

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SCOTT MILLER, an individual, MICHAEL
SPAULDING, an individual,

Plaintiffs,

v.

KSHAMA SAWANT, an individual. CITY OF
SEATTLE, a municipal corporation,

Defendant.

NO.

COMPLAINT AND JURY DEMAND

INTRODUCTION

1. This was never intended to be a complaint against the City of Seattle or its City Council. The officers never wanted public money. This was intended to be a Complaint against one individual who, acting in her own capacity and only on her own behalf they believed, defamed two good men. Police officers, Scott Miller and Michael Spaulding, had their reputations ruined by an ambitious politician, doing so for personal gain. However, the City defendant has now stepped forward claiming that individual was acting within her scope and duty as a city official.

2. In February 2016, Officer Spaulding and Detective Miller were apprehending Che Taylor—a violent felon and rapist—when he began pulling a gun on them. The officers were forced to fire, defending their lives and ending his life. In less than a week, having never

COMPLAINT AND JURY DEMAND - 1

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4. But perhaps most strikingly, the City re-opened the investigation into the Che Taylor shooting weeks after the officers indicated that they might be forced to involve the City in litigation. In the newly-opened investigation, long after-the-fact, the City refused to appoint the officers counsel or let them review relevant documents. Predictably, this galvanized Che Taylor's family to bring their own suit against the officers.

THE PARTIES

9. Defendant, the City of Seattle, is a municipal corporation in King County.

JURISDICTION AND VENUE

10. This Court has original jurisdiction over claims brought under 42 U.S.C. § 1983 and 28 U.S.C. § 1331. This Court has supplemental jurisdiction over state law claims arising out of the same nucleus of operative facts under 28 U.S.C. § 1367.

11. Venue is properly located in the Western District of Washington under 28 U.S.C. § 1391(b), as the incidents complained of in this Complaint occurred in King County, Washington, and all of the defendants are residents of King County, Washington.

FACTUAL BACKGROUND

The Defendants

12. Defendant, Kshama Sawant, is a well-known local figure, with national ambitions. She has been criticized for using City of Seattle resources to play to her base and inject herself into national politics. She made headlines, for example, when she used her platform to advocate “shutting down” the presidential inauguration.

13. Sawant brands herself as counter-cultural and denies being part of “the system.” According to her various public statements and website, she is a “voice for working people.” Sawant, therefore, holds significant credibility with the public, particularly in the Seattle metropolitan area. People assume that when she speaks, even when expressing opinion, it is based upon facts made available to her by virtue of her leadership position, role in Seattle, and socialist folk-hero status.

14. As discussed below, one of Sawant’s most effective political tools has historically been opposition to law enforcement. Sawant has, herself, been arrested several times when interfering with law enforcement and engaging in disorderly conduct, all to the approval of her political base.

15. In Sawant’s own words, “the buck stops with her” in the City of Seattle. To the extent the City must decide between line-level employees and a councilmember, it is no

1 contest. Contrary to Sawant's articulated politics, the City's working class have no real voice
2 in opposition to the City's leadership.

3 The Che Taylor Shooting

4 16. Officer Spaulding and Detective Miller are police officers in the Seattle Police
5 Department.

6 17. In February 2016, Officer Spaulding and Detective Miller were called upon to
7 serve a high-risk warrant in the Wedgewood/Lake City area.

8 18. The context was dangerous to begin with. However, it became even more
9 dangerous when Che Taylor arrived in a Black Dodge. The officers immediately recognized
10 him as a known drug dealer, pimp and felon—recently released from prison following a 23-
11 year sentence for break-in and forcible rape. Taylor was also a suspect in a Kirkland-based
12 murder investigation, in which the victim was beaten to death with a hammer.

13 19. At the time, Taylor had two “strikes” and a visible gun in a holster on his right
14 hip (which was, itself, a felony triggering an ATF hit). The officers knew that an arrest would
15 likely lead to a violent confrontation, as Taylor, if convicted, would be going back to prison for
16 the rest of his life.

17 20. While the officers waited for backup in order to arrest Taylor for unlawful
18 possession of a firearm, he went down to the nearby trailer park—a location known to be rife
19 with narcotics—and attempted to pimp out the female who accompanied him.

20 21. When Taylor returned to the scene, still armed, the arrest team was arriving. As
21 they approached, it drew Taylor's attention and the officers moved to the backside of the
22 vehicle—and began shouting commands for him to show his hands.

23 22. Taylor did not comply. Instead, he ducked down and began reaching for the
24 gun in his holster. The police car's vehicle camera picked up the officers' final shouts, “hey no
25

1 hey no hey no” before both were forced to open fire. When Taylor fell, the gun—which was
2 out of the holster and in his hand at that point—fell into his vehicle.

