

Exh. JR-7r
Docket TP-190976
Witness: Jordan Royer

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND PILOTS,

Respondent.

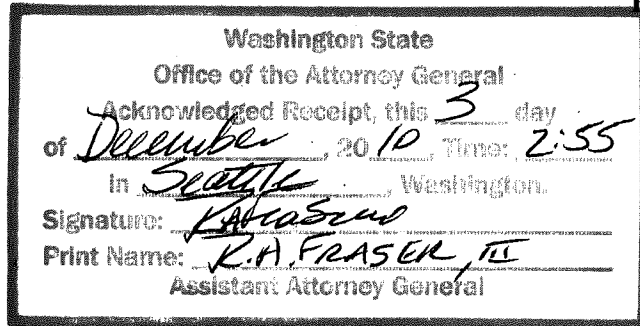
DOCKET TP-190976

**EXHIBIT TO
TESTIMONY OF
Jordan Royer
ON BEHALF OF
PACIFIC MERCHANT SHIPPING ASSOCIATION**

BPC Complaints

May 27, 2020

Revised July 8, 2020



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
 IN AND FOR THE COUNTY OF KING

CAPTAIN BRUCE NELSON

Plaintiff,

vs.

STATE OF WASHINGTON and
 WASHINGTON STATE BOARD OF
 PILOTAGE COMMISSIONERS,

Defendants.

No. 10-2-32411-9 SEA

SUMMONS [20 DAYS]

TO: ALL DEFENDANTS LISTED ABOVE

A lawsuit has been started against you in the above-entitled court by Captain Bruce L. Nelson, Plaintiff. Plaintiff's claims are stated in the written complaint, a copy of which is served upon you with this summons.

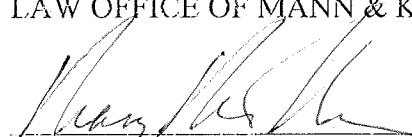
In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and serve a copy upon the undersigned attorney for the plaintiffs within 20 days after the service of this summons, excluding the day of service, if served within the State of Washington (or within sixty (60) days after said service, if served without the State of Washington), or a default judgment may be entered against you without notice. A default judgment is one where plaintiffs are entitled to what they ask for because you have not

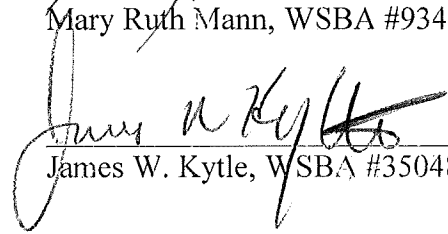
1 responded. If you serve a notice of appearance on the undersigned attorney, you are entitled to
2 notice before a default judgment may be entered.

3 If you wish to seek the advice of an attorney in this matter, you should do so promptly
4 so that your written response, if any, may be served on time. This summons is issued pursuant
5 to Rule 4 of the Superior Court Civil Rules of the State of Washington.
6

7 DATED December 2, 2010.

8 LAW OFFICE OF MANN & KYTLE, PLLC

9
10 
Mary Ruth Mann, WSBA #934

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James W. Kytte, WSBA #35048
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Washington State
Office of the Attorney General
 Acknowledged Receipt, this 3 day
 of December, 2010, Time: 2:55
 in Seattle, Washington.
 Signature: KATASU
 Print Name: R.A. FRASER
 Assistant Attorney General

SUPERIOR COURT OF WASHINGTON
 IN AND FOR THE COUNTY OF KING

CAPTAIN BRUCE NELSON,

Plaintiff,

vs.

STATE OF WASHINGTON, BOARD OF
 PILOTAGE COMMISSIONERS,

Defendant.

NO. 10-2-32411-9 SEA

**COMPLAINT FOR DAMAGES
 AND INJUNCTIVE RELIEF**

COMES NOW Plaintiff, Captain Bruce Nelson and states as his causes of action:

I. PARTIES AND JURISDICTION

1.1 The Defendant State of Washington Board of Pilotage Commissioners is headquartered, conducts its business and holds its meetings in King County Washington.

1.2 Plaintiff Captain Bruce Nelson is a resident of King County and has filed a Standard Tort Claim Form and 60 days has passed following the filing of that claim.

1 1.3 Venue is proper in this action because the State of Washington can be sued in
2 King County Superior Court and because actions adverse to Captain Nelson took place in
3 primarily in King County as well as in other counties.

4 II. FACTS SUPPORTING CLAIMS

5 2.1 The State of Washington established the Board of Pilotage Commissioners as an
6 agency of State Government in Washington. Its actions are governed by the Revised Code of
7 Washington including the Washington Administrative Procedures Act, RCW 34.05.001 et seq.,
8 and the Washington Pilotage Act, RCW 88.16.005 et seq. It is the intent of the legislature in
9 creating the Pilotage Commission to ensure against the loss of lives, loss or damage to property
10 and vessels, and to protect the marine environment through the establishment of a board of
11 pilotage commissioners representing the interests of the people of the state of Washington.

12 2.2 The purpose of the Board of Pilotage Commissioners is stated as follows, inter
13 alia: "The legislature further finds and declares that it is a policy of the state of Washington to
14 have pilots experienced in the handling of vessels aboard vessels in certain of the state waters
15 with prescribed qualifications and licenses issued by the state.

