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2014 MAY 27 PM 2:42

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5 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SKAGIT

6 FAMILIAS UNIDAS POR LA JUSTICIA,

7 Plaintiffs,

8 v.

9 SAKUMA BROTHERS FARMS, INC.,

10 Defendant.

No. 14-2-00924-3

ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
MOTION FOR TEMPORARY
RESTRAINING ORDER AND ORDER TO
SHOW CAUSE

11 This matter came before the Court in a hearing on May 27, 2014 on Plaintiff's
12 application for a temporary restraining order. Defendant received notice of the motion by a
13 phone call and service of the motion on May 15, 2014 and notice of this hearing by an in-person
14 conversation on May 22, 2014.

15 The Court heard oral argument of counsel for the Plaintiff and for the Defendant and
16 considered the following pleadings:

- 17 1. The Declaration of Ramon Torres
18 2. The Declaration of Irma Santiago
19 3. The Declaration of Tomas Ramon Vasquez
20 4. The Declaration of Rosa Demetrio
21 5. The Declaration of Librado Hilario Garcia
22 6. The Declaration of Angel Flores
23

ORDER GRANTING PLAINTIFFS' MOTION
FOR TEMPORARY RESTRAINING ORDER - 1

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- 1 7. The Declaration of Camilo Nicolas Lopez
- 2 8. The Declaration of Federico Lopez
- 3 9. The Declaration of Rosalinda Guillen
- 4 10. The Declaration of Kathleen Phair Barnard
- 5 11. Declaration of Enrique Lopez
- 6 12. Declaration of Mary Welch
- 7 13. Plaintiffs' Complaint for Declaratory and Injunctive Relief,
- 8 14. Plaintiff's Motion for Waiver of Bond, and
- 9 15. Plaintiff's Motion for a Temporary Restraining Order
- 10 16. Plaintiff's Supplementation of the Record
- 11 17. Declaration of Librado Ibanez
- 12 18. Declaration of Fidel Sanchez Cortez
- 13 19. Declaration of Rotilio Santos Ramirez
- 14 20. Declaration of Marciano Silva Vazques
- 15 21. Declaration of Alberto Silva Juarez
- 16 22. Declaration of Librado Lopez-Silva
- 17 23. Declaration of Bonito Lopez Torrez
- 18 24. Declaration of Dominga Lopez Lopez
- 19 25. Declaration of Francisco Sanchez Cortez
- 20 26. Declaration of Jose Rivera
- 21 27. Declaration of Jesus Robles
- 22

23 After hearing oral argument from the Parties, the Court makes the following FINDINGS:

ORDER GRANTING PLAINTIFFS' MOTION
FOR TEMPORARY RESTRAINING ORDER - 2

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- 1 1. Plaintiff Familias Unidas por la Justicia has a clear legal right under Washington's
2 Little Norris-LaGuardia Act, RCW 49.32.020 "to full freedom of association, self-
3 organization, and designation of representatives of [their] choosing, to negotiate
4 the terms and conditions of [their] employment, and [to] be free from interference,
5 restraint, or coercion of employers of labor, or their agents, in the designation of
6 such representatives or in self-organization or in other concerted activities for the
7 purpose of collective bargaining or other mutual aid or protections ...". Those
8 rights include the right to have engaged in peaceful strike activity in 2013 without
9 coercion by Sakuma through polices that categorically disqualify them from
10 employment in 2014 due to that lawful strike activity.
- 11 2. Plaintiff Familias Unidas por la Justicia has a well-grounded fear of continuing
12 invasion of those rights because Defendant Sakuma Brothers, Inc., has: Informed
13 Familias Unidas por la Justicia members that they are ineligible for work in 2014
14 because they missed five consecutive days of work due to 2013 strike activity;
- 15 3. Familias Unidas por la Justicia will suffer irreparable injury and damage if
16 Defendants' actions in paragraph 2 above are not restrained, because those activities
17 have the effect of interfering with the exercise of rights protected by chapter 49.32
18 RCW, and because without the ability to exercise those rights, the Plaintiffs are
19 not able to "exercise actual liberty of contract and to protect [their] freedom of
20 labor, and thereby to obtain acceptable terms and conditions of employment ...", as
21 provided in RCW 49.32.020.
- 22 4. Irreparable injury, loss and damage may result to the Plaintiffs unless a Temporary
23

1 Restraining Order is entered and that Plaintiffs will suffer more from the denial of
2 this Temporary Restraining Order and Order to Show Cause than the Defendant
3 will suffer from its issuance.

4 5. No bond is required because of the indigence of the Plaintiffs and because the
5 Defendant will suffer no economic harm from such an order.

6 6. The Court is unable to find that the Plaintiffs have a clear legal right to family
7 housing under the Washington Law Against Discrimination, RCW 49.60.220
8 and .2235 because (a) there is a lack of guidance from the Washington Supreme
9 Court or the Ninth Circuit Court of Appeals, (b) Washington Law does not require
10 Sakuma to provide housing of any kind, and (c) the record is not well developed on
11 this issue.

12 THEREFORE IT IS ORDERED THAT Plaintiffs Motion for Temporary Restraining
13 Order regarding the provision of family housing is DENIED.

14 THEREFORE, IT IS ORDERED that Plaintiffs' Motion For a Temporary Restraining
15 Order concerning violations of the Little Norris-La Guardia Act, RCW 49.32.020 is GRANTED.
16 Defendant Sakuma is restrained and enjoined:

- 17 a. From barring Familias Unidas por la Justicia members from employment due to
18 absences occurring during the 2013 strikes.
- 19 b. To inform Familias Unidas por la Justicia members immediately that workers are
20 not barred from employment due to absences accrued during the 2013 strikes;
- 21 c. From interfering or retaliating against Plaintiffs due to the exercise of their rights
22 under chapter 49.32 RCW and chapter 49.60 RCW.
- 23

1 This ORDER is binding upon the parties to this action, their officers, agents, servants,
2 employees and attorneys.

3
4 IT IS FURTHER ORDERED that this order shall remain in effect through 6/6/14 on 1:30pm
5 which day the matter is scheduled for a hearing to show cause why an preliminary injunction
6 should not issue before the Honorable S. Cook in the Superior Court of Washington for Skagit
7 County at Mount. Vernon, WA.

8 SIGNED IN OPEN COURT this 27th day of May, 2014.

9
10 *Susan K Cook*
11 SKAGIT CO. SUPERIOR COURT JUDGE

12
13 Presented by:

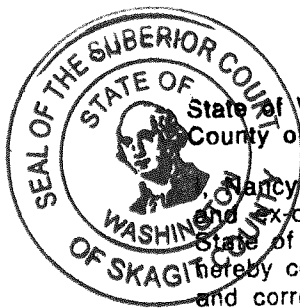
14
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ORDER GRANTING PLAINTIFFS' MOTION
FOR TEMPORARY RESTRAINING ORDER - 5

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State of Washington, } ss
County of Skagit

Nancy K. Scott, County Clerk of Skagit County
and ex-officio Clerk of the Superior Court of the
State of Washington, for the County of Skagit, do
hereby certify that the foregoing instrument is a true
and correct copy of the original, consisting of 5
pages, now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set
my hand and affixed the Seal of said Court at my
office at Mount Vernon this 27 day of May,
20 14 Nancy K. Scott, County Clerk.

By [Signature]
Deputy Clerk