

1 No Hearing Set
2 Hearing is Set
3 Date: Friday, August 2, 2019
4 Time: 9:00 a.m.
5 Judge James J. Dixon

6
7 **STATE OF WASHINGTON**
8 **THURSTON COUNTY SUPERIOR COURT**

9 STATE OF WASHINGTON,

10 Plaintiff,

11 v.

12 TIM EYMAN, *et al.*,

13 Defendants.

NO. 17-2-01546-34

PLAINTIFF STATE OF
WASHINGTON'S MOTION FOR AN
ORDER REQUIRING EYMAN
DEFENDANTS' PAYMENT OF
CONTEMPT FINES INCURRED TO
DATE SINCE SEPTEMBER 25, 2018

14 **I. INTRODUCTION**

15 Plaintiff State of Washington (State) moves the Court for an order requiring Defendant
16 Tim Eyman (Eyman) and Defendant Tim Eyman Watchdog for Taxpayers LLC (Watchdog)
17 (collectively Eyman Defendants) to pay the outstanding contempt fines that have accrued against
18 them since September 25, 2018. The Eyman Defendants remain in contempt of court for failing
19 to provide complete responses to the State's first set of discovery requests. On July 19, 2019, the
20 Special Discovery Master denied the Eyman Defendants' most recent motion to purge contempt.
21 The Eyman Defendants' most recent payment of contempt fines paid those fines through
22 September 24, 2018. Accordingly, the State requests an order from the Court requiring the
23 Eyman Defendants to immediately pay the State the contempt fines that have accrued against
24 them since September 25, 2018 up to the date of the Court's hearing on this motion (August 2,
25 2019). In addition, the order should reflect that Eyman Defendants are jointly and severally
26 responsible for the fines assessed against them collectively as well as the fines imposed against

1 Defendant Watchdog alone. With regard to the latter, the doctrine of corporate disregard applies
2 to hold Defendant Eyman personally responsible for those fines because he has a long history of
3 commingling business and personal assets and has misused the corporate form. Finally, this
4 Court should award the State its fees and costs for bringing this motion.

5 II. STATEMENT OF FACTS

6 A. Court's December 8, 2017 Order Compelling the Eyman Defendants to Submit 7 Complete Responses to the State's First Set of Discovery Requests

8 The State served its First Set of Interrogatories and Requests for Production on the
9 Eyman Defendants on June 13, 2017. First Declaration of S. Todd Sipe (First Sipe Decl.) ¶ 4.
10 When the Eyman Defendants failed to submit complete responses, the State filed a motion to
11 compel. *Id.* The Court granted the State's motion to compel and ordered the Eyman Defendants
12 to submit complete responses to the requests. *See* Order Granting Plaintiff State of Washington's
13 Motion to Compel Defendants' Answers to the State's Discovery Requests (entered Dec. 8,
14 2017).

15 B. March 16, 2018 Contempt Order Against the Eyman Defendants

16 When the Eyman Defendants maintained their refusal to submit complete responses to
17 the State's first set of discovery request even after this Court ordered them to answer those
18 requests, this Court found the Eyman Defendants to be in contempt of court. *See* Order on
19 Contempt (entered Mar. 16, 2018). This Court imposed a \$250 daily monetary fine collectively
20 against the Eyman Defendants. *Id.* ¶ 5. The Order also provided that the Eyman Defendants shall
21 be deemed to have purged their contempt on the date determined by the Special Discovery
22 Master. *Id.*

23 C. This Court Increases Its Monetary Contempt Sanctions Against the Eyman 24 Defendants as They Remained in Contempt of Court

25 When the Eyman Defendants maintained their refusal to comply with the Court's
26 December 8, 2017 order and submit complete responses to the State's first set of discovery
requests, this Court increased the Eyman Defendants contempt sanction from \$250 per day to

1 \$500 per day. *See* Order Granting State’s Motion to Adopt Finding of Contempt and Assess
2 Additional Contempt Sanctions ¶ 5 (entered Sept. 7, 2018).

