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SKAGIT COUNTY SUPERIOR COURT

HAVIS E. REIZ
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MOUNT VERMILION WA

15-2-00217-4

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SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA
2015 FEB 19 AM 8:30

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SKAGIT COUNTY

KEVAN COFFEY,

Plaintiff.

v.

PUBLIC HOSPITAL DISTRICT NO. 1,
SKAGIT COUNTY, WASHINGTON
D/B/A SKAGIT REGIONAL HEALTH,
CLARK D. TODD, in his official capacity,
BALISA E. KOETJE, in her official
capacity, JAMES L. HOBBS, SR., in his
official capacity, PATTIE K. LEWIS, in her
official capacity, BRUCE G. LISSER, in his
official capacity, JEFFREY JAMES
MILLER, in his official capacity,
STANTON C.G. OLSON, in his official
capacity; and GREGG A. DAVIDSON, in
his official capacity,

Defendants.

Case No. **15 2 00217 4**

**COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF**

Washington law provides that every woman has the fundamental right to choose or refuse to terminate a pregnancy, and that a public hospital district may not discriminate against the exercise of that right. RCW 9.02.100(2), (4). If a public hospital district provides maternity care services, it must also provide services that enable women to terminate their pregnancies.

1 RCW 9.02.160. Because Defendants provide maternity care services but do not provide abortion
2 services, Defendants are violating state law. This case is about ensuring a woman's access to the
3 full range of reproductive health services as required by law.

4 Plaintiff KEVAN COFFEY, for her cause of action against Defendants, alleges as
5 follows.

6 **I. PARTIES**

7
8 1. Plaintiff Kevan Coffey is a resident of Skagit County and a married woman of
9 reproductive age who is unable to carry a pregnancy to term without facing severe, life-
10 threatening birth defects.

11 2. Defendant Public Hospital District No. 1, Skagit County, Washington d/b/a Skagit
12 Regional Health (hereinafter "Skagit Regional Health") is a Washington municipal corporation
13 and a public hospital district under RCW 70.44 *et seq.* that provides health care services to the
14 general public in Mount Vernon, Washington and surrounding communities. Skagit Regional
15 Health owns and operates Skagit Valley Hospital and Skagit Regional Clinics.

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17 3. Defendant Clark D. Todd is a Commissioner of Skagit Regional Health. On
18 information and belief, Defendant Todd resides in Mount Vernon, Washington. Defendant Todd
19 is sued in his official capacity.

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21 4. Defendant Balisa E. Koetje is a Commissioner of Skagit Regional Health. On
22 information and belief, Defendant Koetje resides in Mount Vernon, Washington. Defendant
23 Koetje is sued in her official capacity.

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25 5. Defendant James L. Hobbs, Sr. is a Commissioner of Skagit Regional Health. On
26 information and belief, Defendant Hobbs resides in Mount Vernon, Washington. Defendant
Hobbs is sued in his official capacity.

1 6. Defendant Pattie K. Lewis is a Commissioner of Skagit Regional Health. On
2 information and belief, Defendant Lewis resides in Mount Vernon, Washington. Defendant
3 Lewis is sued in her official capacity.

4 7. Defendant Bruce G. Lisser is a Commissioner of Skagit Regional Health. On
5 information and belief, Defendant Lisser resides in Mount Vernon, Washington. Defendant
6 Lisser is sued in his official capacity.

7 8. Defendant Jeffery James Miller is a Commissioner of Skagit Regional Health. On
8 information and belief, Defendant Miller resides in Mount Vernon, Washington. Defendant
9 Miller is sued in his official capacity.

10 9. Defendant Stanton C.G. Olson is a Commissioner of Skagit Regional Health. On
11 information and belief, Defendant Olson resides in Mount Vernon, Washington. Defendant
12 Olson is sued in his official capacity.

13 10. Defendant Gregg A. Davidson is the Chief Executive Officer of Skagit Regional
14 Health. Defendant Davidson is sued in his official capacity.

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17 **II. JURISDICTION AND VENUE**

18 11. Subject matter jurisdiction is proper in this Court pursuant to RCW 2.08.010,
19 7.24.010, and 7.24.020 because this is an action for state law violations, for declaratory relief,
20 and for injunctive relief.

21 12. Jurisdiction and venue are proper in this Court pursuant to RCW 4.12.025(1) and
22 70.44.060(8) because Skagit Regional Health, the seven individual Commissioners, and the
23 Chief Executive Officer named above (collectively "Defendants") transact business and have
24 offices for the transaction of business, and thus reside in, Skagit County; and pursuant to RCW
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1 4.12.020(2) because the incidents complained of occurred in Skagit County.

2 **III. FACTS**

3 13. The Reproductive Privacy Act was enacted by the people of Washington in 1991,
4 by way of Initiative Measure No. 120 ("Initiative 120"). The purpose of Initiative 120 was to
5 grant every individual in Washington a fundamental right of privacy with respect to their
6 personal reproductive decisions, including the rights to choose or refuse to terminate a pregnancy
7 and to choose or refuse birth control. Initiative 120 additionally sought to prevent public hospital
8 districts from denying or interfering with individuals' exercise of such fundamental rights.

9
10 14. In furtherance of the fundamental right to choose or refuse to terminate a
11 pregnancy, Initiative 120 provided that "[i]f the state provides, directly or by contract, maternity
12 care benefits, services, or information to women through any program administered or funded in
13 whole or in part by the state, *the state shall also provide women otherwise eligible for any such*
14 *program with substantially equivalent benefits, services, or information to permit them to*
15 *voluntarily terminate their pregnancies."*

16
17 15. Interpretations of Initiative 120 at the time of its introduction confirm that this
18 provision means that women must have equal access to termination services and maternity care
19 services.