16 2.3 Washington State law provides that the board of pilotage commissioners shall:

17 (a) Adopt rules, pursuant to RCW Chapter 34.05, necessary for the enforcement and
18 administration of this chapter; (b)(i) Issue training licenses and pilot licenses to pilot
19 applicants meeting the qualifications provided for in RCW 88.16.090 and such additional
20 qualifications as may be determined by the board; (ii) Establish a comprehensive training
21 program to assist in the training and evaluation of pilot applicants before final licensing; ..."

1 2.4 The Board of Pilotage Commissioners appointed members to a Training and
2 Evaluation Committee also known as the TEC. The State and Board of Pilotage Commissioners
3 are vicariously liable for actions of the TEC and Commissioners.

4 2.5 "Commissioners" on the Board of Pilotage Commissioners are appointed by the
5 Governor to fill specific positions specified representing varying interests identified by
6

7 2.6 The Board of Pilotage Commissioners and its actions are governed by the
8 Washington Administrative Procedures Act which requires notice and public hearing and other
9 "rulemaking" procedures for adopting or amending "rules."

10 2.7 Pilot Trainees selected by the Commissioners, including Captain Nelson, were
11 highly qualified and experienced professionals, selected after testing and performance
12 simulation, and assigned to a Pilot Trainee Program. Trainees, including Captain Nelson were
13 paid a stipend of up to \$6000.00 per month subject to meeting specified conditions.

14 2.8 The Board of Pilotage Commissioners awarded "Training Licenses" to Pilot
15 Trainees, including Captain Nelson, when each began the Pilot Trainee program. Trainees
16 were started into the Trainee program in sequence of their scores in the selection process, with
17 the highest scoring trainee starting first.
18

19 2.9 To receive a monthly "stipend" Pilot Trainees were required to complete at least
20 18 training trips during that month, and those trips had to have been assigned by the Board of
21 Pilotage Commissioners. The Board of Pilotage Commissioners periodically assigned Captain
22 Nelson extensions of less than 18 trips per month, then allowed that factor to be considered
23 adversely in evaluating him.
24
25

1 2.10 Trainees, according to the Washington Administrative Code, were allowed, and
2 limited to a maximum of 3 years on stipend to complete their Trainee Program.

3 2.11 "Successful Completion" of the Pilot Trainee program is the prerequisite to the
4 awarding of a Pilot License to a Pilot Trainee, by the Board of Pilotage Commissioners.

5 2.12 Establishing scoring and rating standards and measures of trainees for
6 determining "successful completion" of the Pilot Trainee program constitutes making "rules".
7

8 2.13 The Board of Pilotage Commissioners did not use "rulemaking procedures" to
9 establish or make amendments to the trainee rating devices, scoring and rating standards or
10 measures for successful completion of the Pilot Trainee program or licensing.

11 2.14 The Board of Pilotage Commissioners did not adhere to adopted criteria or to
12 "rules" in evaluating, scoring, rating, and determining successful completion of Pilot training, or
13 awarding Pilot Licenses. Rather, criteria and scoring and ratings and interpretation of ratings
14 for "successful completion" of Pilot Training were left to undefined discretion of
15 Commissioners, and as a result were subject to discrimination, nepotism, special interests and
16 arbitrary and capricious application.
17

18 2.15 State of Washington, during all times relevant to this matter, is an "employer"
19 with respect to Pilot Trainees for the purposes of RCW 49.60.010 et seq.
20

21 2.16 The State of Washington allowed "subjective" criteria and criteria not adopted by
22 the Board of Pilotage Commissioners for evaluation of Pilot Trainees, including determinations
23 of "successful completion" of the Pilot Trainee program, and determination whether to award
24 Pilot Licenses.
25

1 2.17 The State of Washington allowed criteria with disparate impact in the Pilot
2 Trainee and Licensing functions.

3 2.18 The Board of Pilotage Commissioners determined the number of Pilot Licenses
4 that would be awarded by the Board of Pilotage Commissioners.

5 2.19 The Board of Pilotage Commissioners and individual commissioners repeatedly
6 denied Captain Bruce Nelson a determination of "successful completion" of his Trainee
7 Program and denied him a Pilot License regardless of his repeated completion of assigned
8 extensions; and in so doing, applied different training methods, different performance standards
9 and different criteria and scoring standards than were applied to other trainees.
10

11 2.20 Younger trainees than Captain Nelson were determined to have "successful
12 completion" of their Pilot Training with equal or lower ratings and scores, less trips, and other
13 less favorable indications than Captain Nelson.

14 2.21 The Board of Pilotage Commissioners allowed TEC members and
15 Commissioners to overrule established scoring and rating standards, and to overrule "training
16 pilot" evaluations, and allowed anonymous individuals, under the heading of the TEC, to
17 submit misrepresentations of Captain Nelson's performance and training to the Pilotage
18 Commissioners prior to their voting, without notice or opportunity for Captain Nelson to
19 respond to submissions.
20

21 2.22 The "evaluation" of Pilot Trainees, which was to be done at after completion of
22 the Pilot Trainee program, to the extent one was established by the Board of Pilotage
23 Commissioners, did not meet government, nor industry, nor international standards for
24
25

1 assessing marine pilots. Such evaluation further did not comply with all Washington
2 Administrative Code provisions adopted by the Board of Pilotage Commissioners nor RCW
3 88.16.005 et seq, or statute.

