

Hearing Date: March 6, 2026  
Hearing Time: 9:00 am  
Judge/Calendar: Judge Murphy/Civil Motion

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THURSTON COUNTY**

ARI HOFFMAN, BRANDI KRUSE, and  
JONATHAN CHOE

*Plaintiffs,*

v.

WASHINGTON STATE HOUSE OF  
REPRESENTATIVES, CHIEF CLERK BERNARD  
DEAN, in his official capacity, THE LEGISLATURE  
OF THE STATE OF WASHINGTON; THE STATE  
OF WASHINGTON and the WASHINGTON  
STATE CAPITOL CORRESPONDENTS  
ASSOCIATION.

*Defendants.*

No. 26-2-01131-34

**MOTION FOR INJUNCTION AND  
ORDER TO SHOW CAUSE**

**I. INTRODUCTION**

During the current 2026 legislative session, the Washington State House of Representatives denied press passes to three reporters: Ari Hoffman, Brandi Kruse, and Jonathan Choe. The denial was predicated on factual fallacies and, in part, on unpublished, vague, inconsistently applied and constitutionally suspect guidelines. An exclusive and private group composed of a few members of the press, called the Washington State Capitol Correspondents Association (“CCA”), was improperly tasked with creating and issuing these guidelines. Defendants’ reliance on opaque criteria, selective enforcement, and delegation of credentialing authority to a private entity fails to satisfy constitutional safeguards protecting freedom of the press under both the U.S. and

1 Washington Constitutions and independently violates the nondelegation doctrine. This Motion for  
2 Injunction and to Show Cause is therefore necessary to halt these unlawful practices and to ensure  
3 that journalists may gather and report news from the Legislature free from viewpoint-based  
4 exclusion, consistent with constitutional guarantees.

#### 5 **IV. FACTUAL BACKGROUND**

6 Under Washington House of Representatives Rule 8, adopted in 2025, representatives of the  
7 press may have access to the chambers. For well over the last 50 years, press credentialing at the  
8 Legislature has been coordinated by the CCA. However, in 2025 that role changed. Attachment 1,  
9 Pet. Decl. and Inj. Relief, Decl. of Jackson Maynard. Following the denial of several press passes  
10 by the Washington State Senate during the 2025 session, including those of Jonathan Choe and  
11 Brandi Kruse, a letter was sent to the CCA outlining the constitutional defects of the process used  
12 to determine how press passes would be approved. Decl. of Maynard, Ex. A, Letter to Jerry  
13 Cornfield, Representative of the CCA dated February 19, 2025. Following receipt of the letter,  
14 Chief Clerk Bernard Dean sent an email indicating that the CCA would be relinquishing that role  
15 and asked that press credentialing be handled directly by the Legislature. Decl. of Maynard, Ex.  
16 B, Email from Chief Clerk Dean dated March 20, 2025. The Senate eventually issued press passes  
17 to the reporters who were the subject of the February 19 letter, including Jonathan Choe and Brandi  
18 Kruse. *Id.*

##### 19 **A. 2026 House Press Pass Scheme**

20 Subsequently, the House of Representatives concocted a new scheme (“press pass scheme”)  
21 for the 2026 session to provide for press passes to representatives of the press. Members of the  
22 press are required to obtain a press pass and must apply via a form on the House of Representatives  
23 website, <https://form.jotform.com/253207367883061> (last accessed February 24, 2026). There are  
24

1 two types of passes: a “hard pass” for members of the press who primarily work on the capitol  
2 campus during session, and a “day pass” for all others.

3 To receive a press pass to the House floor, an individual must complete and submit the House  
4 Press Pass Agreement, which requires the individual applicant to provide contact information for  
5 themselves and their organization. According to the online application form, the House will issue  
6 floor press passes to individuals who meet certain guidelines (“CCA Guidelines”), informed by  
7 CCA recommendations. The form indicates that the Guidelines are available on request. The form  
8 refers to CCA Guidelines as “House Guidelines,” suggesting that the House has de facto adopted  
9 the CCA Guidelines.

