

FILED
Court of Appeals
Division III
State of Washington
5/30/2023 12:14 PM

FILED
SUPREME COURT
STATE OF WASHINGTON
5/30/2023
BY ERIN L. LENNON
CLERK

Court of Appeals No. 38627-9-III

SUPREME COURT OF THE STATE OF WASHINGTON

WALLA WALLA BULLETIN,
Respondent.
vs.
ALEXIS GUERRERO,
Petitioner,

102032-5

Appeal from the Superior Court of Walla Walla County
The Honorable M. Scott Wolfram
Cause number X21-00234

PETITION FOR REVIEW

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ATTORNEYS FOR PETITIONER

TABLE OF CONTENTS

I. IDENTITY OF PETITIONER.....	1
II. CITATION TO COA DECISION.....	1
III. ISSUES PRESENTED FOR REVIEW.....	1
IV. STATEMENT OF CASE.....	1-3
V. ARGUMENT.....	3-5
VI. CONCLUSION.....	6

TABLE OF AUTHORITIES

CASES	
Authority	Page(s)
<i>Walla Walla Union Bulletin v. Guerrero</i> , 2023 WL 2531241	1,4
STATUTES	
RCW 7.105.100(1)(f)	4,5,6
RAP 2.3(d)(2)	4

I. IDENTITY OF PETITIONERS

Petitioner Alexis Guerrero files this petition for discretionary review pursuant to RAP 13.3(a)(1).

II. CITATION TO COURT OF APPEALS DECISION

Plaintiffs seek review of the unpublished opinion by Division III in Walla Walla Bulletin v. Alexis Guerrero (No. 38627-9-III), that was filed on March 16, 2023.¹

III. ISSUES PRESENTED FOR REVIEW

ISSUE ONE: Is review warranted under RAP 13.4(b)(4) to decide significant issues of substantial public interest regarding whether an anti-harassment order can be lawfully obtained by a corporation for its employees with little or no supporting evidence.

ISSUE TWO: Is review warranted under RAP 13.4(b)(3) to decide if the trial court's orders violated Plaintiffs' First Amendment rights?

IV. STATEMENT OF THE CASE

Appellant is a citizen of Walla Walla WA. Respondent Walla Walla Union Bulletin ("WWUB") is a business entity in Walla Walla; it is not a natural person. Appendix B– 9-23, 33(4:9-21).

¹ A copy of the Court of Appeals opinion and denial of motion for consideration is attached as Appendix A.

WWUB alleges that Mr. Guerrero protested outside the newspaper's headquarters, made harassing comments to select employees and scrawled pejoratives and worse on the adjacent sidewalk. Mr. Guerrero also allegedly filmed certain employees on or near the grounds of the paper. Some, if not most, of Mr. Guerrero's activities near the paper were not harassing and/or were legitimate expressions protected by the first amendment. Appendix B – 9-23.

There was only limited evidence of a handful of WWUB employees who may have been harassed as required by the statute. There was no evidence that all WWUB employees or that even a majority were harassed or even contacted by Mr. Guerrero.

A hearing was held with all parties acting pro se before visiting Judge Marinella. Judge Marinella found that Mr. Guerrero harassed the employees of the newspaper. Judge Marinella found that the order should extend to all the paper's employees "as it has a duty/relationship to its employees to provide a work environment free from harassment." There was no finding or evidence that Mr. Guerrero harassed all, most or even a substantial minority, of the paper's employees. Appendix B 9-23, 33 (4:10-18).

Judge Marinella entered the order and ordered Appellant to avoid the paper itself, all of its mostly unidentified employees, and the physical building that housed the paper and a 500-foot buffer zone. The order fails to name the employees specifically and fails to provide location restrictions that would correlate to each of the paper's employees. Appendix B – 4-7.

Division III has decided that the grant of review below was improvident.² the court below incorrectly decided that legislative revision to the anti-harassment statute rendered the questions of whether a corporation may petition for a protective order and the related questions of whether a corporation may obtain such an order extending protection to multiple unnamed employees with little or no supporting evidence.

V. ARGUMENT

The appellate court wrote that the “primary issue is whether the Walla Walla Union Bulletin, as a corporate entity, may petition for an

² See Appendix A

order of protection on behalf of its employees.”³ As noted, it is a novel question that has yet to be resolved by the appellate courts.⁴ The changes to the anti-harassment laws since review was granted in this case did nothing to resolve this issue. RCW 7.105.100(1)(f). If anything, the revisions made it clear that the relief afforded is only available to natural persons. A petitioner may seek an order for:

- (i) **Himself** or **herself**;
- (ii) A **minor child**, where the petitioner is the parent, legal guardian, or custodian;
- (iii) A **vulnerable adult**, where the petitioner is an interested person; or
- (iv) **Any other adult** for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or

³ See Appendix A. The court also notes at *1 that the parties do not address whether a non-lawyer had the ability to petition for a protection order on behalf of the corporation. *Id* at *1. This observation seems appropriate. However, it doesn't change the novel nature of the issue upon which review was granted or that it is an issue of public interest. RAP 2.3(d)(2).

⁴ *Id.*

inaccessibility.

RCW 7.105.100(1)(f) (emphasis added).

The revisions made clear who could petition and on whose behalf they could petition. Nothing in the prior law or the revised statute provides a remedy for a corporation. The words “corporation”, “itself” and “employees” are not contained in the current (or former) statute. As the statute remains silent, the need to address remains. An analysis of the former law that is silent as regards corporations and employees will be relevant to the current law which similarly makes no mention of either corporations or employees.

Allowing litigants to use substantive law absent a legal basis is wrong and this Court can engender appropriate respect and compliance with the rule of law by reversing the dismissal here. Extending unlawful protection to corporations also has a chilling effect on first amendment rights. RCW 7.105.010 (6)(a). Appellate review will provide guidance for future litigants and should prevent the use or abuse of the statute by corporations who seek to silence the exercise of first amendment rights.

VI. CONCLUSION

The dismissal of the grant of discretionary review was improvident for the reasons stated above and review should be ordered. The merits of the appeal should then be considered by this Court.

VI. CONCLUSION

For the foregoing reasons, this Court should accept review of this case under RAP 13.4(b)(3) and RAP 13.4(b)(4).

DATED: May 30, 2023

/s/ Edward H. Moore
Edward H. Moore, WSBA #41584

CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2023, I delivered a copy of the document to which this certification is attached for delivery to all counsel of record via electronic filing and/or regular mail.

DATED: May 30, 2023.

/s/ Edward H. Moore
Edward H. Moore, WSBA #41584

I certify that this memorandum contains 943 words, in compliance with RAP 18.17.

DATED: May 30, 2023.

/s/ Edward H Moore
Edward H Moore, # 41584

APPENDIX A

Tristen L. Worthen
Clerk/Administrator

(509) 456-3082
TDD #1-800-833-6388

*The Court of Appeals
of the
State of Washington
Division III*



500 N. Cedar St.
Spokane, WA 99201-1905

Fax (509) 456-4288
<http://www.courts.wa.gov/courts>

March 16, 2023

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emoore@ehmpc.com

CASE # 386279
Walla Walla Union Bulletin v. Alexis Guerrero
WALLA WALLA CO SUPERIOR COURT No. 2120020036

Counsel:

Enclosed please find a copy of the opinion filed by the court today.

A party need not file a motion for reconsideration as a prerequisite to discretionary review of this decision by the Washington Supreme Court. RAP 13.3(b), 13.4(a). If a motion for reconsideration is filed, it should state with particularity the points of law or fact that the moving party contends this court has overlooked or misapprehended, together with a brief argument on the points raised. RAP 12.4(c). Motions for reconsideration that merely reargue the case should not be filed.

Motions for reconsideration, if any, must be filed within twenty (20) days after the filing of a decision. RAP 12.4(b). Please file the motion electronically through this court's e-filing portal. If no motion for reconsideration is filed, any petition for review to the Supreme Court must be filed in this court within thirty (30) days after the filing of the decision (should also be filed electronically). RAP 13.4(a). The motion for reconsideration and petition for review must be received by this court on or before the dates each is due. RAP 18.5(c).

Sincerely,

Tristen L. Worthen
Clerk/Administrator

TLW:btb
Attachment

c: **E-mail** Honorable M. Scott Wolfram

FILED
MARCH 16, 2023
In the Office of the Clerk of Court
WA State Court of Appeals, Division III

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION THREE

WALLA WALLA UNION BULLETIN,)	No. 38627-9-III
)	
Respondent,)	
)	
v.)	UNPUBLISHED OPINION
)	
ALEXIS GUERRERO,)	
)	
Petitioner.)	

PENNELL, J. — Alexis Guerrero sought discretionary review of an antiharassment order, issued by the Walla Walla County District Court in 2021 and affirmed in superior court. The order in question has since expired, rendering this case moot. Nevertheless, our commissioner granted review, reasoning that the question of whether a corporation may apply for an antiharassment order on behalf of its employees was a novel legal issue of ongoing public concern.

After the commissioner’s ruling, our legislature recodified the law governing antiharassment petitions. The current law contains restrictions regarding when someone may petition for a protection order on behalf of others. Those restrictions were not in effect at the time of the antiharassment order issued in this case. Given this change in the law, there is no longer a public interest in determining whether, at the time of the petition in this case, the Walla Walla Union Bulletin was able to petition for a protection order on behalf of its employees. We therefore dismiss this review as improvidently granted.

BACKGROUND

In March 2021, Fiona Vance, a human resources representative of the Walla Walla Union Bulletin, signed a petition on behalf of her employer for an antiharassment order against Alexis Guerrero.¹ The petition was filed in Walla Walla County District Court and identified the Union Bulletin as the sole petitioner. The petition stated Mr. Guerrero’s actions toward Union Bulletin employees seriously alarmed, annoyed or harassed them, and caused substantial emotional distress.

The district court held a hearing in the matter and subsequently issued an antiharassment order. The order specified an expiration date of March 17, 2022.

¹ The record indicates that the Union Bulletin actually filed two petitions, and that the cases were joined for hearing as the allegations in the petitions were the same.

No. 38627-9-III

Walla Walla Union Bulletin v. Guerrero

Clerk's Papers at 23. Mr. Guerrero appealed the order to superior court, which entered an order affirming the district court's order.

Mr. Guerrero sought discretionary review in this court in November 2021.

A commissioner of this court granted review under RAP 2.3(d)(2) and (d)(3).

ANALYSIS

The primary issue on review is whether the Walla Walla Union Bulletin, as a corporate entity, may petition for an order of protection on behalf of its employees.

The parties do not address whether Ms. Vance, a nonlawyer, had the ability to petition for a protection order on behalf of the corporation. As noted by the commissioner's ruling granting discretionary review, the question of whether a corporation may petition for an order of protection on behalf of its employees was a novel question that had not been resolved by Washington's appellate courts. Although the restraining order in this case expired after review was granted, making this case moot, our commissioner reasoned that the question of whether a corporation may petition for a protection order on behalf of its employees was a significant question of Washington law that would be of continuing and substantial public concern, warranting review under RAP 2.3(d)(2) and (d)(3).

At the time the commissioner granted review, the equities in this case may have weighed in favor of review. However, after the commissioner's ruling, Washington's law

governing antiharassment petitions changed. Effective July 1, 2022, chapter 10.14 RCW was repealed and replaced by chapter 7.105 RCW. LAWS OF 2021, ch. 215 § 170. Unlike the former statute, the current law provides specific guidance on when one person may petition for an antiharassment protection order on behalf of another person. The current statute states, in relevant part:

- . . . The petitioner may petition for an antiharassment protection order on behalf of:
- (i) Himself or herself;
 - (ii) A minor child, where the petitioner is the parent, legal guardian, or custodian;
 - (iii) A vulnerable adult, where the petitioner is an interested person; or
 - (iv) Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

RCW 7.105.100(1)(f).

The former statute applied to the protection order issued in this case. Given the substantial change in the statute, any analysis of whether the former statute allowed for a corporation to petition for an antiharassment order would not be helpful to future litigants. This case therefore no longer involves a matter of ongoing public concern. Because the district court's antiharassment order is no longer in effect, there is no need for us to address the propriety of that order. We therefore dismiss review before this court as improvidently granted.