20 16. Initiative 120 garnered 242,004 signatures, and was submitted to the Washington
21 voters. On November 5, 1991, the people of Washington voted to approve the Initiative.

22 17. Initiative 120 was subsequently codified in RCW 9.02, effective December 24,
23 1991, as the Reproductive Privacy Act.

24 18. Defendant Skagit Regional Health is Washington State's third largest public
25 hospital district.
26

1 19. Defendant Skagit Regional Health is also Skagit County's largest provider of
2 health care services.

3 20. Defendant Skagit Regional Health provides a wide array and substantial volume
4 of maternity care services. For example, in 2012, Skagit Valley Hospital performed 1,200
5 deliveries — accounting for nearly three-quarters of all births occurring in Skagit County that
6 year. In addition, Skagit Regional Health's Family Birth Center provides wide-ranging services
7 specifically for women, including both pre- and post-pregnancy care.

8 21. Defendants do not provide women with substantially equivalent services to permit
9 them to terminate their pregnancies. Plaintiff is informed and believes, and on this basis alleges,
10 that Defendants have a practice of never performing medication abortions and of rarely
11 performing surgical abortions for patients seeking or needing such medical care.

12 22. Plaintiff sent Defendant Skagit Regional Health two demand letters, dated July
13 28, 2014 and February 7, 2015, requesting that Defendants provide medication abortions and
14 surgical abortions in compliance with Washington state law.

15 23. In response, on February 9, 2015, Defendants adopted Resolution No. 3339
16 concerning the Washington Reproductive Privacy Act, stating that they do not prohibit or have a
17 written policy against providing termination services to women. Plaintiff is informed and
18 believes, and on this basis alleges, that Defendants do not comply with the Reproductive Privacy
19 Act because Resolution No. 3339 does not provide for substantively equivalent services to
20 women for terminations as it does maternity care, and Defendants continue to have a practice of
21 never performing medication abortions and of rarely performing surgical abortions for patients
22 seeking or needing such medical care.
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1 **IV. CAUSE OF ACTION: VIOLATIONS OF RCW 9.02.100 AND RCW 9.02.160**

2 24. Plaintiff realleges and incorporates by reference herein all the allegations of
3 paragraph 1 through 23 above.

4 25. RCW 9.02.100(2) provides that “[e]very woman has the fundamental right to
5 choose or refuse to have an abortion. . . .”

6 26. RCW 9.02.100(4) provides, “[t]he state shall not discriminate against the exercise
7 of these rights in the regulation or provision of benefits, facilities, services, or information.”

8 27. RCW 9.02.160 provides that “[i]f the state provides, directly or by contract,
9 maternity care benefits, services, or information to women through any program administered or
10 funded in whole or in part by the state, the state shall also provide women otherwise eligible for
11 any such program with substantially equivalent benefits, services, or information to permit them
12 to voluntarily terminate their pregnancies.”

13 28. Defendants are a public hospital district, a public hospital district’s health care
14 facilities, a public hospital district’s governing board of commissioners, and a public hospital
15 district’s chief executive officer (collectively and individually) that provide and govern the
16 provision of health care services within the public hospital district in Skagit County,
17 Washington.

18 29. Defendants provide maternity care services, but do not provide substantially
19 equivalent services to permit the termination of pregnancies. Defendants have deprived Plaintiff
20 of her fundamental right to choose or refuse to terminate a pregnancy in violation of RCW
21 9.02.100(4). Indeed, Defendants provide maternity care services, but do not provide
22 substantially equivalent services to permit the termination of pregnancies. in violation of RCW
23 9.02.160.
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V. PRAYER FOR RELIEF

THEREFORE, Plaintiff demands:

1. A declaration that Defendants are violating RCW 9.02.100(4) and RCW 9.02.160;

2. That Defendants and all other persons acting or claiming to act for, on behalf of, or in active concert or participation with Defendants, be enjoined from violating RCW 9.02.100 and RCW 9.02.160;

3. That Defendants be required to comply with RCW 9.02.100(4) and RCW 9.02.160 and provide termination services;

4. An award of reasonable attorneys' fees and costs that Plaintiff incurs in connection with this action; and

5. Such other relief as the Court may deem just and equitable.

DATED this 19th day of February, 2015.

AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON FOUNDATION

By: Sarah A. Dunne
Sarah A. Dunne, WSBA #34869
Margaret Chen, WSBA #46156
901 Fifth Avenue, Suite 630
Seattle, WA 98164
Tel: (206) 624-2184
Fax: (206) 624-2190

WHITE & CASE LLP

Aalok Sharma*
Amara Levy-Moore*
Rebecca L. McCullough*
633 West Fifth Street, Suite 1900
Los Angeles, California 90071-2007
Tel: (213) 620-7700
Fax: (213) 452-2329

AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON FOUNDATION
901 FIFTH AVENUE, STE 630
SEATTLE, WA 98164
(206) 624-2184

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Kimberly A. Haviv*
Alice Tsier*
1155 Avenue of the Americas
New York, New York 10036-2787
Tel: (212) 819-8683
Fax: (212) 354-8113

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

Brigitte Amiri*
125 Broad Street, 18th Floor
New York, New York 10004
Tel: (212) 549-2633
Fax: (212) 549-2651

* Application to Appear *pro hac vice* Pending

Attorneys for Plaintiff