10 Undersigned counsel made a public records request for the “Guidelines” referenced on the  
11 form and used to determine issuance of press passes. In response, counsel received a copy of the  
12 CCA Guidelines. Comp. Decl. of Maynard, Ex. C, Communications on Guidelines for Washington  
13 State Legislature Press Credentials. The CCA Guidelines are not publicly posted or published and  
14 can only be obtained upon individual request. Decl. of Maynard, Comp. Ex. C, Communications  
15 regarding and Guidelines for Washington State Legislature Press Credentials. The Guidelines are  
16 framed as aspirational recommendations and are not binding or determinative of who is entitled to  
17 a press pass. It is unclear if “press credentials”—a term used in the CCA Guidelines—are the  
18 “press passes” referenced in the House jot form application.

19 Under CCA Guideline II, credentials should be issued only to “professional journalists.” This  
20 is defined as “reporting or shooting [as] part of your primary job and that job is the source of most  
21 of your income.” Under CCA Guideline III, journalists who “work for websites” may obtain  
22 credentials. CCA Guideline III contains the following language:

23 *“The Association recommendations are guided by this principle: The press must be*  
24 *independent from the government and from the political parties, their constituent*

1 *groups, and the many organizations which have a stake in the Legislature's*  
2 *proceedings. Blurring that line would raise questions about the motives of everyone*  
3 *in the press corps, and risk having the Legislature revoke or restrict the access we*  
4 *have maintained in the public interest for many years."*

5 CCA Guideline IV requires that an applicant's employer must be a news organization, "full  
6 stop." While the phrase "news organization" is undefined, the CCA Guidelines indicate that the  
7 CCA does not support "providing credentials to people who work for any publication or  
8 information source that is part of a larger non-news organization. The entity must be doing news  
9 for the sake of news alone."

10 CCA Guideline V is worth quoting at length:

11 *"V. The Association will not support the providing of a credential to a person who*  
12 *is or may become engaged in campaigns, lobbying, or the development of public*  
13 *policy. Giving a relatively inconsequential amount of money to some organization*  
14 *probably is not enough to trigger this rule. Anything beyond that probably is.*

15 *It is important that a line be established between professional journalism and*  
16 *political or policy work. This is the spirit in which the Legislature has offered*  
17 *access: The press should act as an independent observer and monitor of the*  
18 *proceedings, not an involved party.*

19 *This means that we cannot endorse offering credentials to one who is part of, or*  
20 *may become involved with, a party, campaign or lobbying organization. We also*  
21 *can't support providing a credential to folks who do any sort of consulting,*  
22 *advising, writing, or other work, whether paid or unpaid, for a politician, public*  
23 *official, party organization, lobbying shop, etc. The disqualification also is*  
24 *retroactive: If someone is credentialed and then becomes involved in such*  
*activities, the Association would recommend the credential be invalidated.*

*In some cases, professional journalists have crossed back and forth between being*  
*a journalist and being involved in political work. Some even have run for office.*  
*Since credentials must be renewed with each legislative session, an assessment of*  
*a credential-seeker's current or potential political involvement will be undertaken*  
*each year – meaning that someone might qualify for a press credential one year,*  
*but not the following, depending on their outside activities."*

25 Interestingly, members of the press routinely testify on pending legislation and their  
26 organizations often employ lobbyists. See, e.g., <https://wnpa.com/our-work/advocacy/#support->

1 [ssb-5400](#) (last accessed February 24, 2026). For example, in 2025 members of the press testified  
2 in support of a bill that would provide funding for local journalists.

3 [https://lawfilesexternal.wa.gov/biennium/2025-](https://lawfilesexternal.wa.gov/biennium/2025-26/Pdf/Bill%20Reports/Senate/5400%20SBR%20WM%20TA%2026.pdf?q=20260206143144)  
4 [26/Pdf/Bill%20Reports/Senate/5400%20SBR%20WM%20TA%2026.pdf?q=20260206143144](https://lawfilesexternal.wa.gov/biennium/2025-26/Pdf/Bill%20Reports/Senate/5400%20SBR%20WM%20TA%2026.pdf?q=20260206143144)

5 Decl. of Maynard, Ex. D, Emails from the Washington Newspaper Publisher Association  
6 advocating for SSB 5400.

7 Moreover, multiple news outlets maintain editorial pages in which they endorse political  
8 candidates and advocate for or against specific policies. These activities are completely appropriate  
9 elements of reporting and do not compromise a journalist’s independence.

