

EXHIBIT A

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

9 CYNTHIA BINKLEY, an individual,

10 Plaintiff,

No.

SUMMONS (20 DAYS)

11
12 SAFEWAY INC., a Delaware corporation,

13 Defendant.
14

15
16 TO: SAFEWAY INC., by and through its registered agent, United States Corporation
17 Co.

18 A lawsuit has been started against you in the above entitled court by the above-captioned
19 plaintiff. Plaintiff's claims are stated in the written complaint, a copy of which is served upon
20 you with this summons.

21 In order to defend against this lawsuit, you must respond by stating your defense in
22 writing, and serve a copy upon the person signing this summons within 20 days after the service
23 of this summons, excluding the day of service, or a default judgment may be entered against you
24 without notice. A default judgment is one where the plaintiff is entitled to what he asks for
25 because you have not responded. If you serve a notice of appearance on the undersigned person,
26 you are entitled to notice before a default judgment may be entered.

SUMMONS (20 DAYS) - 1

EMERY | REDDY, PLLC
600 Stewart Street, Suite 1100
Seattle, WA 98101
PHONE: (206) 442-9106 • FAX: (206) 441-9711

1 You may demand that the plaintiff file this lawsuit with the court. If you do so, the
2 demand must be in writing and must be served upon the person signing this summons. Within
3 14 days after you serve the demand, the plaintiff must file this lawsuit with the court, or the
4 service on you of this summons and complaint will be void.

5 If you wish to seek the advice of an attorney in this matter, you should do so promptly so
6 that your written response, if any, may be served on time.

7 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of The State
8 of Washington.

9 DATED this 28th day of April, 2011.

10 EMERY | REDDY, PLLC

11
12 By: 

13 PATRICK B. REDDY
14 WSPA No. 34092
15 Emery Reddy, PLLC
16 600 Stewart St., Ste 1100
17 Seattle, WA 98101
18 Telephone: (206) 442-9106
19 Fax: (206) 441-9711
20 Email: reddyp@emeryreddy.com
21 Attorneys for Claimant
22 Cynthia Binkley
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

CYNTHIA BINKLEY, an individual,

Plaintiff,

v.

SAFEWAY INC., a Delaware corporation,

Defendant.

No.

COMPLAINT FOR DAMAGES FOR
EMPLOYMENT DISCRIMINATION
AND WRONGFUL TERMINATION

Plaintiff Cynthia Binkley alleges:

I. JURISDICTION AND VENUE

1.1 The court has jurisdiction over this action pursuant to RCW 49.60.030.

1.2 Plaintiff Cynthia Binkley is a resident of King County, Washington.

1.3 Defendant Safeway Inc. ("Safeway") is a foreign corporation doing business in King County, Washington.

1.4 The wrongful acts alleged by Plaintiff occurred in whole or in part in King County, Washington.

II. BACKGROUND FACTS

2.1 Plaintiff is a female, over the age of 40 years, and had a disability as that term is defined in RCW 49.60.040.

1 2.2 From about January 7, 2007, Plaintiff was employed by Safeway as a Second
2 Assistant Store Manager at Safeway's Coal Creek Parkway store (the "Store").

3 2.3 On or about June 2008, Safeway demoted Plaintiff from her role as manager at
4 the Store and transferred her to the Fairwood Store.

5 2.4 The reason given by Safeway for Plaintiff's demotion was that "people as old and
6 frail as [Plaintiff] probably shouldn't be working as a manager."

7 2.5 On or about October 18, 2008, Safeway discharged Plaintiff from employment.

8 2.6 Plaintiff was injured while working for Safeway on July 16, 2007.

9 2.7 Plaintiff filed a workers' compensation claim after her injury.

10 2.8 Plaintiff performed excellent work at all times prior to and after her injury.

11 2.9 At the time of discharge, Plaintiff was performing all of the essential functions of
12 the job and was capable of performing all the essential functions of the job, with the
13 accommodation of light duty/modified work.

