

SUPREME COURT OF THE STATE OF WASHINGTON

Johnson v. Inslee

No. 100255-6 · No. No. 100255-6 · Decided October 22, 2021

SUMMARY

The Washington Supreme Court held that a challenge to Governor Jay Inslee’s COVID-19 vaccination proclamations was required to be venued in Thurston County under RCW 4.12.020(2). The court concluded that the governor issued the proclamations in virtue of his office and that the cause of action arose in Thurston County, where the proclamations were issued. The court reversed the Franklin County Superior Court’s denial of the motion to change venue and remanded with directions to transfer the action.

CASE DETAILS

COURT	Supreme Court of the State of Washington
JURISDICTION	Washington
DECIDED	October 22, 2021
DOCKET	No. 100255-6
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Petitioners sought accelerated direct discretionary review of the Franklin County Superior Court's denial of their motion to change venue to Thurston County Superior Court in an action challenging the governor's COVID-19 vaccination proclamations.
STANDARD OF REVIEW	De novo interpretation and application of the statutory venue provisions.
PRECEDENTIAL VALUE	published
PARTIES	Jay Inslee, Governor, in his official capacity, Washington State, Washington State Department of Corrections, Cheryl Strange, Secretary of the Department of Corrections, in her official capacity v. Jeffrey Johnson

TOPICS

venue

civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Where did Johnson's cause of action challenging the governor's proclamations arise under RCW 4.12.020(2)?
2. Were the governor's proclamations acts performed 'in virtue of' his office for purposes of the mandatory venue statute, notwithstanding Johnson's allegation that the proclamations were unconstitutional?

HOLDINGS

1. A cause of action challenging a public officer's official act arises in the county where the act itself was performed. Because the governor issued the challenged proclamations in Thurston County, mandatory venue was in Thurston County Superior Court.
2. An official act remains an act performed 'in virtue of' the officer's office for purposes of RCW 4.12.020(2) even when the plaintiff alleges that the act exceeded constitutional authority or was unlawful.

KEY QUOTATIONS

“We hold that the governor’s proclamations constitute acts performed by him “in virtue of his . . . office” within Thurston County and that respondent’s cause of action challenging the lawfulness of the proclamations “arose” only in Thurston County, making Thurston County Superior Court the mandatory venue for the action under RCW 4.12.020(2).” (6)

FACTUAL BACKGROUND

Governor Jay Inslee issued proclamations requiring certain state employees, health care workers, educational employees, and certain state contractors to be vaccinated against COVID-19, subject to medical and religious exemptions. Jeffrey Johnson, a corrections officer at the Coyote Ridge Corrections Center in Franklin County, received a religious exemption but challenged the proposed accommodation and the proclamations in court. The governor issued the challenged proclamations in Thurston County.

PROCEDURAL HISTORY

Jeffrey Johnson filed an action in Franklin County Superior Court challenging the governor's vaccination proclamations on constitutional grounds and seeking declaratory and injunctive relief. Petitioners moved to transfer venue to Thurston County under RCW 4.12.020(2), but the superior court denied the motion. The Washington Supreme Court granted accelerated discretionary review, reversed the venue ruling, and remanded with directions to grant the motion to change venue without delay.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Franklin County Superior Court was directed to grant petitioners' motion to change venue to Thurston County Superior Court without delay.

CASES CITED

- Parker v. Wyman, 176 Wn.2d 212, 222, 289 P.3d 628 (2012)
- Eubanks v. Brown, 180 Wn.2d 590, 595-96, 600, 327 P.3d 635 (2014)
- Executive Director v. District Court, 923 P.2d 885, 886 (Colo. 1996)
- Okla. Ordnance Works Authority v. District Court, 613 P.2d 746, 750 (Okla. 1980)
- Stalheim v. Doscocil, 275 S.C. 252, 255, 269 S.E.2d 346 (1980)
- Ebenezer Society v. Minnesota State Board of Health, 301 Minn. 188, 198, 223 N.W.2d 385 (1974)
- McDonald v. State, 86 S.D. 570, 576-77, 199 N.W.2d 583 (1972)
- Coats v. Sampson County Memorial Hospital, Inc., 264 N.C. 332, 334, 141 S.E.2d 490 (1965)
- Huerter v. Hassig, 175 Kan. 781, 784, 267 P.2d 532 (1954)
- Brownell v. Aetna State Bank, 201 Iowa 781, 783, 208 N.W. 210 (1926)
- Meeker v. Scudder, 108 Ohio St. 423, 428-29, 140 N.E. 627 (1923)
- Clay v. Hoysradt, 8 Kan. 74, 80 (1871)
- Pratt v. Niagara Fire Insurance Co. of New York, 113 Wash. 347, 349, 194 P. 411 (1920)
- State ex rel. Robinson v. Superior Court, 181 Wash. 541, 43 P.2d 993 (1935)

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