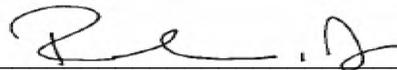
No. 38627-9-III

Walla Walla Union Bulletin v. Guerrero

CONCLUSION

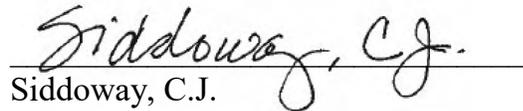
Discretionary review is dismissed as improvidently granted.

A majority of the panel has determined this opinion will not be printed in the Washington Appellate Reports, but it will be filed for public record pursuant to RCW 2.06.040.

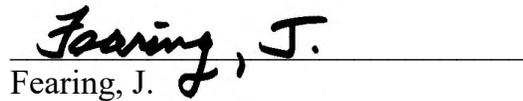


Pennell, J.

WE CONCUR:



Siddoway, C.J.



Fearing, J.

Tristen L. Worthen
Clerk/Administrator

(509) 456-3082
TDD #1-800-833-6388

*The Court of Appeals
of the
State of Washington
Division III*



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April 28, 2023

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CASE # 386279
Walla Walla Union Bulletin v. Alexis Guerrero
WALLA WALLA CO SUPERIOR COURT No. 2120020036

Counsel:

Enclosed please find a copy of an order filed by the court today denying petitioner Alexis Guerrero's motion for reconsideration of this court's March 16, 2023, opinion.

A party may seek discretionary review by the Washington Supreme Court of a Court of Appeals' decision. RAP 13.3(a). A party seeking discretionary review of the March 16 opinion must file a petition for review in this court within 30 days after the order on reconsideration is filed. RAP 13.4(a). Please file the petition electronically through the court's e-filing portal. The petition for review will then be forwarded to the Supreme Court. The petition must be received in this court on or before the date it is due. RAP 18.5(c).

If the party opposing the petition for review wishes to file an answer, that answer should be filed in the Supreme Court within 30 days of the service on that party of the petition. RAP 13.4(d). The address of the Washington Supreme Court is Temple of Justice, P.O. Box 40929, Olympia, WA 98504-0929.

Sincerely,

A handwritten signature in blue ink that reads "Tristen L. Worthen".

Tristen L. Worthen
Clerk/Administrator

TLW:btb
Attachment

FILED
APRIL 28, 2023
In the Office of the Clerk of Court
WA State Court of Appeals, Division III

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION THREE

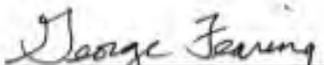
WALLA WALLA UNION BULLETIN,)	
)	No. 38627-9-III
Respondent,)	
)	ORDER DENYING MOTION
v.)	FOR RECONSIDERATION
)	
ALEXIS GUERRERO,)	
)	
Petitioner.)	

THE COURT has considered petitioner Alexis Guerrero’s motion for reconsideration of this court’s March 16, 2023, opinion; and the record and file herein.

IT IS ORDERED that the petitioner’s motion for reconsideration is denied.

PANEL: Judges Pennell, Siddoway and Fearing

FOR THE COURT:



GEORGE B. FEARING
Chief Judge

APPENDIX B

Edward H. Moore, P.C.
3600 15th Ave. W., Ste 300
Seattle, WA 98119

Frost Bank
Dallas, Texas 75021
30-9/1140

4.15.21

PAY TO THE ORDER OF

WALLA WALLA SUPERIOR COURT

\$ 203.00

~~TWO HUNDRED, THREE AND~~

~~60~~

DOLLARS

MEMO

Guerrero
X21 00234 ~~MOORE~~



⑈006740⑈ ⑆114000093⑆ 980007943⑈

THIS DOCUMENT CONTAINS A COLORED BACKGROUND ON WHITE PAPER. MICROPRINT IS LOCATED BELOW THIS WARNING BAND.

Edward H. Moore, P.C./3600 15th Ave. W., Ste 300

WALLA WALLA DISTRICT COURT
Receipt Number: 21110100085
04/20/2021 08:10 MLG Court Payment
Beg Bal.....: .00
Check.....: 40.00
End Bal.....: .00
Payor.....: ALEXIS GUERRERO
PREP APP RECORD Paid

Case Number LEA Type
X21-00234 CV

OFFICIAL RECEIPT
WALLA WALLA SUPERIOR COURT
WALLA WALLA, WA
KATHY A. MARTIN
COUNTY CLERK

Receipt No. 36-2021-02074
Transaction Date 04/20/2021
Payor
Edward H Moore

Description	Amount Paid
WALLA WALLA UNION BULLETIN	
21-2-00200-36	
WALLA WALLA UNION BULLETIN vs ALEXIS GUERRERO	
CLJ Appeal Filing Fee	230.00
SUBTOTAL	230.00
Remaining Balance Due:	0.00
PAYMENT TOTAL	230.00
Check (Ref #6741) Tendered	230.00
Total Tendered	230.00
Change	0.00

APR 23 2021

SCANNED Edward H. Moore PC

FILED

APR 20 2021

KATHY MARTIN
WALLA WALLA COUNTY CLERK

FILED
Walla Walla District Court

APR 16 2021

Kristian E. Hedine
District Court Judge

DISTRICT COURT OF WASHINGTON FOR WALLA WALLA COUNTY

21 2 00200 36

Walla Walla Union Bulletin,
Petitioner,

v.

Alexis Guerrero,
Respondent

No. X21 00234
Notice of Appeal to
Walla Walla Superior Court

Alexis Guerrero, Respondent, seeks review by the designated court of the anti-harassment order entered on April 17, 2021.

A copy of the decision is attached to this notice.

Date: 4.15.21



Edward H. Moore, WSBA No. 41584
3600 15th Ave. W., Ste. 300
Seattle, WA 98119
206.826.8214
Attorney for Plaintiff

MAR 17 2021

KRISTIAN E. HEDINE
DISTRICT COURT JUDGE

**Walla Walla District Court of Washington
For Walla Walla County**

Walla Walla Union Bulletin
Petitioner, (DOB)

vs.

Alexis Guerrero 2-27-82
Respondent (DOB)

No. XZ1-00234
Order for Protection -
Harassment (ORAH)
Court Address: 317 W. Rose St.
Walla Walla, WA, 99362
Telephone Number: (509)524-2760
(Clerk's action required)

Warning to the Respondent: Violation of the provisions of this order with actual notice of its terms is a criminal offense under RCW 10.14 and will subject a violator to arrest. Willful disobedience of the terms of this order may also be contempt of court and subject you to penalties under RCW 7.21.

1. Full Faith and Credit: The court has jurisdiction over the parties, the minors and the subject matter. This order is issued in accordance with the Full Faith and Credit provisions of VAWA 18 U.S.C. § 2265.
2. Notice of this hearing was served on the Respondent by personal service service by publication pursuant to court order other _____
3. Minors addressed in this order:

Name (First, Middle Initial, Last)	Age	Race	Sex
N/A (minors)			
Non-party victims - employees of Petitioner			

Based upon the petition, testimony, and case record, the court finds that the Respondent committed unlawful harassment, as defined in RCW 10.14.080, and was not acting pursuant to any statutory authority, and it is therefore ordered that:

No Contact: Respondent is **restrained** from making any attempts to contact Petitioner and any minors named in the table above, or employees of Petitioner

Surveillance: Respondent is **restrained** from making any attempts to keep under surveillance Petitioner and any minors named in the table above, or employees

Stay Away: Respondent is **restrained** from entering or being within 500 ft (distance) of Petitioner's residence place of employment other:
112 S. 1st Ave, Walla Walla, WA
 The address is confidential Petitioner waives confidentiality of the address which is

Other: This order and prohibitions also protects all employees of the Walla Walla Union Bulletin

Pay Fees and Costs: judgment is granted against Respondent in favor of _____ in the amount of \$ _____ for costs incurred in bringing the action and \$ _____ for attorneys' fees.

Notice: Petitioner, you must fill out and file a completed form WPF UH 04.0700, Judgment Summary.
 The court has granted judgment against the Respondent in the amount of \$ _____ for administrative court costs and service fees. A Judgment Summary, form WPF UH 04.0700, must be completed and filed.

Prohibit Weapons and Order Surrender

The Respondent must:

- not access, possess, or obtain any firearms, other dangerous weapons, or concealed pistol licenses; and
- comply with the **Order to Surrender and Prohibit Weapons** filed separately.

(Note: Also use form AH Cases 02.050.)

Findings – The court (check all that apply):

must issue the orders referred to above because the court finds by clear and convincing evidence that the Respondent:

- has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; or
- is ineligible to possess a firearm under RCW 9A.41.040.

may issue the orders referred to above because the court finds by a preponderance of evidence, the Respondent:

- presents a serious and imminent threat to public health or safety, or the health or safety of any individual by possessing a firearm or other dangerous weapon; or
- has used, displayed or threatened to use a firearm or other dangerous weapon in a felony; or
- is ineligible to possess a firearm under RCW 9A.41.040.

Washington Crime Information Center (WACIC) Data Entry

It is further ordered that the clerk of the court shall forward a copy of this order, and any Order to Surrender and Prohibit Weapons, on or before the next judicial day to _____ [] County Sheriff's Office

[] Police Department, where Petitioner lives and shall enter it into WACIC.

Service

[] The clerk of the court shall also electronically forward a copy of this order, and any order to surrender and prohibit weapons, on or before the next judicial day to: _____ [] County Sheriff's Office

[] Police Department, where Respondent lives which shall personally serve the Respondent with a copy of this order and shall promptly complete and return to this court proof of service.

[] Respondent appeared and was informed of the order by the court, further service is not required.

Or [] (Only if surrender of weapons not ordered) Petitioner has made private arrangements for service of this order.

Or [] Respondent did not appear. The restraint provisions in this order are the same as those in the temporary order. The court is satisfied that the Respondent was personally served with the temporary order. Further service is not required.

This Anti-harassment protection order expires on March 17, 2022

If the duration of this order exceeds one year, the court finds that Respondent is likely to resume unlawful harassment of the Petitioner when the order expires.

Other See attached.

Dated 3/17/21 at 12:00 pm/p.m. [Signature]
 Judge/Court Commissioner

I acknowledge receipt of a copy of this Order.

Signature of Respondent/Lawyer WSBA No. _____ Print Name _____ Date _____

Signature of Petitioner/Lawyer WSBA No. _____ Print Name _____ Date _____

Petitioner or Petitioner's Lawyer must complete a Law Enforcement Information Sheet (LEIS).

Petitioner: The law allows you to register for certain notifications regarding this protection order and its status. Visit www.RegisterVPO.com or call 1-877-242-4055 for more information, or to sign up. If you feel that you are in danger, call 9-1-1 immediately.

The above cases were joined for hearing as allegations in petition are the same. The parties were sworn.

Petitioner offered nothing beyond the petition and exhibits. The court heard testimony from respondents.

The court finds petitioner's employees are included in the protection order as it has a duty/relationship to its employees to provide a work environment free from harassment. The conduct of respondents constitutes harassment and arises from conduct and contact that is above and beyond overbearing, obnoxious or rude. The conduct alleged invades rights of privacy and establishes a pattern of harassment.

Forcing offensive speech on the petitioner and its employees is not protective speech. Thrusting offensive and unwanted communication upon another who is unable to ignore it is harassment and not protected by the First Amendment.

LAW OFFICES OF EDWARD H. MOORE, P.C.

COPY

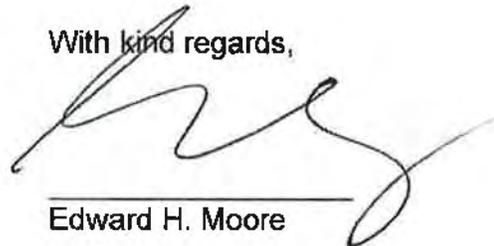
April 15, 2021

Walla Walla County District Court
317 W Rose St, Walla Walla, WA 99362-1881
Walla Walla County
Phone Number: 509-524-2760
Fax: 509-488-3480

To whom it may concern:

Please find attached a notice of appeal in Cause number X21-00234 Also find a check payable to Walla Walla District Court in the amount of \$40.00 a check payable to Walla Walla Superior Court in the amount of \$203.00 per Michelle in your office. Please let me know if you require anything further as regards this appeal. I have enclosed a copy and a self-addressed envelope; please return a conformed copy.