4 2.23 In determinations of "successful completion" of the Pilot Trainee program and in
5 determinations as to award of Pilot Licenses, each TEC member and each Commissioner used
6 any basis or criteria that commissioner chose for licensing, denying licensing, requiring added
7 training, successful completion of pilot trainee programs, or termination of a trainee program.

8 2.24 Captain Nelson was assigned additional trips in repeated "extension" periods in
9 his training. All trips possible to obtain were completed. Despite his performance and ratings
10 and completion at or above the level of prior applicants and subsequent applicants, he was not
11 determined to have "successfully completed" the Pilot Trainee program after any of the
12 extensions, from September 2007 through April 2008.

13 2.25 Substantial factors in denying Captain Nelson a determination of successful
14 completion of his pilot trainee program included adverse evaluation factors not adopted by the
15 Board of Pilotage Commissioners, and factors adverse to law and public policy. Arbitrary and
16 capricious factors were applied to Captain Nelson's trainee program evaluation and licensing
17 decisions. Commissioners applied adverse evaluation factors for Captain Nelson's taking a
18 recommended rest period, adverse evaluation factors based on assumption that taking
19 recommended rest break indicating a bad "attitude" or being "stressed out"; an adverse
20 evaluation factor based on Pilot Training being perceived an "endurance" trial period; and
21 adverse evaluation based on speed of completion of the training program.
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1 2.26 The Board of Pilotage Commissioners obtained professional input to establish an
2 “evaluation” tool for scoring and rating Pilot Trainees in every aspect of performance and in all
3 routes and types of piloting in Puget Sound.

4 2.27 The Board of Pilotage Commissioners, after establishing that evaluation and
5 rating and scoring device by vote, did not adopt it as a “rule” and inconsistently applied it or
6 ignored it in determining successful completion of Pilot Trainee programs.

7 2.28 In the State of Washington, the public, including Captain Nelson as a Pilot
8 Trainee, and applicant for Pilot licensing, is entitled to have decisions of the Board of Pilotage
9 Commissioners made by application of rules, properly adopted and applied. Rules which are
10 not properly adopted with statutory rulemaking procedures cannot be used to deny licenses or
11 benefits. Captain Nelson should be granted “successful completion” and a Pilot license, or in
12 the alternative, restored to Pilot Trainee status and to his Trainee License and his Trainee
13 program with retroactive benefits, until determinations about his successful completion and
14 licenses are made by application of properly adopted Rules.

15 2.29 The Pilot Trainee program training and evaluation were negligently carried out
16 by the State of Washington and Board of Pilotage Commissioners and caused Captain Nelson
17 psychological harm, vocational harm and economic harm.

18 2.30 Supervising Pilots, Training Pilots and Evaluating Pilots were inadequately
19 selected, trained, monitored and supervised in the Pilot Trainee program. Parts of the
20 “training” provided Captain Nelson damaged him.
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1 motivating Defendants' adverse actions. Plaintiff alleges that a factor in holding him back from
2 licensing may have been a perceived need to "fail" a comparator male, in anticipation of the
3 first female trainee who was beginning training at approximately the time Captain Nelson was
4 held back from licensing, and thus gender discrimination may have been a substantial factor
5 affecting his licensing and trainee program.

6
7 3.2 Plaintiff claims that Defendants violated RCW 49.60 by subjecting him to
8 practices that had a disparate impact on older trainees, and that had a disparate impact on
9 trainees with disabilities or perceived disabilities.

10 3.3 Plaintiff alleges that Defendant treated Plaintiff differently based on perceived or
11 actual disability in determinations about his trainee program and licensing and that defendants
12 to the extent they acted based on perceived or actual disability, failed to make reasonable
13 accommodation before and after his termination from the Trainee program;

14
15 3.4 Plaintiff claims that Defendants denied him a determination of "successful
16 completion," thus denying him a Pilot License. Defendants took those actions and terminated
17 his trainee program in violation of clear public policies.

18 3.5 Plaintiff claims that Defendant failed to comply with the Administrative
19 Procedures Act in adopting and amending criteria, scoring and ratings for evaluating and
20 determining "successful completion" of the Trainee Program.

21
22 3.6 Plaintiff claims that the Defendant failed to comply with the Administrative
23 Procedures Act in adopting and amending the criteria, scoring, ratings and permissible factors
24 for Pilot Licensing.

D. Lost past and future stipends, wages and benefits as a trainee and what would have been earned as a licensed pilot.

E. Pre-Judgment interest on lost wages,

F. Cost of reasonably necessary past and future vocational and counseling services.

G. Compensation for the humiliation, anxiety, pain and suffering, and vocational damage and damage to employability past and future.

H. Compensation for other damage caused by Defendants' conduct which is determined to be unlawful.

I. Reasonable attorney fees and costs.

J. Such other damages and relief as the law allows.

K. Injunctive relief to require compliance with the Administrative Procedures Act, to restore Plaintiff and make him whole and restrain future violations of law.

DATED: September 9, 2010.

MANN & KYTLE, PLLC

By:


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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

KATHARINE ANN SWEENEY, an individual,
Plaintiff,
v.
WASHINGTON STATE BOARD OF
PILOTAGE COMMISSIONERS, and PUGET
SOUND PILOTS, an unincorporated
organization,
Defendants.

