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**STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT**

DEPARTMENT OF LABOR AND
INDUSTRIES OF THE STATE OF
WASHINGTON

Plaintiff,

v.

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

Defendant.

NO. 20-2-02460-34

DECLARATION OF MICHAEL
HALL

I, Michael Hall, declare under the penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I am over the age of eighteen and am otherwise competent to testify. I make these statements on personal knowledge and belief.
2. I am an Assistant Attorney General representing the Washington State Department of Labor & Industries (L&I).
3. As set out in the accompanying Declaration of Anne Soiza, L&I has issued an Order of Immediate Restraint to Farm Boy Drive In, ordering that the business cease providing indoor dining services as required by the Governor's COVID Proclamations and WAC 296-800-14035.

- 1 4. On December 14, 2020, I downloaded images from Farm Boy Drive In’s Facebook
2 page that confirm the restaurant remains open despite the Order of Immediate Restraint.
3 True and correct copies of the Facebook images are attached hereto as Exhibit 1.
- 4 5. On December 14, 2020, I downloaded images from Internet review sites confirming
5 that Farm Boy Drive In was continuing to violate the Order of Immediate Restraint.
6 True and correct copies of these images are attached hereto as Exhibit 2.
- 7 6. COVID-19 cases have increased dramatically in Thurston County in October –
8 December 2020. Attached hereto as Exhibit 3 is a true and correct copy of the
9 “Thurston County COVID-19 Dashboard,” “Total Cases by Week” tab, located at
10 <https://www.thurstoncountywa.gov/phss/Coronavirus/Pages/covid-19-dashboard.aspx>.
11 According to this public data, there were 74 new COVID-19 cases during the week
12 ending September 27, 2020, while there were at least 435 new cases during the week
13 ending December 13, 2020.
- 14 7. At approximately 10:15 a.m. on December 15, 2020 I telephoned Farm Boy Drive In’s
15 publicly available telephone number (360) 754-8442 to provide notice of the
16 Department’s petition for temporary restraining order. The woman who answered the
17 phone advised me that there were no managers or owners present and took my name
18 and number. Shortly thereafter I received a call from “Ally,” who said “You just called
19 my restaurant.” I advised Ally that, since Farm Boy Drive In was still open, the
20 Department would be going to court to seek an order directing them to stop. I further
21 advised Ally that Farm Boy Drive In would receive copies of the documents and that I
22 would email copies as well. Ally responded, “OK.”
- 23 8. Immediately after our call ended, Ally called me back and asked “What about our
24 appeal?” I asked if she was referring to the citation that Farm Boy Drive In had
25 received and Ally responded “Yes, we already appealed that and we have a lawyer so I
26 don’t understand what you’re trying to do here.” I told Ally that I needed to speak with

1 her lawyer and she said she would have him call me. As of 11:30 p.m. on December 15,
2 I have not received a call from an attorney representing Farm Boy Drive In.

3 9. On December 15, 2020, I emailed a copy of the Department's Petition for Restraining
4 Order, proposed order and supporting documents to Farm Boy Drive In's publicly
5 available email address: lela@farmboydrivein.com.

6 10. It is my understanding that as of December 15, 2020, Farm Boy Drive In remains open
7 and providing indoor dining services in violation of the Governor's COVID
8 Proclamations and the Order of Immediate Restraint.

9 11. My office has made arrangements for personal service of the accompanying pleadings
10 on Farm Boy Drive In and its registered agent for service of process. We anticipate that
11 service will be completed on December 15, 2020, and will file proof of service as soon
12 as it is available.

13 12. As set out in the accompanying Declaration of Anne Soiza, Farm Boy Drive In's
14 refusal to comply with the Governor's Proclamations, WAC 296-800-14035, and the
15 Order of Immediate Restraint creates a risk of immediate and irreparable injury to
16 employees at Farm Boy Drive In, employees at other jobsites, and members of the
17 general public.

18 DATED this 15th day of December, 2020 in Burien, Washington by:

19
20 

21 Michael Hall
22 Michael Hall
23 Assistant Attorney General
24 WSBA No. 19871
25
26

Exhibit 1



Create Post



Photo/Video



Check in



Tag Friends



Farm Boy Drive-In Restaurant

1d · ⚙️



Small business owners/people who wanna join.
Social gathering @farmboy 6:00pm Monday Dec 14,2020.
Let's Stand Together! [#savesmallbusiness](#)



178

7 Comments 69 Shares



Like



Comment



Share

All Comments ▼





Farm Boy Drive-In Restaurant

4d · ⚙️



Please share this page and encourage your family and friends to share it as well. We want a fast way to reach our supporters on social media. We want supporters continuing to come and be present. It seems like having people around keeps the violent and forceful people away. We do not want to argue or debate with our neighbors about our choice to open. We ask that you respect our rights to work, and we will respect your right to stay home. We do not have ill intent and do not want to see anyone harmed or injured over our desperate need to keep the doors open. If our doors close, many families will go without basic needs while government employees will not miss a paycheck. Our customers also find emotional and mental health by seeing friends and eating a hot meal with neighbors. We thank you for your prayers and phone calls and ask that you keep standing by us as we do what we know is the right thing to do. God bless you and God bless America!