With kind regards,



Edward H. Moore

Seattle | 3600 15th Ave. W., Ste 300 | Seattle, WA 98119 | phone (206) 826-8214 | fax (206) 826-9199
| email emoore@ehmpc.com
Dallas | 3500 Maple Ave Suite 1200 | Dallas, Texas 75219 | phone (214) 252-1888 | fax (206) 826-9199
www.ehmpc.com

PLEASE REPLY TO SEATTLE OFFICE

SCANNED

FILED IN WALLA WALLA DISTRICT COURT

MAR 03 2021

KRISTIAN E. HEDINE DISTRICT COURT JUDGE

District Court of Washington For Walla Walla County

The Walla Walla Union Bulletin

Petitioner,

vs.

Alexis Guerrero

Respondent.

NO. X21-00234

Temporary Protection Order and Notice of Hearing - Harassment (TMORAH)

(Clerk's action required)

Next Hearing Date and Time:

March 17, 21 @ 11:00am.

At: 317 W. Rose St.

Walla Walla, WA. 99362

Warning to the Respondent: Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter 10.14 RCW and will subject a violator to arrest. Willful disobedience of the terms of this order may also be contempt of court and subject you to penalties under chapter 7.21 RCW.

Minors addressed in this order:

Table with 4 columns: Name (First, Middle Initial, Last), Age, Race, Sex. Row 1 contains 'N/A' in the Name column.

Based upon the petition, testimony, and case record, the court finds that the respondent committed unlawful harassment as defined in RCW 10.14.080, and it is therefore ordered that:

- No-Contact: respondent is restrained from making any attempts to contact petitioner and any minors named in the table on page one.
Surveillance: respondent is restrained from making any attempts to keep under surveillance petitioner and any minors named in the table on page one.

CLERK # |

Stay-Away: respondent is restrained from entering or being within 500 ft (distance) of petitioner's residence place of employment other: And from Union Bulletin employees

T's address is confidential Petitioner waives confidentiality of the address which is:
112 S. 1st Ave. Walla Walla WA 99362

Other: This order also protects all Union Bulletin Employees

Surrender of Weapons

Respondent shall immediately surrender any firearms and other dangerous weapons to the person or agency named in the Order to Surrender Weapons (Issued without Notice) signed by the court on this date, under this cause number.

It is further ordered that the clerk of court shall forward a copy of this order on or before the next judicial day to: Walla Walla County Sheriff's Office

Police Department where petitioner lives which shall enter it into the Washington Crime Information Center.

The clerk of court petitioner shall forward a copy of this order on or before the next judicial day to: Walla Walla County Sheriff's Office

Police Department where respondent lives which shall personally serve the respondent with a copy of this order and shall promptly complete and return to this court proof of service.

Or Petitioner has made private arrangements for service of this order.
 Or Respondent appeared; further service is not required.

The respondent is directed to appear and show cause why the court should not enter an order for protection effective for one year or more and order the relief requested by the petitioner or other relief the court deems proper, which may include payment of costs. Failure to appear at the hearing or to otherwise respond will result in the court issuing an order for protection pursuant to Chapter 10.14 RCW effective for a minimum of one year from the date of the hearing. The next hearing date and time is shown below the caption on page one.

A copy of this Temporary Protection Order and Notice of Hearing has been filed with the clerk of the court.

This Temporary Order for Protection is effective until the next hearing date and time shown below the caption on page one.

Dated March 3, 2021 at 11:50 a.m./p.m. John O. Knowlton
 Judge/Court Commissioner

Presented by: [Signature] 03/04/2021 I acknowledge receipt of a copy of this Order:
 Petitioner Date Respondent Date

Petitioner or Petitioner's Lawyer must complete a Law Enforcement Information Sheet (LEIS).

FILED IN WALLA WALLA DISTRICT COURT

MAR 03 2021

KRISTIAN F. HEDINE DISTRICT COURT JUDGE

District Court of Washington For Walla Walla County
<u>The Walla Walla Union Bulletin</u> Petitioner,
vs.
<u>Alexis Guerrero</u> Respondent.

No. X21-00234

Petition for an Order for Protection -
 Harassment (PTORAH) and/or
 Stalking (PTORSTK)

➤ **This is a Petition for an Order for Protection against Harassment and/or Stalking as checked in the caption.**

I believe:

- I am, or the minor or vulnerable adult I am petitioning for is, a victim of stalking because
 - the respondent and I, or the minor or vulnerable adult I am petitioning for, are not and never have been related by blood or marriage, lived together, or been in a dating relationship, and
 - the respondent has been
 - stalking me either in person or (cyber stalking), and
 - repeatedly contacting me or attempting to contact or monitor me for no lawful purpose and his/her actions caused me to feel intimidated, frightened or threatened.
- I am, or the minor I am petitioning for is, a victim of unlawful harassment because the respondent's actions toward me have seriously alarmed, annoyed or harassed me, or are detrimental to me and they serve no legitimate or lawful purpose. The respondent's actions have caused me substantial emotional distress or caused me to fear for the well-being of my child.
 - The respondent and I:
 - are or have been related by blood or marriage, lived together, or been in a dating relationship
 - have not been and are not now related by blood or marriage, lived together, or been in a dating relationship.

I have given a detailed explanation below.

1. Who is the petitioner?

My name is (please print) The Walla Walla Union Bulletin I am the petitioner.

- I am 18 or older and I am petitioning on my own behalf.
- I am 16 or 17 and I am petitioning on my own behalf.
- I am the parent or guardian of child/ren under age 18 and I am petitioning on their behalf:

Children's Name/s (First, Middle Initial, Last)	Age
N/A	

- I am not the parent or guardian, but the child/ren live/s with me; and I am petitioning on their behalf; and the respondent is not a parent.

Children's Name/s (First, Middle Initial, Last)	Age
N/A	

- I am filing this petition on behalf of petitioner, (name) _____ a vulnerable adult as defined in RCW 74.34.020, who is a victim of stalking. I am an interested person as defined in RCW 74.34.020(10). My relationship to this petitioner is _____.

2. Who is the respondent?

The Respondent/s is/are 18 years of age or older.

3. Where do the parties live?

Petitioner lives in Walla Walla county.

Did the petitioner leave their residence because of stalking conduct and that is the county of their new residence?

- Yes No

Children named above live in N/A county.

Respondent lives in Walla Walla county.

4. Where did the Conduct take place?

The conduct took place in Walla Walla county.

• Statement describing the victim/s need for protection from the respondent

- Write clearly. If you need more space below, attach additional page/s. Do not write on the back.

5. Describe what the Respondent did or said that you think is harassment or stalking.

- You must describe what the respondent actually said.
- You must describe what the respondent actually did.

The respondent has committed acts of harassment or stalking as follows:

A. Describe the most recent incident of harassment or stalking.

Date and time (on or around): 02/25/2021 3pm

Location: The Walla Walla Union Bulletin

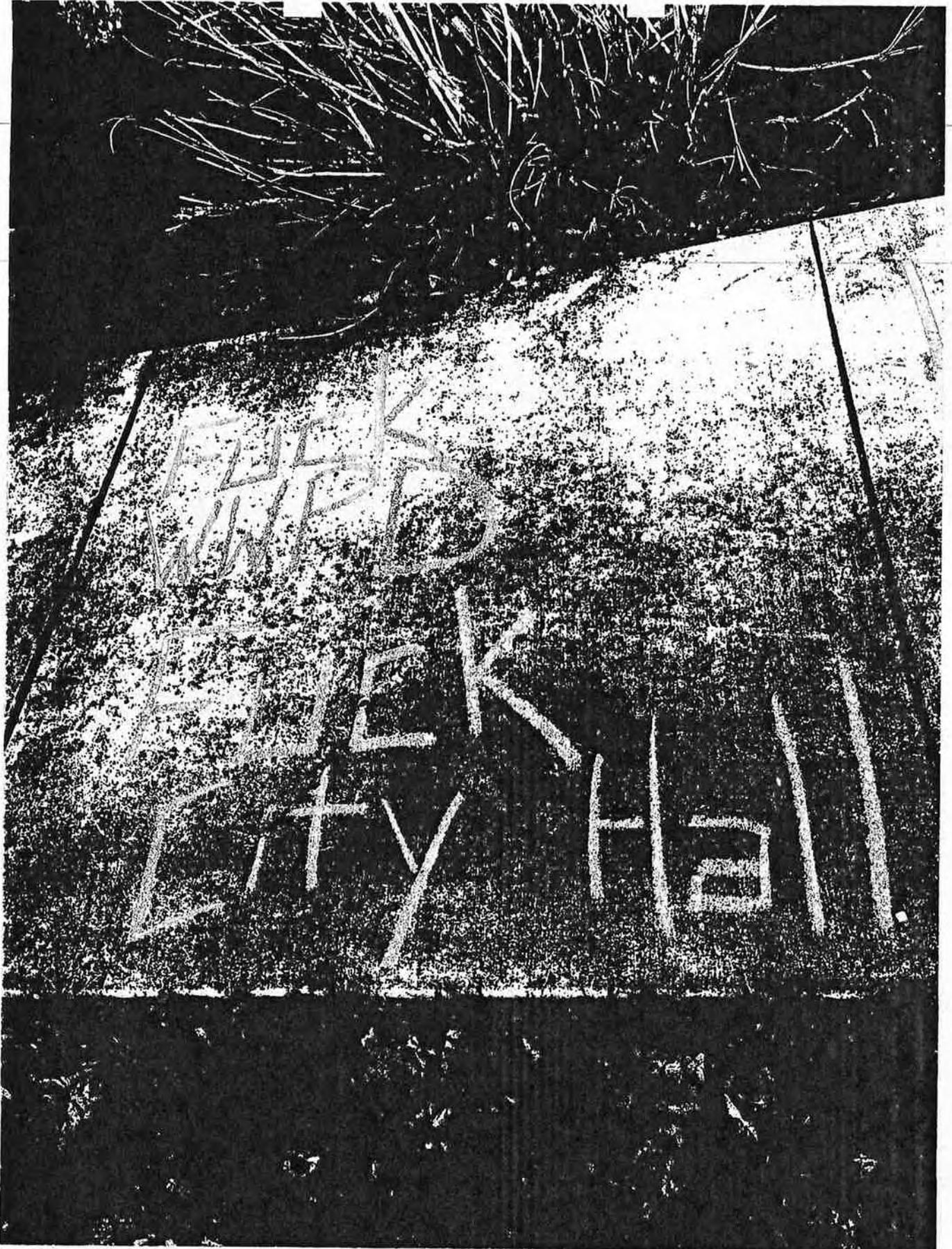
What did the respondent do or say that you believe to be harassing or stalking behavior?

On Thursday 02/25/2021, Mr. Guerrerro came to the front of the Union Bulletin to accompany Muny Contreras who was drawing on the sidewalk. Mr. Guerrerro began recording employees and yelling vulgar things at them. Mr. Guerrerro and Mr. Contreras continued to harass employees as they entered and exited the building. They wanted to speak to the publisher. One of our employees Matthew Nelson entered the building and they were under the impression that he was the publisher. When Matthew exited the building, they followed him to his vehicle and began screaming and cursing at him. He was repeatedly called a "fucking pussy" amongst other things. Mr. Guerrerro and Mr. Contreras blocked Mr. Nelson's vehicle, preventing him from being able to leave. Mr. Nelson called 911 as he was in fear of his safety. While on the phone, the two men recorded Mr. Nelson in his vehicle, and recorded his license plates. This incident has incited fear in all of our employees. These men continue to return on a daily basis, and we no longer feel safe using our building entrance.