NO. 11-2-36792-4
SGA
SUMMONS

THE STATE OF WASHINGTON
TO THE DEFENDANT: WASHINGTON STATE BOARD OF PILOTAGE
COMMISSIONERS

A lawsuit has been started against you in the above-entitled court by the
Plaintiff, Katharine Ann Sweeney. Plaintiff's claims are stated in the written complaint,
a copy of which is served upon you with this summons. In order to defend against this
lawsuit, you must respond to the complaint by stating your defense in writing, and by
serving a copy upon the undersigned attorney for Plaintiff within 21 days after the
service of this summons, excluding the day of service, if served within the State of
Washington, or within 60 days after the service of this summons, excluding the day of

1 service, if served personally upon you out of the State of Washington, or a default
2 judgment may be entered against you without notice. A default judgment is one where
3 Plaintiff is entitled to what has been asked for because you have not responded. If
4 you serve a notice of appearance on the undersigned attorney, you are entitled to
5 notice before a default judgment may be entered.

6 If you wish to seek the advice of an attorney in this matter, you should do so
7 promptly so that your written response, if any, may be served on time.

8 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of
9 the State of Washington.

10 Dated this 25th Day of October, 2011.

11
12 BRESKIN JOHNSON & TOWNSEND PLLC

13 By /s/ David E. Breskin

14 David E. Breskin, WSBA No. 10607

15 1111 Third Avenue Suite 2230

16 Seattle, WA 98101

(206) 652 8660

17 Deborah Senn WSBA No. 8987

18 DEBORAH SENN LAW OFFICES

19 501 Wellington Avenue

Seattle, WA 98122-6442

(206) 328-5004

20 Attorneys for Plaintiff
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RECEIVED
2011 OCT 27 PM 2:00
ATTORNEY GENERAL'S OFFICE
PORTS DIVISION OLYMPIA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

KATHARINE ANN SWEENEY, an individual,

Plaintiff,

v.

WASHINGTON STATE BOARD OF
PILOTAGE COMMISSIONERS, and PUGET
SOUND PILOTS, an unincorporated
organization,

Defendants.

NO.

COMPLAINT FOR EMPLOYMENT
DISCRIMINATION AND DAMAGES

I. INTRODUCTION

1. Plaintiff Katharine Ann Sweeney brings this action against Defendants for sex discrimination in violation of the Washington Law Against Discrimination ("LAD"). The Defendant Board's adverse treatment of the Plaintiff on the basis of her gender in the pilot training program and the grading of her performance in the training program resulted in Defendant's discriminatory refusal to issue Plaintiff a pilot's license and the Defendant Pilots' refusal to admit her. Plaintiff further alleges as follows:

II. PARTIES

1
2 2. Plaintiff Katharine Ann Sweeney (“Ms. Sweeney” or “Plaintiff”) is a
3 resident of King County and was a trainee in Defendant’s training program conducted
4 in Seattle, King County, Washington.

5 3. Defendant Board of Pilotage Commissioners (“Defendant Board”) is a
6 state commission, whose members are appointed by the Governor to ensure against
7 the loss of lives, loss or damage to property vessels, and to protect the marine
8 environment in Seattle, King County, Washington. The Board is subject to the
9 Washington LAD.

10 4. Defendant Puget Sound Pilots (“Defendant Pilots”) is a private
11 organization of marine pilots in the Puget Sound area, based in Seattle, King County,
12 Washington. It is subject to the Washington LAD.

III. JURISDICTION AND VENUE

13
14 5. This Court has jurisdiction over the parties pursuant to RCW 2.08.010
15 because Defendants transact business, have an office for the transaction of business,
16 and/or have a registered agent upon whom process may be served in Washington. All
17 named Defendants transact business in King County, Washington. The Court has
18 jurisdiction over the claims made herein under RCW 49.60 *et seq.*

19 6. Venue is proper in this Court under RCW 4.12.025 because Defendants
20 transact business, and have an office for the transaction of business in Seattle,
21 Washington, and the events that gave rise to the Plaintiff’s cause of action occurred in
22 King County, Washington.

23 7. On March 30, 2011, and less than three years prior to the discriminatory
24 acts complained of herein that violate the Washington LAD, Plaintiff served on the
25 Defendant Board the Standard Tort Claim attached as **Exhibit 1** and incorporated
26 herein as if fully set forth.

1 20. Ms. Sweeney was the first and only female trainee in the program.

2 21. As a trainee, Ms. Sweeney was treated differently and less favorably
3 than other less qualified male trainees and applicants for a pilot's license by the
4 Commission, its representatives, trainers and Board.

5 22. She was treated less favorably on the basis of her gender.

6 23. At a special meeting of the TEC held on October 31, 2008, the TEC
7 ended Ms. Sweeney's participation in the training program.

8 24. At the October 31, 2008 meeting, the all-male TEC recommended to the
9 Board that Ms. Sweeney not be issued a pilot's license and that she not be allowed to
10 continue in the training program.

11 25. The Board had the authority to adopt or not adopt the TEC's
12 recommendation.

13 26. The Board chose to adopt the TEC's recommendation.

14 27. Ms. Sweeney was first notified in writing of this recommendation on or
15 after November 21, 2008 by a letter sent to her by the Board dated November 21,
16 2008.

17 28. At that time and at all times, the TEC has consisted of all males.

18 29. In making the recommendation to the Board concerning Ms. Sweeney,
19 the all-male TEC treated Ms. Sweeney less favorably and more harshly than other
20 male trainees have been treated in training programs conducted by the Board and/or
21 evaluated by the TEC.

