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FILED
SUPERIOR COURT
THURSTON COUNTY, WA

2020 DEC 29 PM 1:51

LINDA MYHRE ENLOW
THURSTON COUNTY CLERK

20-2-02460-34
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Order on Contempt
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STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT

DEPARTMENT OF LABOR AND
INDUSTRIES OF THE STATE OF
WASHINGTON

NO. 20-2-02460-34

ORDER OF CONTEMPT

Plaintiff,

v.

FOWLER NAT D. AND MARY M.
DBA FARM BOY DRIVE IN

Defendant.

This matter came on for hearing on the 29th day of December, 2020. The Court heard argument from Michael Hall, Assistant Attorney General, on behalf of the Department of Labor & Industries, and Jason Celski on behalf of the Defendant (Farm Boy). The Court considered the files and records in this matter, including:

- 1. The files and records herein;
- 2. The Department's Motion for Contempt;
- 3. The Declaration of Lyndsey Banks;
- 4. Opposing Declarations filed 12/28/20
- 5. _____
- 6. _____
- 7. _____

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Based on the foregoing, the Court makes the following:

FINDINGS OF FACT

- 1. On December 15, 2020, this Court issued a Temporary Restraining order pursuant to RCW 49.17.130 and RCW 49.17.170. The TRO ordered the Farm Boy to comply with the Department of Labor & Industries’s December 7, 2020 Order of Immediate Restraint, which prohibited Farm Boy from providing indoor dining services.
- 2. The TRO was served on Farm Boy on December 17, 2020.
- 3. Since the TRO issued, Farm Boy has continued to provide indoor dining services in violation of the Department’s Order of Immediate Restraint and in violation of this Court’s TRO.
- 4. By continuing to provide indoor dining services, Farm Boy has failed or refused to perform an act that is within its power to perform.
- 5. _____
- 6. _____
- 7. _____

Based on the foregoing Findings of Fact, the Court makes the following

CONCLUSIONS OF LAW

- 1. This Court has jurisdiction over the parties to, and the subject of, this matter.
- 2. Farm Boy is in violation of the Temporary Restraining Order issued on December 15, 2020, and served on December 17, 2020.
- 3. Pursuant to RCW 7.21.030, remedial sanctions against Farm Boy for its violation of the TRO are appropriate.
- 4. Sanctions against Farm Boy of \$2,000 a day from the period of December 18, 2020 through December 29, 2020 are reasonable.

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5. Sanctions should continue at \$2,000 per day until Farm Boy complies with the TRO or until otherwise ordered by this Court.

6. Farm Boy may purge its contempt by presenting evidence of compliance with the TRO. Such evidence shall include a sworn statement that Farm Boy has ceased providing indoor dining services.

- 7. _____
- 8. _____
- 9. _____

At the request of L&I, and based on the foregoing Findings of Fact and Conclusions of law, the Court issues the following

ORDER OF CONTEMPT

1. Farm Boy is in contempt of the temporary restraining order issued on December 15, 2020 and served on December 17, 2020.

3. Sanctions against Farm Boy of \$2,000 per day from the period of December 18, 2020 through December 29, 2020 are imposed on Farm Boy.

4. Additional remedial sanctions of \$2,000 per day from the date of this order through the date Farm Boy purges its contempt, or until otherwise ordered by this Court, are imposed on Farm Boy.

5. The temporary restraining order shall remain in full force and effect until otherwise ordered by this Court.

- 6. _____
- 7. _____
- 8. _____

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1 This Court shall retain jurisdiction in this action to implement, carry out, and enforce the
2 terms of the Court's order, and to entertain any suitable motions or applications related to this
3 matter.

4 DATED this 29th day of December, 2020.

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6 
JUDGE

Chris Lanese

7 PRESENTED BY:

8 ROBERT W. FERGUSON
9 Attorney General

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11 MICHAEL HALL
12 Assistant Attorney General
13 WSBA No. 19871
14 Attorneys for Department of Labor & Industries
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