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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE WESTERN DISTRICT OF WASHINGTON

8 BRUCE GUTHRIE,

9 Plaintiff,

10 v.

11 CITY OF EDMONDS; EDMONDS ARTS
12 FESTIVAL FOUNDATION (d/b/a
13 EDMONDS ARTS FESTIVAL
14 ASSOCIATION INCORPORATED); IRON
15 CLOUD DEFENSE SOLUTIONS, LLC;
16 CHRISTOPHER RHODES; SHANE
17 POCIOUS; RYAN CALLAHAN; ROBERT
18 PECK; TREVOR MITSUI; EKA
19 TAUMALETIA; SNOHOMISH COUNTY
20 and, JOHN DOES 1-3,

21 Defendants.

Case No.

COMPLAINT FOR VIOLATION OF
THE KU KLUX KLAN ACT 42 U.S.C.
§ 1985(3), VIOLATION OF 42 U.S.C. §
1983, BREACH OF CONTRACT:
INTENDED THIRD-PARTY
BENEFICIARY, FALSE ARREST,
FALSE IMPRISONMENT, RCW
10.79.130, AND FOR DAMAGES

Jury Trial Demanded

22 **INTRODUCTION**

23 The above-named Defendants conspired to arrest, jail, strip search and criminally charge
24 Bruce Guthrie simply because he refused to obey an unlawful order to stop peacefully gathering
25 signatures to place the first openly LGBTQ nominee for President on the 2024 ballot in
26 Washington state. The right of the People to peaceably assemble, and to petition the
Government, is the foundational privilege guaranteed to citizens of the United States of
America by the United States Constitution. Since our nation's founding, Article III Courts
interpreting the United States Constitution consistently regard the privileges and immunities
provided by the First Amendment as sacrosanct. To this end, Congress enacted the Ku Klux

1 Klan Act of 1871, 42 U.S.C. § 1985 (the “Ku Klux Klan Act”), to effectuate the promise of the
2 First Amendment for citizens who advocate on behalf of their preferred candidate for Federal
3 office. This is exactly what Bruce Guthrie was doing when the Defendants had him arrested,
4 jailed and strip searched all because they did not want to hear his political speech. Further,
5 Defendants placed an unlawful prior restraint on Bruce Guthrie by criminally trespassing him
6 from the same public space through the remainder of the Edmonds Art festival. To date, not
7 one of the Defendants has apologized, much less admitted their actions here were both wrong
8 and unlawful. We bring this case because, as the prescient George Orwell wrote, “*If liberty*
9 *means anything at all, it means the right to tell people what they do not want to hear.*”

10 Plaintiff Bruce Guthrie, states, avers, and alleges as follows:

11
12 **I. PARTIES VENUE AND JURISDICTION**

13 1. At all material times, Plaintiff, Bruce Guthrie (“Plaintiff” or “Mr. Guthrie”), was
14 and is an individual residing and in Snohomish County, Washington.

15 2. The City of Edmonds (“Defendant City of Edmonds”) is a municipal corporation
16 located in Snohomish County, Washington.

17 3. Snohomish County, is a Washington governmental entity located in Snohomish
18 County, Washington.

19 4. The Edmonds Arts Festival Foundation d/b/a/ Edmonds Arts Festival
20 Association Incorporated (“Defendant Edmonds Arts Festival”) is a Washington non-profit
21 corporation with a principal place of business located at 201 2nd Ave South, Edmonds, in
22 Snohomish County, Washington.

23 5. Based on information and belief, Iron Cloud Defense Solutions (“Defendant Iron
24 Cloud”) was and is a Washington for-profit corporation, with a principal place of business in
25 Seattle, Washington, licensed at all relevant times to conduct business in the State of
26 Washington, and actually conducting business in Snohomish County.

1 22. Mr. Guthrie was dressed in a blue Chase Oliver campaign t-shirt and carried a
2 clipboard and pen into the Edmonds Arts Festival public event space.

3 23. By attending the Edmonds Arts Festival, Mr. Guthrie sought to obtain a
4 sufficient number of signatures to qualify Chase Oliver to appear on the 2024 Washington State
5 general election ballot as an elector for the office of President of the United States.

6 24. Around approximately 12:30 PM on June 14, 2024, Defendant Rhodes of
7 Defendant Iron Cloud, and Defendant Pocius, the Operations Manager of Defendant Edmonds
8 Arts Festival, contacted Mr. Guthrie and asked him to move his signature gathering to an area
9 outside of the Frances Anderson Center and Playfield.

10 25. Mr. Guthrie refused Defendant Rhodes’ and Defendant Pocius’ requests, citing
11 his constitutional right to presently gather signatures in a public space to qualify his preferred
12 elector for the Presidency.

