

MARY SCHULTZ
MARY SCHULTZ LAW, P.S.
2111 E. Red Barn Lane
Spangle, WA 99031
(509) 245-3522
Mary@MSchultz.com
Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NADINE WOODWARD,

Plaintiff,

v.

CITY OF SPOKANE, BETSY
WILKERSON, LORI KINNEAR,
KAREN STRATTON, and ZACK
ZAPPONE, each in his or her personal
and official capacity,

Defendants.

NO.

COMPLAINT FOR DAMAGES,
AND
DECLARATORY AND
INJUNCTIVE RELIEF

With Jury Demand

COMPLAINT
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Mary@MSchultz.com

1
2 Plaintiff Nadine Woodward, through attorney Mary Schultz of Mary
3 Schultz Law, P.S., claims as follows:
4

5 I. INTRODUCTION

6
7 This civil rights action seeks damages caused by the Defendant City of
8 Spokane's Resolution No. 2023-0081, adopted on September 25, 2023 by the
9 majority vote of the four individually named defendants, as well as declaratory
10 and injunctive relief. In the weeks before a razor-thin mayoral election,
11 Defendants used the City's legislative power to pass a formal city policy
12 denouncing incumbent candidate Plaintiff Nadine Woodward by name for her
13 protected religious speech and association at an August 20, 2023 religious event.
14 Defendants timed and designed their Resolution to chill Plaintiff's speech,
15 damage her reputation, and disadvantage her candidacy. Defendants' Resolution
16 was designed to alienate Plaintiff Woodward's donors, supporters, and voters
17 against her during the electoral process, and to divert and exhaust Plaintiff's time
18 and economic resources. Within hours of Plaintiff Woodward's appearance at a
19 prayer event, Defendants initiated a resolution process, then solicited favored
20 faith leaders, circulated drafts of a faith leader letter, created a resolution
21
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1 adopting those faith leaders' requests, and posted the resolution for action on
2 September 25, 2023. The Resolution formally denounced Plaintiff Woodward,
3 branding, stigmatizing, and enshrining her by city policy as aligned with bigoted,
4 hateful, and white nationalist views, and disloyal to the City of Spokane and its
5 citizens. Defendants adopted their Resolution by their own majority vote on
6 September 25, 2023. The general election occurred November 7, 2023, turnout
7 was 70,048, and Plaintiff Woodward lost by 2,822 votes. The harms inflicted
8 include reputational damage, economic donor impact, staff impacts, economic
9 loss, chilling effect, threats, and continuing effects of the Resolution.
10
11

12 II. PARTIES, JURISDICTION, AND VENUE.

13
14
15 2.1 Plaintiff Nadine Woodward was elected as the City of Spokane's
16 Mayor on November 5, 2019. Her term of office commenced on January 1, 2020,
17 and would extend through December 31, 2023.
18

19 2.2 The City of Spokane is a municipal corporation which operates
20 under its City Charter.
21

22 2.3 As a local government unit, the City of Spokane is a person to
23 whom 42 U.S.C. §1983 applies.
24

1 2.4 The individually named defendants were voting members of
2 Spokane's City Council in the summer and fall of 2023, residents of the City of
3 Spokane, residents of Spokane County, and citizens of the state of Washington,
4 during the relevant times of this complaint, acting as follows:
5

- 6 • Lori Kinnear (City Council President);
- 7 • Betsy Wilkerson (District 2);
- 8 • Karen Stratton (District 3); and,
- 9 • Zack Zappone (District 3).

10 2.5 The acts described in this complaint took place in Spokane County,
11 Washington.
12

13 2.6 The United States District Court has original jurisdiction of this
14 civil action arising under the Constitution and laws of the United States.
15 28 U.S.C. § 1331.
16

17 2.7 This Court has supplemental jurisdiction over state law claims.
18 28 U.S.C. § 1367.
19

20 2.8 This Court has personal jurisdiction over all parties.
21

22 2.9 Venue is proper in the Eastern District of Washington per 28 U.S.C.
23 § 1391(b)(2) in that all parts of the events giving rise to the claims occurred in this
24 District.
25

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III. FACTS.

A. Defendants' Role is to Make Laws and Policy; a Mayor's Role as CEO is to Enforce That Policy and Those Laws.

3.1 On January 1, 2020, Plaintiff Nadine Woodward became the City Mayor and thus the corporation's "Chief Executive Officer" by City Charter, Article II, Section 5.