14 2.10 Safeway denied Plaintiff light duty/modified work after about May 2008.

15 2.11 Plaintiff's age, sex and disability status were not bona fide occupational
16 qualifications for the job.

17 2.12 Males, persons without disabilities, and employees under the age of 40, were not
18 discharged or demoted for similar reasons.

19 2.13 Plaintiff was replaced by a male and/or employees under the age of 40, employees
20 who did not have a disability or were significantly younger than plaintiff.

21 2.14 During plaintiff's employment, Safeway maintained and distributed to employees
22 an employee handbook, which contained a policy prohibiting discrimination in the workplace.

23 2.15 Plaintiff received a copy of Safeway's handbook, read the policy and relied upon
24 the policy during her employment and in not seeking employment elsewhere.

25 2.16 Safeway demanded that employees comply with the work rules and policies set
26 out in the employee handbook.

1
2 D. CLAIM FOR RETALIATION

3 3.7 Safeway retaliated against Plaintiff for filing a workers' compensation claim and for
4 requesting a workplace accommodation.

5 IV. DAMAGES

6 4.1 Safeway's discriminatory conduct and breach of employment policies and/or
7 implied contract of employment has caused Plaintiff the following damages:

8 4.1.1 Lost back pay, wages and benefits in amounts to be established at the time
9 of trial.

10 4.1.2 Lost front pay, future wages and benefits in amounts to be established at
11 the time of trial.

12 4.1.3 Emotional upset, stress and anxiety in an amount to be established at the
13 time of trial.

14 4.1.4 Out of pocket expenses, litigation costs and attorney fees in amounts to be
15 established at the time of trial.

16 V. REQUEST FOR RELIEF

17 Plaintiff Cynthia Binkley requests that the court enter judgment against defendant
18 Safeway Inc. as follows:

19 1. Awarding Plaintiff special damages for lost wages, benefits and out of pocket
20 expenses, (including medical expenses), in amounts to be established at trial.

21 2. Awarding Plaintiff general damages for emotional distress in an amount to be
22 established at trial.

23 3. Awarding Plaintiff reinstatement to her former position with Safeway or in lieu of
24 reinstatement, awarding Plaintiff future wage loss in an amount to be established at trial.

25 4. Awarding Plaintiff actual and reasonable attorney fees, litigation expenses and
26 costs incurred in this action under RCW 49.60.030 and/or RCW 49.48.010 to 030.

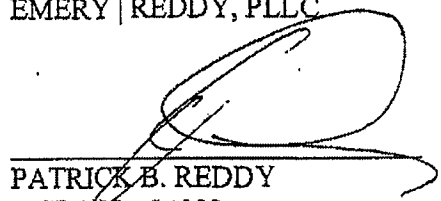
1 5. Awarding Plaintiff prejudgment interest on her lost wages award and economic
2 loss.

3 6. Awarding Plaintiff any additional or further relief which the court finds equitable,
4 appropriate or just.

5 DATED this 28 day of April, 2011.

6 EMERY | REDDY, PLLC

7
8 By:



9 PATRICK B. REDDY
10 WSBA No. 34092
11 Emery Reddy, PLLC
12 600 Stewart St., Ste 1100
13 Seattle, WA 98101
14 Telephone: (206) 442-9106
15 Fax: (206) 441-9711
16 Email: reddyp@emeryreddy.com
17 Attorneys for Claimant
18 Cynthia Binkley

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

CYNTHIA BINKLEY

vs

SAFEWAY INC.

Plaintiff(s)

Defendant(s)

NO. 11-2-18652-1 SEA

Order Setting Civil Case Schedule (*ORSCS)

ASSIGNED JUDGE Andrus 35

FILE DATE: 05/25/2011

TRIAL DATE: 11/05/2012

A civil case has been filed in the King County Superior Court and will be managed by the Case Schedule on Page 3 as ordered by the King County Superior Court Presiding Judge.

