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6 IN THE SUPERIOR COURT OF WASHINGTON FOR FRANKLIN COUNTY
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8 THE JUDGES OF THE BENTON AND
9 FRANKLIN COUNTIES SUPERIOR
10 COURT: JUDGE JOE BURROWES, JUDGE
11 ALEX EKSTROM, JUDGE CAMERON
12 MITCHELL, JUDGE CARRIE RUNGE,
13 JUDGE JACQUELINE SHEA-BROWN,
14 JUDGE BRUCE SPANNER AND JUDGE
15 SAM SWANBERG,

16 Plaintiffs,

17 vs.

18 MICHAEL J. KILLIAN, FRANKLIN
19 COUNTY CLERK AND CLERK OF THE
20 SUPERIOR COURT,

21 Defendant.

22 NO.

23 COMPLAINT FOR WRIT OF
24 MANDAMUS

25 I. PARTIES & JURISDICTION

26 1.1 Plaintiffs are the Washington Constitution Article IV, Section 6, Judges of the Benton & Franklin Counties Superior Court. They are empowered by Wash. Const. Art. IV, Sec. 24 to establish uniform rules for the government of the superior courts, and they are authorized by the Rules of General Application, GR 7(a), 7(e)(2), and Civil Rules for Superior Court, CR 83 of the Washington Court Rules, to make and enforce local rules and emergency rules of the superior court.

1.2 Defendant is Michael J. Killian, the Franklin County Clerk, a resident of Franklin County, who, by virtue of his office, is the clerk of the superior court for Franklin County.

1 1.3 Jurisdiction over the claims herein exists by virtue of Wash. Const. Art. IV, Sec. 6, and
2 RCW 7.16.160.

3 1.4 Jurisdiction over the defendant exists pursuant to RCW §§ 4.12.020 and 4.12.025.

4 1.5 Venue in the Franklin County Superior Court is proper.
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6 II. STATEMENT OF FACTS

7 2.1 Michael J. Killian announced in December of 2017, that he would operate a "paperless"
8 office and would no longer maintain paper files of Franklin County Superior Court cases and files.

9 2.2 Plaintiffs adopted a local rule of court (Local General Rule 3), requiring the Benton and
10 Franklin Counties clerks to keep and maintain paper files for all cases and file types, by forthwith filing
11 all pleadings and papers in paper files, except as may be otherwise authorized in writing by the Superior
12 Court. Copies of LGR 3 and its supporting Judicial Resolution (No. 18-001), and related Order, are
13 provided as Exhibits A, B & C to the Declaration of Judge Bruce Spanner, filed with plaintiffs'
14 contemporaneous Motion for Order to Show Cause, and the same are incorporated herein as if fully set
15 forth.
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17 2.3 The plaintiffs directed the defendants to continue keeping and maintaining paper files
18 until such time as the Court can assure that a paperless system will allow it to effectively serve the Court
19 and the community. Michael J. Killian has refused the plaintiffs' direction.
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21 III. CAUSE OF ACTION AND RELIEF REQUESTED

22 3.1 The superior court clerk is required to file all papers delivered to him for that purpose in
23 any action or proceeding in the court as directed by court rule or statute, pursuant to RCW 2.32.050(4);
24 and in the performance of his duties, to conform to the direction of the court, pursuant to RCW
25 2.32.050(9).
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