3 **D. Eyman Defendants Pay Contempt Fines Through September 24, 2018**

4 On September 26, 2018, the Special Discovery Master entered an order requiring the
5 Eyman Defendants to pay their contempt fines through September 24, 2018. *See* Order Requiring
6 Defendants’ Payment of Contempt Fines (entered Sept. 26, 2018). The Eyman Defendants
7 submitted this payment on October 1, 2018. First Sipe Decl. ¶ 6.

8 After September 24, 2018, the Eyman Defendants’ maintained their failure to comply
9 with the Court’s December 8, 2017 order and the \$500 per day contempt fine continued to accrue
10 against them. First Sipe Decl. ¶ 7.

11 **E. Defendant Eyman Temporarily Deemed to Have Purged Contempt From
12 November 2018 to February 2019; Contempt Sanctions Continue to Accrue Against
13 Defendant Watchdog**

14 On November 27, 2018, the Special Discovery Master entered an order finding that
15 Defendant Eyman had purged his contempt as of November 9, 2018. *See* Order Granting in Part
16 and Denying in Part Eyman Defendants’ Motion to Purge Contempt (entered Nov. 27, 2018) ¶ 1.
17 However, the Special Discovery Master determined in the same order that Defendant Watchdog
18 had not purged contempt. *Id.* ¶ 3. As a result, contempt sanctions continued to accrue as to
19 Defendant Watchdog. First Sipe Decl. ¶ 8.

20 **F. Contempt Reinstated Against Defendant Eyman on February 22, 2019; Contempt
21 Sanctions Again Accrue as to Both Eyman Defendants**

22 On February 13, 2019, the Special Discovery Master entered an order granting in part
23 the State’s motion for reconsideration of his November 27, 2018 order deeming Defendant
24 Eyman to have purged contempt. *See* Order Granting in Part and Denying in Part State’s Motion
25 for Reconsideration (entered Feb. 13, 2019). In this Order, the Special Discovery Master stated
26 that Defendant Eyman’s responses to State’s first set of discovery in fact remained deficient and
that based on information currently known he would not have deemed him to have purged

1 contempt. *Id.* ¶ 1. The Special Discovery Master then set a deadline for Defendant Eyman to
2 remedy the deficiencies in his responses and stated that if he did not meet that deadline, the
3 Special Discovery Master would reconsider the November 27, 2019 order with the potential of
4 finding that Defendant Eyman has not purge contempt. *Id.* ¶¶ 2-3.

5 After Defendant Eyman failed to remedy the deficiencies in his responses, the Special
6 Discovery Master ruled on March 4, 2019 that Defendant Eyman’s responses to the State’s first
7 discovery requests “have continuously been and remain deficient” and reinstated contempt for
8 Defendant Eyman himself as of February 22, 2019. *See* Order Granting State’s Motion for
9 Reconsideration (entered Mar. 4, 2019).

10 **G. Contempt Sanctions Continue to Accrue for Both Eyman Defendants; Amounts**
11 **Owed Through Date of Hearing**

12 Since the Special Discovery Master reinstated contempt for Defendant Eyman, the
13 Eyman Defendants have both remained in contempt of court. First Sipe Decl. ¶ 11. Defendant
14 Watchdog has not attempted to purge contempt. *Id.* The Special Discovery Master denied
15 Defendant Eyman’s most recent motion to purge contempt on July 19, 2019. *See* Order Denying
16 Defendant Eyman’s Motion to Purge Contempt (entered July 19, 2019).

