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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
KING COUNTY

JAYSON CATON, an individual,

Plaintiff,

vs.

STATE OF WASHINGTON,

Defendant.

Case No. 21-2-07805-9:

COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF

I. PARTIES AND JURISDICTION

1.1 Plaintiff Jayson Caton (“Mr. Caton” or “Trooper Caton” or “Trooper Pilot Caton” or the “plaintiff”) is an individual.

1.2 Defendant State of Washington (“the State” or “defendant” or “Washington State Patrol” or “WSP”) is a state within the United States.

1.3 This Court has jurisdiction over this matter pursuant to RCW 4.28.020 and RCW 4.92.010.

1.4 Prior to filing this lawsuit, the plaintiff timely filed an administrative claim with the Office of Financial Management and waited the required time before filing. The content of the administrative claim met the requirements RCW 4.92.100.

II. FACTS

Background

2.1 Plaintiff Mr. Caton has been interested in aviation since he was a young child. Mr. Caton grew up in Puyallup, Washington. When Mr. Caton was 17 years old, he was able to go on his first flight in a small airplane. Immediately after that flight Mr. Caton's interests turned into a love for aviation.

2.2 Mr. Caton started flight school in 2003 with the goal of being a commercial pilot. In 2006, after years of flight training, he earned his Commercial Pilot license and instrument rating.

2.3 Mr. Caton graduated from Flight School in June of 2007. After graduation, he immediately applied to the Washington State Patrol with the career goal of becoming a member of the WSP Aviation Section. The WSP was the only law enforcement agency Mr. Caton applied to based solely on the department's aviation section.

2.4 In 2008, Mr. Caton was hired by the WSP. One of the requirements to become a pilot with the WSP is to be a commissioned Trooper with full law enforcement certifications. At the time, only five percent of all applicants became state troopers.

2.5 After years of training and completing the WSP Trooper Basic training class Mr. Caton was commissioned as a WSP Trooper on June 16, 2010.

2.6 Trooper Caton's first assignment was Tacoma, WA, from June 2010 to December 2015 in the field operation bureau. In 2015, Trooper Caton was approached by the WSP command staff and advised that a pilot position would be opening up soon

1 due to a retirement. Trooper Caton applied for the pilot position providing a written
2 resume, job performance records, and accolades he received when he was a trooper in
3 Tacoma.

4 2.7 In December 2015, Trooper Caton interviewed and had a test flight to
5 check his pilot proficiency. Prior to the interviews, Trooper Caton spent several weeks
6 cross training with the aviation section to become familiar with their mission and goals.
7 As a result of the cross training, interview, and flying performance, Trooper Caton was
8 selected to fill the vacant pilot position.
9

10 2.8 In January 2016, Trooper Caton realized his lifelong dream and career
11 goal--he became a trooper pilot with the WSP. In 2016 and 2017, Trooper Pilot Caton
12 was performing and maturing as a pilot in accordance with management's expectations.

13 2.9 From January 1, 2016, to November 15, 2018, Sgt. Sweeney was Trooper
14 Pilot Caton's direct supervisor.
15

16 2.10 When Trooper Pilot Caton began his aviation career, Sgt. Sweeney
17 supervised then Trooper Pilot Ryan Santhuff.

18 2.11 When Trooper Pilot Caton began his aviation career, Lt. Nobach ran the
19 day to day operations of the Aviation section and supervised Brenda Biscay, Sgt.
20 Hatteberg and Sgt. Sweeney while Trooper Pilot Caton was in the Aviation Section.

21 2.12 In 2016, Trooper Pilot Santhuff witnesses an act of sexual harassment
22 involving Lt. Nobach and Brenda Biscay. He reported that incident up the chain of
23 command. After his report became known, Lt. Nobach began to retaliate against Trooper
24 Pilot Santhuff.
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1 2.13 Later in 2016, Trooper Pilot Santhuff also reported to management an
2 incident in 2014 involving Lt. Nobach in which Lt. Nobach falsely told the Governor's
3 Office that a plane was not available to fly the governor as was requested.

4 2.14 Later in 2016, Trooper Pilot Santhuff also reported to management an
5 incident in 2014 involving Lt. Nobach giving orders to Aviation personnel to destroy
6 emails in response to a Public Records Request.

7 2.15 Owing to whistleblower retaliation, Trooper Pilot Santhuff transferred out
8 of Aviation.

9 2.16 On or about February 9, 2018, Trooper Ryan Santhuff filed a tort claim
10 with the State ("Santhuff Tort Claim") outlining his reports of improper governmental
11 action and the retaliation that followed.
12

13 **Trooper Pilot Caton is Identified as a Witness**

14 2.17 The Santhuff Tort Claim listed Trooper Pilot Caton as a witness in the
15 witness list and included this paragraph:
16

17 Much of Lt. Nobach's retaliation went unchallenged, however. As Section
18 Commander, Lt. Nobach has virtually unquestioned authority to evaluate
19 pilots in an arbitrary and capricious manner. For example, although Lt.
20 Nobach never verbally coached Trooper Santhuff following a training
21 flight, in the training file Lt. Nobach scored Trooper Santhuff
22 progressively lower marks with each flight after the complaint. Lt. Nobach
23 also required Trooper Santhuff to purchase required pilot supplies, a
24 logbook, but he did not enforce the same upon other pilots. (In fact, shortly
25 after Trooper Santhuff was told to pay for his own logbook, the section
paid for pilot Trooper Jayson Caton to have one.) Lt. Nobach even
surprised Trooper Santhuff with a "check ride" for which Trooper Santhuff
had no time to prepare. No other pilot in the Aviation Section has had a
"surprise" check ride like this. Lt. Nobach scored Trooper Santhuff very
low after this "surprise" test and did not pass him.

1 2.18 On or about July 1, 2018, the Attorney General Office investigator Larry
2 McKnight started interviewing aviation personal listed in Trooper Santhuff's Tort
3 Claim. Trooper Pilot Caton was specifically identified during those interviews as a
4 witness to allegations in the claim.

5 2.19 On information and belief, in July 2018 Chief Alexander knew that
6 Trooper Pilot Caton was named as a witness in Trooper Pilot Santhuff's tort claim.

7 2.20 On information and belief, in July 2018, Lt. Nobach knew that Trooper
8 Pilot Caton was named as a witness in Trooper Pilot Santhuff's tort claim.

9 2.21 On information and belief, in July 2018, Sgt. Sweeney knew that Trooper
10 Pilot Caton was named as a witness in Trooper Pilot Santhuff's tort claim.

11 2.22 On information and belief, in July 2018, Sgt. Hatteberg knew that Trooper
12 Pilot Caton was named as a witness in Trooper Pilot Santhuff's tort claim.

13 2.23 On July 5, Trooper Pilot Caton was told he could not attend a scheduled
14 and mandatory training. This was the start of ongoing retaliation by Lt. Nobach, and by
15 Nobach's subordinates and superiors in retaliation for his status as a witness.
16
17

18 **Medical Emergency and Injury**

19 2.24 On July 7, 2018, after a surveillance flight, Trooper Pilot Caton exited the
20 airplane and started walking towards the hangar door when he started feeling lightheaded
21 with tunnel vision. He made his way through the pedestrian door and opened the large
22 hangar door, he continued walking towards the back office, and just before he reached
23 the office door he collapsed and was unconscious. After Trooper Pilot Caton came to, he
24 was able to stagger his way back to the airplane where both of his phones were to call
25

1 911. As a result of collapsing, he had a large contusion and road rash on his mid-back
2 and two scratches on his head.