#### 10 **B. Denial of Press Passes to Plaintiffs**

11 Ari Hoffman is a professional reporter. Reporting is part of his primary job which is the source  
12 of most of his income. He is employed by a news organization. He does provide editorial political  
13 opinion in his work but does not engage in campaigns, lobbying, or in the development of public  
14 policy. On Monday, January 26, 2026, Ari Hoffman completed the online form for a daily press  
15 pass for January 29, 2026. On January 28, 2026, Ari Hoffman was denied a press pass. Decl. of  
16 Ari Hoffman and Decl. of Maynard, Ex. E, Letter from Chief Clerk Dean on Hoffman Denial.  
17 Chief Clerk Dean’s letter noted that he was being denied because the House looks to the CCA to  
18 make a recommendation as to whether a press pass applicant is a “bona fide journalist” or not. The  
19 letter indicated that “[b]ased on [his] recent engagement with public policy development and  
20 advocacy, [his] request for a press pass is denied.”

21 Apparently, the Guidelines were not the final factor in determining if Hoffman’s application  
22 would be granted. In the January 28 letter, Chief Clerk Dean stated that the decision was “in part”  
23 due to the CCA Guidelines. It is unclear what else the House used in issuing its denial. The CCA  
24

1 Guidelines do not indicate that the CCA will make recommendations on press passes and neither  
2 the phrase “bona fide journalist” nor a definition thereof is included therein.

3 Either the House of Representatives has delegated who gets access to its chambers to the  
4 CCA—which violates the non-delegation doctrine—or it made the decision to deny Hoffman’s  
5 pass based upon vague, unclear, and inconsistently applied recommendations disguised as the  
6 CCA Guidelines. Either way, the denial violated Hoffman’s right to exercise his freedoms of  
7 speech and press. The letter also indicated that Hoffman could appeal the decision, although the  
8 letter did not outline any timeline, process, standard of review or appropriate grounds for appeal.

9 On January 29, 2026, undersigned counsel sent a letter to House Speaker Laurie Jinkins, Chief  
10 Clerk Dean, and CCA representative Jerry Cornfield. Decl. of Maynard, Ex. F, Letter from  
11 Counsel on Hoffman Denial. The letter outlined legal concerns with the process and decision-  
12 making involved in denying Hoffman’s press pass and appealed the denial as well as requested  
13 public records regarding the denial. On February 3, 2026, the Chief Clerk denied Hoffman’s  
14 appeal. Decl. of Maynard, Ex. G, Letter from Chief Clerk Dean Responding to Counsel’s January  
15 29, 2026, Letter.

16 Jonathan Choe is also a professional reporter, and reporting is part of his primary job which is  
17 the source of most of his income. He is employed by a news organization. He does provide editorial  
18 political opinion in his work but is not engaged in campaigns, lobbying, or in the development of  
19 public policy. Decl. of Jonathan Choe.

20 On February 2, 2026, Jonathan Choe applied for a press pass for February 2, 3, 4, 5, and 6,  
21 2026. On that same date Choe’s application for a press pass was likewise denied by email which  
22 did not contain any reason for the denial. The email did provide an email address for Choe to  
23 appeal in writing. Choe requested a reason for the denial. The response was that “[a]pprovals and  
24

1 denials are based on [CCA] recommendations and may be appealed by contacting the Chief  
2 Clerk’s Office in writing.” Decl. of Maynard, Ex. H, Communication between Choe and Chief  
3 Clerk’s Office. This response was defective as it did not list any of the “Guidelines” that Choe  
4 apparently did not meet. The response also did not include a copy of the recommendation or basis  
5 for the decision.

6 Choe appealed via email and that appeal was denied on February 4, 2026. In the February 4,  
7 2026, letter denying Choe’s appeal, Chief Clerk Dean stated that it was because “credentials are  
8 not provided to individuals who work for any publication or information source that is part of a  
9 larger non-news organization, this includes think tanks.” Decl. of Maynard, Ex. I, Letter from  
10 Bernard Dean on Choe Appeal Denial. Choe works for and provides newsgathering activities for  
11 a number of news outlets including for a website based independent news site covering  
12 homelessness and drug addiction in Washington State. <https://fixhomelessness.org> (last accessed  
13 February 9, 2026).

