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SUPERIOR COURT OF WASHINGTON  
FOR THURSTON COUNTY

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Plaintiff,

v.

ALL MY SONS MOVING & STORAGE  
OF SEATTLE, INC.

Defendant.

NO.

PETITION FOR CIVIL  
ENFORCEMENT  
OF AGENCY ORDER AND  
INJUNCTIVE RELIEF

Plaintiff, State of Washington, Washington Utilities and Transportation Commission ("Commission"), by and through its attorneys, Robert M. McKenna, Attorney General, and Michael A. Fassio and Donald T. Trotter, Assistant Attorneys General, makes the following petition:

**I. NATURE OF THIS CASE**

1.1 Under RCW 81.80.070, carriers that transport property by motor vehicle between points in the state of Washington, for compensation, require a permit issued by the Commission. The Defendant once had such a permit. However, the Commission cancelled

1 Defendant's permit upon a duly issued complaint, and after proper notice and an opportunity  
2 for a hearing. Nonetheless, Defendant has continued to provide motor carrier transportation  
3 services for compensation within the state of Washington, in violation of the Commission's  
4 order and RCW 81.80.070.

5  
6 1.2 Consequently, the Commission petitions the court for enforcement of the  
7 Commission's order to assure compliance with that order, and the applicable laws of this state.

## 8 II. INTRODUCTION

9 2.1 This is a civil action pursuant to the Administrative Procedure Act (RCW  
10 34.05) for court enforcement of an administrative order issued by the Plaintiff Commission  
11 ("Commission" or "Plaintiff") against the Defendant, All My Sons Moving & Storage of  
12 Seattle, Inc. ("All My Sons" or "Defendant"). The Commission seeks a permanent injunction  
13 barring All My Sons from transporting property by motor vehicle, over the highways of the  
14 state of Washington, between points in the state of Washington, for compensation, without a  
15 valid motor carrier permit issued by the Commission.

16  
17 2.2 The Commission asks the court to enforce Commission Order 05, a Final Order,  
18 issued on November 13, 2008, to All My Sons in Commission Docket TV-071125. A Copy of  
19 Order 05 is attached as Exhibit A to the Affidavit of Lisa Wyse.

20  
21 2.3 All My Sons has knowingly failed to comply with Order 05, and the  
22 Commission is now seeking an Order from this Court to secure compliance.

## 23 III. JURISDICTION AND VENUE

24 3.1. This court has jurisdiction under RCW 34.05.578 to enforce an order of a state  
25 agency. Final Order 05 is an order of the Commission. The Commission is a state agency.  
26

1 3.2. Under RCW 34.05.578(3), "venue is determined as in other civil cases." In this  
2 case, venue is proper in Thurston County pursuant to RCW 4.12.025(1), because the Defendant  
3 is a corporation that transacts business in Thurston County.  
4

#### 5 IV. PARTIES

6 4.1. The Plaintiff is the Washington Utilities and Transportation Commission  
7 ("Commission"), which is a state agency created by RCW 80.01. The Commission is  
8 authorized under RCW 80.01.040 and RCW 81.80 to regulate in the public interest persons  
9 engaged in the transportation of property for compensation between points in the state of  
10 Washington.

11 4.2. The Defendant is All My Sons Moving and Storage of Seattle, Inc. ("All My  
12 Sons" or "Defendant"), which is a corporation that transacts business in Thurston County,  
13 among other places in the state of Washington, with headquarters in King County, Washington.  
14

#### 15 V. FACTS

16 5.1. On November 13, 2008, the Commission entered Final Order 05 in Commission  
17 Docket TV-071125, finding that All My Sons was in default because it failed to appear at the  
18 Commission hearing, cancelling the Company's household goods motor carrier permit for  
19 cause, and requiring All My Sons to cease and desist from operating as a household goods  
20 motor carrier within the state of Washington.  
21

22 5.2 Prior to the Commission's order cancelling All My Sons' permit on November  
23 13, 2008, All My Sons had a motor carrier permit issued by the Commission that entitled All  
24 My Sons to transport household goods for compensation over the highways of the state of  
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1 Washington, between points in the state of Washington. After November 13, 2008, to present,  
2 All My Sons has not had a household goods motor carrier permit issued by the Commission.