3 2.25 Trooper Pilot Caton was on medical emergency leave from July 7 to
4 August 13, 2018.

5 2.26 On July 8, 2018, Lt. Nobach permitted Sgt. Hatteberg to fly from Olympia,
6 WA to Ephrata, WA to give Trooper Pilot Caton a ride home from the hospital the next
7 day.

8 2.27 On July 7, Lt. Nobach gave approval to Trooper Pilot Woods to give
9 Trooper Pilot Caton a ride home.

10 2.28 On or about July 9, Trooper Pilot Caton reported his injury to Lt. Nobach.

11 2.29 On or about July 13, Trooper Pilot Caton provided a detailed written report
12 of his medical emergency.

13 2.30 On July 27, 2018, Asst. Chief Alexander, Lt. Nobach, Sgt. Sweeney, Sgt.
14 Hatteberg, and Trooper Pilot Anson Statema flew from Olympia to Ephrata, WA and
15 met with Trooper Pilot Caton.

16 2.31 Asst. Chief Alexander, Lt. Nobach, Sgt. Sweeney, Sgt. Hatteberg, and
17 Trooper Statema knew Trooper Pilot Caton was just released from the emergency room
18 when they required him to meet with them.

19 2.32 Asst. Chief Alexander questioned Trooper Pilot Caton in the hanger about
20 what happened the night he collapsed.

1 2.33 Asst. Chief Alexander, Lt. Nobach, Sgt. Sweeney, Sgt. Hatteberg, and
2 Trooper Statema did not provide any written notice that Trooper Pilot Caton was going
3 to be investigated due to his medical injury that occurred in the hangar.

4 2.34 On July 27, Trooper Pilot Caton was recovering from anemia and on
5 FMLA leave, and while on FMLA leave he was ordered by WSP leadership to assist
6 with the jumpstarting of his state issued patrol vehicle on a hot summer day.

7 2.35 On July 27, Asst. Chief Alexander contacted WSPTA Union Board
8 Member Doug Clevenger and expressed concern regarding Trooper Pilot Caton's
9 treatment from the supervisors in aviation.

10 2.36 WSPTA Union Board Member Doug Clevenger contacted Trooper Pilot
11 Caton after he learned that Asst. Chief Alexander was concerned about how Trooper
12 Pilot Caton was being treated by the supervisors in aviation.

13 2.37 On July 30, Trooper Pilot Caton received a verbal reprimand from Sgt.
14 Sweeney for not answering his phone while on FMLA. Trooper Pilot Caton recapped
15 the content of this conversation in an email to Sgt. Sweeney.

16 2.38 On August 2, 2018, Sgt. Sweeney called Trooper Pilot Caton after Trooper
17 Pilot Caton recapped their July 30, conversation.

18 2.39 Sgt. Sweeney told Trooper Pilot Caton, "If that's the way you want things,
19 we can go down that road." Trooper Pilot Caton felt threatened and intimidation by Sgt.
20 Sweeney.

21 2.40 On August 7, Lt. Nobach conducted what was called a "routine" audit on
22 Trooper Pilot Caton for his job-related activities before his injury.
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1 2.41 While on FMLA leave, Lt. Nobach issued Trooper Pilot Caton a written
2 reprimand for not filling out a flight sheet correctly and for not fueling the aircraft at the
3 end of shift.

4 2.42 On August 10, 2018, WSP reassigned Trooper Pilot Caton's patrol SUV to
5 another pilot.

6 2.43 Trooper Pilot Caton received less desirable patrol car as a replacement.

7 2.44 The patrol car issued to Trooper Pilot Caton had a safety recall through
8 WSP Fleet Management and was 2-wheel drive.

9 2.45 WSP trooper pilots in Eastern, WA are issued a standard 4-wheel drive to
10 get over the pass during inclement weather.

11 2.46 On August 11, 2018, Trooper Pilot Caton sent Sgt. Sweeney an e-mail
12 showing positive job performance activity. The e-mail showed Trooper Pilot Caton was
13 outperforming his peers in all traffic flight categories. Sgt. Sweeney disregarded the e-
14 mail and compared Trooper Pilot Caton's job performance to a retired pilot from 2006.

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17 **Harassment While On FMLA Leave**

18 2.47 Trooper Pilot Caton was on FMLA leave from July 7 to August 13, 2018.
19 During this time the Aviation Section leadership contacted Trooper Pilot Caton as
20 follows:

21 2.47.1 On July 11, Sgt. Sweeney and Trooper Pilot Caton talked about
22 Trooper Pilot Caton going to the doctor, medication, and current
23 symptoms.
24
25

1 2.47.2 On July 12, Sgt. Sweeney, and Trooper Pilot Caton texted about
2 Caton's test results and Trooper Pilot Caton told Sgt. Sweeney that
3 he experienced blood clotting in his lungs and stomach issues.

4 2.47.3 On July 13, Trooper Pilot Caton gives Sgt. Sweeney an update
5 about his medical condition, which included bleeding from his
6 spleen. Sgt. Sweeney asked if Caton can talk now and had him call
7 his phone.
8

9 2.47.4 On July 26, Trooper Pilot Caton texted Sgt. Sweeney, "just wanted
10 to let you know I am at the ER, I had blood in my urine and that
11 they are releasing me to go home and will make arrangements to
12 see a specialist."

13 2.47.5 On July 27, Sgt. Sweeney texted Trooper Pilot Caton and told him
14 not to forget his spare key and Caton told him that he was at the ER
15 and just got his blood drawn. Sgt. Sweeney asked, if they will send
16 Caton home. and Trooper Pilot Caton replied yes. Trooper Pilot
17 Caton told Sgt. Sweeney they are sending his test results to the ER
18 doctor that he saw yesterday.
19

20 2.47.6 On August 2, Sgt. Sweeney received Trooper Pilot Caton's limited
21 duty work IOC from Lt. Nobach. Sgt. Sweeney called Trooper Pilot
22 Caton regarding the limitations, discussed driving on his own time,
23 and reporting to Sgt. Sweeney at the beginning and end of his shift.
24
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1 2.47.7 On August 3, Sgt. Sweeney called Trooper Pilot Caton and advised
2 him that he had an Ephrata trooper drive him from Ephrata to
3 Wenatchee. They talked about Sgt. Sweeney flying over to Ephrata
4 and then transporting Trooper Pilot Caton back to his residence.
5 Then the decision was made not to transport Trooper Pilot Caton
6 around on duty. Sgt. Sweeney advised Trooper Pilot Caton that he
7 would need to get a personal ride home. Sgt. Sweeney also advised
8 Trooper Pilot Caton that he would need a doctor's note due to him
9 missing work.
10

11 2.47.8 On August 3, at 9 a.m. Sgt. Sweeney verbally reprimanded Trooper
12 Pilot Caton for wasting Washington State resources for access in
13 transportation to the hospital and Sgt. Sweeney advised he would
14 not provide transportation and to get an Uber. Trooper Pilot Caton
15 complied, and the Uber cost him \$111.94.
16

17 2.47.9 On August 4, Trooper Pilot Caton texted Sgt. Sweeney, "Saw that I
18 missed your call, do you want me to call you back." Sweeney says,
19 "Just seeing how you are doing." Caton says, "...still in pain.
20 Sleeping more than I'm awake."
21

22 2.47.10 On August 6, Sgt. Sweeney contacted Trooper Pilot Caton to
23 check on his status and to advise him to contact the Human
24 Resource Division in case he runs out of leave.
25

1 **Trooper Pilot Caton Gets More Reprimands and Reprisals While on FMLA Light**
2 **Duty**

3 2.48 Trooper Pilot Caton returned to work on August 14, and he was on FMLA
4 light duty until November 14, 2018.