13 26. In response to Mr. Guthrie’s refusal to vacate city property, and at the direction
14 of Defendant Pocius, Operations Manager of Defendant Edmonds Arts Festival, Defendant
15 Rhodes, contacted the City of Edmonds Police Department via 911 to report someone “being
16 aggressive with people trying to gather signatures.”

17 27. Defendant Callahan of the City of Edmonds Policy Department arrived first on
18 scene and contacted the reporting parties: Defendant Rhodes and Defendant Pocius.

19 28. Body camera footage then shows that Defendant Mitsui, Defendant Taumaletia,
20 Defendant Peck, and Defendant Callahan grouped together amongst the art stalls to discuss a
21 plan of action for confronting Mr. Guthrie.

22 29. Defendant Callahan and Defendant Taumaletia contacted Mr. Guthrie first
23 inside entrance area of the Edmonds Arts Festival with Defendant Mitsui and Defendant Peck
24 standing nearby as backup.

1 30. Defendant Callahan informed Mr. Guthrie that “management” requested that the
2 Defendant-officers required Mr. Guthrie to leave the Edmonds Arts Festival event space that
3 was otherwise open to the general public.

4 31. Based on information and belief, the member of management who requested Mr.
5 Guthrie be trespassed was the Operations Manager of Defendant Edmonds Arts Festival,
6 Defendant Pocius.

7 32. In total, four uniformed police officers responded to demand that Mr. Guthrie
8 cease his advocacy in favor of the election of Chase Oliver for President of the United States,
9 on city-owned property, within an event open to the general public, and at the request of the
10 Defendant Pocius and Defendant Rhodes.

11 33. Again, Mr. Guthrie respectfully refused Defendant Callahan, Defendant
12 Taumaletia, Defendant Peck, and Defendant Mitsui’s orders to vacate the public space and to
13 instead collect signatures elsewhere.

14 34. Mr. Guthrie attempted to reason with the Defendants by explaining exactly how
15 he was collecting signatures: “I come up to people and say, ‘Are you registered to vote in
16 Washington?’ And if they say yes, I say, ‘I have a petition to get an additional candidate on the
17 ballot so that we have an additional choice in Washington. Will you please sign for me? I need
18 2,000 signatures.’ And most of them say no, but I am polite and respectful every time.”

19 35. In response, Defendant Callahan restated the reporting party’s position: “All he
20 [Defendant Pocius] is asking, is that you would step out just to the sidewalk. And you still have
21 access to everybody coming in. He [Defendant Pocius] just *doesn’t want anything political in*
22 *the event.*”

23 36. In violation of Section 2.1 of the Contract, Defendant Pocius and Defendant
24 Rhodes of Defendant Iron Cloud Solutions, conspired with uniformed police officers of
25 Defendant City of Edmonds, to forbid citizens’ from lawfully exercising their First Amendment
26

1 rights within the Edmonds Arts Festival, including by preventing Mr. Guthrie from advocating
2 in favor of the election of Chase Oliver for President of the United States via threat of arrest.

3 37. Mr. Guthrie again informed the officers that although the public space is being
4 rented by Defendant Pocius and Defendant Edmonds Arts Festival, the space still is
5 government-owned land, and that the First Amendment protects Mr. Guthrie’s right to both
6 peaceably assemble and engage in advocacy in favor Chase Oliver for federal office.

7 38. Defendant Callahan responded that “If it [the public park] was not being rented
8 out, you would be correct.”

9 39. Mr. Guthrie responded to Defendant Callahan: “You and I disagree about how
10 the law should be interpreted; respectfully, politely, we disagree; and I plan on staying here.”

11 40. Defendant Peck, apparently displeased by Mr. Guthrie’s refusal, attempted to
12 intimidate Mr. Guthrie by asking, “Are you really willing to get arrested over that?”

13 41. Mr. Guthrie responded “yes,” emphasizing that while Mr. Guthrie is willing to
14 be arrested for exercising his rights under the Constitution, that he himself is “peaceful,” and
15 that he would not resist arrest.

16 42. Mr. Guthrie informed Defendant Callahan and Defendant Taumaletia that unless
17 he was under arrest, Mr. Guthrie intended to return to gathering signatures.

18 43. Mr. Guthrie then in-fact returned to his protected activity of signature gathering
19 on behalf of an elector for the Presidency, Chase Oliver, in the presence of Defendant Callahan,
20 Defendant Taumaletia, Defendant Peck, and Defendant Mitsui.

21 44. Based on information and belief, Defendant City of Edmonds failed to enact an
22 adequate policy for protecting the constitutional rights of citizens engaging in political signature
23 gathering on city-owned land.

24 45. Based on information and belief, Defendant City of Edmonds failed to
25 adequately train its police officers to protect the rights of citizens engaging in political signature
26 gathering in public areas during police encounters.