388

36 Comments 220 Shares

 Like

 Comment

 Share



Farm Boy Drive-In Restaurant

December 1 at 11:55 AM · 🌟



FARMBOY DRIVE IN to Reopen WEDNESDAY

Tomorrow at 8 a.m.FARMBOY DRIVE IN will re-open for DINE-IN and take-out business.

We expect repercussions from our governor, but the repercussions from FARMBOY DRIVE IN with your help, may not be what he expects. We've been in business for 40+ years with multiple family generations working here. As we continue to feed your families we have to feed our own.

Please send Governor Inslee a note or call requesting his decision to change from shutting down restaurants and other affected businesses.

Write

Governor Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

Call

360-902-4111

TTY/TDD call 711 or

1-800-833-6384.

Fax

360-753-4110

We join spiffys restaurant and the restaurant in Kennewick in saying our governor is making edicts beyond his jurisdiction. ENOUGH IS ENOUGH!!

Government has invaded our lives to the point that either we stand up and say ENOUGH IS ENOUGH or add to the socialism state that is forming right before our eyes.

Brian and Ali
Farmboy Drive In

👍❤️😡 999

476 Comments 662 Shares

👍 Like

💬 Comment

➦ Share

Most Relevant ▼

Exhibit 2

frozone
tacoma

29 20



Reviewed 3 days ago

a great little drive in.

have been here several times, the place is older but never disappointed with the food or service. during the nice weather love to make a motorcycle ride there for breakfast, many others have the same idea as is a popular stop.

just disregard negative reviews as some people are always negative.

note, I have no financial interest of do not personally know the owners so my review is honest.

Show less**Date of visit:** December 2020

Value



Service



Food

[Ask frozone about Farm Boy Drive-In Restaurant](#)

1 Thank frozone

*This review is the subjective opinion of a TripAdvisor member and not of TripAdvisor LLC.*Gustafam1
1 review

Reviewed 5 days ago

Burgers

Great people, great food! Burgers were delicious! Food was hot and order was fast. Real family friendly place, took my wife and 5-kids.

Date of visit: December 2020

Helpful? 2

246tarah
1 review

Reviewed 1 week ago via mobile

Great shakes, burgers and fries

Great shakes, burgers and fries. Friendly staff and the owner works his tail off. We drove two hours to eat here and it was worth the outing. Well done!!

Date of visit: December 2020

Helpful? 4



fishwaffle

3 1



Reviewed 1 week ago via mobile

Nothing special - and have to deal with covid deniers

This place offers sometimes tolerable burgers and a bunch of other stuff. It is very overpriced for what you get. As of a few days ago the owner is trying a new marketing gimmick - violating state law by seating inside to drum up business or to get sheeple to support a go fund me page because they are pissed at wa state governor.

If they are willing to violate this rule I wonder what other rules they are willing to violate. Say let's hold on to that meat a little longer because I need to make a profit and the government is too controlling.. I don't want to get sick or get anyone else sick so will not be coming back here, even after covid is a memory.

Show less**Date of visit:** November 2020[Ask fishwaffle about Farm Boy Drive-In Restaurant](#)

Thank fishwaffle

*This review is the subjective opinion of a TripAdvisor member and not of TripAdvisor LLC.*



Username

Location

0 0



Start your review of **Farm Boy Drive-In Restaurant.**



Terry M. Elite '2020

Tacoma, WA

21 114

...



12/5/2020

First off. Haute cuisine this ain't. It's an eatery shack by the side of the freeway, so expect road food, not gourmet. And as far as road food goes, it's pretty good! And the help is friendly and courteous too. I especially recommend any of the burgers and the fish and chips. It's a little spendy but so are just about all independent restaurants.

Useful 1

Funny

Cool



Joseph H.

Lacey, WA

0 79 10

...



12/11/2020

A Wobbly Safety Message

Since I support the Farm Boy restaurant's decision to remain open for in-house dining in the face of Gov. Inslee's misguided mandate that such dining in WA eateries be suspended in the face of COVID spiking, I visited it this morning.

A sign on the door says incoming customers must be masked and "enter at your own risk." Some tables are "closed" such that diners are socially distanced. So far, so good.

I ordered the "Gravy & Eggs", i.e. two eggs, hash browns, biscuit and gravy. The average sized helping was tasty enough. No complaints.

