

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

AZRA RAHIM,

Plaintiff,

v.

PROVIDENCE HEALTH AND  
SERVICES,

Defendant.

CASE NO. C13-1499RAJ

ORDER AND CERTIFICATION OF  
CONSTITUTIONAL CHALLENGE  
TO THE ATTORNEY GENERAL  
OF THE STATE OF  
WASHINGTON

The court has received the parties' joint statement regarding Plaintiff's intent to challenge the constitutionality of Washington's exemption of not-for-profit religious organizations from the employment discrimination provisions of the Washington Law Against Discrimination. RCW 49.60.040(11) ("Employer" . . . does not include any religious or sectarian organization not organized for private profit."). The parties have stipulated that Defendant is a not-for-profit religious organization within the meaning of the statutory exemption.

The parties intend to submit summary judgment motions asking the court to rule that the statutory exemption violates the United States Constitution. The parties have shown no need for each of them to file a separate motion. A single motion will suffice.

In accordance with Federal Rule of Civil Procedure 5.1(b) and 28 U.S.C. § 2403(b), the court certifies to the Attorney General of the State of Washington that the constitutionality of a Washington statute affecting the public interest has been drawn into

ORDER – 1

1 question in this case. The State of Washington may intervene in this action to present  
2 evidence or argument on the constitutional question.

3 The court orders as follows:

- 4 1) The clerk shall send this order and the court's May 1, 2014 order to the  
5 Attorney General:

6 Bob Ferguson, Attorney General of the State of Washington  
7 1125 Washington Street SE  
8 P.O. Box 40100  
9 Olympia, WA 98504-0100

- 10 2) No later than June 19, 2014, Plaintiff shall submit a motion for summary  
11 judgment addressed solely to her challenge to the constitutionality of the  
12 statutory exemption at issue. Plaintiff shall note the motion for July 25, 2014.  
13 If Plaintiff does not file her motion by June 19, the court will deem her  
14 constitutional challenge waived and will dismiss as untimely her claims arising  
15 under Title VII of the Civil Rights Act of 1964.
- 16 3) No later than July 15, 2014, Defendant shall file an opposition to the summary  
17 judgment motion. Plaintiff may file a reply brief no later than July 24.
- 18 4) The parties shall serve, by mail (or by another means if the Attorney General  
19 requests it) a copy of each of their briefs on the Attorney General at the address  
20 above. Service shall include the brief and this order, with this paragraph  
21 highlighted. The parties shall certify compliance with this paragraph in the  
22 certificate of service accompanying their filings. Compliance with this order  
23 will constitute compliance with Federal Rule of Civil Procedure 5.1(a).

24 DATED this 19th day of May, 2014.

25 

26 The Honorable Richard A. Jones  
27 United States District Court Judge