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

GEORGINA LUKE, CRAIG BURRIS,  
JUDITH STREDICKE, SHELLEY  
NEWMAN, MARK CONTRATTO,  
ANEVA FREEMAN, CHRIS CLINE AND  
TERA CLINE, individually and on behalf of  
a class of similarly situated persons,

Plaintiffs,

v.

THE CITIES OF AUBURN, BONNEY  
LAKE, BREMERTON, BURIEN,  
FEDERAL WAY, FIFE, ISSAQUAH,  
LACEY, LAKE FOREST PARK,  
LAKEWOOD, LYNNWOOD, MONROE,  
MOSES LAKE, PUYALLUP, RENTON,  
SEATAC, SEATTLE, SPOKANE AND  
TACOMA,

Defendants.

CLASS ACTION

NO. 09-2-23691-7 SEA

CLASS ACTION COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF AND INCIDENTAL DAMAGES  
ARISING OUT OF STATUTORY  
VIOLATIONS

CLASS ACTION COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF  
AND INCIDENTAL DAMAGES ARISING OUT OF STATUTORY VIOLATIONS - 1

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1 Plaintiffs bring this action in their individual capacity and on behalf of a class of persons  
2 defined below, and for their complaint allege as follows:

3  
4 1. This is a proposed class action brought on behalf of persons who paid fines based  
5 upon notices of infractions charging them with traffic violations as a result of defendants' use of  
6 automated traffic safety cameras.

7 2. Defendants have each charged members of the class penalties in excess of the amount  
8 permitted by statute for such traffic violations.

9 3. Plaintiffs bring this action in their individual capacity and on behalf of a class of  
10 persons similarly situated, as defined below.

11 4. Plaintiffs reside in the following cities:

12 a) Georgina Luke is a resident of Seattle, King County.

13 b) Craig Burreis is a resident of Seattle, King County.

14 c) Judith Stredicke is a resident of Puyallup, Pierce County.

15 d) Shelley Newman is a resident of Lakewood, Pierce County.

16 e) Mark Contratto is a resident of Seattle, King County.

17 f) Aneva Freeman is a resident of Seattle, King County.

18 g) Chris Cline is a resident of Lynnwood, Snohomish County.

19 h) Tera Cline is a resident of Lynnwood, Snohomish County.

20 5. Defendants are municipal corporations within the state of Washington.  
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1 6. Venue is proper in King County Superior Court because some defendants are located  
2 in said County, and the remaining defendants may properly be sued in King County pursuant to  
3 RCW 4.12.025(1).  
4

5 7. In 2005, the Washington Legislature enacted RCW 46.63.170 to permit the use of  
6 automated traffic safety cameras for issuance of certain infraction notices. The intent of the  
7 Legislature was primarily safety, not raising of revenue. The statute restricted the use of the  
8 cameras to two-arterial intersections, railroad crossings and school speed zones.

9 8. RCW 46.63.170(2) provides as follows:  
10

11           Infractions detected through the use of automated traffic safety cameras are  
12 not part of the registered owner's driving record under RCW 46.52.101 and  
13 46.52.120. Additionally, infractions generated by the use of automated traffic safety  
14 cameras under this section shall be processed in the same manner as parking  
15 infractions, including for the purposes of RCW 3.46.120, 3.50.100, 35.20.220,  
16 46.16.216 and 46.20.270 (3). **However, the amount of the fine issued for an  
17 infraction generated through the use of an automated traffic safety camera shall  
18 not exceed the amount of the fine issued for other parking infractions within the  
19 jurisdiction.**

20 (Emphasis added)

21 9. Following enactment of RCW 46.63.170, each of the defendant cities adopted local  
22 ordinances authorizing the use of automated traffic safety cameras and installed such cameras at  
23 various locations within their jurisdictions.  
24

25 10. Since installation of the cameras, defendants have issued Infraction Notices to  
26 drivers for infractions detected by the cameras at locations within their jurisdiction.

11. Notwithstanding the language of RCW 46.63.170(2), and the intent of the  
Legislature, defendants routinely assess an amount greatly exceeding fines assessed for other

1 parking infractions within each defendants' jurisdiction. Fines assessed using the cameras are  
2 usually the same as for a citation issued by a law enforcement officer for the same infraction.

3  
4 12. Plaintiffs were cited and fined for infractions, and paid fines as follows:

5 a) Plaintiff Georgina Luke received a citation from defendant Federal Way on or about  
6 December 7, 2008, for failing to come to a complete stop before turning right on a red light, was  
7 fined \$124 and paid approximately \$64.

8 b) Plaintiff Craig Burris received a citation from defendant Fife on or about April 25,  
9 2009, for failing to come to a complete stop before turning right on a red light, was fined \$124  
10 and paid \$124.

11 c) Plaintiff Judith Stredicke received a citation from Puyallup on or about June 27, 2008,  
12 for failing to come to a complete stop before turning right on a red light, was fined \$124 and paid  
13 \$124.