22 30. Ms. Sweeney had been told in words or substance by the TEC at a TEC
23 meeting that because she was the first woman the spotlight would be on her when she
24 was licensed and/or she would in essence receive greater scrutiny than other trainees
25 and that they had to make doubly sure she was ready to be a pilot. All other trainees
26 were male.

1 31. There have been male candidates for a pilot's license who have had
2 marine incidents and/or other incidents demonstrating poor performance during the
3 training program and still received a pilot's license.

4 32. One male trainee ran aground.

5 33. He was permitted to continue in the training program.

6 34. He received a pilot's license.

7 35. One male trainee ran over a net in the Duwamish River.

8 36. He was permitted to continue in the training program.

9 37. He was issued a pilot's license.

10 38. One male trainee hit or made contact with a dock.

11 39. He was permitted to continue in the training program.

12 40. At least one Commissioner of the Board has stated in words or
13 substance during a meeting that incidents of brushing the dock or having contact with
14 the dock not causing serious or significant damage occur all the time or are common.

15 41. Such incidents have not been used to deny a pilot license to male
16 trainees.

17 42. Such incidents have not been used to revoke the pilot's license of a male
18 pilot.

19 43. The Board has the authority to revoke a pilot's license.

20 44. The Board has the authority to revoke a pilot's license based on lack of
21 safety or other such performance issues.

22 45. On May 19, 2009 Plaintiff was denied a pilot's license by the Pilotage
23 Commission on the basis of gender. Other males who had less prior experience and
24 were not as qualified were granted a pilot's license.

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- a. Judgment against the Defendants for general and special damages in an amount to be determined at trial;
- b. Damages in the form of lost wages and benefits and lost future wages and benefits;
- c. Compensation for emotional distress damages;
- d. Double damages under RCW 49.52;
- e. Statutory and reasonable attorney's fees and costs of suit as allowed under law, including RCW 49.48 *et seq.* and RCW 49.60 *et seq.*;
- f. Pre-judgment interest on Plaintiff's lost wages and benefits at the highest rate permitted by law;
- g. A supplemental award to cover any adverse tax consequences of the judgment;
- h. Injunctive relief; and,
- i. Such other relief as the court deems just and equitable.

Dated this 25th Day of October, 2011.

BRESKIN JOHNSON & TOWNSEND PLLC

By /s/ David E. Breskin
David E. Breskin, WSBA No. 10607
1111 Third Avenue Suite 2230
Seattle, WA 98101
(206) 652 8660

Deborah Senn WSBA No. 8987
DEBORAH SENN LAW OFFICES
501 Wellington Avenue
Seattle, WA 98122-6442
(206) 328-5004

Attorneys for Plaintiff

EXHIBIT 1

STANDARD TORT CLAIM FORM

General Liability Claim Form #SF 210

Pursuant to Chapter 4.92 RCW, this form is for filing a tort claim against the State of Washington. Some of the information requested on this form is required by RCW 4.92.100 and may be subject to public disclosure. Pursuant to the new law, Standard Tort Claim forms cannot be submitted electronically (via e-mail or fax).

For Official Use Only
No.

PLEASE TYPE OR PRINT IN INK

Mail or deliver original claim to

Office of Financial Management
 Risk Management Division
 General Administration Building, Room 300
 210 11th Avenue SW
 Post Office Box 43113
 Olympia, Washington 98504-3113

Business Hours: Mon. - Fri. 8:00 a.m.- 5:00 p.m.
Closed on weekends and official state holidays.

CLAIMANT INFORMATION

1. Claimant's name: Sweeney Katharine Ann 03/13/1967
Last name First Middle Date of birth (mm/dd/yyyy)
2. Current residential address: 6058 5th Avenue NE, Seattle, WA 98115
3. Mailing address (if different): _____
4. Residential address at the time of the incident (if different from current address):
n/a
5. Claimant's daytime telephone number: 206-755-3254 206-755-3254
Home Business
6. Claimant's e-mail address: kasweeney17@hotmail.com

INCIDENT INFORMATION

7. Date of the incident: _____ Time: _____ a.m. p.m. (check one)
(mm/dd/yyyy)
8. If the incident occurred over a period of time, date of first and last occurrences:
 from 03/29/2011 Time: _____ a.m. p.m. (check one) to 05/19/2009 Time: _____ a.m. p.m. (check one)
(mm/dd/yyyy) (mm/dd/yyyy)
9. Location of incident: Puget Sound and adjacent waterways
State and county City, if applicable Place where occurred
10. If the incident occurred on a street or highway:
n/a
Name of street or highway Milepost number At the intersection with or nearest intersecting street
11. State agency or department alleged responsible for damage/injury:
Board of Pilotage Commissioners
12. Names, addresses and telephone numbers of all persons involved in or witness to this incident:

Members of the Board of Pilotage Commissioners, 2901 Third Avenue, First Floor Seattle, WA
Members of the Puget Sound Pilots, 101 Stewart Street, Suite 900 Seattle, Washington 98101
206-728-6400

13. Names, addresses and telephone numbers of all state employees having knowledge about this incident:
Peggy Larson, 2901 Third Avenue, First Floor Seattle, WA 98121, 206.515.3647

Judy Bell, 2901 Third Avenue, First Floor Seattle, WA 98121, 206.515.3647,

14. Names, addresses and telephone numbers of all individuals not already identified in #12 and #13 above that have knowledge regarding the liability issues involved in this incident, or knowledge of the Claimant's resulting damages. Please include a brief description as to the nature and extent of each person's knowledge. Attach additional sheets if necessary.