5 2.49 Trooper Pilot Caton was assigned to conduct background investigations.
6 During this time, Trooper Pilot Caton received reprimands and reprisals.

7 2.50 On August 20, 2018, Trooper Pilot Caton was told by Sgt. Sweeney that
8 his pilot logbook that was paid for with the state credit card had to be returned because
9 this was purchased with state funds, “you will need to purchase another logbook with
10 your own money, transfer the data to your new logbook, and leave the state purchased
11 logbook with your training file at Aviation,” which is contrary to the WSPTA Union
12 Collective Bargaining Agreement under Section 23.2, which requires that the Employer
13 provide required uniforms and equipment for employees in the bargaining unit.
14

15 2.51 The Aviation Section Manual says that Pilot Logbooks are required. First,
16 each section pilot shall maintain a pilot’s logbook with the minimum information
17 required by Federal Aviation Regulation 61.51. Second, pilots may log Second-In-
18 Command in multi-engine aircraft while performing co-pilot duties. Command pilots
19 may log all flight time as Pilot-In-Command time regardless of front seat position.
20

21 2.52 Trooper Santhuff requested a state purchased logbook but the request was
22 denied by Lt. Nobach despite them being readily available to the pilots in the section
23 prior to his request.
24
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1 2.53 In August 2018, Trooper Pilot Caton was ordered to turn in his state
2 purchased logbook. This was less than two months after the AGO's Office started an
3 investigation on Ryan Santhuff's tort claim.

4 2.54 Trooper Pilot Caton requested approval to purchase a logbook using state
5 funds and the request was approved by his supervisor, Sgt. Sweeney.

6 2.55 Trooper Pilot Caton had already recorded over 1,000 hours of flight
7 experience in his State purchased pilot logbook.

8 2.56 WSP allowed state funds to be used for other personal items like passports,
9 uniforms, boots, which are not required to be returned to the WSP and once purchased
10 are the property of the pilot.

11 2.57 The pilot logbook is required equipment for all pilots in the Aviation
12 Section.

13 2.58 No other trooper pilots were required to return their logbooks.

14 2.59 Past Aviation Section pilots who left the section, and no longer served in
15 any capacity as a pilot for the WSP, who are still employed by the WSP were able to
16 retain their state purchased pilot logbooks.

17 2.60 Retired Aviation Section pilots were also allowed to keep their state
18 purchased logbooks.

19 2.61 Trooper Pilot Caton was required to return his logbook because the denial
20 of the pilot logbook was a reported example of retaliation in Trooper Santhuff's tort
21 claim.
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1 2.62 On September 18, 2018, Trooper Pilot Caton had a conference call with
2 Sgt. Sweeney and Sgt. Hatteberg. During the phone call, Sgt. Sweeney stated, “the
3 requirement for pilots in aviation to purchase their own logbooks is related to Ryan
4 Santhuff’s case and purchasing our own logbooks is the new way forward.”

5 2.63 On September 19, 2018, Trooper Pilot Caton sent an e-mail to Captain
6 Matheson, the commander of WSP Human Resource Division, requesting a meeting to
7 report retaliation by his supervisors in the Aviation Section because he was a named
8 witness in a whistleblower complaint that was currently being investigated by the
9 Attorney General's office.

10 2.64 Lt. Nobach emailed Captain Matheson documentation memorializing his
11 interactions between Trooper Pilot Caton and Sgt. Sweeney.

12 2.65 On September 20, 2018, Trooper Pilot Caton met with Captain Matheson
13 and filed a complaint with the WSP involving major policy violations, retaliation, and
14 harassment.

15 2.66 An IIR was not drafted, and a case log was not created.

16 2.67 The agency refused to investigate.

17 2.68 Captain Matheson did not follow-up with Trooper Pilot Caton and he did
18 not follow Human Resource Division Procedure 8.00.220P and follow-up with Trooper
19 Pilot Caton to make sure he felt safe and free from retaliation.

20 2.69 Trooper Pilot Caton read his typed whistleblower complaint out loud
21 during the meeting with Captain Matheson and the union vice president Spike Unruh
22 before giving a hard copy of the complaint to Matheson.
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1 2.70 In 2018, Captain Matheson was the Human Resource Division
2 Commander, and a public official designated to receive whistleblower complaints for
3 WSP under RCW 42.40.

4 2.71 On September 21, 2018, Captain Matheson forwarded Trooper Pilot
5 Caton's complaint to the Office of Professional Standards and Asst. Chief Alexander. In
6 the email communication, Captain Matheson provided the email, policy information
7 about retaliation, and contact information for WSP psychologists, peer support
8 information, and website site links to the Equal Employment Opportunity Commission
9 and Human Rights Commission.
10

11 2.72 On September 21, 2018, Trooper Pilot Caton sent a follow up email to
12 Captain Matheson and thanked him for meeting with him on short notice. In the email,
13 Mr. Caton reiterated that he was filing a complaint of retaliation against his supervisors
14 in Aviation Section because there was a negative change in behavior towards him after
15 the Attorney General's Office started the investigation involving [the] Aviation
16 Section.”
17

18 2.73 On September 21, 2018, Trooper Pilot Caton also sent an E-mail to Captain
19 Matheson requesting a change in the appointing authority for his retaliation complaint.
20 Trooper Pilot Caton cited past instances where Asst. Chief Alexander failed to follow
21 WSP investigative policies and procedures.
22

23 2.74 On Sunday September 23, 2018, at 8:39 p.m., Asst. Chief Alexander
24 forwarded the hostile work environment complaint from Trooper Pilot Caton to Captain
25

1 Roger Wilbur and Captain Mike Saunders, and he provided them with a copy of the
2 response to his complaint and signed off the email with “Enjoy.”

3 2.75 On September 23, 2018, Asst. Chief Alexander sent an email to the
4 Aviation Section telling them not to discuss the complaint of hostility that was received.

5 2.76 On September 24, 2018, Captain Saunders emailed Captain Wilbur and
6 copied Captain Matheson, Asst. Chief Alexander, and Office Assistant Rachael Gufler,
7 stating in part, “I have reviewed the attachment provided by Trooper Pilot Caton and
8 identified no allegations warranting a formal investigation.” At the time, Captain
9 Saunders was a public official designated by the WSP to receive whistleblower
10 complaints under RCW 42.40.
11

12 2.77 Captain Saunders told Trooper Pilot Caton that Captain Wilbur will serve
13 as the Appointing Authority and he will be the decision maker on his complaint.

14 2.78 On September 24, 2018, Captain Saunders emailed the Appointing
15 Authority, Captain Wilbur and stated that he reviewed the request and attachments and
16 “found that the complaint did not warrant a formal investigation.”
17

18 2.79 An IIR, still was not written and a case log was not created.