I cannot award five stars for the simple reason that the restaurant's safety precautions are wobbly. I entered wearing a mask, but did not see masks on a couple other entering customers while I was there. The servers made little or no effort to wear such. Farm Boy is not enforcing its own mask standards.

Useful 1

Funny

Cool



Brook G.

Seattle, WA

1 91



12/10/2020

When I have been in the past the food is hit or miss. It is overpriced. The owner has chosen to open indoor seating in violation of state law due to a disagreement with the state. He communicated this policy/practice on a tv news channel that I saw. Hence this review is based on my firsthand experience eating there and also the operating policies communicated by management.

In my opinion, based on the inconsistency of food quality and the price, coupled with the operating conditions communicated by management visiting this place is not worth it - I don't know what food would be worth risking getting sick over, but I know this place is not making it

Useful

Funny

Cool



Patti U.

Spokane, WA

62 28 81



12/3/2020

Excellent service, food and staff. Great breakfast and lunch menu choices. (hearty food) nice size portions. They also have Delicious milkshakes !

Useful

Funny

Cool

Exhibit 3



PUBLIC HEALTH & SOCIAL SERVICES

Thriving, hopeful, healthy communities

- Home
- For Families
- For Business / Employee
- For Health Care Providers
- Resources
- Español (Spanish)
- Tiếng Việt (Vietnamese)

Thurston County facilities are open to the public with safety measures to slow the spread of COVID-19 and protect public and employee health. [Learn more here.](#)

Thurston County COVID-19 Dashboard

COVID-19 Data as of
12/13/2020 2:50 PM PST

New Confirmed Cases Added Today 22	Total Confirmed Cases 3938	Ever Hospitalized 247	Total Deaths 49	Recovered / Recovering Cases 3288	% of COVID-19 Positive Tests over one week 8.9 %
---	---	--	----------------------------------	--	---

Viral Laboratory Tests 86485

For more Thurston County COVID-19 data please select each tab below.

- Confirmed Cases 1-999
- Confirmed Cases 1000-1999
- Confirmed Cases 2000-2999
- Confirmed Cases 3000-3999
- Map by Zip Codes
- Overall Summary
- Past Week Summary
- Totals by Age and Gender
- Total Cases by Week**
- Testing for COVID-19
- COVID-19 Deaths
- Weekly Update Reports
- Definitions
- DOH COVID-19 Data Dashboard
- COVID-19 Risk Assessment Dashboard

Total Diagnosed with COVID-19 by Week

Week (Monday-Sunday)	Total Diagnosed in Week	Running Total (cumulative)
Week 1 (3/9 - 3/15)	4	4
Week 2 (3/16 - 3/22)	6	10
Week 3 (3/23 - 3/29)	26	36
Week 4 (3/30 - 4/5)	31	67
Week 5 (4/6 - 4/12)	13	80
Week 6 (4/13 - 4/19)	12	92
Week 7 (4/20 - 4/26)	8	100
Week 8 (4/27 - 5/3)	12	112
Week 9 (5/4 - 5/10)	11	123
Week 10 (5/11 - 5/17)	4	127
Week 11 (5/18 - 5/24)	4	131
Week 12 (5/25 - 5/31)	23	154
Week 13 (6/1 - 6/7)	16	170
Week 14 (6/8 - 6/14)	23	193
Week 15 (6/15 - 6/21)	26	219
Week 16 (6/22 - 6/28)	25	244
Week 17 (6/29 - 7/5)	54	298
Week 18 (7/6 - 7/12)	80	378
Week 19 (7/13 - 7/19)	107	485
Week 20 (7/20 - 7/26)	93	578
Week 21 (7/27 - 8/2)	99	677
Week 22 (8/3 - 8/9)	99	776
Week 23 (8/10 - 8/16)	76	852
Week 24 (8/17 - 8/23)	71	923
Week 25 (8/24 - 8/30)	69	992
Week 26 (8/31 - 9/6)	50	1,042
Week 27 (9/7 - 9/13)	51	1,093
Week 28 (9/14 - 9/20)	41	1,134
Week 29 (9/21 - 9/27)	74	1,208
Week 30 (9/28 - 10/4)	121	1,329
Week 31 (10/5 - 10/11)	116	1,445
Week 32 (10/12 - 10/18)	148	1,593
Week 33 (10/19 - 10/25)	151	1,744
Week 34 (10/26 - 11/1)	165	1,909
Week 35 (11/2 - 11/8)	189	2,098
Week 36 (11/9 - 11/15)	389	2,487
Week 37 (11/16 - 11/22)	334	2,821
Week 38 (11/23 - 11/29)	368	3,189
Week 39 (11/30 - 12/6)	314	3,503
Week 40 (12/7 - 12/13)	435(week not complete)	3,938 (week not complete)