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Hon. Dean S. Lum Rm: C 203

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

CIPPRIANA MORRIS.

Plaintiff.

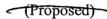
VS.

NANHEE HAHN, ELLEN HECTOR, AND WILLIAM GOTTLIEB,

Defendants.

No. 13-2-04804-3 SEA

ORDER ON MOTION FOR PRELIMINARY INJUNCTION





This matter before the Court on Plaintiff's motion for preliminary injunction and with the Court duly advised, it is now ordered as follows:

I. Findings of Fact

- 1. Plaintiff Cippriana Morris lives at Dayton Apartments, a multi-family apartment building in the Fremont neighborhood of Seattle.
- 2. Defendant Nanhee Hahn is the owner of Dayton Apartments. Defendants Ellen Hector and William Gottlieb are managers of Dayton Apartments and agents of Nanhee Hahn.
- 3. Cippriana Morris has lived at the Dayton Apartments since late 2010. She moved there to become the resident manager. However, she was removed from the resident manager

position on or about July 1, 2011. Since then Ms. Morris has remained at the Dayton Apartments as a residential tenant, paying rent of \$810 per month under a periodic tenancy.

- 4. In November 2012, Ms. Morris was assaulted in her apartment by a former romantic partner. She later reported the incident to Dayton Apartments management.
- 5. After reporting the domestic violence incident, the defendants notified Ms. Morris that her rent would be increased by \$80 per month and she would be required to submit an additional \$500 security deposit. The defendants also insisted Ms. Morris arrange and pay for repairs that her assailant causes to the premises.
- 6. Ms. Morris objected to these terms. She has continued to occupy the premises and continued to pay \$810 per month in rent.
- 7. On or about February 4, 2013, the defendants served Ms. Morris a written notice demanding that she either tender the additional \$80 for February rent or vacate the premises within three days.
- 8. Ms. Morris then brought this action contesting the rent increase as and seeking certain other remedies from the defendants. She seeks an injunction precluding the defendants from filing an unlawful detainer action against her until the merits of her claims are determined.

II. Conclusions of Law

1. Superior Courts may enter preliminary injunctions under CR 65. The purpose of a preliminary injunction is to preserve the status quo between the parties until a trial on the merits can be held. See *Ameriquest Mortg. Co. v. State Atty. Gen.*, 148 Wn. App. 145, 157; 199 P.3d 468 (2009); see also *General Telephone Co. v. Washington Utilities and Transp. Com'n*, 104 Wn.2d 460, 466; 706 P.2d 625 (1985) ("the 'status quo' means the last actual, peaceable, noncontested condition which preceded the pending controversy.").

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2. A party seeking a preliminary injunction must demonstrate "(1) a clear legal or equitable right, (2) a well-grounded fear of immediate invasion of that right, and (3) that the acts complained of either have or will result in actual and substantial injury." See Speelman v. Bellingham/Whatcom County Hsg. Authorities, 167 Wn. App. 624, 630; 273 P.3d 1035 (2012).

- 3. Plaintiff Cippriana Morris has a clear legal or equitable right not to be discriminated against in the terms and conditions of rental housing due to her status as a domestic violence survivor. See RCW 59.18.575 (housing); see Danny v. Laidlaw Transit Services, 165 Wn.2d 200, 227; 193 P.3d 128 (2008). She appears likely to prevail on her claim that the defendants increased her monthly rent by \$80 due to her status as a domestic violence survivor—and, thus, that the rent increase is unlawful.
- 5. Ms. Morris is concerned that the defendants will file an unlawful detainer action against her if she does not tender the disputed \$80 rent increase for February 2013. Her fear of such an action being filed is well-grounded, because the defendants have already given her a notice to pay-or-vacate, thus fulfilling the prerequisite to commencing such an action. See RCW 59.18.030(3). The filing of such an action would represent an invasion of her right not to pay the discriminatory rent increase.

- It appears to the court the 6. The filing of an unlawful detainer action would cause actual and substantial injury to Ms. Morris by irreparably damaging her ability to secure rental housing elsewhere. This would be an irreparable harm because even a favorable ruling in an unlawful detainer suit would not repair the damage its filing would cause to Ms. Morris's rental housing opportunities.
- 7. Whereas Ms. Morris would likely suffer this irreparable injury if the injunction is not issued, the injunction would inflict no apparent harm on the Defendants. Ms. Morris is current in

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her rent (though she has withheld the disputed \$80 portion) and will continue to pay rent for her apartment as it comes due. Thus, the balance of hardships also favors the requested injunction.

8. Public policy considerations also favor the requested injunction because Washington has a clear public policy of protecting domestic violence survivors against discrimination in rental housing. See RCW 59.18.570 et seq.; see also Danny v. Laidlaw Transit Services, 165 Wn.2d at 208.

III. Relief Ordered

For the foregoing reasons, it is now ordered that:

- 1) The defendants are hereby enjoined from commencing any action for unlawful detainer against Cippriana Morris until further order of this Court;
- 2) This order is binding on each of the defendants as well as any agent or other person acting in concert with any defendant; and

Plaintiff shall continue to pay \$ 810/mo, rut while order in effect Trial date is changed to: Aug. 5, 7013 5) The partia shell complete So ordered this 22 day of February, 2013, discour, no low than 35

days from today.

KING COUNTY SUPERIOR COURT

6) All dispositive motions

be Filed & soud no later than 105 days from today

Drafted & Presented by:

Eric Dunn. WSBA #36622

Attorney for Plaintiff

7) All ADR shall be completed no later than July 22, 2013 8) Plaintif shall execute a promise, note in the anat f 8480 as security under CR 65;

1) Any motion to dissolve or for relief from this order shall be filed in according with LCR7.

Phone: (206) 464-1519 Fax: (206) 624-7501

Sparing.

SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

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10	Plaintiff/Petitioner, NO. 13-2-04(04-3
11	vs. ORDER ON CIVIL MOTION
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13	Defendant/Respondent. (clubic action year)
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15	The above entitled court having heard a motion <u>to accelerate</u> Al
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19	IT IS HEREBY ORDERED that the Wil dete is accelerated
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25	Date: 2/22/13
26	Judge Dean S. Lum