaction-be-the-best-action>

10/26 Got land? Seattle does and assessor says it should house the homeless -- King County Assessor John Wilson says there is "entirely" enough underused land in Seattle to shelter 1,000 homeless people a year. Seattle's Office of Housing has tracked property owned by the City of Seattle before, concluding that, while there is some surplus property, very [little can address the housing crisis](#). (Crosscut.com) <http://crosscut.com/2017/10/homelessness-vacant-land-seattle-king-county-assessor/>

10/26 'Enough is enough': Seattle head tax draws ire of Bartell Drugs chair -- Bartell Drugs has joined the debate about whether to tax businesses to pay for homeless services. The proposal, from Councilmember Mike O'Brien, received its first public review on Wednesday at a council budget hearing. (KING 5) <http://www.king5.com/news/local/seattle/bartell-drugs-on-seattle-head-tax-enough-is-enough/486108216>

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The Seattle City Attorney's Office is committed to providing the City of Seattle with the highest caliber legal advice to help protect the health, safety, welfare, and civil rights of all.

The City Attorney's Office has four divisions:

The Civil Division represents the City in lawsuits and advises City officials as they develop programs, projects, policies, and legislation. The sections within the Civil Division include torts (claims), governmental affairs, land use, environmental protection, labor and employment, contracts/utilities, and regulatory enforcement and economic justice.

The Criminal Division represents the City in prosecuting traffic infractions, misdemeanors, and gross misdemeanors in Seattle Municipal Court. The types of cases prosecuted by the Criminal Division include driving under the influence, traffic infractions, domestic violence, theft, assault, and trespassing.

The Administration Division staff provide budgeting, accounting, human resource, clerical and information technology services for the City Attorney's Office.

The Precinct Liaison Division assigns an assistant city attorney as a liaison to each of the City's five police precincts as another way of addressing public safety and neighborhood livability problems.

How to apply for an internship/externship in the Civil and Criminal Divisions: <http://www.seattle.gov/cityattorney/about-us/careers>



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