17 As a result, the Eyman Defendants contempt sanctions continue to accrue. First Sipe
18 Decl. ¶ 14. The contempt fines owed through August 2, 2019 are: **\$103,500** for the Eyman
19 Defendants joint and severally (\$500 per day for 207 days from September 25, 2018 to
20 November 8, 2018 (45 days) and from February 22, 2019 to August 2, 2019 (162 days)) and
21 **\$52,500** for Defendant Watchdog (\$500 per day for 105 days from November 9, 2018 to
22 February 21, 2019). *Id.*

23 **H. Defendant Eyman Has a Long History of Commingling Personal and Business**
24 **Assets with His Company Defendant Watchdog**

25 Defendant Eyman has a long history of commingling his personal and business assets.
26 First Declaration of Tony Perkins (First Perkins Decl.) ¶ 12. Since the company’s formation in

1 2003, he has been the sole owner of Defendant Watchdog and, as such, has exercised full control
2 over Watchdog's funds. *Id.*

3 In a sworn deposition held on February 6, 2019, Defendant Eyman stated on behalf of
4 Watchdog that the company is a political consultancy operated out of his home. *Id.* ¶ 13, Ex. A.
5 He stated that Watchdog has no employees, that he could not recall the company owning any
6 assets, and that he alone managed the company's books of account, which consisted only of its
7 banking records. *Id.* Speaking as Watchdog, Defendant Eyman stated that he could recall the
8 company having only two clients in a period of nearly ten years. *Id.* ¶ 14. He stated that he had
9 few opportunities to use Watchdog as a consulting business as originally planned, but that he
10 maintained the company because "I always wanted to have that option." *Id.*

11 Despite the relative inactivity of Defendant Watchdog during the period of November
12 2011 to April 2018, Defendant Eyman conducted at least 23 transfers or payments between his
13 personal checking or saving accounts and the Watchdog checking account. *Id.* ¶ 15, Ex. B. The
14 net benefit of these transfers accrued to Defendant Eyman personally, as his personal checking
15 and savings accounts received at least \$153,000 more from Defendant Eyman's Watchdog
16 account than they paid into that account. *Id.* ¶ 16.

17 In the year following the filing of the State's complaint against Defendants Eyman and
18 Watchdog, Defendant Eyman made payments totaling more than \$23,000 from his Watchdog
19 account for mailings. Nearly all of these payments went to Databar, Defendant Eyman's
20 longtime mailing vendor. *Id.* ¶ 19, Ex. C. During the same time period, Defendant Eyman made
21 only \$2,003 in payments to Databar from his personal account. *Id.* ¶ 20, Ex. D.

22 Based on payments received by Watchdog, it does not appear that the mailings sponsored
23 in 2017 were conducted to market any consulting services or other services that Defendant
24 Eyman offered through his business. *Id.* ¶ 21. In the period covered by defendants' banking
25 records production, Watchdog received exactly three payments that Defendant Eyman has
26 identified as payments for consulting, all before 2017. *Id.*, Ex. E.

1 Rather, Defendant Eyman’s document production indicates that Defendant Watchdog
2 sponsored mailings in 2017 to solicit personal payments to Defendant Eyman, including
3 payments for his personal legal defense. *Id.* ¶ 22. At least two of the related payments to Databar
4 included a reference to Defendant Eyman’s legal defense solicitations on the payment
5 instrument. *Id.* ¶¶ 19, 22, Ex. C.

6 A legal defense solicitation that Defendant Eyman sponsored during this time period only
7 discussed Defendant Eyman’s personal legal defense, and made no mention of Watchdog’s legal
8 defense. *Id.* ¶ 23, Ex. F. Though Defendant Eyman produced copies of a great many mailings
9 through discovery, including the aforementioned legal defense mailing, he has not produced any
10 letters soliciting funds for the legal defense of Watchdog. *Id.* Similarly, the website
11 *timdefense.com* solicits assistance for Defendant Eyman’s legal defense, but does not contain
12 any solicitation assistance specifically for the defense of Watchdog. *Id.* ¶ 24.