19 2.80 The following day, on September 25, 2018, Captain Wilbur responded to
20 the email from Captain Saunders stating, “I have reviewed the attachment and concur
21 there is no information that warrants a formal investigation.”
22

23 2.81 Contrary to what Captain Saunders emailed Trooper Pilot Caton, Captain
24 Saunders was the decision maker on Caton’s complaint and not Captain Wilbur as
25 required by the Administrative Investigation Manual.

1 2.82 Sgt. Hatteberg had Trooper Pilot Caton complete an on-the-job injury
2 questionnaire for the Human Resource Department shortly after his medical emergency.
3 After the questionnaire was complete Trooper Pilot Caton requested a copy of the
4 questionnaire but never received one.

5 2.83 During the questionnaire Sgt. Hatteberg asked questions about what
6 happened the night he got injured and how the injury could have been avoided.

7 2.84 On September 24, 2018, Trooper Pilot Caton emailed Sgt. Hatteberg
8 requesting a copy of the questionnaire. In response, Sgt. Hatteberg replied,
9

10 “I’m not aware of an HRD questionnaire? But I think what you are referring to is
11 the Employee Health- Injury/Exposure form, I was filling out with you on the
12 phone. I contacted Sherry Moe from HRD after I received your request about
13 getting a copy of the Employee Health- Injury/Exposure form for you and she
literally just talk to you about the same thing and has sent this to you. If you have
not received a copy, please contact Sherry Moe at HRD, or myself.”

14 2.85 Trooper Pilot Caton completed an Injury Exposure form using his work
15 computer at his residence on or around July 11, 2018 after the on-the-job injury.

16 2.86 Sgt. Hatteberg used the HRD questionnaire as a way to initiate a biased
17 investigation on him because of his medical emergency.

18 2.87 Trooper Pilot Caton has not received the HRD questionnaire from Sgt.
19 Hatteberg.
20

21 2.88 On September 26, 2018, Sgt. Sweeney reprimanded Trooper Pilot Caton
22 for not signing in with WSP Communications while en route to the office in off-duty
23 status.

24 2.89 Prior to receiving the reprimand, Trooper Pilot Caton advised WSP
25 Communications he was en route to the Moses Lake Office in an off-duty status.

1 2.90 On September 28, 2018, Trooper Pilot Caton was denied required training
2 by Sgt. Sweeney. The training was required for District 6 personnel.

3 2.91 On October 9, 2018, Trooper Pilot Caton received an email written
4 reprimand for not canceling a previously scheduled flight mission on October 5, 2018.

5 2.92 On October 9, 2018, Trooper Pilot Caton was on limited/ light duty and in
6 a non-pilot status conducting background investigations for HRD.

7 2.93 On October 12, 2018, Sgt. Sweeney gave Trooper Pilot Caton a negative
8 job performance documentation.

9 2.94 On October 12, 2018, Trooper Pilot Caton was on FMLA leave.

10 2.95 On October 25, 2018, Sgt. Sweeney emailed a negative 095 to Trooper
11 Pilot Caton regarding his lack of communication and follow-up.”

12 2.96 Trooper Pilot Caton emailed Aviation Section supervisors, WSP Human
13 Resource Division and WSPTA Union board members offering alternatives to returning
14 his State purchased logbook. These alternatives included: providing the State with a new
15 sealed logbook, reimbursements for what the State paid for the logbook, and providing
16 copies of all records contained in the logbook.
17

18 2.97 On November 8, 2018, Trooper Pilot Caton’s request to keep his pilot
19 logbook and his alternative solutions were denied and he was told he must return his
20 state purchased pilot logbook.
21

22 2.98 On or about November 13, 2018, LT. Matagi of Human Resource Division
23 contacted Trooper Pilot Caton about the aforementioned email.
24
25

1 2.99 Lt. Matagi advised Trooper Pilot Caton that he was concerned about how
2 his e-mail was worded. Lt. Matagi advised Caton that if he didn't turn in his logbook as
3 ordered it would be insubordination and could result in termination of employment.

4 2.100 On November 14, 2018, Trooper Pilot Caton was forced to turn in his
5 logbook containing his flight records.

6 2.101 To this date, on information and belief, Trooper Cation is the only past and
7 present WSP Aviation Section pilot ordered to return his used state purchased logbook.
8

9 2.102 Trooper Pilot Caton was left in the dark for 89 days from the date he made
10 his initial retaliation, discrimination, and hostile work environment complaint with
11 Human Resource Division Captain Matheson.

12 2.103 Finally, on December 19, 2018, Trooper Pilot Caton received an e-mail
13 response to his September 20, 2018, complaint from Captain Saunders of the Office of
14 Professional Standards.

15 2.104 Captain Saunders stated that "shortly after receiving Trooper Pilot Caton's
16 complaint it was determined the allegations did not warrant a formal investigation."
17

18 2.105 Captain Saunders made the decision on September 24, 2018, outside of the
19 WSP policies and procedures and then Captain Wilbur agreed.

20 2.106 Captain Saunders told Trooper Pilot Caton no specific individual was
21 identified for the Appointing Authority to investigate.

22 2.107 Captain Saunders did not contact Trooper Pilot Caton for 89 days about his
23 decision not to investigate and then said that Captain Wilbur made the decision.
24
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1 2.108 Trooper Pilot Caton was never interviewed by Captain Wilbur and an
2 Internal Incident Report (IIR) was not completed as required by the WSP Troopers
3 Association Collective Bargaining Agreement, WSP Administrative Investigation
4 Manual, and WSP Regulation Manual.

5 2.109 WSP is required to conduct an administrative investigation whenever it is
6 alleged that an employee's conduct or behavior violates any department policy,
7 procedure, rule, regulation, or training procedure.

8 2.110 If WSP receives a complaint minor in nature from an external source
9 regarding alleged conduct that may violate the departmental policy, procedures, orders
10 or regulations, the allegation could be classified as a Non-Investigative Matter.

11 2.111 In the case of a reported retaliation complaint, the Non-Investigative Matter
12 Process is not appropriate, and an IIR must be completed and submitted to Office of
13 Professional Standards through the chain of command within contractual timelines.
14 Moreover, an allegation of discrimination and harassment requires an IIR at the point
15 the complaint is received.

16 2.112 Captain Matheson did not generate an IIR, when he forwarded Trooper
17 Pilot Caton's written complaint, case log and any other associated documents through
18 the chain of command to the appointing authority as required by the Administrative
19 Investigation Manual.

20 2.113 In a preliminary investigation, if the Appointing Authority rejects the
21 complaint, the preliminary investigation shall be closed and the reasons for the closure
22 documented in the case log.
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1 2.114 A case log was not completed and the associated documents that
2 summarized how WSP came to the conclusion not to investigate Trooper Pilot Caton's
3 retaliation complaint.

4 2.115 An IIR should have been initiated with a summary of the allegation, the
5 year of the regulation manual and specific policy violations related to Trooper Pilot
6 Caton's complaint.

7 2.116 Instead of generating an IIR, Captain Matheson forwarded Trooper Pilot
8 Caton's complaint to Captain Saunders and Asst. Chief Alexander.

9 2.117 Neither Captain Saunders nor Asst. Chief Alexander generated an IIR.