3.2 Spokane's City Council is the City's legislative body, and thus has the role of making laws and policy.

3.3 Plaintiff Woodward's role as mayor was to enforce laws and policy implemented by the City Council.

B. The Candidates for Election.

3.4 The City of Spokane was to hold its general election for City Mayor on November 7, 2023.

3.5 On May 16, 2023, Mayor Woodward declared her candidacy for reelection.

3.6 On May 15, 2023, challenger Lisa Brown declared her candidacy for Mayor.

1 3.7 The Mayor and City Council roles are non-partisan, but members
2 are elected to align with certain progressive or conservative agendas. Mayor
3 Woodward was considered a conservative, pro-business candidate, and in the
4 summer of 2023, the four individually named Defendants, four of Spokane's
5 City Council's seven members, were considered to have progressive liberal
6 agendas.
7

8
9 3.8 Challenger Lisa Brown had a long history of promoting
10 progressive agendas. She had been a high-ranking formal member of the
11 Democratic party, starting as a democratic state representative for Spokane's 3rd
12 Legislative District between 1993-96. She became a state senator of the 3rd
13 District, serving from 1997-2012, and she became the State's Senate Majority
14 Leader from 2008-2012. After Brown unsuccessfully ran for the United States
15 Congress in 2018, losing to a Republican, she was appointed by Washington's
16 democratic governor (Jay Inslee) to his cabinet as the Washington State
17 Department of Commerce Director. In 2023, challenger Brown lived in Spokane
18 performing her state cabinet duties.
19
20
21
22

23 3.9 On February 13, 2023, Brown announced that she would step
24 down from her role as Commerce Director effective March 3, and in March 2023,

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1 Brown publicly announced her challenge to Woodward for the City Mayor's
2 position.

3
4 3.10 Defendants Kinnear, Wilkerson, Stratton, and Zappone were
5 politically aligned with challenger Lisa Brown.

6 C. The August 1, 2023 Primary Election Showed an Extremely
7 Close Race.
8

9 3.11 Both candidates raised unprecedented sums in contribution
10 (Woodward \$572,203.74; Brown \$523,743.89).
11

12 3.12 An August 1, 2023 primary showed only 5,726 votes separating
13 the candidates out of the primary's 52,296 voters.

14 3.13 The general election would be held on November 7, 2023.
15

16 D. Plaintiff's August 20, 2023 Protected Speech.

17 3.14 On August 20, 2023, Plaintiff Woodward attended a public prayer
18 service advertised as a Christian worship ceremony.
19

20 3.15 One participant was Pastor Matt Shea, who described himself in
21 a complaint he filed in the Spokane County Superior Court against the City of
22 Spokane on December 31, 2024, as a "Senior Pastor at On Fire Ministries in
23 Spokane, Washington."
24

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1 3.16 Mr. Shea would describe the August 20, 2023 event thusly: “In
2 August 2023, over a thousand Christians gathered at the Let Us Worship revival
3 event in Spokane to pray, worship, and glorify Jesus Christ.”
4

5 3.17 Another leader of the event was Sean Feucht, who described
6 himself in a complaint he filed on June 5, 2024 against the City of Spokane, as
7 a resident of Washington, D.C. and California, “a speaker, author, missionary,
8 artist, activist, and the founder of multiple global movements,” and “the leader
9 of Let Us Worship, a movement across America gathering believers to worship
10 and pray boldly for revival.”
11

12 3.18 Plaintiff Woodward attended the event to participate in the prayer.
13 As she later explained to the media: “I was there to pray for my city, with 4,000
14 other people from the faith community, with dozens of other pastors there.... I
15 was there to pray for the city. That was the primary reason I was there, and I
16 wasn't going to walk away from my purpose of being there — to pray for families
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1 who are hurting [in] our community. To me, that's the important thing that we're
2 missing in all of this is why I was there.”¹
3

4 3.19 According to both Pastor Shea and Sean Feucht, they asked
5 Woodward to join them on the stage, “where Pastor Shea prayed for her and her
6 team's leadership of Spokane.” Shea Complaint, para. 5.
7

8 3.20 According to Mr. Feucht, “The mayor of Spokane, Washington,
9 Nadine Woodward, attended the August 20, 2023, event to worship Jesus” and
10 Feucht “prayed for the mayor while the mayor was on stage.” Feucht First
11 Amended Complaint, at para. 2.6.
12

13 3.21 A participant recorded video of Plaintiff Woodward raising her
14 hands in prayer during the prayers.
15

16 3.22 At one point in the meeting, one of the prayer leaders physically
17 “embraced” Plaintiff Woodward.
18