14 d) Plaintiff Shelley Newman received a citation from defendant Lakewood on or about  
15 May 5, 2009, for exceeding the speed limit in a school zone, was fined \$101, and paid \$101.  
16

17 e) Plaintiff Shelley Newman received a citation from defendant Fife on or about May 19,  
18 2009, for failing to come to a complete stop before turning right on a red light, was fined \$124  
19 and paid \$124.  
20

21 f) Plaintiff Mark Contratto received citations from defendant Seattle on or about May 6,  
22 2009 and May 7, 2009, for failing to come to a complete stop before turning right on a red light,  
23 was fined \$124 each time and paid the total of \$248.  
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CLASS ACTION COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF  
AND INCIDENTAL DAMAGES ARISING OUT OF STATUTORY VIOLATIONS - 4

1 g) Plaintiff Aneva Freeman received a citation from defendant Seattle in approximately  
2 December 2008, for continuing through an intersection after the light turned red, was fined \$124,  
3 and paid \$65.

4 h) Plaintiff Chris Cline received a citation from defendant Lynnwood in June 2008, for  
5 failing to come to a complete stop before turning right on a red light, was fined \$124 and paid  
6 \$124.

7 i) Plaintiff Tera Cline received a citation from defendant Lynnwood in December 2008,  
8 for failing to come to a complete stop before turning right on a red light, was fined 124 and paid  
9 \$124.  
10

11 13. The amounts charged to each plaintiff set forth above were each in excess of the  
12 maximum permitted by RCW 46.63.170(2).  
13

14 14. This class action is brought and may be maintained pursuant to CR 23(b)(2) and  
15 (b)(3). Plaintiffs seek to represent a Class comprised of:

16 All persons who, based upon a citation from any of the defendants, paid more than  
17 the amount authorized by RCW 46.63.170.

18 15. This action is properly brought as a class action under CR 23(b)(2) and (b)(3) for the  
19 following reasons:

20 (a) Defendants assessed the fines on thousands of persons, so that the Class consists  
21 of a group that is so numerous that joinder of all members is impracticable.  
22

23 (b) There are questions of law or fact common to the Class, which predominate  
24 over any questions affecting individual members.  
25

26 CLASS ACTION COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF  
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1 (c) The claims asserted by plaintiffs are typical of the claims of the members of the  
2 Class because they all paid the improper fines.

3 (d) Plaintiffs will fairly and adequately protect the interests of the Class. Plaintiffs'  
4 claims are typical of the members of the Class. Plaintiffs seek no relief that is antagonistic or  
5 adverse to other members of the Class.  
6

7 (e) Plaintiffs have retained counsel competent and experienced in class and  
8 consumer litigation and have no conflict of interest with other Class members in the maintenance  
9 of this class action. In addition, plaintiffs have no relationship with defendants. Plaintiffs will  
10 vigorously pursue the claims of the Class.  
11

12 (f) Defendants have acted on grounds generally applicable to plaintiffs and the Class  
13 as alleged herein, thereby making appropriate injunctive relief and an award of damages with  
14 respect to the Class.

15 (g) A class action is superior to any other available means for the adjudication of  
16 this controversy. This action will cause an orderly and expeditious administration of the Class  
17 claims; economies of time and effort and expense will be fostered; and uniformity of decisions  
18 will be ensured at the lowest cost and with the least expenditure of judicial resources.  
19

20 (h) Because the loss suffered by individual Class members may be relatively small,  
21 the expense and burden of individual litigation makes it impracticable for Class members to  
22 individually seek redress for the wrongs done to them. It is likely that Class members, to the  
23 extent they are aware of their rights against defendants, will be unable to secure counsel to  
24 litigate their claims on an individual basis because of the relatively small nature of the individual  
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1 damages recoverable. Hence, a class action is the only feasible means of recovery for the Class  
2 and members.

3 (i) Plaintiffs do not anticipate any difficulty in management of this action because  
4 the evidence proving defendants' violation of the law is ascertainable through discovery. The  
5 identities of the Class members are known by defendants and damages can be calculated from  
6 defendants' records. This action poses no unusual difficulties that would impede its management  
7 by the Court as a class action.  
8

9 16. Pursuant to Washington's Declaratory Judgment Act, RCW Chapter 7.24, plaintiffs  
10 and the Class are entitled to a declaratory judgment that defendants' actions as described herein  
11 violate Washington law, and, further, are entitled to an injunction to prevent defendants from so  
12 violating the law, and restitution of the excess amounts paid.  
13

14 WHEREFORE, plaintiffs requests judgment against defendants for themselves and the  
15 members of the Class as follows:

16 A. Certification of the Class pursuant to CR 23(b)(2) and CR 23(b)(3).

17 B. Judgment in favor of plaintiffs and each member of the Class against defendants,  
18 directing equitable restitution for the sums received by defendants, and awarding damages  
19 therefore;  
20

21 C. For an injunction and declaratory relief permanently forbidding defendants from  
22 committing the practices alleged herein and declaring the same unlawful;  
23

24 D. Judgment for costs and fees incurred in connection with this action and as provided  
25 by applicable law; and  
26

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1 E. Granting such other and further relief as the Court deems just and proper.  
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4 DATED: June 23, 2009.

5 WILLIAMSON & WILLIAMS  
6 

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CLASS ACTION COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF  
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