10 2.118 This failure to investigate Trooper Pilot Caton's complaints caused the
11 unwarranted reprimands and reprisals to continue while he was on FMLA light duty
12 despite reporting his retaliation and hostile work environment to Captain Matheson, the
13 public official designee that is charged with receiving reports of whistleblower
14 retaliation.
15

16 2.119 Owing to ongoing retaliation and a failure by management to investigate,
17 Trooper Pilot Caton was forced out of the Aviation Section.
18

19 2.120 On January 15, 2019, Trooper Pilot Caton had a phone conference with
20 Sgt. Sweeney to go over his yearly Job Performance Appraisal for 2018.

21 2.121 Sgt. Sweeney had Trooper Caton's new supervisor Sgt. Elizabeth Bigger
22 attend the discussion about his 2018 Job Performance Appraisal, which is not standard
23 practice.
24
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1 2.122 Sgt. Bigger even told Trooper Caton it was her first time as a supervisor
2 reviewing the Job Performance Appraisal of a new transfer whether transferring in or
3 transferring out of her detachment.

4 2.123 Sgt. Bigger has been a supervisor since approximately 2011.

5 2.124 During the JPA review, Trooper Caton received the same negative
6 documentation showing retaliatory reprimands from Sgt. Sweeney. Trooper Caton
7 perceived this act as another example of retaliation by trying to show his work
8 performance in a negative light to his new supervisor.
9

10 **Forced to Resign From the Aviation Section**

11 2.125 The WSP failed to follow written procedures after a written complaint was
12 filed by Trooper Caton and was received by Captain Matheson, Human Resource
13 Division, and sent to Capt. Saunders of Office of Professional Standards.

14 2.126 On February 22, 2020, Trooper Caton received a written response from
15 Karl Nagel, the legal and policy advisor and Chief's designee for the WSP, which stated
16 in part:
17

18 “Based on the above analysis, this grievance should be denied. However, WSP
19 recognizes the benefits of reaching a shared resolution. In the interests of such a
20 resolution, WSP offers the following. If the grievant and union agree to not pursue
21 the grievance and the issues contained therein, WSP will provide Trooper Pilot
22 Caton's original logbook as a resolution to these issues. Please let me know by
23 March 2, 2020, by return email if that is acceptable. If that is not acceptable, I find
24 no violation of the CBA, the AIM or RCW 41.56 and the WSP denies the
25 grievance and all its requested remedies.”

23 2.127 During Trooper Pilot Caton's tenure in the Aviation Section there was a
24 pattern of the WSP not properly investigating major policy complaints.
25

1 **Trooper Caton Testified In The Santhuff Trial and Suffered Renewed Retaliation**

2 2.128 On August 30, 2020, Trooper Santhuff's jury trial began in King County
3 Superior Court. Trooper Caton was identified as a witness in court pleadings, and called
4 to testify on September 17, 2020. The content of Trooper Caton's testimony was
5 favorable to now Detective Santhuff.

6 2.129 During the trial, Trooper Caton started receiving adverse action and
7 reprimands from his supervisor, Sgt. Elizabeth Bigger.

8 2.130 Sgt. Bigger has been Trooper Caton's supervisor since November 15,
9 2018.

10 2.131 After Trooper Caton testified, the WSP ordered him to provide
11 information related to all his time and his expenses associated with his testimony.

12 2.132 Trooper Caton expressed his concerns to his WSP Command Staff related
13 to the request for reimbursement.
14

15 **Whistleblower Complaint for Improper Governmental Action During The Ryan**
16 **Santhuff v. State of Washington, Trial.**

17 2.133 The Santhuff trial permitted Zoom testimony and spectator viewing of the
18 trial on Zoom. Prior to and during the trial, the trial judge in the Santhuff whistleblower
19 trial judge gave specific orders that the Zoom Video Conference Information shall not
20 be disclosed to witnesses and that witnesses who have not testified (or may be called
21 back) could not observe the trial. Lt. Nobach provided the Zoom Video Conference
22 information to three witnesses who watched Detective Santhuff's trial testimony: Sgt.
23 Jeff Hatteberg, Brenda Biscay, and Shannon Francisco. The WSP personnel in question
24 were witnesses for the defendant Lt. Nobach and the WSP. These WSP employees
25

1 remain assigned to aviation. They all watched Trooper Santhuff's testimony before they
2 testified. Their actions violated the rights of Trooper Santhuff's right to a fair and
3 impartial jury trial and violated the Court's order. Lt. Nobach was found to be in
4 contempt and fined \$500 for violating the Judge's order that witnesses be excluded from
5 the courtroom and to not share the trial video conference information.

6 2.134 After Trooper Caton testified, he learned the following WSP personnel
7 committed improper government actions at the trial:

8 2.135 Asst. Chief Alexander was impeached for making false, untruthful, and
9 misleading statements during his testimony;

10 2.136 Captain Matheson's testimony contradicted his previous sworn deposition
11 from months prior.

12 2.137 On September 25, 2020, Trooper Caton filed an Interoffice
13 Communication complaint alleging employee misconduct based on the information he
14 received from the Sheridan Law Firm's website about the case. Trooper Caton sent his
15 complaint to his supervisor, Sgt. Elizabeth Bigger. He complained that employee
16 misconduct occurred when the following WSP personnel engaged in improper
17 governmental actions.

18 2.138 Asst. Chief Alexander was impeached for making false, untruthful, and
19 misleading statements while testifying. Chief Alexander's testimony contradicted his
20 previous sworn deposition from months prior. Trooper Caton reported that Chief
21 Alexander's actions undermined the judicial process to unfairly benefit the defendant,
22 Lieutenant Nobach and the WSP.
23
24
25

1 2.139 Captain Matheson's testimony contradicted his previous sworn deposition
2 from months prior. Trooper Caton believes Captain Matheson undermined the judicial
3 process to benefit the defendant, Lt. Nobach and the WSP.

4 2.140 Lt. Nobach, Sgt. Hatteberg, Ms. Biscay, and Mr. Francisco conspired to
5 undermine the judicial process to prepare for their testimony and affect the outcome of
6 this trial to benefit Lieutenant Nobach and the WSP.

7 2.141 On September 27th, 2020, Trooper Caton received five emails back-to-
8 back from Sgt. Bigger. The emails were typed in all capital letters and demanded he
9 explain himself and the hours listed on his Time & Activity Report.

10 2.142 On September 28, 2020, the jury found that the WSP retaliated against
11 Ryan Santhuff in violation of the Washington Law Against Discrimination; and the
12 WSP engaged in Whistleblower retaliation in violation of the Washington State
13 Whistleblower Law (RCW 42.40). A copy of the jury verdict and judgment is attached
14 in the Appendix.
15

16 2.143 On Tuesday September 29, 2020, Trooper Caton had a closed-door
17 meeting with Sgt. Bigger. Caton noticed Sgt. Bigger looked visually upset. During the
18 meeting they talked about the complaint and why he felt the need to submit it. Trooper
19 Caton apologized for bringing her into the middle of the complaint.
20

21 2.144 During the meeting, Sgt. Bigger went over Trooper Caton's job
22 performance for the first half of 2020. She stated it has been an unusual year due to
23 Covid-19 and job performance cannot be compared to years prior. Despite this, she
24 commented on how low his numbers were anyways. Sgt. Bigger had a copy of a DUI
25

1 report written by Trooper Caton. The report had pink highlighter on it that she used to
2 scrutinize the report. Sgt Bigger questioned the completeness of the investigation saying
3 Trooper Caton did not read a DUI suspect their Constitutional Rights. Trooper Caton
4 advised Sgt. Bigger that he did read the Constitutional Rights to the suspect, which she
5 later acknowledged. She continued to overly scrutinize Trooper Caton's report and
6 made several comments about needing a magnifying glass to read this DUI report.