I. NOTICES

NOTICE TO PLAINTIFF: The Plaintiff may serve a copy of this **Order Setting Case Schedule (Schedule)** on the Defendant(s) along with the **Summons and Complaint/Petition**. Otherwise, the Plaintiff shall serve the **Schedule** on the Defendant(s) within 10 days after the later of: (1) the filing of the **Summons and Complaint/Petition** or (2) service of the Defendant's first response to the **Complaint/Petition**, whether that response is a **Notice of Appearance**, a response, or a Civil Rule 12 (CR 12) motion. The **Schedule** may be served by regular mail, with proof of mailing to be filed promptly in the form required by Civil Rule 5 (CR 5).

"I understand that I am required to give a copy of these documents to all parties in this case."

Print Name

Sign Name

I. NOTICES (continued)

NOTICE TO ALL PARTIES:

All attorneys and parties should make themselves familiar with the King County Local Rules [KCLR] -- especially those referred to in this **Schedule**. In order to comply with the **Schedule**, it will be necessary for attorneys and parties to pursue their cases vigorously from the day the case is filed. For example, discovery must be undertaken promptly in order to comply with the deadlines for joining additional parties, claims, and defenses, for disclosing possible witnesses [See KCLCR 26], and for meeting the discovery cutoff date [See KCLCR 37(g)].

CROSSCLAIMS, COUNTERCLAIMS AND THIRD PARTY COMPLAINTS:

A filing fee of \$230 must be paid when any answer that includes additional claims is filed in an existing case.

KCLCR 4.2(a)(2)

A Confirmation of Joinder, Claims and Defenses or a Statement of Arbitrability must be filed by the deadline in the schedule. The court will review the confirmation of joinder document to determine if a hearing is required. If a Show Cause order is issued, all parties cited in the order must appear before their Chief Civil Judge.

PENDING DUE DATES CANCELED BY FILING PAPERS THAT RESOLVE THE CASE:

When a final decree, judgment, or order of dismissal of all parties and claims is filed with the Superior Court Clerk's Office, and a courtesy copy delivered to the assigned judge, all pending due dates in this **Schedule** are automatically canceled, including the scheduled Trial Date. It is the responsibility of the parties to 1) file such dispositive documents within 45 days of the resolution of the case, and 2) strike any pending motions by notifying the bailiff to the assigned judge.

Parties may also authorize the Superior Court to strike all pending due dates and the Trial Date by filing a *Notice of Settlement* pursuant to KCLCR 41, and forwarding a courtesy copy to the assigned judge. If a final decree, judgment or order of dismissal of all parties and claims is not filed by 45 days after a *Notice of Settlement*, the case may be dismissed with notice.

If you miss your scheduled Trial Date, the Superior Court Clerk is authorized by KCLCR 41(b)(2)(A) to present an *Order of Dismissal*, without notice, for failure to appear at the scheduled Trial Date.

NOTICES OF APPEARANCE OR WITHDRAWAL AND ADDRESS CHANGES:

All parties to this action must keep the court informed of their addresses. When a Notice of Appearance/Withdrawal or Notice of Change of Address is filed with the Superior Court Clerk's Office, parties must provide the assigned judge with a courtesy copy.

ARBITRATION FILING AND TRIAL DE NOVO POST ARBITRATION FEE:

A Statement of Arbitrability must be filed by the deadline on the schedule **if the case is subject to mandatory arbitration** and service of the original complaint and all answers to claims, counterclaims and cross-claims have been filed. If mandatory arbitration is required after the deadline, parties must obtain an order from the assigned judge transferring the case to arbitration. **Any party filing a Statement must pay a \$220 arbitration fee.** If a party seeks a trial de novo when an arbitration award is appealed, a fee of \$250 and the request for trial de novo must be filed with the Clerk's Office Cashiers.

NOTICE OF NON-COMPLIANCE FEES:

All parties will be assessed a fee authorized by King County Code 4.71.050 whenever the Superior Court Clerk must send notice of non-compliance of schedule requirements and/or Local Civil Rule 41.

King County Local Rules are available for viewing at www.kingcounty.gov/courts/clerk.