19
20
21 ¹ [https://www.khq.com/elections/spokane-mayor-nadine-woodward-recalls-](https://www.khq.com/elections/spokane-mayor-nadine-woodward-recalls-prayer-event-with-matt-shea/article_a7dcc4de-4ea8-11ee-8a9c-47030726282d.html)
22 [prayer-event-with-matt-shea/article_a7dcc4de-4ea8-11ee-8a9c-](https://www.khq.com/elections/spokane-mayor-nadine-woodward-recalls-prayer-event-with-matt-shea/article_a7dcc4de-4ea8-11ee-8a9c-47030726282d.html)
23 [47030726282d.html](https://www.khq.com/elections/spokane-mayor-nadine-woodward-recalls-prayer-event-with-matt-shea/article_a7dcc4de-4ea8-11ee-8a9c-47030726282d.html)
24

1 3.23 Prayer fell outside Plaintiff's official duties as City Mayor.
2 Plaintiff, even as Mayor, spoke at the August 2023 event as a private citizen.
3

4 3.24 The individual Defendants on the City Council were immediately
5 made aware of Plaintiff Woodward's appearance at this event.
6

7 3.25 The individual Defendants seized an opportunity to influence the
8 impending election by use of legislative authority.
9

10 E. Defendants Used a Resolution Process to Expedite Legislation
11 to Meet the Critical Pre-election Time Period.

12 3.26 Defendants sought to punish Plaintiff Woodward for her
13 association and prayer, in the process influencing the election against her.
14

15 3.27 Defendants had options to address any perceived ethical issues by
16 various means, but those means allowed others to make the final decision.
17 Defendants could, e.g., initiate an ethics process and commission, but the
18 decision would be made by the commission. Defendants could initiate a recall
19 process, but the voters would make that decision. Defendants could act by
20 ordinance to set policy, but the mayor was required to approve an ordinance, and
21 the mayor could also veto the ordinance.
22
23
24

1 3.28 Defendants thus selected action by resolution so they could
2 unilaterally control the outcome, expedite, punish, and influence the election.
3 The resolution process allowed Defendants to make city policy with only their
4 own four concurring votes. ²

6 3.29 Within hours of the prayer event, Defendants initiated the
7 resolution process.

9 3.30 By August 24, 2023, Defendants had solicited a “collective of
10 Spokane faith leaders” to condemn Woodward; thereafter, at least four drafts of
11 a draft letter were circulated condemning Woodward for her association and
12 prayer, and Defendants would codify these faith leaders’ agenda as Resolution
13 No. 2023-0081.

16 3.31 A city policy of worthy goals need not target an individual, much
17 less do so in gratuitous and excessive detail.

19 3.32 Defendants’ Resolution is a policy targeting Plaintiff Woodward
20 by name, because it was intended to be punitive, and damaging to her.

22
23
24 ² Article III: Council and Legislation, Section 11: Voting Power.

1 3.33 Resolution No. 2023-0081's stated purpose is as "A Resolution
2 formally denouncing Mayor Nadine Woodward's actions that affiliated the City
3 of Spokane and its residents with former Washington State Representative and
4 identified domestic terrorist, Matt Shea, and known anti-LGBTQ extremist Sean
5 Feucht."
6

7
8 3.34 Defendants' Resolution details in unnecessary and gratuitous
9 length why Plaintiff Woodward needs to be condemned.
10

11 3.35 Defendants' Resolution was legislative retaliation and
12 denunciation as punishment.
13

14 3.36 Defendants' Resolution was legislative interference with a
15 candidate's chances in an election as punishment.
16

17 3.37 As examples, Defendants' Resolution first demonizes Matt Shea
18 and Sean Feucht.
19

20 3.38 Defendants' Resolution then states that Plaintiff Woodward's
21 appearance with Shea and Feucht supported hateful doctrines.
22

23 3.39 Defendants' Resolution condemned Plaintiff Woodward for
24 accepting the physical embrace of Pastor Shea.
25

1 3.40 Defendants’ Resolution equates Plaintiff Woodward’s
2 appearance at the prayer event to her alignment with “ideologies that promote
3 fear, hatred, violence, and bigotry.”
4

5 3.41 Defendants’ Resolution contrasts themselves with Plaintiff
6 Woodward’s asserted support of Christian nationalism or white supremacy.
7

8 3.42 Defendants condemned Plaintiff Woodward's actions as having
9 “affiliated the City of Spokane and its residents with former Washington State
10 Representative and identified domestic terrorist, Matt Shea, and known anti-
11 LGBTQ extremist Sean Feucht.”
12

13 3.43 Defendants’ Resolution favored certain faith leaders’ letter and
14 theory, including, e.g. “We hold fast to the separation of church and state, as
15 articulated in our nation’s constitution. Further, we reject these attempts to cloak
16 bigotry in religious language.” Defendants’ Resolution states “The Spokane
17 City Council believes in separation of church and state and an individual's right
18 to practice religion freely Rejecting attempts to cloak bigotry in religious
19 language.”
20
21
22

23 3.44 Defendants’ Resolution favored challenger candidate Lisa
24 Brown’s progressive agenda by legislation by adopting Democratic party

1 platform concepts such as “inclusivity,” and the community’s ability to “create
2 a caring and inclusive culture and climate,” as city policy.