How did the respondent make these statements? in person mail/written notes
 e-mail text phone social media (such as facebook and twitter)
 other (describe):

Front C. URB 03/02/2021

NG 7527.jpg



21-00234



Incident Report



Print Date/Time: 03/01/2021 14:21
Login ID: eperez

Walla Walla Police Dept
ORI Number: WA0360100

Incident: 2021-00003862

Incident Date/Time: 2/25/2021 3:34:24 PM
Location: 112 S 1ST AVE
 Walla Walla WA 99362
Phone Number: (509)526-8300
Report Required: No
Prior Hazards: No
LE Case Number:

Incident Type: Harassment
Venue: Walla Walla
Source: Phone
Priority: 3 Medium
Status: Just Occurred
Nature of Call: TWO MALES HARASSING THE STAFF, TAKING PICTURES, AND WRITING ON SIDEWALK

Unit/Personnel

Unit	Personnel
218	218-Garland
219	219-Eastman
221	221-Morris
224	224-Langley

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
1	Caller	RICHENDOLLAR, SYLVIA		526-8300			

Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
------	------	------	------	-------	-------	---------	-------

Disposition(s)

Disposition	Count
y	1
oh	1
nr	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
------	------	------	------	-------	-------------	---------	----------

02/25/2021 : 16:21:01 dhood Narrative: ** WWPB OCA/9009 INVOLVING JESSICA AND ALEXIS IS VALID AND HAS BEEN SERVED. THIS RESTRAINS RESPONDENT 30FT FROM RESIDENCE AND WORK ALONG W/OTHER RESTRICTIONS

02/25/2021 : 16:20:12 walla2\ploney Narrative: OH

02/25/2021 : 16:06:02 walla2\ploney Narrative: JESSICA GUERRERO RESTRAINING ORDER IS BEING VERIFIED BY DHOOD AT WWPB

02/25/2021 : 16:03:44 ceastman Narrative: Based on my observation and information reported to me, no crime was committed. However, I advised the employee's to file for an anti-harassment order or protection order

02/25/2021 : 16:00:06 walla2\ploney Narrative: EMPLOYMENT LOCATION 317 W ROSE FOR BOTH OFP

02/25/2021 : 15:37:45 walla2\mlong Narrative: THE EMPLOYEES FEEL THREATENED

02/25/2021 : 15:37:39 walla2\mlong Narrative: THEY ARE STANDING ON THE SIDEWALK, SWEARING AT THE BUILDING -

02/25/2021 : 15:37:27 walla2\kknudson Narrative: 218 ADV

02/25/2021 : 15:36:18 walla2\mlong Narrative: THEY ARE AT THE FRONT DOOR

02/25/2021 : 15:36:09 walla2\mlong Narrative: 2/ORANGE BBALL CAP, BLK HOODIE, KHAKI PANTS

02/25/2021 : 15:35:52 walla2\mlong Narrative: 1/WM BLK HAT AND JACKET HUSKY BUID

02/25/2021 : 15:35:27 walla2\mlong Narrative: THEY ARE ASKING FOR THE PUBLISHER

02/25/2021 : 15:35:20 walla2\mlong Narrative: TWO MALES HARASSING THE STAFF, TAKING PICTURES. AND WRITTING ON SIDEWALK

I am requesting a copy of incident #2021-03862. And the calls to dispatch regarding this incident. I am also requesting to see if there was a report filed by a Charles Horton regarding Alexis (Lex) Guerrero as well report possibly filed on 2-25-2021.

***** SPECIAL PUBLIC DISCLOSURE NOTICE TO RECIPIENT(S): Information contained in any communication to or from the City of Walla Walla, including attachments, may be subject to the disclosure requirements of Washington's Public Records Act, Ch. 42.56 RCW.

***** SPECIAL PUBLIC DISCLOSURE NOTICE TO RECIPIENT(S): Information contained in any communication to or from the City of Walla Walla, including attachments, may be subject to the disclosure requirements of Washington's Public Records Act, Ch. 42.56 RCW.



Incident Report



Print Date/Time: 03/01/2021 14:19
Login ID: eperez

Walla Walla Police Dept
ORI Number: WA0360100

Incident: 2021-00003868

Incident Date/Time: 2/25/2021 4:05:19 PM
Location: 112 S 1ST AVE
 Walla Walla WA 99362
Phone Number: (509)301-1333
Report Required: No
Prior Hazards: No
LE Case Number:

Incident Type: Disturbance
Venue: Walla Walla
Source: 911
Priority: 2 High
Status: In Progress
Nature of Call: 2 PEOPLE HARASSING
 RP/THREATENING

Unit/Personnel

Unit	Personnel
218	218-Garland

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
1	Caller	NELSON, MATHEW		(509)301-1333			

Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
------	------	------	------	-------	-------	---------	-------

Disposition(s)

Disposition	Count
oh	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
------	------	------	------	-------	-------------	---------	----------

CAD Narrative

02/25/2021 : 16:11:45 walla2\ahayes Narrative: THE PREDOMINANT AGGRESSOR IS "LEX" WEARING BLUE JEANS, BLK JACKET BLK BEANIE, WHITE SHOES, GLASSES/BEARD

02/25/2021 : 16:09:34 walla2\ahayes Narrative: NOW THE MALES ARE WALKING NORTH TOWARDS ALDER

~~02/25/2021 : 16:09:30 walla2\ahayes Narrative: NOW THREATENING RP~~

02/25/2021 : 16:09:17 walla2\ahayes Narrative: KEEPS ADDRESSING RP AS THE PUBLISHER OF THE COMPANY

02/25/2021 : 16:08:24 walla2\ahayes Narrative: CORR RP IS IN A BRN FORD F150

02/25/2021 : 16:07:54 walla2\ahayes Narrative: NO WEAPONS SCENE

02/25/2021 : 16:07:43 walla2\ahayes Narrative: MALES ARE STILL STANDING BY HIS VEHICLE, YELLING AND SCREAMING

02/25/2021 : 16:07:25 walla2\ahayes Narrative: RP IS ON S 1ST, PARKED

02/25/2021 : 16:07:06 walla2\ahayes Narrative: RP IS IN A FORD F150

~~02/25/2021 : 16:06:55 walla2\ahayes Narrative: THEY ARE FORMER EMPLOYEES OF THE UB~~

02/25/2021 : 16:06:12 walla2\ahayes Narrative: THIS IS THE SAME PEOPLE THAT WE JUST DEALT WITH

02/25/2021 : 16:06:06 walla2\ahayes Narrative: YELLING AT RP

02/25/2021 : 16:05:57 walla2\ahayes Narrative: 2 W/M WEARING HOODIES AND A VEST JACKET

02/25/2021 : 16:05:51 walla2\ahayes Narrative: TAKING PICTURES OF HIS CAR

B. Describe other incidents of harassment or stalking. For each incident, include the date, time (on or about), location, what was said, how statements were made, and what was done to a victim.

Mr. Guenero posts photos and videos of employees on his social media. He returns on a nearly day to day basis to record employees in the front of the building, and to record the hateful sidewalk drawings Mr. Contreras draws in front of our building. Mr. Guenero has called our office many times and has used vulgar language to our employees when he has not been connected to the publisher. He has also contacted our affiliate company The Seattle Times to try and speak to the publisher as well.

6. How did the incidents you describe above make you, the minor, or the vulnerable adult feel?

All of our employees feel threatened and intimidated. We are being cursed at and/or recorded on a daily basis. We have had to implement measures such as buddy escorts, and alternative entrances

7. Has the respondent used, displayed, or threatened to use a firearm or other dangerous weapon in a felony? Please describe:

NO

8. Has the respondent previously committed an offense that makes him or her ineligible to possess a firearm under the provisions of RCW 9.41.040? Please describe:

unknown

9. Does possession of a firearm or other dangerous weapon by the respondent present a serious and imminent threat to public health or safety, or to the health or safety of a victim? Please describe:

yes, Mr. buemero has shown that he is an aggressive individual

10. Do you have any evidence of the harassment or stalking conduct other than testimony?

- No
- Yes. I have attached the following evidence:

- Copy of mail or written notes
- Copy of text messages
- Copy of emailed messages
- Copy of social media messages
- Police report

Declaration or Affidavit from the following witness: _____

Other (describe): PHOTOS

11. Has/have the victim/s or the respondent ever requested or obtained protection from the other person in a restraining order, civil protection order, or criminal no-contact order? If yes, list the type of order, the name of the court and the approximate date, and whether the request was granted:

NO

12. Is there any other litigation between the victim/s and the respondent? This includes all matters - pending or past - such as parenting plans, landlord-tenant disputes, employment disputes, or property disputes. If yes, provide case number/s if known, type of case, and name of court:

N/A

➤ Requests

13. I ask the Court for an order approving the following requests for protection:

I Request an Order for Protection following a hearing that will:

<input checked="" type="checkbox"/> No-Contact: restrain the respondent from making any attempts or having any contact, including nonphysical contact, with the person/s to be protected, directly, indirectly, or through third parties regardless of whether those third parties know of the order, except for mailing of court documents.
<input checked="" type="checkbox"/> Surveillance: prohibit or restrain the respondent from making any attempt to keep or from keeping the person/s to be protected under surveillance, including electronic surveillance.
<input checked="" type="checkbox"/> Exclude from places: exclude the respondent from the <input type="checkbox"/> residence <input checked="" type="checkbox"/> workplace <input type="checkbox"/> school <input type="checkbox"/> day care of the person/s to be protected.
<input checked="" type="checkbox"/> Stay Away: Prohibit or restrain the respondent from entering or being within, or from knowingly coming within, or knowingly remaining within <u>500 ft</u> (distance) of the <input type="checkbox"/> residence <input checked="" type="checkbox"/> workplace <input type="checkbox"/> school <input type="checkbox"/> day care of the person/s to be protected. <input type="checkbox"/> other locations:
<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Evaluation: Order the respondent to have a <input type="checkbox"/> mental health <input type="checkbox"/> chemical dependency evaluation. <input type="checkbox"/> other: _____
<input checked="" type="checkbox"/> Pay Fees and Costs: Require the respondent to pay fees and costs of this action, which may include administrative court costs and service fees and petitioner's costs including attorneys' fees.
<input checked="" type="checkbox"/> Surrender Firearms: Require the respondent to surrender any firearm or other dangerous weapon, or any concealed pistol license and prohibit the respondent from obtaining or possessing a firearm or other dangerous weapon, or a concealed pistol license.
<input type="checkbox"/> Duration: Remain effective longer than one year because respondent is likely to resume acts of unlawful harassment or stalking conduct against the persons to be protected if the order expires in a year.

Emergency temporary protection (up to 14 days) until the court hearing:

An emergency exists as described below. I request that a **Temporary Stalking Protection Order** granting the relief I requested above for a no-contact, surveillance, exclude from places, or stay away order be issued immediately, without prior notice to the respondent, to be effective until the hearing.

I also request a temporary surrender of a firearm or other dangerous weapon without notice to the other party because irreparable injury could result if an order is not issued until the hearing.

What irreparable harm would result if an order is not issued immediately without prior notice to the respondent?

We are in fear that Mr. Guerrero's actions
will escalate and cause harm to the employees.
They have already been threatened and intimidated.

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

Dated: 02, March, 2021 at Walla Walla Washington.

Erin Lee
 Petitioner

Fiona Vance
 Print or type name

My address for the purpose of receiving service of legal documents is:

112 S. 1st Ave. Walla Walla, WA

This is not my residence address. My family, household or I would be at risk of abuse by respondent if I disclosed my residence address. I agree to receive service of process at this address.