II. CASE SCHEDULE

| CASE EVENT | DEADLINE or EVENT DATE | Filing Needed |
|---|------------------------------|------------------|
| Case Filed and Schedule Issued. | Wed 05/25/2011 | * |
| Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing [See KCLMAR 2.1(a) and Notices on Page 2]. \$220 arbitration fee must be paid | Wed 11/02/2011 | * |
| DEADLINE to file Confirmation of Joinder if not subject to Arbitration. [See KCLCR 4.2(a) and Notices on Page 2]. | Wed 11/02/2011 | * |
| DEADLINE for Hearing Motions to Change Case Assignment Area. [See KCLCR 82(e)] | Wed 11/16/2011 | |
| DEADLINE for Disclosure of Possible Primary Witnesses [See KCLCR 26(b)]. | Mon 06/04/2012 | |
| DEADLINE for Disclosure of Possible Additional Witnesses [See KCLCR 26(b)]. | Mon 07/16/2012 | |
| DEADLINE for Jury Demand [See KCLCR 38(b)(2)]. | Mon 07/30/2012 | * |
| DEADLINE for Setting Motion for a Change in Trial Date [See KCLCR 40(d)(2)]. | Mon 07/30/2012 | * |
| DEADLINE for Discovery Cutoff [See KCLCR 37(g)]. | Mon 09/17/2012 | |
| DEADLINE for Engaging in Alternative Dispute Resolution [See KCLCR 16(b)]. | Mon 10/08/2012 | |
| DEADLINE for Exchange Witness & Exhibit Lists & Documentary Exhibits [See KCLCR 4(j)]. | Mon 10/15/2012 | |
| DEADLINE to file Joint Confirmation of Trial Readiness [See KCLCR 16] | Mon 10/15/2012 | * |
| DEADLINE for Hearing Dispositive Pretrial Motions [See KCLCR 56; CR 56]. | Mon 10/22/2012 | |
| Joint Statement of Evidence [See KCLCR (4)(k)]. | Mon 10/29/2012 | * |
| DEADLINE for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law and Jury Instructions (Do not file Proposed Findings of Fact and Conclusions of Law with the Clerk) | Mon 10/29/2012 | * |
| Trial Date [See KCLCR 40]. | Mon 11/05/2012 | |

III. ORDER

Pursuant to King County Local Civil Rule 4 [KCLCR 4], IT IS ORDERED that the parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Civil Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for non-compliance. It is FURTHER ORDERED that the party filing this action **must** serve this *Order Setting Civil Case Schedule* and attachment on all other parties.

DATED: 05/25/2011



PRESIDING JUDGE

IV. ORDER ON CIVIL PROCEEDINGS FOR ASSIGNMENT TO JUDGE

READ THIS ORDER BEFORE CONTACTING YOUR ASSIGNED JUDGE

This case is assigned to the Superior Court Judge whose name appears in the caption of this case schedule. The assigned Superior Court Judge will preside over and manage this case for all pretrial matters.

COMPLEX LITIGATION: If you anticipate an unusually complex or lengthy trial, please notify the assigned court as soon as possible.

APPLICABLE RULES: Except as specifically modified below, all the provisions of King County Local Civil Rules 4 through 26 shall apply to the processing of civil cases before Superior Court Judges. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

CASE SCHEDULE AND REQUIREMENTS

Deadlines are set by the case schedule, issued pursuant to Local Civil Rule 4.

THE PARTIES ARE RESPONSIBLE FOR KNOWING AND COMPLYING WITH ALL DEADLINES IMPOSED BY THE COURT'S LOCAL CIVIL RULES.

A. Joint Confirmation regarding Trial Readiness Report:

No later than twenty one (21) days before the trial date, parties shall complete and file (with a copy to the assigned judge) a joint confirmation report setting forth whether a jury demand has been filed, the expected duration of the trial, whether a settlement conference has been held, and special problems and needs (e.g. interpreters, equipment, etc.).

