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The Politics Blog

Olympia judge rejects lawsuit vs. No on 522; fines 'Moms for Labeling' group \$10,000

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Judge Chris Wickham

OLYMPIAN FILE PHOTO

By Brad Shannon — Olympian

A Thurston County judge has rejected the lawsuit filed last month by a “Moms for Labeling” group that sought better campaign finance disclosure by the food-industry in the ballot fight this fall over Initiative 522. The No on 522 campaign has raised a record \$17.2 million to oppose the requirement to label all genetically modified foods in Washington, and \$7.2 million of it comes from the Grocery Manufacturers Association, which is not itemizing where the money is coming from.

Under terms of a law meant to shelter citizens against harassing and preemptive lawsuits, Superior Court judge **Chris Wickham** imposed a \$10,000 sanction Friday against the Moms group that had hauled No

on 522 to court. At the same time, Wickham indicated that a similar but ongoing complaint at the state Public Disclosure Commission was the appropriate venue for the campaign-finance challenge.

"The judge gave us a complete victory here," said **Michelle Radosevich**, attorney for the No on 522 campaign. "He certainly vindicated our position that this was an inappropriate use of the courts to try to enforce campaign finance rules. The PDC is the proper forum for that. The judge agreed with us."

Knoll Lowney, the lawyer who filed suit against No on 522 and the grocers, said the case is not over. He said that because they filed a 45-day notice letter on the PDC last month, alleging the wrongdoing, the state has 45 days to act on it – or Moms for Labeling will be authorized to bring its legal challenge back to Superior Court.

Lowney said his intention is to do that on Oct. 17 – unless the PDC and Attorney General's Office take action sooner.

The No on 522 campaign blasted the lawsuit. "This was a frivolous and baseless lawsuit brought for no other reason than to try to generate media headlines in the heat of a political campaign," **Dana Bieber**, spokesperson for No on 522, said in a news release. "Proponents of I-522 have been making misleading claims in the media, in their advertisements and through this lawsuit. This was legal harassment, pure and simple."

Lowney said that Wickham's decision to impose terms of the anti-SLAPP lawsuit against the Moms group is a turning of the original law on its head. He said the law allowing sanctions against those who employ Strategic Lawsuits Against Public Participation is meant to protect small groups against better financed groups that use lawsuits to stymie critics.

Pam Johnson, a member of the Moms group, was in court to hear the judge's ruling.

"I think it is outrageous that we are being accused of harassing big out of state corporations when really what we are trying to do as Moms for Labeling is, one, find out what is in the food we are putting on the table for our families, and two, (learn) who is paying for this campaign. It's as simple as that," Johnson said after the ruling.

"I think the voters of the state of Washington are making a decision on this issue and that's a big responsibility. As the decision makers we have a right to know specifically who is behind this campaign. I would think both sides would want that with such a big decision put to voters," Johnson said.

Johnson said she did not know how the Moms group would pay the fine – or legal fees for the prevailing campaign. She said she is a single mother who stays home to care for her children and would not be able to pay it.

Still at issue in the complaint at the PDC is whether the No on 522 campaign was improperly identifying donors to the campaign in television ads and mailers.

Under Washington law, ads must list the top five donors to a campaign, but by having the Grocery Manufacturers make donations on behalf of the food industry the No on 522 campaign has avoided linking specific food makers with the campaign.

[As we reported previously](#), the GMA has refused to say if it did a special assessment of its members to raise the money for the No on 522 campaign. In a fight over Proposition 37's labeling proposal in California last year, individual members of the GMA gave millions of dollars.

Such an action – if it happened – could mean that GMA or an arm of its operation could be considered a political committee that would have to report individual donations.

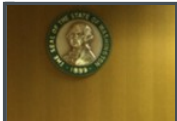
Data on file at the PDC shows top donors to No on 522 are Grocery Manufacturers Association, \$7.2 million; Monsanto, \$4.8 million;

DuPont Pioneer, \$3.42 million; Bayer CropScience, \$591,654; and Dow Agrosiences, \$562,123.

The Yes on 522 campaign, which is one of several committees raising money to support I-522, has raised about \$4.8 million. Its top donor is Dr. Bronner's Magic Soaps of California with \$1.7 million.

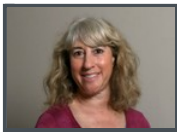
Our earlier post on the campaign finance dispute is [here](#).

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