13 In proceedings and filings connected with his November 28, 2018 bankruptcy petition,
14 Defendant Eyman has disclosed two bank accounts connected with his legal defense. *Id.* ¶ 25.
15 As described, neither account segregates funds solicited and received for the legal defense of
16 Watchdog. *Id.* Speaking as Defendant Watchdog, in his February 6, 2019 deposition Defendant
17 Eyman acknowledged that there was no legal defense account for Watchdog. *Id.* ¶ 26, Ex. A. In
18 2017, Defendant Eyman made three payments totaling \$50,000 for legal services from his
19 Watchdog account, however most of this amount was funded by transfers that Defendant
20 Eyman’s personal account made to Watchdog within one day of the payments. *Id.* ¶ 27, Ex. G.

21 In addition to sponsoring solicitations for Defendant Eyman’s personal legal defense,
22 Defendant Eyman’s family used the Watchdog account for other personal expenses. *Id.* ¶ 28,
23 Ex. H. These included a payment to Kid’s Photography with the memo line “softball,” and
24 payment to a vendor that Defendant Eyman’s spouse has identified as a cleaner. *Id.*, Ex. I.

25 Further, during his February 6, 2019 deposition on behalf of Watchdog, Defendant
26 Eyman testified that he used \$41,000 of Watchdog’s funds to pay down the mortgage on his

1 home, and loaned \$8,000 to a relative to assist in paying credit card debt. *Id.* ¶ 29, Ex. A.
2 Defendant Eyman testified that he sought repayment for these sums paid by Watchdog only after
3 his accountant instructed Defendant Eyman that personal payments of this nature were not
4 permissible from his business account. *Id.*

5 **I. Defendant Eyman Abuses His Control Over Defendant Watchdog by Concealing**
6 **Information This Court Required to be Disclosed**

7 Defendant Eyman has also exercised his control over Watchdog to conceal relevant
8 information this Court has required to be disclosed in this case. In March 2018, this Court held
9 both Defendant Eyman and Watchdog in contempt of court for failing to comply with this
10 Court's order to fully respond to State's discovery requests. *See* Order on Contempt (entered
11 Mar. 16, 2018). Later in 2018, Defendant Eyman asserted his right against self-incrimination in
12 an attempt to avoid responding to the State's discovery requests, but his company, Defendant
13 Watchdog, was not permitted to assert a fifth amendment privilege to avoid its own obligation
14 to respond to the State's requests. First Sipe Decl. ¶ 5. In November 2018, the Special Discovery
15 Master determined that Defendant Eyman had purged contempt based in part on his assertion of
16 the fifth amendment for some the State's requests, but found that Watchdog remained in
17 contempt and responsible for providing complete answers for all the State's requests. *See* Order
18 Granting in Part and Denying in Part Eyman Defendants Motion to Purge Contempt (entered
19 Nov. 27, 2018) ¶¶ 1, 3.

20 Although the Special Discovery Master later determined that Defendant Eyman should
21 not have been deemed to have purged contempt, the effect of the Special Discovery Master's
22 November 14, 2018 ruling until Defendant Eyman was returned to contempt on February 22,
23 2019, was that Defendant Watchdog remained responsible for responding the State's discovery
24 that Defendant Eyman would not answer. First Sipe Decl. ¶ 9. Contempt fines continued to
25 accrue against Defendant Watchdog alone. *Id.* However, Defendant Eyman exercised his control
26 over Watchdog to prevent it from submitting court ordered responses to State's requests that he

1 would not provide himself. Defendant Watchdog provided no updated discovery responses and
2 did not attempt to purge its contempt after November 2018. *Id.* ¶ 10.

3 Moreover, Defendant Eyman depleted the assets of Watchdog and initiated a dissolution
4 that shielded Watchdog from the consequences of its continued contempt. In testimony before
5 the U.S. Bankruptcy Court on January 18, 2019, Defendant Eyman testified that Watchdog no
6 longer had any assets, and that he closed Watchdog’s bank account in mid-December 2018. First
7 Perkins Decl. ¶ 33, Ex. J. However, he also stated that Watchdog was owed \$80,000 on a
8 previous loan the company had made to the Virginia advocacy organization Citizens in Charge.
9 *Id.* Defendant Eyman stated that he did not plan to collect on this debt, for the sole reason that
10 Citizens in Charge was at that time involved in responding to requests for information in the
11 State’s lawsuit against Defendant Eyman. *Id.* Defendant Eyman also testified that as Citizens in
12 Charge made previous loan repayments to Watchdog, Defendant Eyman did not use those funds
13 for any business activities, but converted the funds to personal use by making “capital
14 withdrawals” from the Watchdog account. *Id.* ¶ 34, Ex. J.