1 46. Based on information and belief, Defendant Callahan, Defendant Taumaletia,
2 Defendant Peck, and/or Defendant Mitsui consulted with leadership of Defendant City of
3 Edmonds, and that a final policy maker ratified the defendant-officers' decision to arrest Mr.
4 Guthrie and criminally trespass him from the Edmonds Arts Festival.

5 47. Approximately four minutes later, Defendant Callahan and Defendant
6 Taumaletia began to effectuate the arrest of Mr. Guthrie pursuant to the request of Defendant
7 Pocius.

8 48. In response, Mr. Guthrie fully and peacefully complied with the arrest by slowly
9 turning around and placing his hands behind his back as Defendant Callahan and Defendant
10 Taumaletia placed Mr. Guthrie in handcuffs.

11 49. Mr. Guthrie continued his complete compliance as Defendant Peck, Defendant
12 Callahan, and Defendant Taumaletia, led Mr. Guthrie to a police cruiser on a sidewalk directly
13 adjacent to the event space in full view of event attendees.

14 50. Defendant Callahan performed a search incident to arrest of Mr. Guthrie in full
15 view of event attendees.

16 51. Defendant Callahan placed Mr. Guthrie in Defendant Callahan's patrol vehicle
17 for transport to the Snohomish County jail on charges of Criminal Trespass in the Second
18 Degree.

19 52. Given his stature and the size of the police cruiser, Mr. Guthrie complained of
20 pain in his wrists from the pressure of the handcuffs, prompting officers to remove Mr. Guthrie
21 and secure him for transport with double handcuffs.

22 53. Upon intake at the Snohomish County Jail, Mr. Guthrie declined to be subjected
23 to the body scanner the Snohomish County Jail utilizes for pre-booking searches of in-custody
24 suspects.

25 54. Mr. Guthrie was subsequently subjected to a strip-search at the Snohomish
26 County Jail.

1 55. Based on information and belief, Mr. Guthrie was subjected to a strip search in
2 the absence of warrant, nor reasonable suspicion that a strip search was necessary to discover
3 evidence, weapons, or contraband which could impact facility security, without probable cause
4 to believe that a strip search was necessary to determine the existence of other evidence of a
5 crime, and in the absence of reasonable suspicion to believe a strip search was necessary to
6 discovery a health condition requiring medical attention as required by RCW 10.79.130.

7 56. As part of this warrantless strip search, Mr. Guthrie was required to strip naked,
8 squat, spread the cheeks of his buttocks, and cough, in the presence of jail staff.

9 57. Based on information and belief, the legally unjustified strip-search that Mr.
10 Guthrie was subjected to in the Snohomish County jail was solely punitive.

11 58. Mr. Guthrie was processed and released from the Snohomish County
12 approximately six-hours following his arrest.

13 59. Based on information and belief, the one or more of the arresting defendant
14 officers communicated their animus regarding Mr. Guthrie to the Snohomish county Jail,
15 leading Mr. Guthrie to be jailed on a \$500 bond, rather than booked and release as would have
16 been the universal practice in Snohomish county for processing a suspect charged with Criminal
17 Trespass in the Second degree and no other alleged criminal conduct.

18 60. The City of Edmonds Police Department issued a written criminal trespass
19 warning to Mr. Guthrie, trespassing him from the “Frances Anderson Center, 700 Main Street.
20 Edmonds, WA, 98020,” expiring June 17, 2024, on behalf of “Shane Operations Manager” as
21 the “agent” for the property subject to the criminal trespass warning. **Exhibit B.**

22 61. Based on information and belief, “Shane Operations Manager” listed on the
23 criminal trespass notice refers to Defendant Pocius, manager of Defendant Edmonds Arts
24 Festival.

1 76. By issuing Mr. Guthrie a criminal trespass warning trespassing Mr. Guthrie from
2 the Francis Anderson Playfield through the end of the Edmonds Art Festival, Defendants placed
3 an unlawful prior restraint on Mr. Guthrie’s First Amendment rights secured by the Constitution
4 which is actionable under 42 U.S.C. § 1983.

5 77. As a direct and proximate result of Defendants’ deprivation of Mr. Guthrie’s
6 First Amendment rights under color of law, Mr. Guthrie suffered damages.

7 78. At the time of Mr. Guthrie’s arrest, the City of Edmonds lacked an adequate
8 policy to protect the constitutional rights of citizens engaging in political signature gathering
9 on public property.

10 79. As a result of the City of Edmonds’ failure to maintain a policy, the City of
11 Edmonds failed to adequately train its police officers to protect the constitutional rights of
12 citizens engaging in public political advocacy during police encounters.

13 80. The City of Edmonds’ failure to train its officers in this regard reflects a
14 conscious, deliberate, indifference to the rights of persons with whom Edmonds police come
15 into contact. *City of Canton, Ohio v. Harris*, 489 U.S. 378, 388, 109 S. Ct. 1197, 1204, 103 L.
16 Ed. 2d 412 (1989).