MAR 03 2021



COPY

TIME: 11:00
REC'D BY: AS422

FILED IN WALLA WALLA
DISTRICT COURT

MAR 11 2021

KRISTIAN E. HEDINE
DISTRICT COURT JUDGE

DISTRICT COURT OF WASHINGTON
FOR WALLA WALLA COUNTY

NO. X21-00234

The Walla Walla Inver Bulletin

Petitioner

Alexis Guerrero vs

Respondent

RETURN OF SERVICE -
HARASSMENT
(RTS)

1. My name is Officer Williams. I am a peace officer 18 years of age or older and not the petitioner.
2. I was unable to make personal service on the respondent. I have notified the petitioner that respondent was not served.
 Personal service was attempted on the following date(s): _____

No service was attempted because _____

3. I served Alexis Guerrero with the following documents:
(name of person served)

- | | |
|---|--|
| <input checked="" type="checkbox"/> Temporary Order for Protection/Notice of Hearing | <input type="checkbox"/> Motion to Modify/Terminate Order for Protection |
| <input checked="" type="checkbox"/> Petition for an Order for Protection | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Reissuance of Temporary Order for Protection and Notice of Hearing | _____ |
| <input type="checkbox"/> Order for Protection - Harassment | _____ |

CLERK # 2

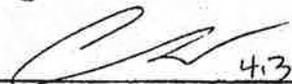
4. I served these documents on _____ at _____ at this address:
(date) (time)

5. Other: _____

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

DATED March 4th, 2021 at College Place, Washington.

Fees: Service _____
Mileage _____
Total _____

 413
Signature of Server
College Place PD
Law Enforcement Agency

9294

FILED
WALLA WALLA DISTRICT COURT

MAR 11 2021

KRISTIAN E. HEDINE
DISTRICT COURT JUDGE

DISTRICT COURT OF WASHINGTON
FOR WALLA WALLA COUNTY

NO. X21-00234

Walla Walla Walla Inver Bulletin
Petitioner

Petitioner

Alexis Guerrero vs.

Respondent

RETURN OF SERVICE -
HARASSMENT
(RTS)

1. My name is N. Small. I am a peace officer: 18 years of age or older and not the petitioner.
2. I was unable to make personal service on the respondent. I have notified the petitioner that respondent was not served.
 Personal service was attempted on the following date(s): _____

- No service was attempted because _____

3. I served Alexis Guerrero with the following documents:
(name of person served)

- | | |
|---|--|
| <input type="checkbox"/> Temporary Order for Protection/Notice of Hearing | <input type="checkbox"/> Motion to Modify/Terminate Order for Protection |
| <input type="checkbox"/> Petition for an Order for Protection | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Reissuance of Temporary Order for Protection and Notice of Hearing | _____ |
| <input checked="" type="checkbox"/> Order for Protection - Harassment | _____ |

4. I served these documents on 3/9/21 at 1630 at this address:
(date) (time)

5. Other: _____

I certify under penalty of perjury, under the laws of the state of Washington that the foregoing is true and correct.

DATED 3/9/2021 at Walla Walla, Washington.

Fees: Service _____

Mileage _____

Total _____

[Signature] 226

Signature of Server

WWPD

Law Enforcement Agency

FILED IN WALLA WALLA
DISTRICT COURT

MAR 17 2021

KRISTIAN E. HEDINE
DISTRICT COURT JUDGE

**Walla Walla District Court of Washington
For Walla Walla County**

Walla Walla Union Bulletin _____
Petitioner, (DOB)

vs.

Alexis Guerrero 2-27-82
Respondent. (DOB)

No. X21-00234
**Order for Protection -
Harassment (ORAH)**
Court Address: 317 W. Rose St.
Walla Walla, WA. 99362
Telephone Number: (509)524-2760
(Clerk's action required)

Warning to the Respondent: Violation of the provisions of this order with actual notice of its terms is a criminal offense under RCW 10.14 and will subject a violator to arrest. Willful disobedience of the terms of this order may also be contempt of court and subject you to penalties under RCW 7.21.

1. Full Faith and Credit: The court has jurisdiction over the parties, the minors and the subject matter. This order is issued in accordance with the Full Faith and Credit provisions of VAWA.18 U.S.C. § 2265.
2. Notice of this hearing was served on the Respondent by personal service [] service by publication pursuant to court order [] other _____

3. Minors addressed in this order:

Name (First, Middle Initial, Last)	Age	Race	Sex
N/A (minors)			
Non-party victims - employees of Petitioner			

Based upon the petition, testimony, and case record, the court finds that the Respondent committed unlawful harassment, as defined in RCW 10.14.080, and was not acting pursuant to any statutory authority, and it is therefore ordered that:

CLERK # 3

No Contact: Respondent is **restrained** from making any attempts to contact Petitioner and any minors named in the table above, *or employees of Petitioner*

Surveillance: Respondent is **restrained** from making any attempts to keep under surveillance Petitioner and any minors named in the table above, *or employees*

Stay Away: Respondent is **restrained** from entering or being within 500 ft (distance) of Petitioner's residence place of employment other:
112 S. 1st Ave, Walla Walla, WA
 The address is confidential. Petitioner waives confidentiality of the address which is:

Other: This order and prohibitions also protects all employees of the Walla Walla Union Bulletin

Pay Fees and Costs: judgment is granted against Respondent in favor of _____ in the amount of \$ _____ for costs incurred in bringing the action and \$ _____ for attorneys' fees.

Notice: Petitioner, you must fill out and file a completed form WPF UH 04.0700, Judgment Summary.
 The court has granted judgment against the Respondent in the amount of \$ _____ for administrative court costs and service fees. A Judgment Summary, form WPF UH 04.0700, must be completed and filed.

Prohibit Weapons and Order Surrender

The Respondent must:

- not access, possess, or obtain any firearms, other dangerous weapons, or concealed pistol licenses; and
- comply with the **Order to Surrender and Prohibit Weapons** filed separately.

(Note: Also use form All Cases 02.050.)

Findings – The court (check all that apply):

must issue the orders referred to above because the court finds by clear and convincing evidence that the Respondent:

- has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; or
- is ineligible to possess a firearm under RCW 9.41.040.

may issue the orders referred to above because the court finds by a preponderance of evidence, the Respondent:

- presents a serious and imminent threat to public health or safety, or the health or safety of any individual by possessing a firearm or other dangerous weapon; or
- has used, displayed or threatened to use a firearm or other dangerous weapon in a felony; or
- is ineligible to possess a firearm under RCW 9.41.040.

Washington Crime Information Center (WACIC) Data Entry

It is further ordered that the clerk of the court shall forward a copy of this order, and any Order to Surrender and Prohibit Weapons, on or before the next judicial day to _____

_____ [] County Sheriff's Office
[] Police Department, **where Petitioner lives** and shall enter it into WACIC.

Service

[] The clerk of the court shall also electronically forward a copy of this order, and any order to surrender and prohibit weapons, on or before the next judicial day to: _____

_____ [] County Sheriff's Office
[] Police Department, **where Respondent lives** which shall personally serve the Respondent with a copy of this order and shall promptly complete and return to this court proof of service.

[] Respondent appeared and was informed of the order by the court; further service is not required.

Or [] (Only if surrender of weapons not ordered) Petitioner has made private arrangements for service of this order.

Or [] Respondent did not appear. The restraint provisions in this order are the same as those in the temporary order. The court is satisfied that the Respondent was personally served with the temporary order. Further service is not required.

This Anti-harassment protection order expires on March 17, 2022

If the duration of this order exceeds one year, the court finds that Respondent is likely to resume unlawful harassment of the Petitioner when the order expires.

Other: See attached.

Dated 3/17/21 at 12:00 a.m./p.m. [Signature]
Judge/Court Commissioner

I acknowledge receipt of a copy of this Order:

Signature of Respondent/Lawyer WSBA No. Print Name Date

Signature of Petitioner/Lawyer WSBA No. Print Name Date

Petitioner or Petitioner's Lawyer must complete a Law Enforcement Information Sheet (LEIS).

Petitioner: The law allows you to register for certain notifications regarding this protection order and its status. Visit www.RegisterVPO.com or call 1-877-242-4055 for more information, or to sign up. If you feel that you are in danger, call 9-1-1 immediately.

X21-00234

X21-00235

The above cases were joined for hearing as allegations in petition are the same. The parties were sworn.

Petitioner offered nothing beyond the petition and exhibits. The court heard testimony from respondents.

The court finds petitioner's employees are included in the protection order as it has a duty/relationship to its employees to provide a work environment free from harassment. The conduct of respondents constitutes harassment and arises from conduct and contact that is above and beyond overbearing, obnoxious or rude. The conduct alleged invades rights of privacy and establishes a pattern of harassment.

Forcing offensive speech on the petitioner and its employees is not protective speech. Thrusting offensive and unwanted communication upon another who is unable to ignore it is harassment and not protected by the First Amendment.

Hearing

Walla Walla Union Bulletin v. Guerrero

April 15, 2021



206.287.9066 | 800.846.6989

1325 Fourth Avenue, Suite 1840, Seattle, Washington 98101

www.buellrealtime.com

email: info@buellrealtime.com



Page 1

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR WALLA WALLA COUNTY

WALLA WALLA UNION BULLETIN,)
Petitioner,)
vs.) No. X21 00234
ALEXIS GUERRERO,)
Respondent.)

HEARING
The Honorable G. Scott Marinella Presiding
April 15, 2021

Transcribed by: Mary Paradise, RPR, CCR 2469

Page 2

1 -oOo-
2 April 15, 2021
3 (14:09:15 p.m.)
4
5 THE COURT: I'm going to call these two
6 matters together, being how the petition is identical,
7 respondents are different, but that's the only
8 difference in regard to the petition.
9 Petitioner is Walla Walla Union Bulletin. Is
10 somebody here representing the Union Bulletin? Please
11 step forward and have a seat. And these are causes
12 X21 0235 and X21 0234. Is Mr. Guerrero available?
13 Please step forward and have a seat. And is
14 Mr. Contreras Guerrero available? Please step forward
15 and have a seat. I'd ask that you separate those chairs
16 to keep social distancing in mind.
17 I have reviewed the files. I've reviewed the
18 petition and the temporary order in these matters, and I
19 will -- please state your name.
20 MS. VANCE: Fiona Vance (phonetic).
21 THE COURT: All right. And your name, sir?
22 MR. SIEBERT: Mike Siebert (phonetic).
23 THE COURT: All right. Please raise your right
24 hands. Do you swear any testimony you give in this
25 cause is the truth, nothing but the truth?

Page 3

1 MR. SIEBERT: I do.
2 MS. VANCE: I do.
3
4 FIONA VANCE, having been duly sworn, was examined
5 and testified as follows:
6
7 MIKE SIEBERT, having been duly sworn, was examined
8 and testified as follows:
9
10 THE COURT: All right. And Mr. Contreras and
11 Mr. Guerrero, please raise your right hands. Do you
12 swear or affirm that any testimony you give in this
13 cause is the truth, nothing but the truth?
14 MR. CONTRERAS: Yes.
15 MR. GUERRERO: I do.
16
17 MR. CONTRERAS, having been duly sworn, was examined
18 and testified as follows:
19
20 ALEXIS GUERRERO, having been duly sworn, was examined
21 and testified as follows:
22
23 THE COURT: All right. And, Mr. Contreras, you're
24 going to need to pull your mask up and make sure it's
25 above your nose. Above your nose. There you go.

Page 4

1 All right. I will -- is there anything
2 further that, first of all, the Union Bulletin -- and
3 I'd ask that you state your position with the Union
4 Bulletin, just so that you have the authority to make
5 statements on their behalf.
6 MS. VANCE: Yeah, absolutely. I am the human
7 resources representative for the Walla Walla Union
8 Bulletin.
9 THE COURT: Okay. And you, sir?
10 MR. SIEBERT: My name is Mike Siebert of the Union
11 Bulletin. I am the operations manager.
12 THE COURT: Okay. Okay. And is there anything you
13 would like to state in addition to that which is set
14 forth in the petitions?
15 MS. VANCE: Pretty much everything is stated in
16 there. We just have a lot of concern for our employees,
17 for their safety. So that's why we're here, to try and
18 get this resolved.
19 THE COURT: Okay. And Mr. Guerrero, is there
20 anything you'd like to say in regard to this matter?
21 MR. GUERRERO: I would, Your Honor. Just first and
22 foremost, I mention that Washington -- the validity --
23 the validity of the actual order off the simple fact
24 that it's for an actual entity, not a -- not a person,
25 as it's stated here. 18 year old person, in the initial

Page 5

1 page here, but it states for -- it's for -- these orders
 2 are initially petitioned for people, not actual
 3 businesses or entities.
 4 So on that fact alone, I would like to just
 5 have this dismissed. If individuals want to comment at
 6 a later time and individually put in orders of
 7 protection, order of restraint, that's definitely their
 8 prerogative or their right, but because it's -- it's
 9 stated that Union Bulletin is the petitioner, it's -- to
 10 me, it's -- it's invalid.
 11 And it's also too broad of an actual order to
 12 be enforceable for the simple fact that it states that I
 13 need to stay 100 -- 500 feet away from all employees.
 14 It doesn't list any number of employees. I'm not
 15 supposed to automatically know who is an employee. I
 16 just found out my neighbor is a paperboy for the Union
 17 Bulletin, so I'm technically not even allowed to be at
 18 home.
 19 So I -- on those -- on those issues alone, I'd
 20 just like to have it dismissed.
 21 THE COURT: Okay. Anything further?
 22 MR. GUERRERO: Possibly later on, but not at this
 23 time.
 24 THE COURT: Well, now is the time. I'm not going
 25 to piecemeal this out.

