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

6) 7 ARTHUR WEST,) plaintiff,) 8) 9 Vs.) No.) 10 BURIEN CITY COUNCIL, CITY) PLAINTIFF’S ORIGINAL 11 OF BURIEN, KEVIN SCHILLING) COMPLAINT FOR 12 ALEX ANDRADE, LINDA AKEY,) VIOLATION OF THE OPMA 13 STEPHANIE MORA,) defendants.) 14)		
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I. INTRODUCTION

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 16 **1.1.** This is an action under RCW 42.30 concerning violations of the Open
 17 Public Meetings Act by the Burien City Council members Kevin Schilling, Alex
 18 Andrade, Linda Akey, and Stephanie Moras, who knowingly conducted an
 19 unlawful meeting and deliberated and took “action” and “final action” outside the
 20 context of a properly scheduled and noticed open public meeting¹ or executive
 21 session on April 25, 2024.

22 **1.2.** The plaintiff alleges that the named defendants knowingly violated the
 23 law by deliberating as a quorum and taking action or final action outside of the
 24 context of a lawful public meeting on and about April 25, 2024, and plaintiff is
 25 entitled to the relief sought.

26 ¹ See [At Press Conference, Majority of Burien Council Demands Sheriff Enforce Camping Ban They Overturned](https://publicola.com/2024/04/25/at-press-conference-majority-of-burien-council-demands-sheriff-enforce-camping-ban-they-overturned/),
 Erica Barnett, Publicola, online at
<https://publicola.com/2024/04/25/at-press-conference-majority-of-burien-council-demands-sheriff-enforce-camping-ban-they-overturned/>

1 **II. PARTIES AND JURISDICTION**

2 **2.1.** Plaintiff West is “any person” as defined in RCW 42.30.130 with
3 standing to seek relief under the OPMA.

4 **2.2.** Defendant Burien City Council is a “governing body” as defined in
5 RCW 42.30.020 that has violated the Open Public Meetings Act by conducting an
6 unlawful meeting, failing to deliberate in public and by taking actions and final
7 outside of the context of lawfully noticed Open Public Meetings.

8 **2.3.** Defendant Burien City Council members Kevin Schilling, Alex
9 Andrade, Linda Akey, and Stephanie Moras are members of a governing board
10 who violated the OPMA by conducting unlawful serial or seriatim meetings, by
11 knowingly and deliberately conducting deliberations behind closed doors and by
12 taking “action” and ”final action” outside the context of a properly noticed and
13 scheduled open public meeting.

14 **2.4.** The City of Burien is a municipal entity responsible and liable for the
15 acts of its agents, employees, and officers under the doctrines of Master and
16 Servant, Principal and Agent, and Respondeat Superior.

17 **2.5.** The King County Superior Court has jurisdiction over the parties and
18 subject matter of this claim.
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20 **III. ALLEGATIONS**

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22 **3.1.** On Various times that will be shown², including April 25, 2024, Burien
23 City Council members Kevin Schilling, Alex Andrade, Linda Akey, and Stephanie
24 Moras unlawfully and knowingly conducted “meetings” of a quorum of the Burien
25 City Council without compliance with the requirements of a lawful open public
26 meeting meeting or executive session.

² Plaintiff reserves the right to Amend and/or supplement the Complaint after discovery has been completed.

1 **3.2.** On or about April 25, 2024 the Burien City Council members Kevin
2 Schilling, Alex Andrade, Linda Akey, and Stephanie Moras knowingly violated
3 the OPMA by deliberating and taking action and final action in the absence of
4 proper notice or other lawful compliance with the OPMA.

5 **3.3.** The Burien City Council members met and conducted a meeting on
6 April 25 without providing notice, posting or distributing an agenda or even
7 informing their own staff.

8 **3.4.** By their actions and omissions, the named Burien City Council
9 members knowingly and deliberately violated the OPMA, for which they are
10 liable for the relief below.

11 **3.5.** The City of Burien is liable for the acts of its public officers under the
12 Doctrines of Master and Servant, Principal and Agent, and Respondeat Superior.

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14 **IV. CAUSE OF ACTION**

15 **4.1. OPMA CLAIM**

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17 By their acts and omissions the named defendants violated the OPMA
18 knowingly, and created a cause of action under RCW 42.30 for violation of the
19 OPMA, for individual penalties for each violation, and for costs, fees, and
20 injunctive relief in regard to violations of the OPMA by a quorum of the governing
21 body of the City of Burien, and plaintiff is entitled, under RCW 42.30, to the relief
22 sought below.

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24 **V REQUEST FOR RELIEF**

25 Wherefore, Plaintiff respectfully requests the following relief:
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