3
4 3.45 Defendants’ Resolution reminded citizens that Plaintiff
5 Woodward had rejected the phrase "In Spokane We All Belong" as a City Motto,
6 positioning this as Plaintiff Woodward’s pattern of rejection of inclusivity,
7 which Defendants now joined to Plaintiff’s alleged open promotion of fear,
8 hatred, violence, and bigotry.

9
10 3.46 Defendants targeted and condemned Plaintiff Woodward to
11 alienate her donors, supporters, staff, and voters from her, and exhaust her
12 financial resources.

13
14 3.47 Defendants distributed copies of Resolution 2023-0081 for the
15 Council by September 8, 2023, and publicly posted the resolution on September
16 18, 2023 for formal action at the next week’s agenda, setting approval for
17 September 25, 2023.

18
19 3.48 The Resolution was to be presented by Defendants at an open
20 forum of voters to cause Woodward maximum damage and infamy.
21
22
23
24

1 3.49 On September 25, 2023, at the open forum, Defendants invited
2 public denigration of Plaintiff Woodward, and then enacted their Resolution
3 2023-0081 by their four majority votes.
4

5 3.50 Defendant City of Spokane adopted Resolution No. 2023-0081 on
6 September 25, 2023, signed by the Defendant City’s Clerk and Assistant City
7 Attorney, Michael J. Piccolo.
8

9 3.51 Resolution 2023-0081 was now city policy, “directly related to
10 local affairs or municipal business.” Council Rules of Procedure 7.3. The
11 resolution now related to the *governance* of the City of Spokane.
12

13 3.52 Mayor Woodward was now required to “faithfully enforce” this
14 progressive agenda and compelled speech as city policy.³
15
16
17
18
19

20
21 ³ Article IV, Administration of City Affairs, Section 24 (J) (Mayor) (identifying
22 “The duty to see that all laws and ordinances are faithfully enforced and that law
23 and order are maintained in the City.”).
24

1 3.53 City resolutions are permanent absent amendment or repeal.⁴

2 3.54 Defendants' passage of the resolution denouncing Woodward for
3 appearing at event with Matt Shea garnered statewide media coverage.
4

5 F. November 7, 2023 Election Result.

6 3.55 The November 7, 2023 election drew 70,048 voters.

7
8 3.56 Woodward lost the election by 2,822 votes.⁵

9 G. Injury and Costs.

10 3.57 Defendants' Resolution was timed to coincide with the election
11 cycle, and to damage Plaintiff Woodward's reputation with donors, supporters
12 and voters.
13
14

15
16
17 ⁴ Article XII, Miscellaneous, Section 119, "Continuation of Ordinances"
18 ("Every ordinance and resolution in force at the time of the adoption of any
19 amendment to this Charter, except insofar as it is inconsistent with the
20 amendments to said Charter, shall continue in force until amended or repealed").
21

22 ⁵ <https://www.spokesman.com/elections/2023/washington-general-election-nov-7/races/citytown/city-of-spokane/spokane-mayor/>
23
24

1 3.58 Defendants' intent was to cause Plaintiff a loss of legitimacy and
2 voter trust, which are vital in an election.

3
4 3.59 The formality of Defendants' Resolution targeting Plaintiff as
5 aligned with hateful, bigoted views damaged Woodward's candidacy and her
6 professional reputation.

7
8 3.60 Defendants' actions were intended to, and did, brand, stigmatize,
9 and damage Plaintiff Woodward, and impact and chill Plaintiff's relationships
10 with third parties around her.

11
12 3.61 Defendants' actions discouraged people from associating with
13 Plaintiff.

14 3.62 Donor identity is available publicly, and Plaintiff lost donations.

15
16 3.63 Defendants' actions adversely impacted Plaintiff's staff, damaged
17 staff morale, and eviscerated enthusiasm.

18
19 3.64 Plaintiff incurred economic loss. Available resources and time
20 were diverted to defending and defusing character assassination.

21 3.65 Plaintiff incurred economic costs for political consultant time in
22 determining how to address the Defendants' branding legislation as City policy.
23
24

1 3.66 Woodward was injured by the chilling effect of such
2 governmental targeting.

3
4 3.67 Woodward ceased communicating with parts of her constituency
5 as city policy.

6 3.68 Woodward was compelled by the timing and the weight of
7 government branding of her to apologize for her associations and prayer and
8 justify both.

9
10 3.69 Resolution 2023-0081 remains active.

