

SUPREME COURT
OF THE STATE OF WASHINGTON

SHEILA LAROSE,

Petitioner,

v.

KING COUNTY,

Respondent,

And

PDA, dba THE
DEFENDER
ASSOCIATION, a non-
profit corporation,

Defendant.

No. 103248-0

KING COUNTY’S RESPONSE
TO LAROSE’S STATEMENT
OF ADDITIONAL
AUTHORITIES PURSUANT
TO RAP 10.8

In *Okonowsky v. Garland*, 109 F.4th 1166 (9th Cir. 2024), the Ninth Circuit grappled with an issue not raised in LaRose’s case: how to evaluate pervasive sexual harassment by coworkers on social media? Okonowsky, a prison psychologist, alleged that a coworker began an Instagram account that was followed by many prison employees, including the Human Resource Manager. *Id.* at 1172. Posts and comments referred to “the

psychologist,” recounted conversations with Okonowsky and contained derogatory images resembling her. *Id.* at 1173. Some posts suggested sexual violence against women and against the “psychologist.” *Id.* Posts ridiculed “the psychologist” in coarse and degrading terms, and most were deemed too graphic for the Ninth Circuit to recount. However, one representative post suggested that coworkers “gang bang” Okonowsky. *Id.* Okonowsky complained to prison leadership and was told the account was “funny” and she needed to “toughen up.” *Id.* As a result of her coworkers’ social media harassment and management’s acquiescence, she did not feel safe at work. *Id.* at 1174.

The Ninth Circuit reversed summary judgment for the prison, finding triable issues of fact. Crucially, the court disagreed that the social media posts by Okonowsky’s coworkers about the workplace occurred “outside the workplace,” and found that a reasonable factfinder could find the conduct occurred at work. *Id.* at 1180 n.7. In addition, the court

reaffirmed that evidence of management ratification of, or acquiescence to, offsite sexual harassment can support a hostile work environment claim. The court held that offsite conduct by coworkers is relevant to assessing the hostility of a work environment. That, however, is a separate legal question from the question presented in LaRose's case: whether employers are liable for offsite harassment by third parties with no current employment or customer relationship with the employer.

LaRose's case does not involve social media or harassment by coworkers. And there is no evidence that management ratified or acquiesced to Smith's stalking.

Okonowsky addresses interesting issues regarding social media that this Court may need to address in future cases, but those issues are not present in this case. LaRose's petition does not meet the standards for review.

This document contains 350 words in compliance with RAP 10.8(b) and 18.17.

DATED this 30th day of August, 2024.

LEESA MANION (she/her)
King County Prosecuting Attorney

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CERTIFICATE OF SERVICE

I, Meredith Harrigan, certify and state as follows:

1. I am a resident of the State of Washington; I am over the age of 18 years and not a party of the within entitled cause. I am employed by the law firm of Morgan Lewis Bockius LLP, whose address is 1301 Second Avenue, Suite 3000, Seattle, WA 98101.
2. I caused to be served upon counsel of record at the addresses and in the manner described below, on August 30, 2024, the foregoing document.

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

DATED at Seattle, Washington, this 30th day of August,
2024.

s/Meredith Harrigan
Meredith Harrigan

MORGAN, LEWIS & BOCKIUS LLP

August 30, 2024 - 2:07 PM

Transmittal Information

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Comments:

King County's Response to LaRose's Statement of Additional Authorities Pursuant to RAP 10.8

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