Bruce Nelson 13813 457th Ave SE, North Bend, WA, 425-831-7141

15. Describe the cause of the injury or damages. Explain the extent of property loss or medical, physical or mental injuries. Attach additional sheets if necessary.

I passed a series of tests administered Washington State Pilotage Commission to become eligible to become a Puget Sound pilot. I passed the test in 2005 and in 2007 I was admitted into the training program. There are no Puget Sound pilots who are women. I was the first and only female trainee. As a trainee, I was treated differently and less favorably than other less qualified male trainees and applicants for a pilot's license. In October 2008, I was abruptly dismissed from the training program. I was denied a pilot's license on (May 19, 2009) by the Pilotage Commission due to my gender. Other males who had less prior experience and were not as qualified were granted a pilot's license. I have sustained economic loss that I estimate at present to be \$1,771,000 for lost back wages. I have also suffered emotional distress damages which cannot be calculated at the present and future wage loss that cannot be calculated at the present. I claim that my treatment in training and my failure to receive a pilot's license was based on unlawful sex discrimination that violates the Washington Law Against Discrimination, RCW 49.60 et seq. Under that law, I seek back pay damages, emotional distress damages and lost future wages until I am granted a license, which I also seek, and for the difference between what I would be earning in the future had I been properly granted the license when I originally applied and into the future, if any. I also seek reimbursement of reasonable attorney fees and costs, and for any adverse tax consequences resulting from payment in a lump sum of my economic loss damages.

16. Has this incident been reported to law enforcement, safety or security personnel? If so, when and to whom?

N/A

17. Names, addresses and telephone numbers of treating medical providers. Attach copies of all medical reports and billings.

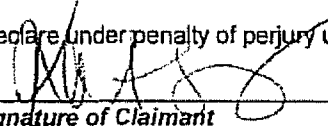
N/A

18. Please attach documents which support the claim's allegations.

19. I claim damages from the State of Washington in the sum of \$ 12,676,000.01.

This Claim form must be signed by the Claimant, a person holding a written power of attorney from the Claimant, by the attorney in fact for the Claimant, by an attorney admitted to practice in Washington State on the Claimant's behalf, or by a court-approved guardian or guardian ad litem on behalf of the Claimant.

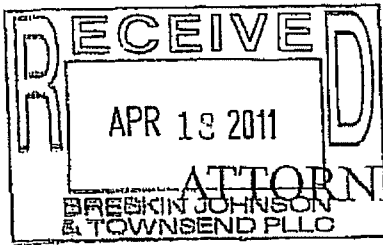
I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.



Signature of Claimant
Form SF 210 (July 2009)

03/29/2011 6058 5th ave NE, Seattle, King
Date and place (residential address, city and county)

EXHIBIT 2



Rob McKenna

ATTORNEY GENERAL OF WASHINGTON

Tort Claims Investigation

7141 Cleanwater Drive SW • PO Box 40127 • Tumwater WA 98504-0127

April 12, 2011

Breskin Johnson & Townsend
Attorneys at Law
1111 Third Ave Suite 2230
Seattle WA 98101

RE: Claim of Katharine
DRM No. 20570001


Dear Counsel:

We are in receipt of a copy of your client's claim against the State of Washington in the amount of \$12,676,000.00, which was filed with the Division of Risk Management on March 30, 2011. This acknowledgment does not indicate the State's agreement that your claim should be allowed or is legally sufficient. Please be advised that an initial investigation of your claim may take 60-80 days.

Any further correspondence or inquiries you have about the claim should be directed to the undersigned at:

Office of the Attorney General
Tort Claims Division
7141 Cleanwater Drive SW
P.O. Box 40127
Olympia, WA 98504-0127
Telephone: (360) 586-6345

Sincerely,


LEIGH J SWANSON
Chief Torts Investigator

LJS:ad

I. NOTICES (continued)**NOTICE TO ALL PARTIES:**

All attorneys and parties should make themselves familiar with the King County Local Rules [KCLR] – especially those referred to in this **Schedule**. In order to comply with the **Schedule**, it will be necessary for attorneys and parties to pursue their cases vigorously from the day the case is filed. For example, discovery must be undertaken promptly in order to comply with the deadlines for joining additional parties, claims, and defenses, for disclosing possible witnesses [See KCLCR 26], and for meeting the discovery cutoff date [See KCLCR 37(g)].

CROSSCLAIMS, COUNTERCLAIMS AND THIRD PARTY COMPLAINTS:

A filing fee of **\$230** must be paid when any answer that includes additional claims is filed in an existing case.

KCLCR 4.2(a)(2)

A Confirmation of Joinder, Claims and Defenses or a Statement of Arbitrability must be filed by the deadline in the schedule. The court will review the confirmation of joinder document to determine if a hearing is required. If a Show Cause order is issued, all parties cited in the order must appear before their Chief Civil Judge.

PENDING DUE DATES CANCELED BY FILING PAPERS THAT RESOLVE THE CASE:

When a final decree, judgment, or order of dismissal of all parties and claims is filed with the Superior Court Clerk's Office, and a courtesy copy delivered to the assigned judge, all pending due dates in this **Schedule** are automatically canceled, including the scheduled Trial Date. It is the responsibility of the parties to 1) file such dispositive documents within 45 days of the resolution of the case, and 2) strike any pending motions by notifying the bailiff to the assigned judge.