7
8 2.145 On September 30, 2020, Trooper Caton had a closed-door meeting with
9 Sgt. Bigger and Lt. Grant Clark. Lt. Clark ordered Trooper Caton to alter his original
10 complaint because the two subjects listed in the Interoffice Communication needed to
11 be separated.

12 2.146 On September 30, 2020, Trooper Caton emailed Sgt. Bigger and Doug
13 Clevenger an employee misconduct complaint Interoffice Complaint outlining
14 employee misconduct to include the order of contempt of court issued to Lt. Nobach for
15 completeness. Trooper Caton made the corrections he was ordered to and forwarded it
16 through his chain of command.
17

18 **WSP Retaliated Against Trooper Caton For Filing A Whistleblower Complaint**
19 **With The State Auditor**

20 2.147 On October 1, 2020, Trooper Caton filed a formal Whistleblower
21 Complaint with the Washington State Auditor on the six WSP personnel because they
22 engaged in improper governmental action and the ethical misconduct of these people
23 has been ongoing.
24
25

1 2.148 On October 8, 2020, Trooper Caton sent an email to Sgt. Krista Greydanus
2 assigned to the Office of Professional Standards about his availability for an interview
3 related to the Whistleblower Complaint he filed.

4 2.149 On October 8, 2020, Trooper Caton sent an email to Sgt. Krista Greydanus
5 and Sgt. Jason Hicks assigned to the Office of Professional Standards. Trooper Caton
6 reiterated the importance of a fair and impartial investigation, where the truth is the
7 primary objective. Trooper Caton requested his complaint and all documents he
8 provided to be forwarded to the WSP designee to receive whistleblower complaints both
9 in the Human Resource Division and Office of Professional Standards.
10

11 2.150 On October 14, 2020, Trooper Caton received a written reprimand from
12 Sgt. Bigger because of talking with Justin Cloud, a Trooper in his detachment about not
13 answering up for calls.

14 2.151 On October 15, 2020, Trooper Caton emailed Sgt Bigger regarding the
15 written reprimand he received.
16

17 2.152 Trooper Caton asked if he was being investigated and if there was a gag
18 order and she stated “no” to both questions. Sgt. Bigger stated the Captain and
19 Lieutenant were handling it and a timeline has started, the rest will get taken care of via
20 policies and procedures. Trooper Caton was never interviewed or told what he
21 specifically did wrong. Sgt. Bigger was not allowed to talk to Trooper Caton because
22 she did not know where the investigation was going.
23

24 2.153 To this date Sgt. Bigger has not responded to this email.
25

1 2.154 On October 19, 2020, Troy Niemeyer, Assistant Director of State Audit for
2 the Washington State Auditor declined to investigate Trooper Caton’s whistleblower
3 complaint.

4 2.155 On October 27, 2020, Sgt. Krista Greydanus left a voice message on
5 Trooper Caton’s issued work phone. Sgt. Greydanus called to set up an interview with
6 Trooper Caton related to the whistleblower complaint he had filed. In the message Sgt.
7 Greydanus stated, “You would be protected as a whistleblower at this point that is why I
8 am calling.”

9
10 2.156 On November 21, 2020, Trooper Caton’s mother passed away, after weeks
11 of being in the hospital due to late stages of Amyotrophic Lateral Sclerosis. Three days
12 after Trooper Caton’s mom passed away, he requested time off because he was not
13 emotionally ready to return to work. The leave request was denied requiring him to
14 work Wednesday and Thursday that week. This denial was in retaliation for being a
15 whistleblower.

16
17 2.157 On December 29, 2020, Trooper Caton received the following email and
18 written reprimand from Sgt. Bigger. In the email she wrote,

19 “I was hoping to meet with you to discuss the personnel issue from earlier this
20 year. Unfortunately, with our schedules and your mother’s illness and unfortunate
21 passing, that hasn’t happened. Since you are now on COVID leave and end of the
 year is approaching, I need to submit the pending 095.”

22 2.158 Trooper Caton noted the second written reprimand was originally written
23 on November 8, 2020, and held from him until December 29, 2020, two days before the
24 end of the year giving him very little time to review it.
25

1 2.159 A negative 095 can negatively affect Trooper Caton's Job Performance
2 Appraisals for the end of the year and is viewed as discipline by the Attorney General's
3 office.

4 2.160 Trooper Caton contacted his WSPTA Union Representative Doug
5 Clevenger about the second negative 095. Trooper Caton was advised if the second
6 negative 095 was issued for the same incident with no new policy violations, it violates
7 the WSPTA collective bargaining agreement.

8
9 2.161 Trooper Caton emailed Sgt Bigger asking if the new written reprimand
10 was related to a separate incident that he was not aware of or if it was related to the
11 written reprimand given to him on October 14, 2020. Sgt. Bigger responded that it was a
12 culmination negative 095 related to the written reprimand.

13 2.162 On January 8, 2021 at 5 p.m., Trooper Caton received a phone call from
14 his WSPTA Union Representative Doug Clevenger. Mr. Clevenger advised he had
15 talked to Captain Couchman about the negative 095 and learned that he was unaware
16 that the second written reprimand issued to Trooper Caton.

17
18 2.163 On Friday, January 8, 2021 at 9 p.m., Trooper Caton received a call from
19 Sgt. Bigger. Sgt. Bigger questioned if he had reviewed the written reprimand negative
20 095 that was sent to him on December 29, 2020. Trooper Caton advised Sgt. Bigger
21 that his Union Representative had spoken with Captain Couchman on the phone
22 concerning the negative 095 and would get back to him sometime next week.

23
24 2.164 Sgt. Bigger, notably upset, told Trooper Caton that there were employees
25 in Trooper Caton's detachment that were unhappy with him and that he should be

1 grateful Human Resource Division chose not to investigate him for allegations of a
2 hostile work environment.

3 2.165 Sgt. Bigger told Trooper Caton the second negative 095 would be a better
4 outcome for him.

5 2.166 Sgt. Bigger told Trooper Caton, Captain Coachman knew she issued him
6 the second negative 095.

7 2.167 The phone call Trooper Caton received from Sgt. Bigger was the first time
8 he was told about a hostile work environment complaint against him.

9 2.168 During the phone call, Trooper Caton tried highlighting several instances
10 of legitimate concern where Trooper Cloud had failed to perform his duties as a
11 Trooper. Trooper Caton brought up one instance, where Trooper Cloud sent a
12 threatening message to a co-worker on July 21, 2020. Sgt. Bigger quickly dismissed it
13 telling Trooper Caton he was not involved. The threatening message from Trooper
14 Cloud was in response to Trooper Scott asking why Trooper Cloud was not answering
15 calls. The incident occurred months prior to the conversation Trooper Caton had with
16 Trooper Cloud where Trooper Caton was written up.