14 Brandi Kruse is a professional reporter, and reporting is part of her primary job which is the  
15 source of most of her income. She is employed by a news organization. She does provide editorial  
16 political opinions in her work but is not employed by campaigns and does not engage in lobbying,  
17 or in the development of public policy. Ms. Kruse also applied for a press pass. The request was  
18 denied. She also appealed. On February 4, 2026, her appeal was denied. Decl. of Brandi Kruse and  
19 Decl. of Maynard, Ex. J, Letter from Chief Clerk Dean on Kruse Denial. The letter to Kruse is  
20 nearly verbatim to the one sent to Mr. Hoffman. She was denied because the House looks to the  
21 CCA to make a recommendation as to whether a press pass applicant is a “bona fide journalist.”  
22 The letter indicated that “[b]ased on your recent engagement with public policy development and  
23 advocacy, your request for a press pass is denied.”  
24

1 The Guidelines do not indicate whether the CCA will make recommendations as to press  
2 passes and neither the phrase “bona fide journalist” nor a definition thereof is included therein.  
3 Once again, either the House of Representatives delegated who gets access to its chambers to the  
4 CCA, which violates the non-delegation doctrine, or it made the decision to deny Kruse’s pass  
5 based upon vague, unclear and inconsistently applied recommendations disguised as “Guidelines.”  
6 Either way, the denial violated Kruse’s right to exercise her freedoms of speech and press. Even  
7 though Kruse’s email was treated as an appeal and was denied, it notes that the House did not at  
8 any time provide any timeline, process, standard of review or appropriate grounds for appeal which  
9 is required under due process and the non-delegation doctrine.

#### 10 V. LEGAL STANDARD

11 An injunction is warranted where the movant shows “(1) that [it] has a clear legal or  
12 equitable right, (2) that [it] has a well-grounded fear of immediate invasion of that right, and (3)  
13 that the acts complained of are either resulting in or will result in actual and substantial injury to  
14 the movant.” *Tyler Pipe Indus., Inc. v. Dep’t of Rev.*, 96 Wash.2d 785, 792, 638 P.2d 1213 (1982);  
15 RCW 7.40.020. Those “criteria must be examined in light of equity including balancing the relative  
16 interests of the parties and, if appropriate, the interests of the public.” *Id.*; accord *Kucera v. Dep’t*  
17 *of Transp.*, 140 Wn.2d 200, 209, 995 P.2d 63 (2000). The same framework governs TROs. *SEIU*  
18 *775 v. State, Dep’t of Soc. & Health Servs.*, 198 Wn. App. 745, 792–93, 396 P.3d 369 (2017). To  
19 invoke the Uniform Declaratory Judgment Act (“UDJA”), a plaintiff must establish: (1) an actual,  
20 present and existing dispute, or the mature seeds of one, as distinguished from a possible, dormant,  
21 hypothetical, speculative, or moot disagreement, (2) between parties having genuine and opposing  
22 interests, (3) which involves interests that must be direct and substantial, rather than potential,  
23 theoretical, abstract or academic, and (4) a judicial determination which will be final and  
24

1 conclusive. *To-Ro Trade Shows v. Collins*, 144 Wash. 2d 403, 27 P.3d 1149 (2001) Injunctions  
2 may be issued to grant relief under the UDJA. RCW 7.40.020.

### 3 V. ARGUMENT

#### 4 A. PLAINTIFFS HAVE A CLEAR LEGAL RIGHT TO GIVE PRESS PASSES ISSUED TO THEM

##### 5 1. *Violation of Freedom of the Press Under the U.S. and Washington Constitutions*

6 The First Amendment of the U.S. Constitution provides: “Congress shall make no law  
7 respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the  
8 freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition  
9 the Government for a redress of grievances.” The Fourteenth Amendment incorporates the First  
10 Amendment against state authorities. As courts across the nation have long affirmed,  
11 “newsgathering is an activity protected by the First Amendment,” *United States v. Sherman*, 581  
12 F.2d 1358, 1361 (9th Cir. 1978), which includes the “right of access for the press ... to observe  
13 government activities,” *Leigh v. Salazar*, 677 F.3d 892, 897–98 (9th Cir. 2012). Press freedom is  
14 paramount to our nation’s survival, as “the media are ‘surrogates for the public’” and “the guardian  
15 of the public interest.” *Id.* As such, any restrictions on the rights of a free press to collect and report  
16 on news concerning the government’s activities constitute serious harms that must immediately be  
17 remedied, because “[w]here the precious First Amendment right of freedom of the press is at issue,  
18 the prevention of access to a public forum is, each day, an irreparable injury.” *Jacobsen v.*  
19 *U.S.P.S.*, 812 F.2d 1151, 1154 (9th Cir. 1987). The U.S. Supreme Court has acknowledged that  
20 “without some protection for seeking out the news, freedom of the press could be eviscerated.”  
21 *Branzburg v. Hayes*, 408 U.S. 665, 684 (1972).