11
12 3.70 The effect of Defendants' Resolution presents ongoing, actual
13 (and) imminent restrictions. Defendants' policy continues to directly target and
14 denounce Woodward by name.

15
16 3.71 Defendants' Resolution continues to interfere with Woodward's
17 ability to speak and associate freely and publicly within the City of Spokane
18 without harm.

19
20 3.72 Plaintiff Woodward continues to suffer ongoing injury, including
21 vitriol, backlash and threats, all of which has caused Plaintiff fear of physical
22 harm.

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LAW, P.S.

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1 3.73 Woodward has received threats, and altered her work and social
2 habits, which have caused her isolation and exclusion;
3

4 3.74 Defendants' Resolution has caused social and professional
5 isolation, and fear of entering public spaces without restricted or controlled
6 access.
7

8 3.75 Defendants' action resulted in Woodward's loss of income, as
9 well as business and professional opportunities generating income.
10

11 3.76 Plaintiff suffered economic and noneconomic damage, including
12 loss of professional and social standing, loss of reputation, loss of income,
13 shunning, anxiety, fear, isolation, and distress. All of these damages are
14 continuing.
15

16 3.77 Plaintiff's injury may be redressed by a favorable decision
17 invalidating this Resolution.
18

19 H. State Tort Claims Pre-Filing.
20

21 3.78 Plaintiff Woodward filed a pro se tort claim on July 18, 2024,
22 asserting state tort claims, and giving notice of Defendant's civil rights
23 violations. Plaintiff amended her tort claim on April 13, 2026.
24

1 IV. CAUSES OF ACTION.

2 4.1 Plaintiff Woodward repeats and realleges the allegations above, as
3 if fully set forth herein.
4

5 A. 42 U.S.C. § 1983.

6 4.2 The City of Spokane was and is a local government, and a “person”
7 for purposes of § 1983.
8

9 4.3 The City of Spokane, acting under color of state law, deprived
10 Plaintiff Nadine Woodward of the constitutional rights detailed below.
11

12 B. Defendants Violated Plaintiff’s First Amendment Right by
13 Retaliation Against Her for Protected Speech.

14 4.4 Plaintiff Woodward was a candidate for office who engaged in
15 constitutionally protected speech by attending a public event.
16

17 4.5 Plaintiff had a First Amendment right to engage in political and
18 religious speech free from legislative coercion.

19 4.6 Defendants retaliated against Plaintiff for her exercise of free
20 speech, and violated her rights under the First Amendment to the United States
21 Constitution, U.S. Const. amend. I, because she associated with and prayed with
22 governmentally disfavored individuals.
23
24

1 4.7 Defendants, as a legislative body, punished, branded, stigmatized,
2 censured, and denounced Plaintiff by legislative enactment for protected speech
3 and caused Plaintiff injury.
4

5 4.8 Defendants' Resolution was not an act of internal legislative self-
6 governance but an act of speech suppression, compelled speech, and retaliation
7 for protected speech and association, and caused Plaintiff injury.
8

9 C. Defendants Violated Plaintiff's Free Speech Right as a City
10 Employee.

11 4.9 Plaintiff was an employee of the City corporation, and its Chief
12 Executive Officer (CEO).
13

14 4.10 The First Amendment guaranteed Plaintiff the right as a public
15 employee to speak as a citizen addressing matters of public concern without
16 employer retaliation.
17

18 4.11 Plaintiff spoke at the August 2023 event as a private citizen,
19 because prayer is not part of her official duties as a public employee.
20

21 4.12 Defendants retaliated against Plaintiff by punishing, denouncing,
22 and publicly denigrating her for her speech.
23

1 4.13 Defendants' actions violated Plaintiff's First Amendment rights as
2 a City employee and caused Plaintiff injury.
3

4 D. Defendants Violated Plaintiff's First Amendment Right to
5 Assemble.

6 4.14 Plaintiff was guaranteed the right of peaceable assembly under the
7 First Amendment.

8 4.15 By the same actions as detailed above, including by retaliation,
9 Defendants violated Plaintiff's right to freely and peaceably assemble, and
10 caused Plaintiff injury.
11

12 E. Defendants Violated Plaintiff's First Amendment Right under
13 the Establishment Clause.

14 4.16 The First Amendment provides that Congress shall make no law
15 respecting an establishment of religion, or prohibiting the free exercise thereof.
16

17 4.17 The Establishment Clause protects religious observers against
18 unequal treatment and against laws that impose special disabilities on the basis
19 of religious status.
20

21 4.18 Defendants' actions and legislation favored one set of faith leaders
22 and their statements ("We hold fast to the separation of church and state ... reject
23
24

1 attempts to cloak bigotry in religious language.”) while punishing Plaintiff for
2 associating with a disfavored religious event and leaders.