17 2.169 Under the Rules of Conduct, Policy No. 8.00.220P, in the WSP Regulation
18 Manual, "Being held accountable to training, expectations, regulations, and work
19 standards" is not harassment.

20 2.170 During the phone call, Sgt. Bigger stated the hostile work environment
21 complaint will end up on Trooper Caton's 2020 Job Performance Appraisal. On
22 information and belief, Trooper Caton's supervisors are trying to discredit him as a
23
24
25

1 whistleblower. Towards the end of the phone call, Trooper Caton asked Sgt. Bigger,
2 again, to confirm if she had notified Captain Couchman about the second negative 095
3 issued to him on December 29, 2020. Trooper Caton noted the confident response from
4 earlier became very defensive and immediately Sgt. Bigger told him she needed to end
5 the phone call because she did not know if he had something planned.

6 2.171 On Thursday, January 14, 2021, Trooper Caton received a text message
7 from Sgt. Bigger ordering him to come to the office at 6:30 p.m. Trooper Caton asked
8 Sgt. Bigger, "May I ask what this is about?" Sgt. Bigger texted, "Sure, my question
9 would be what do you think it is about? We need to have a conversation regarding the
10 counseling for the 095/IOC."

12 2.172 Trooper Caton texted a response back, "I don't feel comfortable having
13 that conversation alone after last Friday's phone call, I request the Captain and Lt. be
14 involved for transparency." Trooper Caton sent a text message to Sgt. Bigger, "I'm not
15 feeling well, I'm going home."

17 2.173 Sgt. Bigger and Lt. Gregerson tried to circumvent the investigative process
18 and dismiss guidance from the WSP Human Resource Division. WSP leadership is
19 trying to discredit Trooper Caton as a whistleblower.

20 2.174 Trooper Caton questioned why he was not interviewed and notified of his
21 employee rights if he had allegedly committed a policy violation.

22 2.175 Trooper Caton brought up the incident again where Trooper Cloud sent a
23 threatening message to another co-worker. Sgt. Bigger tried to dismiss it saying Trooper
24 Caton was not involved. Trooper Caton followed up, stating that it is applicable to the
25

1 incidents that happened months before. Trooper Caton advised, if Trooper Cloud were
2 held accountable for not answering up for calls, the conversation between Trooper
3 Caton and Trooper Cloud would have never taken place. Sergeant Bigger became very
4 defensive and told Caton to contact her chain of command if he had any issues with her
5 supervising. Trooper Caton asked Sgt. Bigger if a hostile work environment will be
6 added to his Job Performance Appraisal for the year and she stated no but other things
7 will.
8

9 2.176 On Wednesday February 3, 2021, Trooper Caton had a closed-door
10 meeting with his supervisor Sgt. Bigger to review his 2020 Job Performance Appraisal.

11 2.177 Sgt. Bigger omitted several key factors in his job performance appraisal
12 that should have been considered when evaluating his job performance for 2020 and in
13 retaliation characterized Trooper Caton as a “failing employee.”

14 2.178 During the meeting, Trooper Caton attempted to correct Sgt. Bigger on
15 inaccuracies, but his comments were dismissed. Trooper Caton went home early and
16 called in sick the following day because of the stress and mental anguish he endured
17 after reading the negative and untruthful things written about him in his 2020 job
18 performance.
19

20 2.179 On February 9, 2021, Trooper Caton emailed Sgt. Bigger respectfully
21 requesting his JPA be re-written to be a true and accurate representation of his annual
22 activity. This request was denied.
23

24 2.180 Trooper Caton filed a rebuttal to his job performance appraisal with the
25 WSP Human Resource Division. The rebuttal highlighted several factors why he

1 believes his appraisal was biased and not supported by facts as required by the WSPTA
2 Collective Bargaining Agreement Section 18.2. He alleged the 2020 job performance
3 appraisal was being used as a tool to discredit Trooper Caton as a whistleblower. This
4 is an example of retaliation.

5 2.181 On Thursday April 22, 2021, Trooper Caton was interviewed by Office of
6 Professional Standards about two new cases. The first concerned his complaints against
7 Sgt. Sweeney (21-0356) and the second concerned his complaints against Sgt. Bigger
8 (21-0316).
9

10 2.182 The interview and investigation for Sweeney was limited from September
11 26, 2018 to January 2019. He was told they were only investigating the allegations of
12 retaliation that occurred after his original retaliation complaint on September 20, 2018.

13 2.183 On May 3, 2021, the union declined to investigate Trooper Caton's
14 grievances concerning the pilot logbook (September 20, 2018 through February 25,
15 2020).
16

17 2.184 Trooper Caton has received reprisals and reprimands in retaliation for
18 being a whistleblower and his participation in Trooper Santhuff's case.

19 2.185 WSP leadership has not protected Trooper Caton from further reprisals
20 and reprimands.

21 2.186 Trooper Caton is a whistleblower under RCW 42.40.020.

22 2.187 Trooper Caton suffered reprisals and retaliation under RCW 42.40.050.

23 2.188 Trooper Caton has suffered loss of enjoyment of life, pain and suffering,
24 mental anguish, emotional distress, injury to reputation, humiliation, fear, and anxiety.
25

1 2.189 Trooper Caton has suffered lost wages in the form of front and back pay,
2 and emotional harm proximately caused by the acts of the defendant and its agents.

3 2.190 Defendants are liable for the actions of its agents under the doctrine of
4 respondeat superior.

5 **III. CAUSES OF ACTION**

6 3.1 Plaintiff realleges the facts set forth in paragraphs above and incorporates
7 the same by reference.

8 3.2 The facts set forth above state a claim against defendant Washington State
9 for whistleblower retaliation in violation of RCW 42.40.050.

10 3.3 The facts set forth above state a claim against defendant Washington State
11 for disability discrimination, failure to accommodate, and disability harassment under
12 RCW 49.60.

13 3.4 The facts set forth above state a claim against defendant Washington State
14 for retaliatory harassment in violation of RCW 42.40.050 and RCW 49.60.210.

15 3.5 The facts set forth above state a claim against defendant Washington State
16 for damages under RCW 49.60.

17 **IV. PRAYER FOR RELIEF**

18 WHEREFORE, plaintiff prays for relief as follows:

19 4.1 Damages for back pay, front pay, and lost benefits, in an amount to be
20 proven at trial;

21 4.2 Damages for loss of enjoyment of life, pain and suffering, mental anguish,
22 emotional distress, injury to reputation, humiliation, fear, and anxiety;

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- 4.3 Prejudgment interest in an amount to be proven at trial;
- 4.4 Reasonable attorney's fees and costs;
- 4.5 Reinstatement to plaintiff's prior position in the Aviation Division;
- 4.6 A permanent injunction prohibiting retaliation against Trooper Caton and any person who has complained about, opposed, given testimony concerning, or otherwise participated in any inquiry into improper governmental conduct or discrimination in the Aviation Division;
- 4.7 Compensation for the tax penalty associated with any recovery;
- 4.8 Equitable relief to reform conflicts of interest during investigations;
- 4.9 Equitable relief to reform the organizational culture to reduce fear of reporting issues in the workplace;
- 4.10 Equitable relief to provide outside oversight of all internal affairs investigations when retaliation, hostile work environment, sexual harassment, whistleblower complaints, and/or corruption is alleged;
- 4.11 Equitable relief to provide term limits for Internal Affairs detectives and the commander to keep the incumbents from forming bonds and loyalties that may cause bias;
- 4.12 Equitable relief to ensure investigative integrity by requiring that Internal Affairs investigations be conducted without any knowledge or oversight by the WSP legal advisor or risk management section;
- 4.13 Equitable relief to assist employee with grievance filings, which should include a standard form for grievances and professional assistance with filings;

1 4.14 Equitable relief to determine the root causes of the Aviation Section's
2 management and pilot retention problems, and to implement changes flowing from that
3 analysis as soon as possible; and

4 4.15 Whatever further and additional relief the court shall deem just and
5 equitable.