Parties may also authorize the Superior Court to strike all pending due dates and the Trial Date by filing a *Notice of Settlement* pursuant to KCLCR 41, and forwarding a courtesy copy to the assigned judge. If a final decree, judgment or order of dismissal of all parties and claims is not filed by 45 days after a *Notice of Settlement*, the case may be dismissed with notice.

If you miss your scheduled Trial Date, the Superior Court Clerk is authorized by KCLCR 41(b)(2)(A) to present an *Order of Dismissal*, without notice, for failure to appear at the scheduled Trial Date.

NOTICES OF APPEARANCE OR WITHDRAWAL AND ADDRESS CHANGES:

All parties to this action must keep the court informed of their addresses. When a Notice of Appearance/Withdrawal or Notice of Change of Address is filed with the Superior Court Clerk's Office, parties must provide the assigned judge with a courtesy copy.

ARBITRATION FILING AND TRIAL DE NOVO POST ARBITRATION FEE:

A Statement of Arbitrability must be filed by the deadline on the schedule **if the case is subject to mandatory arbitration** and service of the original complaint and all answers to claims, counterclaims and cross-claims have been filed. If mandatory arbitration is required after the deadline, parties must obtain an order from the assigned judge transferring the case to arbitration. **Any party filing a Statement must pay a \$220 arbitration fee.** If a party seeks a trial de novo when an arbitration award is appealed, a fee of \$250 and the request for trial de novo must be filed with the Clerk's Office Cashiers.

NOTICE OF NON-COMPLIANCE FEES:

All parties will be assessed a fee authorized by King County Code 4.71.050 whenever the Superior Court Clerk must send notice of non-compliance of schedule requirements and/or Local Civil Rule 41.

King County Local Rules are available for viewing at www.kingcounty.gov/courts/clerk.

II. CASE SCHEDULE

CASE EVENT	DEADLINE or EVENT DATE	Filing Needed
Case Filed and Schedule Issued.	Tue 10/25/2011	*
Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing [See <i>KCLMAR 2.1(a) and Notices on Page 2</i>]. \$220 arbitration fee must be paid	Tue 04/03/2012	*
DEADLINE to file Confirmation of Joinder if not subject to Arbitration. [See <i>KCLCR 4.2(a) and Notices on Page 2</i>].	Tue 04/03/2012	*
DEADLINE for Hearing Motions to Change Case Assignment Area. [See <i>KCLCR 82(e)</i>]	Tue 04/17/2012	
DEADLINE for Disclosure of Possible Primary Witnesses [See <i>KCLCR 26(b)</i>].	Tue 11/13/2012	
DEADLINE for Disclosure of Possible Additional Witnesses [See <i>KCLCR 26(b)</i>].	Mon 12/24/2012	
DEADLINE for Jury Demand [See <i>KCLCR 38(b)(2)</i>].	Mon 01/07/2013	*
DEADLINE for Setting Motion for a Change in Trial Date [See <i>KCLCR 40(e)(2)</i>].	Mon 01/07/2013	*
DEADLINE for Discovery Cutoff [See <i>KCLCR 37(g)</i>].	Mon 02/25/2013	
DEADLINE for Engaging in Alternative Dispute Resolution [See <i>KCLCR 16(b)</i>].	Mon 03/18/2013	
DEADLINE for Exchange Witness & Exhibit Lists & Documentary Exhibits [See <i>KCLCR 4(j)</i>].	Mon 03/25/2013	
DEADLINE to file Joint Confirmation of Trial Readiness [See <i>KCLCR 16(a)(2)</i>]	Mon 03/25/2013	*
DEADLINE for Hearing Dispositive Pretrial Motions [See <i>KCLCR 56; CR 56</i>].	Mon 04/01/2013	
Joint Statement of Evidence [See <i>KCLCR (4)(k)</i>].	Mon 04/08/2013	*
DEADLINE for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law and Jury Instructions (Do not file Proposed Findings of Fact and Conclusions of Law with the Clerk)	Mon 04/08/2013	*
Trial Date [See <i>KCLCR 40</i>].	Mon 04/15/2013	

III. ORDER

Pursuant to King County Local Civil Rule 4 [*KCLCR 4*], IT IS ORDERED that the parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Civil Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for non-compliance. It is FURTHER ORDERED that the party filing this action **must** serve this *Order Setting Civil Case Schedule* and attachment on all other parties.

DATED: 10/25/2011



PRESIDING JUDGE

IV. ORDER ON CIVIL PROCEEDINGS FOR ASSIGNMENT TO JUDGE

READ THIS ORDER BEFORE CONTACTING YOUR ASSIGNED JUDGE

This case is assigned to the Superior Court Judge whose name appears in the caption of this case schedule. The assigned Superior Court Judge will preside over and manage this case for all pretrial matters.

COMPLEX LITIGATION: If you anticipate an unusually complex or lengthy trial, please notify the assigned court as soon as possible.

APPLICABLE RULES: Except as specifically modified below, all the provisions of King County Local Civil Rules 4 through 26 shall apply to the processing of civil cases before Superior Court Judges. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

CASE SCHEDULE AND REQUIREMENTS

Deadlines are set by the case schedule, issued pursuant to Local Civil Rule 4.