Page 6

1 MR. GUERRERO: Well, it just depends on -- on if
 2 you're going to -- how you're going to proceed after
 3 this -- this request. Because if you're going to
 4 dismiss it, then I don't have anything further.
 5 But if you're going to want to continue on,
 6 then there's a number of different things in here that I
 7 would like to go -- address the merit of them--
 8 THE COURT: Go ahead and address --
 9 MR. GUERRERO: -- for the simple --
 10 THE COURT: Go ahead and address the merit of
 11 those.
 12 MR. GUERRERO: Well, the simple fact that it states
 13 in these orders that their feelings were -- were being
 14 more enforceable than anything else. There was no law
 15 that was being broken. There was no threats that were
 16 being made.
 17 The officer states in his report alone that he
 18 didn't -- there's no -- in his wording, "based on my
 19 observation of information reported to me, no crime was
 20 committed. However, I advise employees for" -- "to file
 21 anti-harrassment order or protection order." But it
 22 states I invited the employees, not the employer. So --
 23 and they didn't do that, so -- for that one.
 24 There's another thing on here that states that
 25 we blocked a gentleman's car from leaving. That is a

Page 7

1 crime. If police saw that, they would have actually
 2 arrested us or cited us for something like that. They
 3 didn't mention that. The caller himself stated he was
 4 not blocked in. He could leave at any time, he just
 5 chose not to. And that's pretty much what I have on
 6 here.
 7 The only pictures they -- they submitted into
 8 evidence or into the petition -- into the order was
 9 something that just shows protected speech. So I don't
 10 show anything that's threatening or harassing towards
 11 them directly. It says towards City Hall and towards
 12 the police department, so -- and they're the Union
 13 Bulletin. Other chalkings that were done on the
 14 sidewalk here show more free speech, protesting against
 15 what they represent. So that's what I have today, sir.
 16 THE COURT: Okay. Mr. Contreras, do you have
 17 anything you would like to say for me to consider?
 18 MR. CONTRERAS: Just that I did nothing wrong.
 19 THE COURT: Pardon me?
 20 MR. CONTRERAS: I did nothing wrong.
 21 THE COURT: Okay. Is there anything further?
 22 MR. CONTRERAS: No.
 23 THE COURT: Okay. Well, the statutes allowing for
 24 an unlawful harrassment, and there's a difference
 25 between criminal harrassment and unlawful harrassment

Page 8

1 pursuant to the statute.
 2 I'll address to your protection order
 3 complaint that non-party victims have been included, and
 4 your indication that that's not appropriate and the
 5 cases certainly bear out that non-party victims may be
 6 included in a protection order where the petitioner has
 7 a duty to ensure their safety. And in an employee-
 8 employer relationship, you're required, as an employer,
 9 to make sure that the employees are in a safe
 10 environment and not necessarily harassed or coming into
 11 undue contact with others.
 12 So there is no need for the Union Bulletin to
 13 have each of their employees come before this Court and
 14 file their own separate petition in this instance. The
 15 allegations here are that employees coming and going
 16 into their building are subjected to what they believe
 17 to be harrassment and, consequently, that's why we're
 18 here.
 19 But your request that the matter be dismissed,
 20 Mr. Guerrero, is not granted and that motion to dismiss
 21 these matters is, in fact, denied.
 22 Anti-harrassment statutes are not designed to
 23 penalize those individuals that are overbearing,
 24 obnoxious or rude. It is geared to protect those
 25 victims when objectionable behavior is directed. The

Page 9	Page 11
<p>1 purpose is to prevent all further unwanted contact 2 between victims and the perpetrators. 3 And in this particular instance, based upon 4 the information set forth in the petition and the 5 related information that you have provided me, when 6 asked to do so, is that this contact is certainly 7 unwanted and -- and is done, and it appears to me 8 there's a pattern of harrassment designed to intimidate 9 or humiliate the comings and goings of employees from 10 the UB, and they're being humiliated or they're being 11 intimidated based upon their employment as opposed to 12 any other rightful source. 13 The other thing that I wanted to point out was 14 the -- and you've mentioned this before, is that the 15 freedom of speech aspect of things, and protection 16 orders may limit First Amendment speech as to time, 17 place and manner. And I think that an order here is 18 going to be granted, and I am going to make sure that 19 there are limits placed on the speech. 20 If you desire to picket, for example, then you 21 need to go through the necessary hoops to picket any 22 establishment, whether it be the UB or whether it be the 23 City or whether it be law enforcement, whatever it is, 24 but there are certain hoops you need to go through in 25 order to get those things accomplished.</p>	<p>1 conduct were to reoccur at that time. And then whether 2 it's me or whoever is sitting here at -- on the bench 3 would have to weigh an opportunity to make it a 4 permanent order. And that's not what I intend to do. 5 Today, though, I'm not going to make it a 6 permanent order. I think that one year is sufficient, 7 and -- and I will make sure that the, you know, rights 8 that the respondents have are restricted in place and 9 manner and time, but they certainly have the right to 10 protest, and that's something that is available to them. 11 But that will be the order of the Court. I 12 will complete that order. I will make sure that it's 13 filed. I am not going to -- I am not going to enter an 14 order or a portion of that order will not be awarding 15 costs or fees. I do think that there is some confusion 16 with regard to speech and what constitutes free speech 17 and how free speech can be controlled, particularly if 18 it gives rise to harrassment. 19 And I find that this speech and the 20 communications had between employees of the UB and the 21 respondents certainly go above and beyond that and 22 caused harrassment. 23 So that will be the order of the Court, and 24 you'll get copies of that sent to you. You'll need to 25 make sure that the clerks have your address and so that</p>
Page 10	Page 12
<p>1 MR. GUERRERO: Right. 2 THE COURT: And just writing derogatory statements 3 on the sidewalk in front of the establishment is not 4 anything other than an attempt to harass, particularly 5 some of the things that were stated there on the 6 sidewalk. A couple of them don't have anything to do 7 with the Walla Walla UB, and yet, there is references 8 directing your comments to the UB as perpetrators of -- 9 of, essentially, affecting your right to free speech. 10 You -- this isn't an issue of free speech. 11 It's an issue of harrassment and -- and harassing 12 behavior. The -- they have a right to come and go from 13 their place of employment without that. They also have 14 the right to privacy as it pertains to photographing 15 their movements and tracking their movements, and so all 16 that -- 17 MR. GUERRERO: Excuse me, Your Honor. 18 THE COURT: -- all that will be addressed -- 19 MR. GUERRERO: Excuse me. 20 THE COURT: No. You already had an opportunity to 21 do so. 22 MR. GUERRERO: Yeah, I'm sure. Thank you. 23 THE COURT: And so I'm going to enter an order -- 24 I'm going to enter the order for a one-year period of 25 time. It is subject, of course, to renewal if the</p>	<p>1 it can be mailed out to you. It won't be available this 2 morning, certainly, because I haven't put it to paper 3 yet, but once that's done, then you'll have the orders 4 and you also will be -- have the order made available to 5 you. 6 All right? That will conclude our hearings 7 and -- on these matters, and the parties are dismissed. 8 And I don't know when your docket will start up again, 9 but we'll be in recess until that happens. 10 MR. GUERRERO: So we get no further statements? No 11 final statements on this? 12 THE COURT: Right. 13 MR. GUERRERO: Is that right? What's that? 14 THE COURT: Right. Yes, I gave you an opportunity 15 to speak. That's the reason why I didn't just simply 16 rule on your first objection and, consequently, wanted 17 to hear from you. I gave you that opportunity. I gave 18 Mr. Contreras that opportunity. And that's exactly 19 right, the matter is concluded. 20 MR. GUERRERO: So we're not allowed to question 21 you, though, right? 22 THE COURT: No. 23 MR. GUERRERO: Your order? 24 THE COURT: No. If you have a question -- 25 MR. GUERRERO: The judgment of your bias?</p>

Page 13

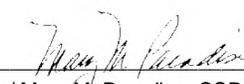
1 THE COURT: If you have a question in law, then you
 2 need to take that up with an attorney. I can't give you
 3 any legal advice or any legal information from the
 4 bench.
 5 MR. GUERRERO: So we can't -- so we can't publicly
 6 question your bias in this matter?
 7 THE COURT: Well, that is --
 8 MR. GUERRERO: Because you do have -- we do have an
 9 order against me already from you that I've already
 10 appealed that's now in appellate court.
 11 THE COURT: Okay.
 12 MR. GUERRERO: So that alone should be subject to
 13 you to recuse yourself. I never asked Judge Knowlton --
 14 THE COURT: It's not.
 15 MR. GUERRERO: I never asked Judge Knowlton to
 16 recuse himself.
 17 THE COURT: It's not.
 18 MR. GUERRERO: So -- but it does show a little bit
 19 of bias, because you -- you state --
 20 THE COURT: I -- I don't know --
 21 MR. GUERRERO: Because you're showing a pattern of
 22 your bias right now.
 23 THE COURT: And perhaps you're showing a pattern of
 24 your behavior right now.
 25 MR. GUERRERO: Well, is this harrassment because

Page 14

1 I'm questioning your -- your bias?
 2 THE COURT: No. The matter is concluded.
 3 MR. GUERRERO: I'm sure it is.
 4 THE COURT: Thank you.
 5 MR. GUERRERO: It's not concluded, but it's for the
 6 day, will be --
 7 UNIDENTIFIED SPEAKER: Excuse me, Judge.
 8 THE COURT: No, you have no right to --
 9 UNIDENTIFIED SPEAKER: So you don't want any
 10 evidence of what -- who was harassing who, huh?
 11 MR. SIEBERT: Thank you, Your Honor.
 12 THE COURT: Thank you.
 13 UNIDENTIFIED SPEAKER: I've seen him approach them,
 14 and not them approach him.
 15 MR. GUERRERO: Facts don't -- facts don't apply in
 16 the real world.
 17 UNIDENTIFIED SPEAKER: That's all it is.
 18 MR. GUERRERO: The corporate media wins every time,
 19 I guess. You should be ashamed yourself as an employee
 20 of this Court. You should, too. 30 years of policing
 21 and this is what you come to?
 22 (The hearing concluded at 14:28:22 p.m.)
 23
 24
 25