3 5.3 Order 05 arose from a complaint issued by the Commission on its own motion,  
4 alleging that All My Sons had repeatedly violated numerous laws and rules governing  
5 household goods motor carriers, and that All My Sons had not come into compliance despite  
6 substantial technical assistance from the Commission and penalties issued by the Commission.  
7

8 5.4 Upon receiving the complaint, All My Sons, through its attorney, entered a  
9 notice of appearance. The Commission set the complaint for hearing as an adjudicative  
10 proceeding under the applicable provisions of the Administrative Procedure Act, RCW 34.05.  
11

12 5.5 Upon due and proper notice, the Commission set a hearing on the complaint for  
13 August 20, 2008. However, in the two days prior to hearing, the Commission received two  
14 letters: The first letter was dated August 18, 2008, from All My Sons' attorney, indicating that  
15 neither he nor All My Sons would appear at the Commission's hearing; the second letter was  
16 dated August 19, 2008, from All My Sons, explaining that it had chosen to voluntarily  
17 relinquish its household goods motor carrier permit previously issued by the Commission, and  
18 stating that it would not appear at the Commission's hearing.  
19

20 5.6 The Commission Administrative Law Judge (ALJ) convened the hearing on  
21 August 20, 2008, as scheduled. As promised, neither All My Sons nor its attorney appeared.  
22 Pursuant to RCW 34.05.461, the ALJ issued an Initial Order, Order 04, on October 22, 2008,  
23 holding All My Sons in default, and finding good cause to cancel All My Sons' household  
24 goods motor carrier permit.  
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1           5.7     The Commission properly served the Initial Order upon All My Sons on  
2 October 22, 2008, by certified mail.

3           5.8     On November 13, 2008, the Commission issued Order 05 a Final Order. As  
4 described in Paragraph 5.1 above, Order 05 cancelled All My Sons' household goods motor  
5 carrier permit, among other things.

6           5.9     The Commission properly served Order 05 upon All My Sons on November 13,  
7 2008, by certified mail. See attached Affidavit of Lisa Wyse.

8           5.10    All My Sons had actual notice of Order 05 no later than November 14, 2008. A  
9 copy of the certified card, signed by a representative of All My Sons that day, is attached as  
10 Exhibit B to the Affidavit of Lisa Wyse.

11           5.11    On November 21, 2008, the Consumer Protection Division of the Washington  
12 Attorney General's Office forwarded to the Commission a complaint from a customer of All  
13 My Sons. The Commission investigated the complaint by contacting the customer and by  
14 referring the complaint to All My Sons. The customer alleged that All My Sons damaged the  
15 customer's property after transporting the customer's household goods for compensation. The  
16 customer sought reimbursement for damages from All My Sons. The  
17 customer sought reimbursement for damages from All My Sons. The  
18 customer sought reimbursement for damages from All My Sons.

19           5.12    The Commission obtained documents from the customer and from All My Sons  
20 pertaining to the movement of household goods, including various documents issued by All  
21 My Sons, including: All My Sons' written estimate for the move, the bill of lading All My  
22 Sons prepared for the move, and All My Sons' inventory list of the items it moved.

23           5.13    The Commission's investigation confirmed, and the Commission therefore  
24 alleges, that: (1) On November 19, 2008, All My Sons loaded the customer's household goods  
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1 at the customer's residence in University Place, Pierce County, Washington, and transported  
2 the household goods in an All My Sons motor vehicle to a residence in Tumwater, Thurston  
3 County, Washington; (2) The origin and destination points of this move are located within the  
4 state of Washington; and (3) All My Sons was paid monetary compensation for this move.  
5

6 5.14 At all times after November 13, 2008, including November 19, 2008, All My  
7 Sons has lacked a household goods motor carrier permit issued by the Commission authorizing  
8 All My Sons to carry household goods between points in the state of Washington.

