

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
4/23/2020 8:00 AM  
BY SUSAN L. CARLSON  
CLERK

No. 98317-8

---

**SUPREME COURT OF THE STATE OF WASHINGTON**

---

SHYANNE COLVIN, SHANELL DUNCAN, TERRY KILL, LEONDIS  
BERRY, and THEODORE ROOSEVELT RHONE,

*Petitioners,*

v.

JAY INSLEE, Governor of the State of Washington, and STEPHEN  
SINCLAIR, Secretary of the Washington State Department of Corrections,

*Respondents.*

---

**PETITIONERS' SUPPLEMENTAL  
STATEMENT OF AUTHORITY**

---

Nicholas Allen, WSBA #42990  
Nicholas B. Straley, WSBA #25963  
Janet S. Chung, WSBA #28535  
COLUMBIA LEGAL SERVICES  
101 Yesler Way, Suite 300  
Seattle, WA 98104  
Telephone: (206) 464-1122  
*Attorneys for Petitioners*

## I. STATEMENT

Petitioners respectfully file this statement to inform the Court of the following supplemental authorities:

1. Regarding the issues of court's authority to grant relief for COVID-19 to people in prison, the decision of *Wilson v. Williams*, No. 4:20-cv-00794 (N.D. Ohio Apr. 22, 2020) does the following:
  - a. Recognizes courts have the authority to "enlarge" custody in class habeas actions seeking release, *id.* at 8;
  - b. Recognized courts may grant injunctive relief to a conditional class given the emergency nature of a proceeding relating to COVID-19 and prisons, *id.* at 12;  
and
  - c. Grants relief to protect vulnerable people in prisons, including ordering a process to identify and evaluate class members' eligibility for release or other relief to protect them from threat of the virus until the threat is abated, or a vaccine is available and there are sufficient supplies to vaccinate the prison population, *id.* at 20-21.
2. Regarding threat of the spread of COVID-19 in prisons, Hannah Drier, "A Recipe for disaster': American prison factories becoming incubators for coronavirus," *Washington Post* (Apr. 21,

2020), [https://www.washingtonpost.com/national/a-recipe-for-disaster-american-prison-factories-becoming-incubators-for-coronavirus/2020/04/21/071062d2-83f3-11ea-ae26-989cfce1c7c7\\_story.html](https://www.washingtonpost.com/national/a-recipe-for-disaster-american-prison-factories-becoming-incubators-for-coronavirus/2020/04/21/071062d2-83f3-11ea-ae26-989cfce1c7c7_story.html):

- a. Reporting on how American prisons are incubators for COVID-19 due to inconsistent access to soap and disinfectant and difficulty maintaining social distancing;
  - b. Prison workers, who already most vulnerable due to conditions in the workplace, are being put at even higher risk of infection from COVID-19 as many have been required to continue to work during the pandemic, to produce supplies for the community to response to the virus.
3. Regarding testing of asymptomatic individuals and spread in congregate settings, Reilly Kneedler, “36 asymptomatic Stemilt employees test positive for COVID-19,” Wenatchee World (Apr. 21, 2020), [https://www.wenatchee-world.com/news/coronavirus/36-asymptomatic-stemilt-employees-test-positive-for-covid-19/article\\_4f0e7e54-840a-11ea-a88c-5f1045c97810.html](https://www.wenatchee-world.com/news/coronavirus/36-asymptomatic-stemilt-employees-test-positive-for-covid-19/article_4f0e7e54-840a-11ea-a88c-5f1045c97810.html):
- a. Half of the 71 agricultural farmworkers living in an agricultural grower’s housing facility near East Wenatchee

tested positive for COVID-19; all 36 were asymptomatic prior to testing.

- b. Agricultural grower stated in response that, “[w]hat these results tell us is that asymptomatic cases of COVID-19 are so common that [CDC] measures are not sufficient in these settings even when implemented well.”

RESPECTFULLY SUMMITTED this 22<sup>nd</sup> day of April, 2020.



---

Nicholas B. Allen, WSBA #42990  
101 Yesler Way, Suite 300  
Seattle, WA 98104  
(206) 287-9660  
nick.allen@columbialegal.org

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
4/23/2020 8:00 AM  
BY SUSAN L. CARLSON  
CLERK

**CERTIFICATE OF SERVICE**

I certify that on the date below, I electronically filed **Petitioners' Supplemental Citation of Authority**, with the Clerk of the Court using the electronic filing system, which will send notification of filing to all parties of record at their email addresses as follows:

DAdreBCunningham@gmail.com  
John.Samson@atg.wa.gov  
PCpatcecf@piercecountywa.gov  
andrea@smithalling.com  
caedmonc@gmail.com  
changro@seattleu.edu  
correader@atg.wa.gov  
cwallace@perkinscoie.com  
dadre@defensenet.org  
djohnson@paulweiss.com  
dkimballstanley@paulweiss.com  
dvasquez@karrtuttle.com  
heatherm@dr-wa.org  
hhatrup@karrtuttle.com  
hsebens@co.skagit.wa.us  
janet.chung@columbialegal.org  
jaufderh@co.kitsap.wa.us  
jmidgley@aclu-wa.org  
jstarr@perkinscoie.com  
kcpaciv@co.kitsap.wa.us  
leeme@seattleu.edu  
ltsuji@perkinscoie.com  
mmc@smithalling.com  
nblock@co.skagit.wa.us  
nf@neilfoxlaw.com  
nick.allen@columbialegal.org  
nick.straley@columbialegal.org  
nikkita.oliver@gmail.com  
pleadings@aclu-wa.org  
rachaels@dr-wa.org  
rtyler@perkinscoie.com  
sbuergel@paulweiss.com  
talner@aclu-wa.org

tdavis@aclu-wa.org  
teresa.chen@piercecountywa.gov  
tim.lang@atg.wa.gov

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED this 22<sup>nd</sup> day of April 2020, at Tacoma, WA.

s/ Maureen Janega  
MAUREEN JANEGA, Paralegal  
Columbia Legal Services  
101 Yesler Way, Suite 300  
Seattle, WA 98104  
206-287-9662  
maureen.janega@columbialegal.org

# COLUMBIA LEGAL SERVICES, INSTITUTIONS PROJECT

April 22, 2020 - 5:10 PM

## Transmittal Information

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 98317-8  
**Appellate Court Case Title:** Shyanne Colvin et al. v. Jay Inslee et al.

### The following documents have been uploaded:

- 983178\_Cert\_of\_Service\_20200422170855SC686842\_0248.pdf  
This File Contains:  
Certificate of Service  
*The Original File Name was 20 0422 MJ Certificate of Service.pdf*
- 983178\_State\_of\_Add\_Authorities\_20200422170855SC686842\_8891.pdf  
This File Contains:  
Statement of Additional Authorities  
*The Original File Name was 20\_0422 Colvin - Petitioners Supplemental Statement of Authority.pdf*

### A copy of the uploaded files will be sent to:

- John.Samson@atg.wa.gov
- PCpatcecf@piercecountywa.gov
- alex.bergstgrom@columbialegal.org
- ali.bilow@columbialegal.org
- andrea@smithalling.com
- caedmon.cahill@seattle.gov
- changro@seattleu.edu
- cindy.bourne@pacificlawgroup.com
- correader@atg.wa.gov
- cwallace@perkinscoie.com
- dadre@defensenet.org
- dawn.taylor@pacificlawgroup.com
- denise@aysattorneys.com
- djohnson@paulweiss.com
- dkimballstanley@paulweiss.com
- dvasquez@karrtuttle.com
- elizabethh@nwjustice.org
- evangeline@aysattorneys.com
- greg@seaemplaw.com
- heatherm@dr-wa.org
- hhattrup@karrtuttle.com
- hsebens@co.skagit.wa.us
- jamie.lisagor@pacificlawgroup.com
- janet.chung@columbialegal.org
- jaufderh@co.kitsap.wa.us
- jmidgley@aclu-wa.org
- jstarr@perkinscoie.com
- julia.bladin@columbialegal.org
- kcpaciv@co.kitsap.wa.us
- kim.gunning@columbialegal.org

- laurel.simonsen@columbialegal.org
- leeme@seattleu.edu
- ltsuji@perkinscoie.com
- matthew.segal@pacificlawgroup.com
- mmc@smithalling.com
- nblock@co.skagit.wa.us
- nf@neilfoxlaw.com
- nick.straley@columbialegal.org
- nikkita.oliver@gmail.com
- pamloginsky@waprosecutors.org
- pleadings@aclu-wa.org
- rachael@dr-wa.org
- riddhi@svlawcenter.org
- rtyler@perkinscoie.com
- sara@seaemplaw.com
- sbuergel@paulweiss.com
- talner@aclu-wa.org
- tdavis@aclu-wa.org
- teresa.chen@piercecounywa.gov
- tim.lang@atg.wa.gov
- tony.gonzalez@columbialegal.org

**Comments:**

---

Sender Name: Maureen Janega - Email: maureen.janega@columbialegal.org

**Filing on Behalf of:** Nicholas Brian Allen - Email: nick.allen@columbialegal.org (Alternate Email: nick.allen@columbialegal.org)

Address:

Columbia Legal Services, Institutions Project  
101 Yesler Way, Suite 300  
Seattle, WA, 98104  
Phone: (206) 287-9662

**Note: The Filing Id is 20200422170855SC686842**