3
4 4.19 By endorsing statements from a selected “collective of Spokane
5 faith leaders” while condemning Plaintiff’s association with other religious
6 leaders, the Resolution favored particular religious viewpoints and penalized
7 others, creating unequal treatment.
8

9 4.20 Defendants’ Resolution 2023-0081 violated the Establishment
10 Clause, and caused Plaintiff injury.
11

12 F. Defendants Violated Plaintiff’s First Amendment Right under
13 the Free Exercise of Religion clause.

14 4.21 The Free Exercise Clause of the First Amendment provides that
15 “Congress shall make no law respecting an establishment of religion, or
16 prohibiting the free exercise thereof” U.S. Const. amend I.
17

18 4.22 Defendants’ Resolution 2023-0081 favored one set of faith leaders
19 over another, and punished Plaintiff for associating with the disfavored group.
20

21 4.23 Defendants’ legislative action violates the Free Exercise Clause of
22 the First Amendment and caused Plaintiff injury.
23
24

1 G. Defendants' Violated Plaintiff's Right to Equal Protection of the
2 Law.

3 4.24 Defendants intentionally treated Plaintiff differently from her
4 challenger candidate, singling her out for adverse treatment and legislative
5 branding to disadvantage her candidacy and reputation in the November 2023
6 mayoral election. This conduct was arbitrary, motivated by animus, and lacked
7 any legitimate governmental purpose.
8

9
10 4.25 Defendants violated Plaintiff's right to equal protection of the law
11 and caused Plaintiff injury.

12 H. Defendants Violated Plaintiff's Due Process Right by Using
13 Legislation to Influence an Election.

14 4.26 Election integrity and fairness is a constitutionally protected right.
15 Under the Elections Clause of the United States Constitution, states may not
16 issue procedural regulations intended to dictate electoral outcomes; such action
17 is considered unconstitutional electoral manipulation.
18

19
20 4.27 As detailed above, Defendants used legislation as a tool to influence
21 an election during a critical pre-election period, and to favor one candidate and
22 one political platform over another, which violates due process.
23
24

1 4.28 Defendants' Resolution was intended to divert attention to Plaintiff
2 alleged alignment with "white nationalist" views, hatred, and bigotry, and to
3 decisively influence third parties, including donors and voters, against
4 Woodward.
5

6 4.29 Defendants' Resolution was intended to exhaust Plaintiff's
7 financial resources.
8

9 4.30 Defendants used government legislative authority to handicap
10 Plaintiff's candidacy at a critical stage in the election process.
11

12 4.31 Defendants' actions violated due process guarantees attendant to
13 candidacy in an election, and injured Plaintiff.
14

15 I. Defendants Violated the Privileges and Immunities Clause.

16 4.32 Defendants enacted Resolution 2023-0081 for the purpose of
17 depriving Plaintiff of the privileges and immunities of citizenship, including her
18 rights to free speech, free association, and participation in the electoral process
19 on equal terms with other candidates, as protected by Article IV, Section 2 of
20 the United States Constitution and the Fourteenth Amendment.
21
22
23
24

1 4.33 Defendants' legislative action targeted Plaintiff by name and
2 publicly denounced her for protected speech abridging her privileges and
3 immunities as a citizen.
4

5 4.34 Defendants violated the privilege and immunity clause, and injured
6 Plaintiff.
7

8 J. Defendants Violated the Due Process Separation of Powers in
9 its Violation of the First Amendment.

10 4.35 Defendants' legislation violated the structural principles secured by
11 the separation of powers, which protected Plaintiff as an individual.
12

13 4.36 Defendants' actions exceeded the authority given that branch of
14 government.
15

16 4.37 Defendants' authority is to make law, not to suppress speech of
17 other branches of the government.
18

19 4.38 Defendants' violation of separation of powers interfered with
20 Plaintiff's First Amendment right, and injured her.
21

22 K. Defendants Passed an Unlawful Bill of Attainder Against
23 Plaintiff.
24

1 4.39 Defendants' Resolution was an unlawful Bill of Attainder against
2 Plaintiff, in violation of U.S. Const. art. I, § 9, cl. 3 ("No Bill of Attainder or ex
3 post facto Law shall be passed.").