15 On December 31, 2018, Defendant Eyman’s then-attorney Joel Ard filed a “Notice of
16 Dissolution of Tim Eyman Watchdog for Taxpayers LLC.” *Id.* ¶ 35, Ex. K. Attached to this
17 notice was a Certificate of Dissolution filed with the Washington Secretary of State Corporations
18 division on December 22, 2018. *Id.*

19 In addition to making it unaccountable to contempt fines, Defendant Eyman has claimed
20 the dissolution itself serves as a basis for Watchdog not disclosing information in this case. When
21 speaking on behalf of Watchdog, in the deposition held February 6, 2019 Defendant Eyman cited
22 Watchdog’s dissolution as a reason it could not be required to answer questions about the
23 activities of Defendant Eyman, the individual: “*It’s Tim Eyman only...[the LLC] doesn’t exist*
24 *anymore...*” *Id.* ¶ 30, Ex. A. He stated further that Watchdog did not “*really exist even when it*
25 *actually did exist.*” *Id.* Although the State reminded Defendant Eyman that the trial court had
26 already issued a contrary ruling on this issue, Defendant Eyman continued to refuse to answer

1 the question being posed to Watchdog: whether Defendant Eyman had received payments prior
2 to 2012 from Citizen Solutions principal Roy Ruffino. *Id.* ¶ 32, Ex. A.

3 III. STATEMENT OF ISSUES

- 4 **A. Should the Court order the Eyman Defendants to pay the contempt fines they owe**
5 **through July 26, 2019 the date of the hearing for this motion?**
- 6 **B. Should the Court also order Defendant Eyman to pay the contempt fines owed by**
7 **Defendant Watchdog?**
- 8 **C. Should the Court require the Eyman Defendants to pay the State for its costs in**
9 **bringing this motion?**

10 IV. EVIDENCE RELIED UPON

11 The State's motion relies upon the legal authority cited below, the First Declaration of
12 S. Todd Sipe, the First Declaration of Tony Perkins, orders issued by the trial court and Special
13 Discovery Master, and the pleadings and documents on file with the Court.

14 V. ARGUMENT

15 **A. The Court Should Order the Eyman Defendants to Pay the Contempt Fines They**
16 **Owe Through August 2, 2019 the Hearing Date for this Motion**

17 In this motion, the State requests that the Court enter an order requiring the Eyman
18 Defendants to pay the contempt fine they currently owe through August 2, 2019. On March 16,
19 2018, this Court entered an order finding both Eyman Defendants in contempt of court for failing
20 to comply with this Court's December 8, 2017 Order to submit complete responses to the State's
21 first set of discovery requests. *See* Order on Contempt (entered Mar. 16, 2018). The Eyman
22 Defendants remain in contempt today more than sixteen months later. First Sipe Decl. ¶ 12. The
23 Special Discovery Master denied the Eyman Defendants' most recent motion to purge contempt
24 in an order entered on July 19, 2019. *See* Order Denying Defendant Eyman's Motion to Purge
25 Contempt (entered July 19, 2019).

26 The contempt fines the Court imposed against the Eyman Defendants started at \$250 per
day collectively, but the Court increased them to \$500 per day collectively starting September
7, 2019 when the original sanction amount failed to induce compliance. *See* Order Requiring

1 Defendants' Payment of Contempt Fines (entered Sept. 26, 2018). The Eyman Defendants have
2 only paid their contempt fines through September 24, 2018. First Sipe Decl. ¶ 12. An order
3 liquidating the Eyman Defendants' fines to date and directing them to pay those amounts to the
4 State is necessary to coerce the Eyman Defendants' compliance with their discovery obligations.