3 23. Che Taylor passed away and the officers were put on administrative leave per
4 standard operating procedure. Consistent with state law, the King County prosecutor began
5 convening an inquest to determine whether charges should be brought.

6 False Statements

7 24. Approximately five days after the shooting, Sawant appeared before a crowd
8 and media in front of the police department. This was not official city council business, and
9 certainly not a “legislative function.” Sawant, however, implied awareness of inside factual
10 information, and appeared to be making a statement against interest. With gravitas established,
11 she went on to pronounce Che Taylor’s death a “brutal murder” and product of “racial
12 profiling.”

13 25. The crowd can be heard acknowledging and accepting the statements.

14 26. In making these public statements about two private citizens, who did
15 everything right:

- 16 a. Sawant never attempted to speak to the officers about the event;
- 17 b. Sawant never attempted to speak to the officers’ counsel about the event;
- 18 c. Sawant never attempted to speak to any of the eyewitnesses about the event;
- 19 d. Sawant has no formal police training or expertise;
- 20 e. Sawant has no background in law enforcement;
- 21 f. Sawant did not wait for an internal investigation to be completed; and
- 22 g. Sawant did not wait for a neutral and contested inquest to occur.

23 27. What is more, at the time, it was known that Che Taylor had a violent criminal
24 history, was armed, was reaching for his gun, and a video of the encounter had been released to
25 the public. This was ignored or disregarded by Sawant.

29. Sawant reiterated the above-statements publicly throughout the year and, with particular emphasis, immediately before the officers' inquest.

30. The inquest took place approximately a year after the shooting. It was convened by the King County prosecutor, overseen by a respected judge, and contested by Che Taylor's family lawyer. An impartial jury cleared the officers of wrongdoing.

31. In addition, the City's Force Investigation Team (FIT) performed an investigation, in which the Office of Professional Accountability (OPA), participated and were present throughout. Findings were issued clearing the officers.

32. FIT's findings were then reviewed by City's Firearms Review Board (FRB). OPA, as a standing part of the FRB, participated. The officers were cleared again.

33. The SPD also confirmed that the officers' conduct was within policy.

34. Sawant, however, continues to refer to the shooting as a “murder” and publicly asserts that the officers avoided “accountability” (touting the implicit—if not explicit—factual premise that this was a race-based murder).

Request for Retraction

Request for Retraction

35. The officers requested that Sawant retract her statements.

36 Sawant did not even bother to respond to or acknowledge their request.

Impact On the Officers

37. With the political firestorm created when Sawant—purportedly speaking with factual authority—publicly called the officers racist murderers, the officers’ lives were turned upside down.

38 The fairness of the inquest hearing was implicated by the defamation.

1 48. As a consequence, the officers were personally sued by the family of Che
2 Taylor.

3 **JURY DEMAND**

4 The officers demand a jury on all issues so triable.

5 **CAUSES OF ACTION**

6 Defamation and Defamation Per Se

7 49. Plaintiffs incorporate all of the above-allegations as if stated herein in full.

8 50. Defendant Sawant defamed Plaintiffs by stating and publishing harmful and
9 damaging statements.

10 51. Defendant Sawant was acting in her capacity as an employee of the City of
11 Seattle.

12 52. The statements are false and unprivileged.

13 53. Because the statements assert criminal conduct and embrace plaintiffs' job and
14 business, this constitutes defamation per se.

15 54. The statements have not been retracted.

16 55. The conduct proximately caused harm.

17 56. Plaintiffs suffered damage in an amount to be proven at trial.

18 Federal Defamation

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21 damaging statements.

22 59. The statements are false and unprivileged.

23 60. Because the statements assert criminal conduct and embrace plaintiffs' job and
24 business, this constitutes defamation per se.

25 61. The statements have not been retracted.

64. The conduct was both the product of City policy, and subsequently ratified by the City.

65. The officers have a right to petition the courts under the First Amendment to the United States Constitution.

67. In retaliation for that free speech, the City—through OPA, which reports to the City Council and Sawant—re-opened a closed investigation into the officers.

68. This conduct by the City and Sawant proximately caused harm to the officers in an amount to be proven at trial.

69. By virtue of the facts set forth above, the Defendants are liable for the common law tort of outrage under Washington law.

Plaintiffs pray the following relief:

- A. Damages in an amount to be proven at trial;
- B. Punitive damages;
- C. Attorneys' fees and costs as permitted by 42 U.S.C. § 1988 and equity;
- D. All other relief the Court deems just and proper.

1 RESPECTFULLY SUBMITTED this 5th day of April, 2018.

2
3 s/Daniel A. Brown

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