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**SUPERIOR COURT OF WASHINGTON
IN AND FOR THURSTON COUNTY**

JAMES TA'AFULISIA, JEROME
TA'AFULISIA, DIANTE PELLUM, on behalf
of themselves and all others similarly situated,

Petitioners,

v.

WASHINGTON STATE DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES; and
ROSS HUNTER, in his official capacity as
Secretary of the Department of Children, Youth,
and Families,

Respondents.

No. 22-2-02974-34

**ORDER DENYING RESPONDENTS'
REQUEST FOR STAY PENDING APPEAL**

Clerks Action Required

On July 19, 2024, the superior court issued an oral ruling concluding that the Department of Children, Youth, and Families (DCYF) violated the rights of 43 residents of Green Hill School by transferring them to Department of Corrections (DOC) facilities in violation of the residents' rights under the settlement agreement entered in this case.¹ The Respondents were ordered to return the 43 men to DCYF custody. Although the Respondents had swiftly moved the 43 residents from Green Hill to DOC facilities, the oral ruling provided the Respondents with 14 days to return these individuals to DCYF custody.

¹ The oral ruling was set forth in a written order entered July 23, 2024.

1 On July 26, 2024, the superior court orally denied the Respondents' cross motions for
2 modification of the settlement agreement or issuance of a *nunc pro tunc* order authorizing post-transfer
3 review hearings. Following the oral ruling on July 26, 2024, the Respondents made an oral request for
4 stay pending appeal. In the alternative, they requested 10 additional days to complete the transfers.

5 There is no basis for a stay pending appeal. There is very little likelihood of success on appeal.
6 The transfer of 43 residents without notice or hearing was a blatant violation of the settlement
7 agreement and the law it incorporates.
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9 The Respondents will not be irreparably harmed without a stay. Respondents conceded at oral
10 argument on July 26, 2024, that most of the 43 residents who were thrust into DOC facilities did not
11 pose any security risk at Green Hill School. To the contrary, they were transferred based solely on their
12 age, even if they were recognized as model residents who attended school and rehabilitative groups,
13 were selected to mentor other residents, and had no history of violent behavior within the school. If
14 there are individuals who affirmatively create a security issue at Green Hill School, the settlement
15 agreement already provides a remedy. The Respondents may file an emergency motion in the superior
16 court for permission to transfer the individual to reside in a DOC facility while they await their transfer
17 hearing. This protects the interests of the Respondents, other Green Hill residents and the staff, as well
18 as the public. In addition, the Respondents have increased space. They are opening an additional
19 housing unit with space for 20 residents.
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22 Finally, issuance of a stay would unfairly exact a continuing toll on the 43 individuals who
23 were deprived of their right to notice and a hearing prior to transfer to an adult correctional facility.
24 The declarations filed in the superior court demonstrate that the Respondents' violation of the
25 settlement agreement has disrupted the Green Hill residents' education and access to rehabilitative
26 programing, and placed them at risk of violence in the adult prison system.
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For the foregoing reasons, the request for stay pending appeal is DENIED. The request for 10 additional days is also without merit. The Respondents have demonstrated that they can transfer the 43 men between DCYF and DOC facilities within 24 hours and the superior court has already provided ample time for appeal. Therefore, the request for 10 additional days is also DENIED.

Signed this 29th day of July 2024.



Judge Anne Egeler