6
7 **V. JURY DEMAND**

8 5.1 Trooper Caton elects to have all claims and all issues tried by a jury of
9 twelve (12) persons. Plaintiff has paid to the Clerk of the King County Superior Court the
10 jury fee as required by law.

11 DATED this 14th day of June 2021.

12
13 THE SHERIDAN LAW FIRM, P.S.

14
15 By: s/ John P. Sheridan

16 John P. Sheridan, WSBA No. 21473
17 Justin O. Abbasi, WSBA No. 53582
18 705 Second Avenue, Suite 1200
19 Seattle, WA 98104
20 Jack@sheridanlawfirm.com
21 Justin@sheridanlawfirm.com
22 *Attorneys for Plaintiff*

Appendix A

The Honorable Mafé Rajul
Trial Date: August 31, 2020

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

RYAN SANTHUFF,

Plaintiff,

vs.

STATE OF WASHINGTON, and DAVID
JAMES NOBACH, an individual

Defendants.

No. 19-2-04610-4 KNT

~~PROPOSED~~ JUDGMENT ON JURY
VERDICT AGAINST THE STATE OF
WASHINGTON

Clerk's Action Required

JUDGMENT SUMMARY

Judgment Creditor:	Ryan Santhuff
Judgment Creditor's Attorney:	The Sheridan Law Firm, P.S.
Judgment Debtor:	The State of Washington
Judgment Amount:	\$ <u>1,200,000</u>
Prejudgment Interest:	To be determined at a later date, if applicable and appropriate.
Attorney Fees and Costs:	To be determined upon the filing of a fee petition on a date which will be set by the Court order. The ten-day time limit for filing an attorney fee petition under CR 54(d)(2) shall not apply to this case.

[Proposed] JUDGMENT ON JURY VERDICT
AGAINST THE STATE OF WASHINGTON - 1

SHERIDAN LAW FIRM, P.S.
Hoge Building, Suite 1200
705 Second Avenue
Seattle, WA 98104
Tel: 206-381-5949 Fax: 206-447-9206

1 THIS MATTER came on regularly before this Court for trial with a jury held on
2 **August 31 through September 24.** Plaintiff Ryan Santhuff was represented by John P.
3 Sheridan and Mark W. Rose of the Sheridan Law Firm, P.S. and Defendant and the State of
4 Washington, was by Assistant Attorneys General Andrew Biggs and Scott Marlow.
5

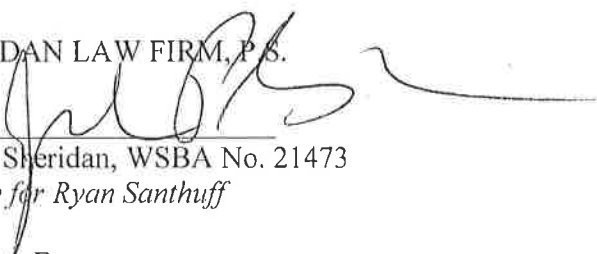
6 Consistent with the Verdict Form, which is attached, the Court enters judgment in
7 the amount of \$ 1,200,000. Pre-judgment interest, if applicable and
8 appropriate, will be determined at a later date. Attorney fees and costs shall be addressed
9 separately upon the filing of a fee petition, which will be filed in accordance with a briefing
10 schedule to be proposed by the parties and set by the Court, or through the submission of a
11 stipulated order and judgment. The ten-day time limit for filing an attorney fee petition
12 under CR 54(d)(2) shall not apply to this case.
13

14 DONE IN OPEN COURT this 29th day of September, 2020.


15 
16 Honorable Mafé Rajul

17 Presented By:

18 THE SHERIDAN LAW FIRM, P.S.

19 By: 
20 John P. Sheridan, WSBA No. 21473
21 Attorney for Ryan Santhuff

22 Approves as to Form:

23 By: 
24 Andrew Biggs, WSBA No. 11746
25 Attorney for State of Washington

[Proposed] JUDGMENT ON JURY VERDICT
AGAINST THE STATE OF WASHINGTON - 2

SHERIDAN LAW FIRM, P.S.
Hoge Building, Suite 1200
705 Second Avenue
Seattle, WA 98104
Tel: 206-381-5949 Fax: 206-447-9206

IN THE SUPERIOR COURT OF THE COUNTIES OF WASHINGTON
FOR KING COUNTY

RYAN SANTHUFF,

Plaintiff,

vs.

THE STATE OF WASHINGTON AND
DAVID JAMES NOBACH,

Defendants.

Case No.: 19-2-04610-4 KNT

SPECIAL VERDICT FORM

We, the jury in the above captioned case, submit the following answers to the questions provided by the Court as to Detective Santhuff:

QUESTION NO. 1: Has Detective Santhuff proven his Washington Law Against Discrimination retaliation claim against the Washington State Patrol or Lieutenant David James Nobach by a preponderance of the evidence?

ANSWER: YES NO

QUESTION NO. 2: Did Detective Santhuff prove by a preponderance of the evidence that he is a Whistleblower under the Washington State Whistleblower Law?

ANSWER: YES NO

QUESTION NO. 3: Did Detective Santhuff prove by a preponderance of the evidence that he was subjected to one or more reprisals or retaliatory actions under the Washington State Whistleblower Law?

ANSWER: YES NO

If you answered "NO" to Questions #1, and #2, do not answer the remaining questions, and please sign and date the verdict form and notify the bailiff. If you answered "YES" to Questions #2 and #3, then answer Question #4.

QUESTION NO. 4: For the Washington State Whistleblower Law claim, did the State prove by a preponderance of the evidence:

(a) That the State's action or actions were justified by reasons unrelated to Detective Santhuff's status as a whistleblower?

ANSWER: YES NO

(b) That an improper retaliatory motive was not a substantial factor in the reprisals or retaliatory actions.

ANSWER: YES NO

If you answered "YES" to Question #1 OR if you answered "YES" to Questions #2 and #3, and "NO" to either Question 4(a) or 4(b), then proceed to Question #5.

QUESTION NO. 5: Did Detective Santhuff suffer damages proximately caused by the actions of the Defendant State of Washington?


ANSWER: YES NO

If you answered yes, please complete the next section.

A: Front Pay: \$ 400K
B: Lost retirement: \$ 200K
C: Fear: \$ 100K
D: Stress: \$ 100K
E: Humiliation: \$ 100K
F: Anxiety: \$ 100K
G: Anguish: \$ 100K
H. Loss of enjoyment of life: \$ 100K

Once you have answered the questions as directed, please sign and date the verdict form and notify the bailiff.

Dated this 28 day of September, 2020.



Presiding Juror