

THE HONORABLE RICARDO S. MARTINEZ

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LISA HOOPER, BRANDIE OSBORNE,  
individually and on behalf of a class of  
similarly situated individuals; EPISCOPAL  
DIOCESE OF OLYMPIA, REAL CHANGE,

Plaintiffs,

vs.

CITY OF SEATTLE, WASHINGTON;  
WASHINGTON STATE DEPARTMENT OF  
TRANSPORTATION; ROGER MILLAR,  
SECRETARY OF TRANSPORTATION  
FOR WSDOT, in his official capacity,

Defendants.

No. 2:17-cv-00077-RSM

**ORDER GRANTING MOTION FOR  
TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION**

**(PROPOSED)**

THIS MATTER comes before the Court on Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction. Having reviewed the motion and being fully advised, now therefore, the Court GRANTS the Motion.

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1 IT HEREBY ORDERED that, unless and until the Court otherwise orders, Defendants  
2 the City of Seattle and Washington State Department of Transportation and their agents and  
3 employees are enjoined from:

4 1. Seizing property as part of a sweep or cleanup of an area where unhoused people  
5 living outside in the City reside, absent an objectively reasonable belief that it presents an  
6 immediate threat to public health or safety, or an objectively reasonable belief that the property  
7 is abandoned, is evidence of a crime, or is contraband;

8 2. Destroying seized property, absent an immediate threat to public health or  
9 safety, without maintaining the property in a secure location for a period of less than 90 days;

10 3. Storing seized property in a facility not open during regular business hours;

11 4. Failing to provide notice advising unhoused individuals living outside whose  
12 property is seized of whether property was stored, the location of the storage facility, and  
13 adequate information as to how they can retrieve their property;

14 5. Storing said seized property in a facility that does not clearly catalog and  
15 segregate property based on names or other forms of identification, where available, of  
16 individuals from whom the property is taken;

17 6. Storing seized property in a facility that is not accessible within 72 hours of  
18 seizure. Medication, medical equipment, and uncontaminated tents, sleeping bags, and blankets  
19 must be accessible within 24 hours of seizure;

20 7. Defendants may continue to clean streets, sidewalks, and other public property,  
21 remove trash and debris from them, and immediately dispose of such trash and debris; and

22 8. Defendants are further directed to leave a notice in a prominent place for any  
23 property taken on the belief that it is abandoned, including advising where the property is being  
24 kept and when and how it may be claimed by the rightful owner.

1 The Court concludes that it is appropriate to waive the requirement that Plaintiffs file  
2 an injunctive bond in this instance.

3  
4 SO ORDERED.

5 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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9 The Honorable  
United States District Judge

10 Presented by:

11 AMERICAN CIVIL LIBERTIES UNION  
12 OF WASHINGTON FOUNDATION

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