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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 CODY HART, et al.,

11 Plaintiffs,

12 v.

13 LISA JANICKI, et al.,

14 Defendants.

CASE NO. C23-832 MJP

ORDER DENYING MOTION FOR
RECONSIDERATION AND
MOTION FOR CRIMINAL
REFERRAL

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16 This matter comes before the Court on Plaintiffs' Motion for Reconsideration (Dkt. No.
17 25) and Motion for Criminal Referral (Dkt. No. 26). Having reviewed both Motions and
18 supporting materials, the Court DENIES both Motions.

19 The Court previously issued an Order dismissing this action with prejudice and without
20 leave to amend. (Order of Dismissal (Dkt. No. 23).) In particular, the Court found that it lacked
21 subject matter jurisdiction over the action because Plaintiffs lacked standing to pursue the claims
22 they alleged. (Id. at 3-5.) The Court explained:

23 Article III of the Constitution limits the jurisdiction of federal courts to actual "cases" and
24 "controversies." U.S. Const. art. III, § 2. "One element of the case-or-controversy

1 requirement is that plaintiffs must establish that they have standing to sue.” Clapper v.
2 Amnesty Int’l USA, 568 U.S. 398, 408 (2013) (internal quotation and citation omitted).
3 To establish standing “a plaintiff must show (1) [they have] suffered an injury in fact that
4 is (a) concrete and particularized and (b) actual or imminent, not conjectural or
5 hypothetical; (2) the injury is fairly traceable to the challenged action of the defendant
6 and (3) it is likely, as opposed to merely speculative, that the injury will be redressed by a
7 favorable decision.” Friends of the Earth, Inc. v. Laidlaw Env’tl. Serv. Inc., 528 U.S. 167,
8 180-81 (2000). “The plaintiff, as the party invoking federal jurisdiction, bears the burden
9 of establishing these elements.” Spokeo, Inc. v. Robins, 578 U.S. 330, 338 (2016). “[A]t
10 the pleading stage, the plaintiff must clearly allege facts demonstrating each element.” Id.
11 (internal quotation and citation omitted). And “a plaintiff cannot establish standing by
12 asserting an abstract general interest common to all members of the public, no matter
13 how sincere or deeply committed a plaintiff is to vindicating that general interest on
14 behalf of the public.” Carney v. Adams, ___ U.S. ___, 208 L. Ed. 2d 305, 141 S. Ct. 493,
15 499 (2020) (citation and quotation omitted).

9 None of the Plaintiffs has identified any concrete or particularized injury sufficient to
10 confer standing under Article III. First, Plaintiffs fail to identify a personal injury arising
11 out of the use of public funds incurred in the defense of the various County officials
12 Plaintiffs have sued in several different lawsuits. At most, Plaintiffs have identified an
13 injury to a public interest that is common to all members of the public. This is not a basis
14 to satisfy the injury-in-fact requirement of standing. See Carney, 141 S. Ct. at 499.
15 Second, Plaintiffs fail to identify sufficient allegations to support their theory that they
16 suffered an injury to their right to campaign or vote. (See Compl. ¶¶ 31-34; Plaintiffs’
17 Affidavits (Ex. 2 to the Complaint) (Dkt. No. 1-2 at 6-18) (seeking compensation for
18 alleged loss of voting and campaigning rights, but not identifying any inability to have
19 voted or campaigned).) Nowhere have Plaintiffs alleged that they were unable to vote or
20 run for office or that they had any intention to do so. They have therefore failed to
21 identify a concrete or particularized injury necessary to confer standing. And by failing to
22 respond to the Motion to Dismiss, Plaintiffs have failed to provide any explanation or
23 meet their burden to show standing.

17 (Dkt. No. 23 at 3-4.)

18 Plaintiffs’ newly-identified evidence does not alter the fact that Plaintiffs continue not to
19 have standing to pursue any of the claims alleged in this matter. Plaintiffs have not identified any
20 personal injury sufficient to meet Article III’s standing requirements. The Court therefore
21 DENIES the Motion for Reconsideration and DENIES the Motion for Criminal Referral. This
22 matter shall remain closed.

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1 The clerk is ordered to provide copies of this order to Plaintiffs and all counsel.

2 Dated June 4, 2024.

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4 Marsha J. Pechman
5 United States Senior District Judge

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