9 5.15 Yet, All My Sons continues to hold itself out as willing and able to provide  
10 motor carrier household goods transportation services within the state of Washington. All My  
11 Sons operates a Web site, [www.allmysons.com/seattle](http://www.allmysons.com/seattle). Among other things, the Web site  
12 advertises that the Company offers in-state local and long-distance moving services for  
13 "Seattle, Bellevue, Renton, Kent, Federal Way, Tacoma, Olympia, Everett, Marysville and  
14 Lynnwood, Shelton, and surrounding counties." Also, All My Sons continues to advertise its  
15 intrastate household goods motor carrier permit number on its Web site, although the Company  
16 no longer holds this permit.  
17

18 5.16 Also, All My Sons issued a press release on November 16, 2008, in which it  
19 informed the public that: "All My Sons specializes in local and long-distance moves and  
20 proudly serves Seattle, Kent, Bellevue, Tacoma, Everett, and the surrounding areas."  
21

22 5.17 Since November 13, 2008, All My Sons has also provided rate quotes for  
23 Washington intrastate motor carrier household goods services via an online form on its Web  
24 site, and its toll free number.  
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1           5.18 Through these advertisements, press releases, and rate quotes, All My Sons  
2 holds itself out to provide household goods transportation services to the public between points  
3 in this state.

4           5.19 Because All My Sons does not have a household goods motor carrier permit  
5 issued by the Commission, this continuing unlawful activity by All My Sons is in violation of  
6 Final Order 05, and requires this civil enforcement action by the Commission to enforce its  
7 order, and consequently the public service laws of the state of Washington.  
8

9                           **VI. AUTHORITY FOR CIVIL ENFORCEMENT**

10           6.1 Under RCW 34.05.578, a state agency such as the Commission is authorized to  
11 seek civil enforcement of an administrative order by filing a petition for civil enforcement in  
12 the superior court. Under that statute, "the agency may request, and the court may grant,  
13 declaratory relief, temporary or permanent injunctive relief, any other civil remedies provided  
14 by law, or any combination of the foregoing."  
15

16                           **VII. PRAYER FOR RELIEF**

17           7.1 Based on the foregoing allegations, and in accordance with RCW 34.05.578, the  
18 Commission seeks the following relief:

19           7.2 The court should enter an order directing All My Sons to comply with  
20 Commission Order 05, a Final Order issued to All My Sons in Commission Docket TV-  
21 071125 on November 13, 2008, by ceasing and desisting from operating as a household goods  
22 motor carrier, over the highways of the state of Washington, between points in the state of  
23 Washington for compensation, without a permit issued by the Commission as required by  
24 RCW 81.80.070.  
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1           7.3     The court should issue a permanent injunction to perpetually restrain All My  
2 Sons from holding itself out to provide, contract for, undertake to provide, or providing motor  
3 carrier transportation of property, including household goods, over the highways of the state of  
4 Washington, between points in the state of Washington, for compensation, without a permit  
5 issued by the Commission, as required by RCW 81.80.070.

6           7.4     The court should award the Commission its costs, fees, and other disbursements  
7 associated with the filing and maintenance of this petition, including reasonable attorneys fees.  
8

9           7.5     The court should retain jurisdiction to enforce its orders.

10           7.6     The court should grant any further or other relief the court deems just and  
11 appropriate.

12                   DATED this 13<sup>th</sup> day of February, 2009.

13   Respectfully submitted,

14   ROBERT M. MCKENNA  
15   Attorney General

16   *Michael A. Fassio*  
17   \_\_\_\_\_  
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