22 Based on the importance of free press and the corresponding individual and collective right  
23 to access lawmaking forums, courts routinely strike down restrictions used to deny press passes or  
24 credentials to reporters that are based on unclear, spurious, or conflicting grounds. Any restrictions

1 on the issuance of press passes and their specific requirements must be published and cannot be  
2 based on vague claims regarding “security” concerns or ambiguous criteria. *See Sherrill v. Knight*,  
3 569 F.2d 124, 130 (D.C. Cir. 1977). In fact, the failure to publish those requirements is itself a  
4 separate violation of reporters’ due process rights under the Fourteenth Amendment. *See Alaska*  
5 *Landmine, LLC v. Dunleavy*, 514 F. Supp. 3d 1123, 1134 (D. Alaska 2021) (granting injunction  
6 because “Plaintiffs are likely to succeed on their due process claims given the government’s failure  
7 to memorialize an explicit and meaningful standard governing its denial of press conference  
8 access”).

9 Nor does the availability of a “day pass” constitute an adequate substitute for full  
10 credentials, as it also burdens reporters’ free-speech and press rights, requiring advanced screening  
11 or limiting the extent of their access. *See Ateba v. Jean-Pierre*, 706 F. Supp. 3d 63, 77–78 (D.D.C.  
12 2023) (rejecting the alternative of a day pass and noting “that the White House Correspondents’  
13 Association has remarked in previous litigation that ‘without the access that a hard pass grants, a  
14 White House Correspondent cannot effectively perform his or her duties’”). Moreover, restrictions  
15 cannot be imposed on the tenuous grounds that a reporter is simply a part-time “blogger,” *see*  
16 *Dunleavy, supra*, 514 F. Supp. 3d at 1134, or that they “take sides, especially in political contests,”  
17 *Borreca v. Fasi*, 369 F. Supp. 906, 910 (D. Haw. 1974); *see also TGP Comms., LLC v. Sellers*,  
18 2022 WL 17484331, at \*4 (9th Cir. Nov. 23, 2022) (enjoining restriction of press pass, which  
19 relied on claim that the reporter “participate[d] in political party events and associate[d] with  
20 people and groups that demonstrate an inability to avoid real or perceived conflicts of interest”).  
21 Such content and viewpoint-based restrictions violate core First Amendment rights, and there is  
22 no compelling governmental interest in avoiding criticism from reporters or commentators who  
23 they wish to avoid. *Id.*

1 Finally, the U.S. Supreme Court’s scrutiny on review of press access to government forums  
2 is as follows: “For a nonpublic forum, the question is whether the restrictions are (1) reasonable  
3 and (2) not an effort to suppress an opposing viewpoint.” See *John K. MacIver Inst. for Pub. Pol’y*  
4 *v. Evers*, No. 19-CV-649-JDP, 2020 WL 1531637, at \*5 (W.D. Wis. Mar. 31, 2020) (citing *Perry*  
5 *Educ. Ass’n v. Perry Local Educators’ Ass’n*, 460 U.S. 37, 44 (1983)). The First Amendment  
6 secures “the paramount public interest in a free flow of information to the people concerning public  
7 officials,” which, when coupled with the Fourteenth Amendment, serve to protect the right of the  
8 public to receive published information and ideas. *Id.*

9 Defendants’ press pass scheme is not reasonable because it fails to satisfy these  
10 constitutional requirements in the following ways:

- 11 • The Guidelines maintained by the CCA and relied upon (in part) by the House are  
12 unpublished, vague, ambiguous, and unenforceable.
- 13 • The Guidelines are not applied uniformly or even consistently.
- 14 • The lack of due process of standards of review for appeals, or facts or law that would be  
15 considered by the Clerk in an appeal similarly violates the rights of Plaintiffs.
- 16 • The Guidelines are not reasonable and not viewpoint neutral.
- 17 • A “day pass” is not an adequate substitute for full credentials.

18 In addition, the press pass scheme has the effect of suppressing opposing viewpoints because it is  
19 commonly known that Plaintiffs have been supportive of certain legislation and made editorial  
20 comments critical of other proposals.