The form is available at <http://www.kingcounty.gov/courts/superiorcourt.aspx>. If parties wish to request a CR 16 conference, they must contact the assigned court. Plaintiff's/petitioner's counsel is responsible for contacting the other parties regarding said report.

B. Settlement/Mediation/ADR

a. Forty five (45) days before the trial date, counsel for plaintiff/petitioner shall submit a written settlement demand. Ten (10) days after receiving plaintiff's/petitioner's written demand, counsel for defendant/respondent shall respond (with a counter offer, if appropriate).

b. Twenty eight (28) days before the trial date, a Settlement/Mediation/ADR conference shall have been held. FAILURE TO COMPLY WITH THIS SETTLEMENT CONFERENCE REQUIREMENT MAY RESULT IN SANCTIONS.

C. Trial: Trial is scheduled for 9:00 a.m. on the date on the case schedule or as soon thereafter as convened by the court. The Friday before trial, the parties should access the King County Superior Court website <http://www.kingcounty.gov/courts/superiorcourt.aspx> to confirm trial judge assignment. Information can also be obtained by calling (206) 205-5984.

MOTIONS PROCEDURES

A. Noting of Motions

Dispositive Motions: All summary judgment or other dispositive motions will be heard with oral argument before the assigned judge. The moving party must arrange with the hearing judge a date and time for the hearing, consistent with the court rules. Local Civil Rule 7 and Local Civil Rule 56 govern procedures for summary judgment or other motions that dispose of the case in whole or in part. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

Nondispositive Motions: These motions, which include discovery motions, will be ruled on by the assigned judge without oral argument, unless otherwise ordered. All such motions must be noted for a date by which the ruling is requested; this date must likewise conform to the applicable notice requirements. Rather than noting a time of day, the Note for Motion should state "Without Oral Argument." Local Civil Rule 7 governs these motions, which include discovery motions. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

Motions in Family Law Cases not involving children: Discovery motions to compel, motions in limine, motions relating to trial dates and motions to vacate judgments/dismissals shall be brought before the assigned judge. All other motions should be noted and heard on the Family Law Motions calendar. Local Civil Rule 7 and King County Family Law Local Rules govern these procedures. The local rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

Emergency Motions: Under the court's local civil rules, emergency motions will be allowed only upon entry of an Order Shortening Time. However, emergency discovery disputes may be addressed by telephone call and without written motion, if the judge approves.

B. Original Documents/Working Copies/ Filing of Documents

All original documents must be filed with the Clerk's Office. Please see information on the Clerk's Office website at www.kingcounty.gov/courts/clerk regarding the new requirement outlined in LGR 30 that attorneys must e-file documents in King County Superior Court. The exceptions to the e-filing requirement are also available on the Clerk's Office website.

The working copies of all documents in support or opposition must be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the assigned judge. The assigned judge's working copies must be delivered to his/her courtroom or the Judges' mailroom. Working copies of motions to be heard on the Family Law Motions Calendar should be filed with the Family Law Motions Coordinator. On June 1, 2009 you will be able to submit working copies through the Clerk's office E-Filing application at www.kingcounty.gov/courts/clerk.

Service of documents. E-filed documents may be electronically served on parties who opt in to E-Service within the E-Filing application. The filer must still serve any others who are entitled to service but who have not opted in. E-Service generates a record of service document that can be e-filed. Please see information on the Clerk's office website at www.kingcounty.gov/courts/clerk regarding E-Service.

Original Proposed Order: Each of the parties must include an original proposed order granting requested relief with the working copy materials submitted on any motion. Do not file the original of the proposed order with the Clerk of the Court. Should any party desire a copy of the order as signed and filed by the judge, a pre-addressed, stamped envelope shall accompany the proposed order.

Presentation of Orders: All orders, agreed or otherwise, must be presented to the assigned judge. If that judge is absent, contact the assigned court for further instructions. If another judge enters an order on the case, counsel is responsible for providing the assigned judge with a copy.