4
5 4.40 A bill is constitutionally defined as an act "which shall have passed
6 the legislature." Wash. Const. art. III, § 12. Defendants' Resolution 2023-0081
7 passed the City's legislature, and constitutes a bill.
8

9 4.41 Defendants' Resolution was a legislative branding of Plaintiff,
10 stigmatizing and marking Plaintiff with a brand of infamy and disloyalty,
11 including disloyalty to her citizens and city; Defendants specifically inflicted
12 that punishment on Plaintiff without a judicial trial.
13

14 4.42 Defendants' punishment was intended to disqualify Plaintiff from
15 a position of trust as Mayor, to damage her legitimacy, and to deprive her of a
16 fair election process.
17

18 4.43 Defendants act seriously impaired Plaintiff's chances in the
19 election, and her chances of earning a living thereafter.
20

21 4.44 Defendants' excessive language in targeting Plaintiff had no
22 nonpunitive legislative purpose. Defendants' Resolution does not promote
23
24

1 “inclusion” per the “City motto” or its professed terms because it excludes and
2 denounces disfavored views and citizens.

3
4 4.45 The purpose of Defendants’ Resolution No. 2023-0081 was the
5 enactment of an unlawful bill of attainder, which injured Plaintiff.

6 L. Intent and Injury.
7

8 4.46 Defendants passed Resolution 2023-0081 as punishment of
9 Plaintiff for speech, to influence an election, and as a government imprimatur of
10 what speech and associations were acceptable from Plaintiff, and within the City
11 of Spokane.
12

13 4.47 Defendants’ actions were not self-governance, but speech
14 suppression and electoral interference by one branch of local government against
15 another.
16

17 4.48 Defendants’ retaliation was intended to, and would, stifle any
18 reasonable person from speaking out.
19

20 4.49 Defendants’ retaliation was intended to, and would, influence an
21 election and third parties associated with that election.
22

23 4.50 As a direct and proximate result of Defendants’ adoption of
24 Resolution No. 2023-0081, undertaken to punish Plaintiff’s protected speech

1 and to influence the pending election, Plaintiff suffered and continues to suffer
2 reputational harm, economic loss, chilled speech and association, and threats.

3
4 4.51 Defendants' Resolution suppressed and compelled speech,
5 suppressed association, damaged candidate relationships, destroyed Plaintiff's
6 professional reputation, and damaged her relationships and election chances,
7 including damaging her relationships with third parties such as staff, voters, and
8 donors.
9

10
11 4.52 Defendants' actions caused Plaintiff economic loss in the form of
12 increased expenditures, consulting fees, time and focus, and ultimately
13 decreased her vote share, and caused reputational harm.

14
15 4.53 Defendants' Resolution interfered with Plaintiff's ability to meet
16 with all of her constituents, regardless of their beliefs.

17
18 4.54 Defendants' Resolution required or caused Plaintiff to cease
19 speaking with and associating with constituents, and to condemn those whose
20 views were disfavored by the favored "community faith leaders" and Defendants.

21
22 4.55 Defendants' actions damaged Plaintiff as an individual, and as a
23 candidate.
24

1 4.56 Defendants' punishment has inflicted permanent reputational
2 harm on Plaintiff.

3
4 4.57 Resolution 2023-0081 remains active and continues to interfere
5 with Plaintiff's ability to speak and associate freely in Spokane without harm.
6 Because Resolution 2023-0081 remains active and continues to chill Plaintiff's
7 speech and association, cause threats and fear, and restrict her public
8 engagement, declaratory and injunctive relief are necessary to redress ongoing
9 harm.
10

11
12 M. Punitive Damages Are Requested Against the Individual
13 Defendants.

14
15 4.58 Each individual defendant acted intentionally, recklessly,
16 oppressively, unjustifiably, and with gross and deliberate indifference to
17 Plaintiff's constitutional rights, justifying an award of punitive damages.

18
19 N. Monell Liability/Qualified/Legislative Immunity.

20 4.59 The City Council is the legislative final policymaker, and adopted
21 the resolution as official City policy on September 25, 2023, which caused the
22 constitutional violations alleged. Defendant City of Spokane has 42 U.S.C. §
23 1983 *Monell* liability based upon its final policymaker's actions.

24
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MARY
SCHULTZ
LAW, P.S.

2111 E. Red Barn Lane
Spangle, WA 99031
(509) 245-3522
Mary@MSchultz.com

1 4.60 The City Council made a deliberate choice to follow a course of
2 action violating First Amendment protections that have been in place for
3 decades; it did so when the relevant First Amendment law was clearly
4 established.
5

6 4.61 At all times relevant, Defendants Kinnear (Council President),
7 Wilkerson (Councilmember, District 2), Stratton (Councilmember, District 3),
8 and Zappone (Councilmember, District 3) served on the Spokane City Council;
9 each is sued in both personal and official capacities for acts connected to
10 Resolution No. 2023-0081.
11

12 4.62 Each individual Defendant is subject to liability because each
13 Defendant's action was action under color of state law, acting in their official
14 capacity or while exercising their responsibilities pursuant to state law, and
15 violated clearly established constitutional rights of which a reasonable person
16 would have known.
17
18
19

20 4.63 Each individual Defendant is also individually liable because each
21 of them personally participated as individuals in ensuring that the rights
22 deprivation was implemented.
23
24

1 4.64 The named individual Defendants are not entitled to qualified
2 immunity on Plaintiff's damage claims.