21 In addition, Article I, Section 5 of the Washington Constitution provides as follows:  
22 “FREEDOM OF SPEECH. Every person may freely speak, write and publish on all subjects, being  
23 responsible for the abuse of that right.” *Id.* This provision offers much greater protection than its  
24 federal counterpart does, which is already remarkably robust. *State v. Noah*, 103 Wash.App. 29, 9

1 P.3d 858 (2001). “The right of the legislature to classify, if there be a reasonable basis for the  
2 classification, does not apply when the equal protection clause is concerned with a right claimed  
3 under the first amendment.” *Adams v. Hinkle*, 51 Wash.2d 763, 322 P.2d 844 (1958) (striking  
4 down regulation impacting freedom of the press by requiring a license from comic book dealers  
5 but exempting newspapers from the same publication of identical material). The free-speech article  
6 of the Washington Constitution guarantees an absolute right to publish and to broadcast accurate,  
7 lawfully obtained information that is a matter of public record by virtue of having been admitted  
8 into evidence and presented in open court. *State v. Coe*, 101 Wash.2d 364, 679 P.2d 353 (1984).  
9 Here the actions of the House of Representatives in denying press passes to Plaintiffs based on  
10 unpublished, vague, and ambiguous criteria, inconsistently applied, clearly violate the state and  
11 federal constitutions’ ironclad protections of press freedom and free-speech rights.

## 12 **2. Violation of Due Process Clauses of State and Federal Constitutions**

13 The Fourteenth Amendment to the U.S. Constitution provides:

14 *SECTION 1. All persons born or naturalized in the United States, and subject to*  
15 *the jurisdiction thereof, are citizens of the United States and the State wherein they*  
16 *reside. No State shall make or enforce any law which shall abridge the privileges*  
17 *or immunities of citizens of the United States; nor shall any State deprive any*  
18 *person of life, liberty, or property, without due process of law; nor deny to any*  
19 *person within its jurisdiction the equal protection of the laws.*

20 In *Sherrill v. Knight, supra*, the federal court considered a journalist’s challenge to the  
21 denial of a White House press pass. In that case, the journalist argued that the absence of any  
22 published or internal policies regarding the issuance of press passes constituted a violation of both  
23 the First and Fifth Amendments. 569 F.2d at 130. The court was persuaded that a press pass should  
24 not be denied for media access to government facilities and should “not be denied arbitrarily or for  
less than compelling reasons.” *Id.* at 115. Here, the reasons provided for the denial of the press  
passes are arbitrary and wholly unconvincing. The unpublished Guidelines are inadequate, vague,

1 and ambiguous and inconsistently enforced in addition to the other defects alleged above. In  
2 addition, the letters received from the Chief Clerk indicate that the Guidelines were only used “in  
3 part” to make the denial. Based on the authorities above, such unwritten policies constitute a due  
4 process violation.

5 In addition, the state constitution provides that “[n]o person shall be deprived of life,  
6 liberty, or property, without due process of law.” Art. I, §3. The state constitution protects  
7 individual due-process rights against arbitrary and capricious government action. *In re Estate of*  
8 *Hambleton*, 181 Wash.2d 802, 335 P.3d 398 (2014), cert. denied, cert. denied 136 S.Ct. 318  
9 (Mem), 577 U.S. 922, 193 L.Ed.2d 227 (2015). Generally, the Due Process Clause of the  
10 Washington Constitution does not afford broader protection than that given by the Fourteenth  
11 Amendment. *State v. Beaver*, 184 Wash.App. 235, 336 P.3d 654 (2014), aff’d, 184 Wash.2d 321,  
12 358 P.3d 385 (2015). To satisfy due process requirements, the opportunity to be heard must be at  
13 a meaningful time and in a meaningful manner, appropriate to the case. *Bellevue Sch. Dist. v. E.S.*,  
14 171 Wash.2d 695, 257 P.3d 570 (2011). Here, Plaintiffs’ due process rights under the state  
15 constitution were violated because the Guidelines used by the Defendants in determining which  
16 applicants received press passes and their enforcement and application are arbitrary and capricious.  
17 Given the decision to deny their passes initially and on appeal, Plaintiffs had no realistic notice or  
18 opportunity to be heard at a meaningful time or in a meaningful manner.