Proposed orders finalizing settlement and/or dismissal by agreement of all parties shall be presented to the assigned judge or in the Ex Parte Department. Formal proof in Family Law cases must be scheduled before the assigned judge by contacting the bailiff, or formal proof may be entered in the Ex Parte Department. **If final order and/or formal proof are entered in the Ex Parte Department, counsel is responsible for providing the assigned judge with a copy.**

C. Form

Memoranda/briefs for matters heard by the assigned judge may not exceed twenty four (24) pages for dispositive motions and twelve (12) pages for non-dispositive motions, unless the assigned judge permits over-length memoranda/briefs in advance of filing. Over-length memoranda/briefs and motions supported by such memoranda/briefs may be stricken.

IT IS SO ORDERED. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTIONS. PLAINTIFF/PEITONER SHALL FORWARD A COPY OF THIS ORDER AS SOON AS PRACTICABLE TO ANY PARTY WHO HAS NOT RECEIVED THIS ORDER.



PRESIDING JUDGE

King County
Department of Judicial Administration
Superior Court Clerk's Office

IMPORTANT NOTICE
**KING COUNTY SUPERIOR COURT HEARING LOCATIONS
WILL CHANGE
IF THE MALENG REGIONAL JUSTICE CENTER IN KENT IS
CLOSED**

The Maleng Regional Justice Center (MRJC) in Kent lies within the former Green River floodplain and is at risk of flooding if the Green River overtops its levies in a major flood event. The MRJC facility will likely be evacuated and closed if an imminent flood is predicted and operations normally located there will be forced to relocate.

If it becomes necessary to close the MRJC facility and relocate the courtrooms, some scheduled court proceedings at the King County Courthouse in Seattle will also be affected, with a changed location.

PLEASE NOTE: If you have a court proceeding scheduled at either the King County Courthouse in Seattle or the Maleng Regional Justice Center in Kent, please call (206) 296-9300 x '0' to learn if there is a flood related change to the location of your court proceeding. Call within two days of your scheduled court date for the current information.

Current MRJC flood status and proceeding location information will also be posted online here:

King County Superior Court's website: <http://www.kingcounty.gov/courts/superiorcourt>

King County Clerk's Office website: <http://www.kingcounty.gov/courts/Clerk>

The Clerk's Office and Superior Court remain committed to providing good customer service throughout the flood watch season and, if necessary, during a MRJC facility closure period. We thank you for your patience during this time.

***Please include a copy of this notice when providing copies of court documents to other parties.**

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

CYNTHIA BINKLEY, an individual,,
Plaintiff,
v.
SAFEWAY INC., a Delaware
Corporation,
Defendant.

No.
NOTICE OF APPEARANCE

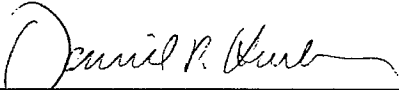
TO: CYNTHIA BINKLEY,
AND TO: Patrick B. Reddy, Attorney for Plaintiff

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the above-named defendant, Safeway Inc., without waiving objections as to improper service or jurisdiction, hereby enters appearance in the above-entitled action by the attorneys undersigned. You are hereby requested to serve all further papers and proceedings in said cause, except original process, upon said attorneys at their address below stated.

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DATED this 11th day of May, 2011.

K&L GATES LLP
925 Fourth Ave, Suite 299
Seattle, WA 98104

By 

Daniel P. Hurley, WSBA #32842
Attorneys for Defendant Safeway Inc.

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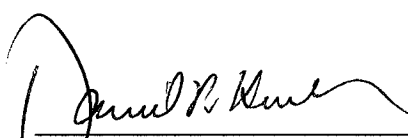
No.

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury of the laws of the State of Washington
that on this 11th day of May, 2011, I caused true and correct copies of the Notice of
Appearance to be delivered via legal messenger to the following:

Patrick Reddy
Emery Reddy, PLLC
600 Stewart Street, Ste. 1100
Seattle, WA 98101

DATED this 31st day of May, 2011.



Daniel P. Hurley