17 81. The City of Edmonds’ deliberate indifference to the constitutional rights of its
18 inhabitants, as demonstrated by the City’s failure to adequately train its officers, was the moving
19 force behind the deprivation of Mr. Guthrie’s constitutional rights. *Polk Cnty. v. Dodson*, 454
20 U.S. 312, 326, 102 S. Ct. 445, 454, 70 L. Ed. 2d 509 (1981). As a direct and proximate result
21 of the City of Edmonds’ failure to adequately train its police officers, Mr. Guthrie suffered
22 damages.

23 82. Mr. Guthrie is entitled to recover his damages, including but not limited to
24 punitive damages, as well as his reasonable attorney fees, costs, and expenses in an amount to
25 be proven at trial.

COUNT III

**VIOLATION OF 42 U.S.C. § 1983 FOR DEPRIVATION OF FOURTH
AMENDMENT FREEDOM AGAINST UNREASONABLE SEARCH AND
SEIZURE— *Monell Liability***

**(Against Defendant City of Edmonds, Defendant Edmonds Arts Festival, Defendant
Iron Cloud Solutions, Defendant Rhodes, Defendant Pocius, Defendant Callahan,
Defendant Peck, Defendant Mitsui, and Defendant Taumaletia.)**

83. Plaintiff incorporates by reference the allegations of each and every preceding paragraph as if fully set forth herein.

84. By searching, seizing, and arresting Mr. Guthrie without probable cause to believe that a crime had been committed, and without a warrant, Defendants, under color of law, subjected Mr. Guthrie to a deprivation of his Fourth Amendment rights secured by the Constitution, which is actionable under 42 U.S.C. § 1983.

85. As a direct and proximate result of Defendants' deprivation of Mr. Guthrie's Fourth Amendment rights under color of law, Mr. Guthrie suffered damages.

86. At the time of Mr. Guthrie's arrest, the City of Edmonds lacked an adequate policy to protect the constitutional rights of citizens engaging in political signature gathering on public property.

87. As a result of the City of Edmonds' failure to maintain a policy, the City of Edmonds failed to adequately train its police officers to protect the constitutional rights of citizens engaging in public political advocacy during police encounters.

88. The City of Edmonds' failure to train its officers in this regard reflects a conscious, deliberate, indifference to the rights of persons with whom Edmonds police come into contact. *City of Canton, Ohio v. Harris*, 489 U.S. 378, 388, 109 S. Ct. 1197, 1204, 103 L. Ed. 2d 412 (1989).

89. The City of Edmonds' deliberate indifference to the constitutional rights of its inhabitants, as demonstrated by the City's failure to adequately train its officers, was the moving force behind the deprivation of Mr. Guthrie's constitutional rights. *Polk Cnty. v. Dodson*, 454

1 U.S. 312, 326, 102 S. Ct. 445, 454, 70 L. Ed. 2d 509 (1981). As a direct and proximate result
2 of the City of Edmonds' failure to adequately train its police officers, Mr. Guthrie suffered
3 damages.

4 90. Mr. Guthrie is entitled to recover his damages, including but not limited to
5 punitive damages, as well as his reasonable attorney fees, costs, and expenses in an amount to
6 be proven at trial.

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8 **COUNT IV**

9 **COMMON LAW ACTION FOR FALSE ARREST**

10 **(Against Defendant Edmonds Arts Festival, Defendant Iron Cloud Solutions, Defendant**
11 **Rhodes Defendant Pocius, Defendant Callahan, Defendant Peck, Defendant Mitsui, and**
12 **Defendant Taumaletia)**

13 91. Plaintiff incorporates by reference the allegations of each and every preceding
14 paragraph as if fully set forth herein.

15 92. Defendants deprived Mr. Guthrie's right of personal liberty without legal
16 authority, by causing Mr. Guthrie to be restrained by physical force, under color of authority.
17 *Bender v. City of Seattle*, 99 Wn.2d 582, 591, 664 P.2d 492, 499 (1983).

18 93. As a direct and proximate result of Defendants' deprivation of Mr. Guthrie's
19 right of personal liberty under color of law, Mr. Guthrie suffered damages.

20 **COUNT V**

21 **COMMON LAW ACTION FOR FALSE IMPRISONMENT**

22 **(Against Defendant Edmonds Arts Festival, Defendant Iron Cloud Solutions, Defendant**
23 **Rhodes Defendant Pocius, Defendant Callahan, Defendant Peck, Defendant Mitsui, and**
24 **Defendant Taumaletia)**

25 94. Plaintiff incorporates by reference the allegations of each and every preceding
26 paragraph as if fully set forth herein.