Page 15

1 CERTIFICATE
 2 STATE OF WASHINGTON)
 3)
 4 COUNTY OF KING)
 5
 6 I, the undersigned, do hereby certify under penalty
 7 of perjury that the foregoing court proceedings or other
 8 legal proceedings were transcribed under my direction as
 9 a certified transcriptionist; and that the transcript is
 10 true and accurate to the best of my knowledge and
 11 ability, including any changes made by the trial judge
 12 reviewing the transcript; that I received the electronic
 13 recording directly from the trial court conducting the
 14 hearing; that I am not a relative or employee of any
 15 attorney or counsel employed by the parties hereto, nor
 16 financially interested in its outcome.
 17 IN WITNESS WHEREOF, I have hereunto set my hand
 18 this 21st day of August 2021.
 19
 20
 21
 22
 23
 24
 25



 s/ Mary M. Paradise, CSR

<p style="text-align: center;">A</p> <p>ability 15:11 absolutely 4:6 accomplished 9:25 accurate 15:10 actual 4:23,24 5:2 5:11 addition 4:13 address 6:7,8,10 8:2 11:25 addressed 10:18 advice 13:3 advise 6:20 affirm 3:12 ahead 6:8,10 ALEXIS 1:7 3:20 allegations 8:15 allowed 5:17 12:20 allowing 7:23 Amendment 9:16 anti-harrasment 6:21 8:22 appealed 13:10 appears 9:7 appellate 13:10 apply 14:15 approach 14:13,14 appropriate 8:4 April 1:12 2:2 arrested 7:2 ashamed 14:19 asked 9:6 13:13,15 aspect 9:15 attempt 10:4 attorney 13:2 15:15 August 15:18 authority 4:4 automatically 5:15 available 2:12,14 11:10 12:1,4 awarding 11:14</p> <hr/> <p style="text-align: center;">B</p> <p>based 6:18 9:3,11 bear 8:5</p>	<p>behalf 4:5 behavior 8:25 10:12 13:24 believe 8:16 bench 11:2 13:4 best 15:10 beyond 11:21 bias 12:25 13:6,19 13:22 14:1 bit 13:18 blocked 6:25 7:4 broad 5:11 broken 6:15 building 8:16 Bulletin 1:4 2:9,10 4:2,4,8 5:9,17 7:13 8:12 Bulliten 4:11 businesses 5:3</p> <hr/> <p style="text-align: center;">C</p> <p>C 15:1,1 call 2:5 caller 7:3 car 6:25 cases 8:5 cause 2:25 3:13 caused 11:22 causes 2:11 CCR 1:25 certain 9:24 certainly 8:5 9:6 11:9,21 12:2 certified 15:9 certify 15:6 chairs 2:15 chalkings 7:13 changes 15:11 chose 7:5 cited 7:2 City 7:11 9:23 clerks 11:25 come 8:13 10:12 14:21 coming 8:10,15 comings 9:9</p>	<p>comment 5:5 comments 10:8 committed 6:20 communications 11:20 complaint 8:3 complete 11:12 concern 4:16 conclude 12:6 concluded 12:19 14:2,5,22 conduct 11:1 conducting 15:13 confusion 11:15 consequently 8:17 12:16 consider 7:17 constitutes 11:16 contact 8:11 9:1,6 continue 6:5 Contreras 2:14 3:10,14,17,23 7:16,18,20,22 12:18 controlled 11:17 copies 11:24 corporate 14:18 costs 11:15 counsel 15:15 COUNTY 1:2 15:4 couple 10:6 course 10:25 court 1:1 2:5,21,23 3:10,23 4:9,12,19 5:21,24 6:8,10 7:16,19,21,23 8:13 10:2,18,20 10:23 11:11,23 12:12,14,22,24 13:1,7,10,11,14 13:17,20,23 14:2 14:4,8,12,20 15:7 15:13 crime 6:19 7:1 criminal 7:25 CSR 15:24</p>	<p style="text-align: center;">D</p> <p>day 14:6 15:18 definitely 5:7 denied 8:21 department 7:12 depends 6:1 derogatory 10:2 designed 8:22 9:8 desire 9:20 difference 2:8 7:24 different 2:7 6:6 directed 8:25 directing 10:8 direction 15:8 directly 7:11 15:13 dismiss 6:4 8:20 dismissed 5:5,20 8:19 12:7 distancing 2:16 DISTRICT 1:1 docket 12:8 duly 3:4,7,17,20 duty 8:7</p> <hr/> <p style="text-align: center;">E</p> <p>E 15:1,1 electronic 15:12 employed 15:15 employee 5:15 14:19 15:14 employee- 8:7 employees 4:16 5:13,14 6:20,22 8:9,13,15 9:9 11:20 employer 6:22 8:8 8:8 employment 9:11 10:13 enforceable 5:12 6:14 enforcement 9:23 ensure 8:7 enter 10:23,24 11:13 entities 5:3</p>	<p>entity 4:24 environment 8:10 essentially 10:9 establishment 9:22 10:3 evidence 7:8 14:10 exactly 12:18 examined 3:4,7,17 3:20 example 9:20 Excuse 10:17,19 14:7</p> <hr/> <p style="text-align: center;">F</p> <p>F 15:1 fact 4:23 5:4,12 6:12 8:21 facts 14:15,15 feelings 6:13 fees 11:15 feet 5:13 file 6:20 8:14 filed 11:13 files 2:17 final 12:11 financially 15:16 find 11:19 Fiona 2:20 3:4 first 4:2,21 9:16 12:16 follows 3:5,8,18,21 foregoing 15:7 foremost 4:22 forth 4:14 9:4 forward 2:11,13,14 found 5:16 free 7:14 10:9,10 11:16,17 freedom 9:15 front 10:3 further 4:2 5:21 6:4 7:21 9:1 12:10</p> <hr/> <p style="text-align: center;">G</p> <p>G 1:11</p>
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<p>geared 8:24 gentleman's 6:25 give 2:24 3:12 13:2 gives 11:18 go 3:25 6:7,8,10 9:21,24 10:12 11:21 going 2:5 3:24 5:24 6:2,2,3,5 8:15 9:18,18 10:23,24 11:5,13,13 goings 9:9 granted 8:20 9:18 Guerrero 1:7 2:12 2:14 3:11,15,20 4:19,21 5:22 6:1,9 6:12 8:20 10:1,17 10:19,22 12:10,13 12:20,23,25 13:5 13:8,12,15,18,21 13:25 14:3,5,15 14:18 guess 14:19</p> <hr/> <p style="text-align: center;">H</p> <p>Hall 7:11 hand 15:17 hands 2:24 3:11 happens 12:9 harass 10:4 harassed 8:10 harassing 7:10 10:11 14:10 harrassment 7:24 7:25,25 8:17 9:8 10:11 11:18,22 13:25 hear 12:17 hearing 1:10 14:22 15:14 hearings 12:6 hereto 15:15 hereunto 15:17 home 5:18 Honor 4:21 10:17 14:11</p>	<p>Honorable 1:11 hoops 9:21,24 huh 14:10 human 4:6 humiliate 9:9 humiliated 9:10</p> <hr/> <p style="text-align: center;">I</p> <p>identical 2:6 included 8:3,6 including 15:11 indication 8:4 individually 5:6 individuals 5:5 8:23 information 6:19 9:4,5 13:3 initial 4:25 initially 5:2 instance 8:14 9:3 intend 11:4 interested 15:16 intimidate 9:8 intimidated 9:11 invalid 5:10 invited 6:22 issue 10:10,11 issues 5:19</p> <hr/> <p style="text-align: center;">J</p> <p>judge 13:13,15 14:7 15:11 judgment 12:25</p> <hr/> <p style="text-align: center;">K</p> <p>keep 2:16 KING 15:4 know 5:15 11:7 12:8 13:20 knowledge 15:10 Knowlton 13:13,15</p> <hr/> <p style="text-align: center;">L</p> <p>law 6:14 9:23 13:1 leave 7:4 leaving 6:25 legal 13:3,3 15:8</p>	<p>limit 9:16 limits 9:19 list 5:14 little 13:18 lot 4:16</p> <hr/> <p style="text-align: center;">M</p> <p>M 15:24 mailed 12:1 manager 4:11 manner 9:17 11:9 Marinella 1:11 Mary 1:25 15:24 mask 3:24 matter 4:20 8:19 12:19 13:6 14:2 matters 2:6,18 8:21 12:7 media 14:18 mention 4:22 7:3 mentioned 9:14 merit 6:7,10 Mike 2:22 3:7 4:10 mind 2:16 morning 12:2 motion 8:20 movements 10:15 10:15</p> <hr/> <p style="text-align: center;">N</p> <p>name 2:19,21 4:10 necessarily 8:10 necessary 9:21 need 3:24 5:13 8:12 9:21,24 11:24 13:2 neighbor 5:16 never 13:13,15 non-party 8:3,5 nose 3:25,25 number 5:14 6:6</p> <hr/> <p style="text-align: center;">O</p> <p>o0o- 2:1 objection 12:16 objectionable 8:25</p>	<p>obnoxious 8:24 observation 6:19 officer 6:17 Okay 4:9,12,12,19 5:21 7:16,21,23 13:11 old 4:25 once 12:3 one-year 10:24 operations 4:11 opportunity 10:20 11:3 12:14,17,18 opposed 9:11 order 2:18 4:23 5:7 5:11 6:21,21 7:8 8:2,6 9:17,25 10:23,24 11:4,6 11:11,12,14,14,23 12:4,23 13:9 orders 5:1,6 6:13 9:16 12:3 outcome 15:16 overbearing 8:23</p> <hr/> <p style="text-align: center;">P</p> <p>p.m 2:3 14:22 page 5:1 paper 12:2 paperboy 5:16 Paradise 1:25 15:24 Pardon 7:19 particular 9:3 particularly 10:4 11:17 parties 12:7 15:15 pattern 9:8 13:21 13:23 penalize 8:23 penalty 15:6 people 5:2 period 10:24 perjury 15:7 permanent 11:4,6 perpetrators 9:2 10:8</p>	<p>person 4:24,25 pertains 10:14 petition 2:6,8,18 7:8 8:14 9:4 petitioned 5:2 petitioner 1:5 2:9 5:9 8:6 petitions 4:14 phonetic 2:20,22 photographing 10:14 picket 9:20,21 pictures 7:7 piecemeal 5:25 place 9:17 10:13 11:8 placed 9:19 please 2:10,13,14 2:19,23 3:11 point 9:13 police 7:1,12 policing 14:20 portion 11:14 position 4:3 Possibly 5:22 prerogative 5:8 Presiding 1:11 pretty 4:15 7:5 prevent 9:1 privacy 10:14 proceed 6:2 proceedings 15:7,8 protect 8:24 protected 7:9 protection 5:7 6:21 8:2,6 9:15 protest 11:10 protesting 7:14 provided 9:5 publicly 13:5 pull 3:24 purpose 9:1 pursuant 8:1 put 5:6 12:2</p> <hr/> <p style="text-align: center;">Q</p>
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question 12:20,24 13:1,6 questioning 14:1	RPR 1:25 rude 8:24 rule 12:16	statute 8:1 statutes 7:23 8:22 stay 5:13 step 2:11,13,14 subject 10:25 13:12 subjected 8:16 submitted 7:7 sufficient 11:6 supposed 5:15 sure 3:24 8:9 9:18 10:22 11:7,12,25 14:3 swear 2:24 3:12 sworn 3:4,7,17,20	3:13 try 4:17 two 2:5	Yeah 4:6 10:22 year 4:25 11:6 years 14:20
R	S	T	U	Z
R 15:1 raise 2:23 3:11 real 14:16 reason 12:15 received 15:12 recess 12:9 recording 15:13 recuse 13:13,16 references 10:7 regard 2:8 4:20 11:16 related 9:5 relationship 8:8 relative 15:14 renewal 10:25 reoccur 11:1 report 6:17 reported 6:19 represent 7:15 representative 4:7 representing 2:10 request 6:3 8:19 required 8:8 resolved 4:18 resources 4:7 Respondent 1:8 respondents 2:7 11:8,21 restraint 5:7 restricted 11:8 reviewed 2:17,17 reviewing 15:12 right 2:21,23,23 3:10,11,23 4:1 5:8 10:1,9,12,14 11:9 12:6,12,13,14,19 12:21 13:22,24 14:8 rightful 9:12 rights 11:7 rise 11:18	s/ 15:24 safe 8:9 safety 4:17 8:7 saw 7:1 says 7:11 Scott 1:11 seat 2:11,13,15 seen 14:13 sent 11:24 separate 2:15 8:14 set 4:13 9:4 15:17 show 7:10,14 13:18 showing 13:21,23 shows 7:9 sidewalk 7:14 10:3 10:6 Siebert 2:22,22 3:1 3:7 4:10,10 14:11 simple 4:23 5:12 6:9,12 simply 12:15 sir 2:21 4:9 7:15 sitting 11:2 social 2:16 somebody 2:10 source 9:12 speak 12:15 SPEAKER 14:7,9 14:13,17 speech 7:9,14 9:15 9:16,19 10:9,10 11:16,16,17,19 start 12:8 state 1:1 2:19 4:3 4:13 13:19 15:2 stated 4:15,25 5:9 7:3 10:5 statements 4:5 10:2 12:10,11 states 5:1,12 6:12 6:17,22,24	T 15:1,1 take 13:2 technically 5:17 temporary 2:18 testified 3:5,8,18 3:21 testimony 2:24 3:12 Thank 10:22 14:4 14:11,12 them- 6:7 thing 6:24 9:13 things 6:6 9:15,25 10:5 think 9:17 11:6,15 threatening 7:10 threats 6:15 time 5:6,23,24 7:4 9:16 10:25 11:1,9 14:18 today 7:15 11:5 tracking 10:15 transcribed 1:25 15:8 transcript 15:9,12 transcriptionist 15:9 trial 15:11,13 true 15:10 truth 2:25,25 3:13	UB 9:10,22 10:7,8 11:20 undersigned 15:6 undue 8:11 UNIDENTIFIED 14:7,9,13,17 Union 1:4 2:9,10 4:2,3,7,10 5:9,16 7:12 8:12 unlawful 7:24,25 unwanted 9:1,7	0
			V	1
			validity 4:22,23 Vance 2:20,20 3:2 3:4 4:6,15 victims 8:3,5,25 9:2 vs 1:6	00234 1:6 0234 2:12 0235 2:12
			W	2
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FILED
OCT 26 2021
KATHY MARTIN
WALLA WALLA COUNTY CLERK

IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THE COUNTY OF WALLA WALLA

WALLA WALLA UNION BULLETIN,

Respondent,

vs.

