

☐ EXPEDITE
☒ No Hearing is set
☐ Hearing is set:
Date:
Time:
Judge/Calendar:

SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

WASHINGTON WILDLIFE FIRST

Petitioner,

v.

ROBERT FERGUSON, in his official capacity as
Governor of the State of Washington, and
MOLLY LINVILLE,

Respondents.

No. 25-2-01590-34

PETITION

1. On April 7, 2025, Governor Bob Ferguson announced his reappointment of Molly Linville to serve another six-year term on the Washington Fish and Wildlife Commission (“Commission”). However, Commissioner Linville was not eligible for appointment as a Commissioner under RCW 77.04.040, because she concurrently serves as a director on the Palisades school board.

2. Petitioner asks the Court to declare this appointment null and void and enjoin Commissioner Linville from serving on the Commission unless and until she resigns her position on the Palisades school board.

PARTIES

Petitioner

3. Petitioner Washington Wildlife First is a 501(c)(3) nonprofit organization incorporated in the State of Washington with its principal place of business in Vashon, Washington. Washington Wildlife First is dedicated to using the power of the law, informed advocacy, and strategic partnerships to transform Washington's relationship with its fish and wildlife from an approach centered around consumptive use to a more democratic paradigm that values science, recognizes the intrinsic value of individual animals, and prioritizes protecting, preserving, and perpetuating wild lives.

4. One of Washington Wildlife First's objectives is to ensure WDFW's compliance with laws designed to ensure the integrity of the democratic process and to protect fish, wildlife, and the environment.

5. Petitioner's board, staff, members, and supporters routinely attend and testify at meetings of the Commission and take a particular interest in Commission votes and the impact they have on state fish and wildlife.

6. Petitioner's board, staff, members, and supporters regularly spend time outdoors enjoying the fish and wildlife of Washington. Petitioner's board, staff, members, and supporters have visited many areas in the state to enjoy fish and wildlife in the past, and have

1 specific plans to continue to visit those locations to enjoy fish and wildlife in the coming weeks,
2 months, and beyond. These board, staff, members, and supporters observe, study, photograph,
3 and appreciate wildlife and wildlife habitat by engaging in such activities as skiing, hiking,
4 camping, fishing, and hunting in these areas.

5 7. Petitioner's board, staff, members, and supporters derive scientific, educational,
6 recreational, health, conservation, spiritual, social, and aesthetic benefits from the fish and
7 wildlife of the state, and the existence of natural, wild, and healthy ecosystems.

8 8. The past, present, and future enjoyment of Petitioner's members and supporters,
9 including their recreational, aesthetic, spiritual, social, and scientific interests, will be harmed
10 by the appointment of a commissioner in violation of the law as described herein because this
11 action could have a significant adverse effect on the state's environment and wildlife.

12 9. Petitioner's board, staff, members, and supporters have injuries that are actual,
13 concrete and/or imminent, and are fairly traceable to Respondents' violations of the law as
14 described herein, which the Court may remedy by declaring that Respondents actions are
15 illegal and issuing injunctive relief vacating Respondents' actions and requiring Respondents
16 to comply with their statutory obligations.

17 10. Washington Wildlife First's main office is at 20520 105th Ave. SW, Vashon,
18 WA 98070, within King County, and its mailing address is P.O. Box 760, Copalis Crossing,
19 WA 98536.

20 **Respondents**

21 11. Governor Bob Ferguson is sued in his official capacity as the Governor of the
22 State of Washington.

23 12. Molly Linville is a member of the Commission and a director on the Palisades
24 School District school board.

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13. Jurisdiction is proper in this Court pursuant to RCW 2.08.010 (superior court jurisdiction); RCW 7.24.010 (declaratory relief), RCW 7.40.010 (injunctive relief), Article IV, § 22 of the Washington Constitution (Constitutional Writ of Certiorari), RCW 7.16.290 (Writ of Prohibition), and RCW 7.16.160 (Writ of Mandamus).