### 19 3. ***Violation of the Non-Delegation Doctrine***

20 Under the nondelegation doctrine, the Legislature may grant regulatory authority to private  
21 parties only if proper standards, guidelines, and procedural safeguards exist. *Entertainment Indus.*  
22 *Coalition v. Tacoma-Pierce Cnty. Health Dep’t*, 153 Wash.2d 657, 105 P.3d 985 (2005). To the  
23 extent that the House of Representatives claims to delegate to the CCA, a private entity, the  
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1 authority to impose guidelines on the Plaintiffs’ constitutional rights to freedom of press and  
2 speech, and to decide whether to grant press passes, such a delegation violates the non-delegation  
3 doctrine because proper standards, guidelines and procedural safeguards do not exist to protect  
4 Plaintiffs’ rights. The House of Representatives rules provide no standards by which the CCA can  
5 determine whether the guidelines it adopts are consistent with the Legislature’s intent. The House  
6 of Representatives Rules contain no mechanism for challenging arbitrary actions by the CCA or  
7 remedying the abuse of the CCA’s discretionary power. Without standards for determining which  
8 members of the press may obtain passes or for challenging the arbitrary exercise of the CCA’s  
9 authority, the process utilized by the House of Representatives is an unconstitutional delegation of  
10 legislative power.

11 **4. *The Denial of Press Passes was Unwarranted***

12 Even assuming *arguendo* that the guidelines and their enforcement did not violate the  
13 constitutional provisions and doctrines identified above, as applied to the Plaintiffs the guidelines  
14 did not exclude them from qualifications for a pass. All of the Plaintiffs worked for news  
15 organizations, none were engaged in political campaigns for office, and all are journalists.

16 **B. PLAINTIFFS HAVE A WELL-GROUNDED FEAR THAT THEIR RIGHTS WILL BE INVADED**

17 Where a legal right is established, threatened action against that right is enough to  
18 establish a well-grounded fear of immediate invasion. *See Kucera*, 140 Wn.2d at 217. As shown  
19 above, Plaintiffs have already had their legal rights invaded and meet this criterion.

20 **C. PLAINTIFFS FACE ACTUAL AND SUBSTANTIAL INJURY**

21 A plaintiff satisfies the substantial injury requirement by establishing a negative impact  
22 through evidence. *See, e.g., Anti-Smoking All. v. Tacoma-Pierce Cnty. Dep’t of Health & Health*  
23 *Bd.*, 13 Wash.App.2d 438, 453 (2020) *see also Burien Cnty. for Inclusion v. Respect Wash.*, No.  
24

1 77500-6-I, 2019 WL 4262081, at \*9 (Wash. Ct. App. Sept. 9, 2019). Here all Plaintiffs are  
2 negatively impacted because they are subject to an illegal and unconstitutional regulatory scheme  
3 that restricts their ability to function as journalists.

4 **D. IN THE LIGHT OF EQUITY AND BALANCING THE RELATIVE INTERESTS OF THE PARTIES,  
5 PLAINTIFFS SHOULD PREVAIL**

6 The criteria for injunctive relief “must be examined in light of equity including balancing  
7 the relative interests of the parties and, if appropriate, the interests of the public.” *Tyler Pipe*, 96  
8 Wn.2d at 792. In this case, an injunction will preserve the statutory status quo and prevent the  
9 unconstitutional or illegal implementation of a regulatory scheme that prohibits their ability to  
10 function as journalists.

11 **VI. CONCLUSION**

12 In conclusion, the relief requested should be granted.

13 DATED this 24th day of February, 2026.

14 */s/ Jackson Maynard*  
15 JACKSON WILDER MAYNARD, JR.  
16 WSBA No. 43481  
17 111 21<sup>st</sup> Ave SW  
18 Olympia, WA 98501  
19 (850) 519-3495

20 *Attorney for Plaintiffs*

1 **CERTIFICATE OF SERVICE**

2 I, Jackson Maynard, hereby declare under penalty of perjury under the laws of the State  
3 of Washington that I am causing a true and correct copy of the foregoing **Motion for Injunction**  
4 **and for an Order to Show Cause** to be served via US Mail on this date to counsel for  
5 Defendants and to a representative of the Washington Capitol Correspondents Association at:

6 Counsel for Defendants:  
7 Washington House of Representatives  
8 Washington State Legislature  
9 State of Washington  
10 Chief Clerk Bernard Dean

11 William McGinty  
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17 DATED this 24th day of February, 2026.

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