5 As detailed above, the Special Discovery Master initially ruled that Defendant Eyman
6 had purged contempt as of November 9, 2018, but reinstated contempt against him on February
7 22, 2019 after finding that Defendant Eyman's responses to the State's first set of discovery
8 requests had in fact "continuously been and remain[ed] deficient." See Order Granting State's
9 Motion for Reconsideration (entered Mar. 4, 2019). As a result, only Defendant Watchdog
10 accrued contempt sanctions from November 9, 2018 through February 21, 2019. First Sipe Decl.
11 ¶ 13. For the reasons set forth below, Defendant Eyman is also responsible for these contempt
12 fines. During all other times since September 24, 2018, both Eyman Defendants collectively
13 have accrued contempt sanction of \$500 per day. *Id.*

14 The State requests that the Court's order requiring the payment of contempt fines be for
15 the amounts owed through the date of the hearing of this motion (July 26, 2019) by both the
16 Eyman Defendants collectively and also those by Defendant Watchdog alone. The contempt
17 fines owed through August 2, 2019 are: **\$103,500** for the Eyman Defendants collectively (\$500
18 per day for 207 days from September 25, 2018 to November 8, 2018 (45 days) and from February
19 22, 2019 to August 2, 2019 (162 days)) and **\$52,500** for Defendant Watchdog (\$500 per day for
20 105 days from November 9, 2018 to February 21, 2019). *Id.* ¶ 14. For reasons set forth below,
21 the State requests that this Court's order reflect that the Eyman Defendants are jointly and
22 severally responsible not only the collective contempt fines, but also those imposed against
23 Defendant Watchdog alone.

1 **B. The Court Should Also Order Defendant Eyman to Pay the Contempt Fines Owed**
2 **by Defendant Watchdog**

3 In addition to the \$103,500 in contempt fines this Court has imposed against the Eyman
4 Defendants collectively, Defendant Eyman is also personally responsible for the \$52,500 in
5 contempt fines imposed against his company Defendant Watchdog alone (a single-owner LLC)
6 from November 9, 2018 to February 21, 2019. Washington courts have applied a two-factor test
7 for the doctrine of corporate disregard: (1) the shareholder has intentionally used the corporate
8 form to violate or evade a duty owed to another; and (2) disregarding that form is necessary to
9 prevent an unjustified loss. *Meisel v. M & N Modern Hydraulic Press Co.*, 97 Wn.2d 403, 409-
10 10, 645 P.2d 689 (1982). The Washington Supreme Court has further elaborated this may occur
11 because the liable corporation has been “gutted” and left without funds by those controlling it in
12 order to avoid actual or potential liability. *Morgan v. Burks*, 93 Wn.2d 580, 585, 611 P.2d 751,
13 755 (1980). In *Culinary Workers and Bartenders Union No. 596 Health and Welfare Trust v.*
14 *Gateway Cafe, Inc.*, 91 Wn.2d 353, 588 P.2d 1334 (1979), the Washington Supreme held that
15 application of the corporate disregard doctrine was appropriate where the owners had dissolved
16 their corporation in a manner that undermined a settlement. *Id.* at 367.

17 The facts detailed above satisfy both factors for the doctrine of corporate disregard. When
18 Defendant Eyman had temporarily purged contempt in November 2018 and contempt fines
19 continued to be assessed against Defendant Watchdog alone, he caused Watchdog to continue
20 not to comply with this Court’s order to fully respond the State’s discovery requests. As part of
21 this effort, he depleted the company’s assets and filed papers for its dissolution that undermined
22 accountability for the payment of those monetary contempt fines. In this way, Defendant Eyman
23 used Defendant Watchdog’s corporate form to evade their court-imposed obligation to submit
24 complete responses to the State’s discovery requests. In addition, piercing the corporate veil to
25 hold Defendant Eyman responsible for the contempt fines accrued by Defendant Watchdog from
26 November 9, 2018 to February 21, 2018 is only way to make the Eyman Defendants accountable