THE PARTIES ARE RESPONSIBLE FOR KNOWING AND COMPLYING WITH ALL DEADLINES IMPOSED BY THE COURT'S LOCAL CIVIL RULES.

A. Joint Confirmation regarding Trial Readiness Report:

No later than twenty one (21) days before the trial date, parties shall complete and file (with a copy to the assigned judge) a joint confirmation report setting forth whether a jury demand has been filed, the expected duration of the trial, whether a settlement conference has been held, and special problems and needs (e.g. interpreters, equipment, etc.).

The form is available at <http://www.kingcounty.gov/courts/superiorcourt.aspx>. If parties wish to request a CR 16 conference, they must contact the assigned court. Plaintiff's/petitioner's counsel is responsible for contacting the other parties regarding said report.

B. Settlement/Mediation/ADR

a. Forty five (45) days before the trial date, counsel for plaintiff/petitioner shall submit a written settlement demand. Ten (10) days after receiving plaintiff's/petitioner's written demand, counsel for defendant/respondent shall respond (with a counter offer, if appropriate).

b. Twenty eight (28) days before the trial date, a Settlement/Mediation/ADR conference shall have been held. **FAILURE TO COMPLY WITH THIS SETTLEMENT CONFERENCE REQUIREMENT MAY RESULT IN SANCTIONS.**

C. Trial: Trial is scheduled for 9:00 a.m. on the date on the case schedule or as soon thereafter as convened by the court. The Friday before trial, the parties should access the King County Superior Court website <http://www.kingcounty.gov/courts/superiorcourt.aspx> to confirm trial judge assignment. Information can also be obtained by calling (206) 205-5984.

MOTIONS PROCEDURES

A. Noting of Motions

Dispositive Motions: All summary judgment or other dispositive motions will be heard with oral argument before the assigned judge. The moving party must arrange with the hearing judge a date and time for the hearing, consistent with the court rules. Local Civil Rule 7 and Local Civil Rule 56 govern procedures for summary judgment or other motions that dispose of the case in whole or in part. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

Nondispositive Motions: These motions, which include discovery motions, will be ruled on by the assigned judge without oral argument, unless otherwise ordered. All such motions must be noted for a date by which the ruling is requested; this date must likewise conform to the applicable notice requirements. Rather than noting a time of day, the Note for Motion should state "Without Oral Argument." Local Civil Rule 7 governs these motions, which include discovery motions. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

Motions in Family Law Cases not involving children: Discovery motions to compel, motions in limine, motions relating to trial dates and motions to vacate judgments/dismissals shall be brought before the assigned judge. All other motions should be noted and heard on the Family Law Motions calendar. Local Civil Rule 7 and King County Family Law Local Rules govern these procedures. The local rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

Emergency Motions: Under the court's local civil rules, emergency motions will be allowed only upon entry of an Order Shortening Time. However, emergency discovery disputes may be addressed by telephone call and without written motion, if the judge approves.

B. Original Documents/Working Copies/ Filing of Documents

All original documents must be filed with the Clerk's Office. Please see information on the Clerk's Office website at www.kingcounty.gov/courts/clerk regarding the new requirement outlined in LGR 30 that attorneys must e-file documents in King County Superior Court. The exceptions to the e-filing requirement are also available on the Clerk's Office website.

The working copies of all documents in support or opposition must be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the assigned judge. The assigned judge's working copies must be delivered to his/her courtroom or the Judges' mailroom. Working copies of motions to be heard on the Family Law Motions Calendar should be filed with the Family Law Motions Coordinator. On June 1, 2009 you will be able to submit working copies through the Clerk's office E-Filing application at www.kingcounty.gov/courts/clerk.

Service of documents. E-filed documents may be electronically served on parties who opt in to E-Service within the E-Filing application. The filer must still serve any others who are entitled to service but who have not opted in. E-Service generates a record of service document that can be e-filed. Please see information on the Clerk's office website at www.kingcounty.gov/courts/clerk regarding E-Service.

Original Proposed Order: Each of the parties must include an original proposed order granting requested relief with the working copy materials submitted on any motion. Do not file the original of the proposed order with the Clerk of the Court. Should any party desire a copy of the order as signed and filed by the judge, a pre-addressed, stamped envelope shall accompany the proposed order.

Presentation of Orders: All orders, agreed or otherwise, must be presented to the assigned judge. If that judge is absent, contact the assigned court for further instructions. If another judge enters an order on the case, counsel is responsible for providing the assigned judge with a copy.

Proposed orders finalizing settlement and/or dismissal by agreement of all parties shall be presented to the assigned judge or in the Ex Parte Department. Formal proof in Family Law cases must be scheduled before the assigned judge by contacting the bailiff, or formal proof may be entered in the Ex Parte Department. **If final order and/or formal proof are entered in the Ex Parte Department, counsel is responsible for providing the assigned judge with a copy.**

C. Form

Memoranda/briefs for matters heard by the assigned judge may not exceed twenty four (24) pages for dispositive motions and twelve (12) pages for nondispositive motions, unless the assigned judge permits over-length memoranda/briefs in advance of filing. Over-length memoranda/briefs and motions supported by such memoranda/briefs may be stricken.

IT IS SO ORDERED. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTIONS. PLAINTIFF/PEITITONER SHALL FORWARD A COPY OF THIS ORDER AS SOON AS PRACTICABLE TO ANY PARTY WHO HAS NOT RECEIVED THIS ORDER.



PRESIDING JUDGE