3
4 4.65 Defendants are not entitled to legislative immunity.

5 4.66 Defendants' resolution was designed to harm Plaintiff as a named
6 individual, and was directed at Plaintiff as a single individual.
7

8
9 O. State Law: Defendants Violated Washington's Law Against
10 Discrimination in Public Accommodations.

11 4.67 Defendants Violated Washington's Law Against Discrimination in
12 Public Accommodations, RCW 49.60.030 (1)(b).

13 4.68 Defendant City of Spokane is a corporate entity "where the public
14 gathers, congregates, or assembles for amusement, recreation, or public
15 purposes." RCW 49.60.040 (2).
16

17 4.69 "Full enjoyment of" the place of public assemblage includes the
18 right to admission "without acts directly or indirectly causing persons" of any
19 (religion) "to be treated as not welcome." RCW 49.60.040 (14).
20

21 4.70 By adopting a city policy denouncing Plaintiff's religious
22 association at a public event within the City and signaling that such attendance
23
24

1 and association renders her unwelcome, Defendants interfered with Plaintiff's
2 full enjoyment of public accommodations without discrimination.
3

4 P. State Law: Defendants Violated Washington's Law Against
5 Discrimination in Employment.

6 4.71 Washington's law against discrimination grants the right to obtain
7 and hold employment without discrimination, and this includes a prohibition
8 against religious discrimination. RCW 49.60.030.
9

10 4.72 Defendants (1) acted with a discriminatory motive in enacting
11 Resolution 2023-0081 in retaliation against Plaintiff for perceived disfavored
12 religious and political views, and (2) its discriminatory motivation was a
13 significant or substantial factor in its denouncing and ostracizing Plaintiff.
14

15 4.73 Defendants caused Plaintiff injury and damages as detailed above.
16

17 Q. State tort: Intentional Infliction of Emotional Distress.

18 4.74 By the foregoing acts, Defendants individually and collectively
19 engaged in (1) extreme and outrageous conduct; (2) which intentionally or
20 recklessly inflicted emotional distress on Plaintiff; and (3) Defendants' actions
21 actually resulted in severe emotional distress to the Plaintiff.
22
23
24

1 4.75 Defendants' use of legislative powers to unconstitutionally target,
2 punish, humiliate, denounce, and damage a citizen is extreme and outrageous
3 conduct.
4

5 4.76 First Amendment law has outlawed the kind of actions detailed here
6 for decades.
7

8 4.77 Defendants' extreme and outrageous conduct proximately caused
9 Plaintiff injury and damage as detailed above.
10

11 4.78 Defendants' conduct was and remains intentionally designed to
12 inflict distress on Plaintiff, did so, and continues to do so.
13

14 4.79 Plaintiff suffered and suffers continuing damages in the form of
15 noneconomic damages similar to those experienced as detailed above.
16

17 R. Declaratory and Injunctive Relief.
18

19 4.80 As detailed above, Resolution 2023-0081 remains active and
20 continues to interfere with Plaintiff's ability to speak and associate freely in
21 Spokane without harm.
22

23 4.81 Resolution 2023-0081 remains active and continues to chill
24 Plaintiff's speech and association, cause threats and fear, and restrict her public
25 engagement.
26

1 4.82 Declaratory and injunctive relief are necessary to redress ongoing
2 harm
3

4 V. REQUEST FOR RELIEF.

5 5.1 Plaintiff requests relief as follows:

6 5.2 An order declaring Resolution No. 2023-0081 unconstitutional and
7 an abuse of legislative power, and order its vacatur.
8

9 5.3 An order awarding damages, and judgment, jointly and severally,
10 against Defendants for damages sustained by Plaintiff, both economic and non-
11 economic.
12

13 5.4 An order awarding prejudgment interest on all past wage loss and
14 past economic damages awarded.
15

16 5.5 Judgment for punitive damages in favor of Plaintiff against the
17 individually named Defendants.
18

19 5.6 Judgment for all attorney fees and costs incurred in pursuing relief
20 per 42 U.S.C. § 1983, via 42 U.S.C. § 1988.
21

22 5.7 Declaratory and Injunctive relief.
23
24

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MARY
SCHULTZ
LAW, P.S.

2111 E. Red Barn Lane
Spangle, WA 99031
(509) 245-3522
Mary@MSchultz.com