14. Venue is proper in this Court pursuant to RCW 4.92.010.

FACTUAL BACKGROUND

15. On March 6, 2023, the U.S. Sportsmen's Alliance filed suit against Commissioner Lorna Smith, alleging she was in violation of RCW 77.04.040 because she was continuously serving on the Commission and the Jefferson County Planning Commission.

16. On June 30, 2023, Judge Mary Sue Wilson ruled in favor of the U.S. Men's Alliance, finding that Commission Smith could not hold both offices, leading to his resignation from the Jefferson County Planning Commission.

17. Governor Ferguson filed an appeal to this ruling on September 8, 2023, as
gton's attorney general.

18. On October 17, 2024, the state Supreme Court affirmed the superior court's

19. On November 7, 2023, Linville was elected to a four-year term as a director on the school board for the Palisades School District. Linville continues to serve on the Palisades school board.

20. Former Governor Jay Inslee appointed Linville to the Fish and Wildlife Commission on July 24, 2019 to a term that expired on December 31, 2024. Her appointment was confirmed by the Washington State Senate on April 21, 2023.

21. Former Governor Inslee declined to reappoint Linville after her position expired September 31, 2024, appointing new Commissioner Lynn O'Connor to fill her seat.

22. Shortly after taking office on January 15, 2025, Governor Ferguson sent a letter to the state Senate asking it to return former Governor Inslee's Commission appointments to his office. The Senate complied with this request and returned the appointments on or about February 5, 2025.

23. On or about April 5, 2025, Governor Ferguson reappointed Linville to the Commission. His office announced this appointment on April 7, 2025.

LEGAL BACKGROUND

24. Under RCW 77.04.040, “persons eligible for appointment as members” of the Commission shall not “hold another state, county, or municipal elective or appointive office.”

25. School districts are considered municipalities under Washington law.

26. The position of school board director is an elective office.

27. Linville was not eligible for appointment to the Commission when Governor Ferguson appointed her on or about April 5, 2025, because she held another elective municipal office.

28. Linville is not eligible to serve on the Commission because she still serves as a director on the Palisades school board. Linville may not serve simultaneously as a Commissioner and a director on the Palisades school board.

CLAIM FOR RELIEF

29. Petitioner incorporates by reference all preceding paragraphs.

30. Under RCW 77.04.040, Linville was not eligible for appointment to the Commission when Governor Ferguson appointed her on or about April 5, 2025, because she held another elective municipal office at that time.

31. Under RCW 77.04.040, Linville may not serve simultaneously as a Commissioner and a director of the Palisades school board.

1 32. Petitioner seeks a declaratory judgment that Governor Ferguson’s appointment
2 of Commissioner Linville was unlawful under RCW 77.04.040 and is therefore null and void.

3 33. Petitioner seeks a Constitutional writ finding that Governor Ferguson’s
4 appointment of Commissioner Linville was unlawful under RCW 77.04.040 and is therefore
5 null and void.

6 34. Petitioner seeks a writ of mandamus requiring Linville’s appointment to be
7 withdrawn.

8 35. Petitioner seeks a writ of prohibition barring Linville from serving on the
9 Commission for as long as she remains a member of the Palisades school board.

10 36. Petitioner seeks an injunction against Linville barring her from taking any
11 action as a member of the Washington Fish and Wildlife Commission.

12 **PETITIONER’S PRAYER FOR RELIEF**

13 *Petitioner respectfully requests that this Court:*

14 37. Declare that Governor Ferguson’s appointment of Commissioner Linville was
15 unlawful under RCW 77.04.040 and is therefore null and void.

16 38. Issue a writ of mandamus requiring Linville’s appointment to be withdrawn.

17 39. Issue a writ of prohibition barring Linville from serving on the Commission for
18 as long as she remains a member of the Palisades school board.


19 40. Issue an injunction barring Linville from taking any action as a member of the
20 Washington Fish and Wildlife Commission.

21 41. Award Petitioner its costs of suit and attorneys’ fees; and

22 42. Grant Petitioner such other relief as the Court deems just and equitable.
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2 DATED: April 22, 2025
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4 ANIMAL & EARTH ADVOCATES PLLC

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6 By  _____

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