1 for their misconduct during that time period. Because of Defendant Eyman’s own actions, the
2 contempt fines imposed against Defendant Watchdog can only be recovered from Defendant
3 Eyman. Significantly, the Special Discovery Master later determined that Defendant Eyman’s
4 own responses were also deficient during this same time fame. *See* Order Granting State’s
5 Motion for Reconsideration (entered Mar. 4, 2019) (finding Defendant Eyman’s responses to the
6 State’s first discovery requests “have continuously been and remain deficient”).

7 In addition, Washington courts also recognize an “alter ego” theory of corporate
8 disregard when the defendant/principal has commingled business and personal assets. *See, e.g.,*
9 *McCombs Constr., Inc. v. Barnes*, 32 Wn. App. 70, 76, 645 P.2d 1131 (1982) (holding that
10 piercing the corporate veil was warranted where principal owner of a corporation “commingled
11 his personal affairs with those of the corporation such as to warrant imposition of personal
12 liability . . .”). In *McCombs*, the principal owner utilized his corporation to remodel a house he
13 rented for his personal benefit and then dissolved corporation to avoid payment. *Id.* at 72-73.

14 A set forth herein, Defendant Eyman has a long history of commingling his personal and
15 business assets, and, in particular, utilizing funds maintained in Defendant Watchdog’s account
16 for his own personal benefit, including his personal legal defense in this case. The company’s
17 sole book of accounts were its bank records. When Watchdog alone incurred contempt fines,
18 Defendant Eyman depleted its assets and dissolved the company. Thus, the alter ego theory of
19 corporate disregard also supports holding Defendant Eyman personally responsible for the
20 contempt fines imposed against his company.

21 **C. The Court Should Award the State its Attorneys’ Fees and Costs Associated With**
22 **Bringing This Motion**

23 RCW 7.21.020 allows for the award of attorneys’ fees and costs to a party forced to seek
24 a contempt order. Here, the Eyman Defendants have been in contempt and have accrued
25 contempt fines for many months without paying those fines. The Eyman Defendants’ continued
26 refusal to comply with this Court’s December 8, 2017 Order to fully respond to the State’s first

1 set of discovery requests has forced the State to incur the fees and costs of filing this motion.
2 Accordingly, an award of fees and costs is appropriate here.

3 **VI. CONCLUSION**

4 For the foregoing reasons, the State respectfully requests the Court grant its motion for
5 an order finding the Eyman Defendants jointly and severally responsible for the contempt fines
6 imposed against Eyman Defendants collectively as well as those imposed against Defendant
7 Watchdog alone. The State further requests that the order require the Eyman Defendants to pay
8 those contempt fines accrued to date within five days of the date of the order. Finally, the State
9 requests that the Court award the State its fees and costs against the Eyman Defendants jointly
10 and severally for having to bring this motion.

11 DATED this 25th day of July 2019.

12 ROBERT W. FERGUSON
13 Attorney General

14 /s/ S. Todd Sipe
15 ERIC S. NEWMAN, WSBA No. 31521
16 Chief Litigation Counsel, Antitrust Division
17 S. TODD SIPE, WSBA No. 23203
18 PAUL M. CRISALLI, WSBA No. 40681
19 Assistant Attorneys General
20 Attorneys for Plaintiff State of Washington
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1 **PROOF OF SERVICE**

2 I declare that I did not serve on Defendants William Agazarm and Citizen Solutions LLC
3 due to Default Order entered on May 17, 2019.

4 I certify that I served a copy of this document, via electronic mail, on the following:

5 Tim Eyman
6 Pro Se
7 tim_eyman@comcast.net

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

10 DATED this 25th day of July 2019, at Tumwater, Washington.

11 /s/ Jessica Buswell
12 JESSICA BUSWELL, Legal Assistant
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