ALEXIS GUERRERO,

Appellant.

No. 21-2-00200-36

Lower Court Case No. X21-00234

ORDER AFFIRMING WALLA
WALLA COUNTY DISTRICT
COURT RULING

THIS MATTER, having this date come on for hearing before the Walla Walla County Superior Court upon the Appeal of ALEXIS GUERRERO, Petitioner, and the Petitioner having appeared pro se, and the Respondent having appeared through Steven C. Frol and Minnick-Hayner, PS, and the Court having considered the following pleadings and other evidence:

- 1. District Court record;
- 2. Order for Protection Against Harassment dated March 17, 2021;
- 3. Appellant's Brief;
- 4. Respondents' Brief; and

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5. Reply Brief of ALEXIS GUERRERO;

AND THE COURT having heard arguments of counsel for Appellant and arguments of counsel for Respondent, and being otherwise duly advised, and having found there are no defects in the law as applied to the evidence by Judge Marinella in his ruling, it is hereby

ORDERED, ADJUDGED AND DECREED the Walla Walla County District Court Ruling of Judge Marinella dated March 17, 2021, is hereby affirmed.

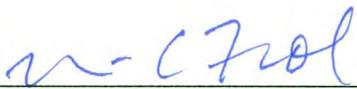
DONE IN OPEN COURT on OCT 26 2021.


M. SCOTT WOLFRAM

Judge M. Scott Wolfram

Presented by:

Minnick-Hayner, PS

By: 

Steven C. Frol, WSBA #11031
Attorney for Respondents

WASHINGTON STATE COURT OF APPEALS DIVISION III
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF WALLA WALLA

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WALLA WALLA BULLETIN,) CAUSE NO. X21-00234
) COA NO. 38627-9-III
Petitioner,)
)
v.) Hon. M. Scott Wolfram
)
ALEXIS GUERRERO,)
)
Respondent.)
)

VERBATIM TRANSCRIPT OF PROCEEDINGS
From Electronic Recording

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TABLE OF CONTENTS

MOTION HEARING 10/26/2021.....3

MOTION HEARING 10/26/2021

1 (October 26, 2021, 9:33:32 a.m.)

2 THE COURT: Counsel?

3 MR. FROL: Hi, Your Honor. I'm Steve Roll and I'm
4 the respondent to this part of this case. With me today is
5 Michael Cibert, an employee of the Walla Walla Union
6 Bulletin. C-e-i-b-e-r-t.

7 MR. CIBART: A-r-t.

8 MR. ROLL: A-r-t, excuse me.

9 THE COURT: It's close. Mr. Moore?

10 MR. MOORE: Good morning. I'm assuming it's Judge
11 Wolfram?

12 THE COURT: Correct.

13 MR. MOORE: I'm on the phone today along with Mr.
14 Guerrero.

15 THE COURT: Correct.

16 MR. MOORE: I'm sorry. Did you ask me to go ahead?
17 I couldn't quite hear you.

18 THE COURT: Yes, you can go ahead.

19 MR. MOORE: All right. Our issue we raised is
20 whether the statute can even apply to a business entity like
21 the Walla Walla Bulletin, who was actually the petitioner
22 below. I don't really want to belabor this, but if you look
23 at the statute, there's nothing in there that indicates that
24 it's designed to provide relief to a corporate entity or even
25 as defense suggests, all the employees of a corporate entity.

MOTION HEARING 10/26/2021

1 Unlawful harassment in the statute is defined as
2 annoying course of conduct directed at a specific person
3 which alarms, annoys, harasses, etcetera, such person in the
4 course of conduct shall be such as would cause a reasonable
5 person to suffer distress. There's nothing in the language
6 of the statute that suggests it's designed to do anything
7 other than protect individuals.

8 Let me also I guess well, let me move next to just
9 talk about our second real argument, which is no matter what
10 may have happened with -- that was harassing or that supports
11 an antiharassment order, the order has to be carefully
12 crafted so as not to prohibit protected speech. This order
13 does not do that. It makes no provision whatsoever for any
14 lawful protest that he might participate in with regard to
15 the Walla Walla Bulletin. And because of that, it runs afoul
16 of the statute's language that you can't restrain free
17 speech.

18 We think the order is far broader than it should
19 be, but with the response from the defense notes that the
20 order it argues does nothing except limit of way where
21 appellant may not make any harassing speech or menacing
22 actions for the next few months.

23 Well, we know that's what this order was intended
24 to do, was to prevent harassment of certain employees who
25 were subject to it at that site. Nothing in this order deals

MOTION HEARING 10/26/2021

1 with any protected speech that he might, you know, be
2 lawfully allowed to exercise at that rotation.

3 Part of the problem here is I think we're relying
4 on the standard 500 feet that's often included in
5 antiharassment orders in this state. There's two cases, I
6 apologize I don't have the cites for. I can provide them to
7 the Court later. They are U.S. Supreme Court cases. In
8 Madsen v. Women's Health Center, the Court upheld a 36 foot
9 boundary.

10 MR. FROL: Your Honor, I object. I object, it
11 wasn't part of the briefing and wasn't part of the court
12 hearing down at the --

13 THE COURT: District court?

14 MR. FROL: -- at the district court.

15 THE COURT: Counsel, did you hear Mr. Frol's
16 statements?

17 MR. MOORE: I think he said it wasn't in the
18 briefing or raised at district court, but that doesn't mean
19 we can ignore the Supreme Court just because it wasn't
20 briefed.

21 THE COURT: Well, if it wasn't briefed or before
22 the Court, then it's not before the Court here. This is an
23 appeal from district court.

24 MR. MOORE: Okay. Well, it still allows for 500
25 foot boundary. That's unconstitutional based on the law in

MOTION HEARING 10/26/2021

1 our country. Based on the United States Supreme Court law,
2 whether it's cited or not.

3 This is not a narrowly tailored order. What Suggs
4 tells us and the defense wants to argue that Suggs is somehow
5 irrelevant, but it's absolutely not. It's directly on point.
6 Labeling certain types of speech unprotected is easy.

7 Determining whether it is involved in the unprotected areas,
8 is much more difficult. This is our State Supreme Court.

9 Our U.S. Supreme Court has noted that there's a
10 very fine line between protected and unprotected speech. And
11 it's our contention that this order totally ignores that fine
12 line. Suggs says an order that impinges on First Amendment
13 rights of any kind must be couched in the narrowest terms
14 that will accomplish the pinpoint and objective. That has
15 not happened here.

16 To keep restricted at a distance that's too far in
17 a lawful protest of the newspaper. He's been instructed to
18 avoid contact with employees who are unnamed. He could
19 violate this order on any day by speaking to a neighbor or
20 asking a question of someone in the grocery store, because
21 these people have not been identified.

22 There's also no evidence in this record that every
23 employee was harassed. The statute only provides a remedy
24 where there's proof that a specific person was harassed. Go
25 back to the definition of unlawful harassment. Conduct

MOTION HEARING 10/26/2021

1 directed at specific persons. The record below does not
2 indicate that his contact was directed at every single
3 employee of that newspaper. And the order that applies it to
4 every employee is overbroad and an undue restraint.

5 For all of those reasons, we think the order is
6 inappropriate and should be reversed.

7 THE COURT: Thank you. Mr. Frol?

8 MR. FROL: Well, thank you, Your Honor, for your
9 sitting on this case. We obviously request to dismiss this
10 appeal and -- and what we found throughout this is that Judge
11 Marinella in his order, the supplemental findings, was very
12 explicit that it had to do with the, you know, there's
13 harassment of employees. The facts in the case, in the
14 district court case, was found that these two gentlemen, Mr.
15 Guerrero and his accomplice were on lockdown and were using
16 excessively foul language and harassing language and they --
17 and when one employee went out, he went to his car and they
18 blocked his car so he couldn't remove himself from the scene
19 and he had to call the police.

20 And again, Judge Marinella's findings in the order
21 were very helpful and what it said was there's a pattern of
22 harassment designed to humiliate, intimidate employees and
23 their comings and goings. Physically blocking parking. It's
24 not a -- this isn't an issue of free speech. Mr. Guerrero
25 can have his free speech anywhere but this 500 feet. And

MOTION HEARING 10/26/2021

1 it's not an issue of -- it's an issue of harassment. The
2 lockdown, they had to go to team lockdown of their building,
3 which is totally uncalled for.

4 And finally, the order -- the order here is
5 supported by law. It -- there are specific findings of Judge
6 Marinella which you can see attached to his order. There's
7 -- and there's substantial evidence of harassment. And I
8 would say that I've never put these words in my briefing
9 before the Court that I had to put in in my 40 years of
10 practice.

11 Again, the request is to dismiss and have this
12 appeal denied. Thank you, Your Honor.

13 THE COURT: Thank you. I have had an opportunity
14 to review everything that's in the file and I find that Judge
15 Marinella's order for protection against harassment is
16 affirmed and district court did not commit legal error and
17 counsel can present an order.

18 The only other issue I need to address is attorney
19 fees.

20 MR. FROL: Should we do that in supplemental? I
21 didn't bring a --

22 THE COURT: We can do it in supplemental. Mr.
23 Moore, you'll also need to address the attorney fee aspect.

24 MR. MOORE: (Indiscernible).

25 THE COURT: I couldn't hear you.

MOTION HEARING 10/26/2021

1 MR. MOORE: Yeah, I'm just -- my question is
2 whether the language in the antiharassment order gives them a
3 right as opposed to discretionary opportunity. So, are you
4 saying I need to brief that?

5 THE COURT: You can respond to Mr. Frol's briefing
6 on the attorney fee issue. We'll address it --

7 MR. MOORE: All right.

8 THE COURT: We'll address it at a separate hearing.

9 MR. FROL: All right.

10 MR. MOORE: Okay.

11 MR. FROL: I'm presenting an order. I haven't sent
12 this off to Mr. Moore.

13 THE COURT: I will sign the order.

14 MR. FROL: I'll scan it to you, Mr. Moore or mail
15 it.

16 MR. MOORE: I appreciate it. We will get
17 (indiscernible) brief.

18 THE COURT: I've signed that order. Thank you.

19 MR. MOORE: Thank you, Your Honor.

20 THE COURT: We're adjourned.

21 MR. MOORE: Anything else at this point?

22 THE COURT: No.

23 MR. MOORE: Thank you.

24 MR. FROL: Thank you, Your Honor.

25 (CASE ADJOURNED)

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16 DATED this 16th day of February, 2021.

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Superior Court Case Number: 21-2-00200-2

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