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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

SCOTT MILLER, an individual, MICHAEL  
SPAULDING, an individual,

Plaintiffs,

v.

KSHAMA SAWANT, an individual.

Defendant.

NO.

COMPLAINT

**INTRODUCTION**

1. This is not a complaint against the City of Seattle or its City Council. The plaintiffs do not want one red cent of public money. This is a Complaint seeking damages against one individual who, acting in her own capacity and only on her own behalf, defamed two good men. Police officers, Scott Miller and Michael Spaulding, do a hard job for modest pay and little thanks—realities they accept. But what they do not accept, and what the law does not permit, is having their reputations ruined by an ambitious politician, doing so for personal gain.

2. In February 2016, Officer Spaulding and Detective Miller were apprehending Che Taylor—a violent felon and rapist—when he began pulling a gun on them. The officers were forced to fire, ending his life. In less than a week, having never spoken to the officers, their attorney, the department, and with the investigation still incomplete, Kshama Sawant was

COMPLAINT - 1

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1 publicly pronouncing these officers “murderers” and referring to the shooting as a product of  
2 “racial profiling.” Sawant continued defaming the officers, with particular emphasis  
3 immediately before their inquest hearing, and does so even to this day—despite the officers  
4 having been cleared by an impartial jury.

5 3. Prior to filing suit, the officers requested a retraction. Sawant did not even give  
6 them the courtesy of a response.

7 4. Through this lawsuit the officers intend to get their good names back and secure  
8 justice for a deliberate and self-interested wrong.

### 9 THE PARTIES

10 5. Plaintiff, Scott Miller, is an individual and private figure residing in Snohomish  
11 County.

12 6. Plaintiff, Michael Spaulding, is an individual and private figure residing in King  
13 County.

14 7. Defendant, Kshama Sawant, is an individual and public figure residing in King  
15 County.

### 16 JURISDICTION AND VENUE

17 8. The King County Superior Court has original jurisdiction over the parties and  
18 subject matter pursuant to RCW 2.08.010.

19 9. This action is originally venued in the King County Superior Court under  
20 RCW 4.12.020 because the Defendant is a resident of King County.

### 21 FACTUAL BACKGROUND

#### 22 The Defendant

23 10. Defendant, Kshama Sawant, is a well-known local figure, with national  
24 ambitions. She has been criticized for using City of Seattle resources to play to her base and  
25

1 inject herself into national politics. She made headlines, for example, when she used her  
2 platform to advocate “shutting down” the presidential inauguration.

3 11. Sawant brands herself as counter-cultural and denies being part of “the system.”  
4 According to her various public statements and website, she is a “voice for working people.”  
5 Sawant, therefore, holds significant credibility with the public, particularly in the Seattle  
6 metropolitan area. People assume that when she speaks, even when expressing opinion, it is  
7 based upon facts made available to her by virtue of her leadership position, role in Seattle, and  
8 socialist folk-hero status.

9 12. As discussed below, one of Sawant’s most effective political tools has  
10 historically been opposition to law enforcement. Sawant has, herself, been arrested several  
11 times when interfering with law enforcement and engaging in disorderly conduct, all to the  
12 approval of her political base.

#### 13 The Che Taylor Shooting

14 13. Officer Spaulding and Detective Miller are police officers with the City of  
15 Seattle.

16 14. In February 2016, Officer Spaulding and Detective Miller were called upon to  
17 serve a high-risk warrant in the Wedgewood/Lake City area.

18 15. The context was dangerous to begin with. However, it became even more  
19 dangerous when Che Taylor arrived in a Black Dodge. The officers immediately recognized  
20 him as a known drug dealer, pimp and felon—recently released from prison following a 23-  
21 year sentence for break-in and forcible rape. Taylor was also a suspect in a Kirkland-based  
22 murder investigation, in which the victim was beaten to death with a hammer.

23 16. At the time, Taylor had two “strikes” and a visible gun in a holster on his right  
24 hip (which was, itself, a felony triggering an ATF hit). The officers knew that an arrest would  
25

1 likely lead to a violent confrontation, as Taylor, if convicted, would be going back to prison for  
2 the rest of his life.

3 17. While the officers waited for backup in order to arrest Taylor for unlawful  
4 possession of a firearm, he went down to the nearby trailer park—a location known to be rife  
5 with narcotics—and attempted to pimp out the female who accompanied him.

6 18. When Taylor returned to the scene, still armed, the arrest team was arriving. As  
7 they approached, it drew Taylor’s attention and the officers moved to the backside of the  
8 vehicle—and began shouting commands for him to show his hands.

9 19. Taylor did not comply. Instead, he ducked down and began reaching for the  
10 gun in his holster. The police car’s vehicle camera picked up the officers’ final shouts, “hey no  
11 hey no hey no” before both were forced to open fire. When Taylor fell, the gun—which was  
12 out of the holster and in his hand at that point—fell into his vehicle.

13 20. Che Taylor passed away and the officers were put on administrative leave per  
14 standard operating procedure. Consistent with state law, the King County prosecutor began  
15 convening an inquest to determine whether charges should be brought.

#### 16 False Statements

17 21. Approximately five days after the shooting, Sawant appeared before a crowd  
18 and media in front of the police department. This was not official city council business, and  
19 certainly not a “legislative function.” Sawant, however, implied awareness of inside factual  
20 information, and appeared to be making a statement against interest. With gravitas established,  
21 she went on to pronounce Che Taylor’s death a “brutal murder” and product of “racial  
22 profiling.”

23 22. The crowd can be heard acknowledging and accepting the statements.  
24  
25

1           23.     In making these public statements about two private citizens, who did  
2 everything right:

- 3           a.     Sawant never attempted to speak to the officers about the event;
- 4           b.     Sawant never attempted to speak to the officers' counsel about the event;
- 5           c.     Sawant never attempted to speak to any of the eyewitnesses about the event;
- 6           d.     Sawant has no formal police training or expertise;
- 7           e.     Sawant has no background in law enforcement;
- 8           f.     Sawant did not wait for an internal investigation to be completed; and
- 9           g.     Sawant did not wait for a neutral and contested inquest to occur.

10          24.     What is more, at the time, it was known that Che Taylor had a violent criminal  
11 history, was armed, was reaching for his gun, and a video of the encounter had been released to  
12 the public. This was ignored or disregarded by Sawant.

13          25.     The statements were not in any way qualified or couched as opinion. Sawant  
14 did not acknowledge that the investigation was ongoing. She, instead, tried and convicted the  
15 officers herself in the court of public opinion.

16          26.     Sawant reiterated the above-statements publicly throughout the year and, with  
17 particular emphasis, immediately before the officers' inquest.

18          27.     The inquest took place approximately a year after the shooting. It was convened  
19 by the King County prosecutor, overseen by a respected judge, and contested by Che Taylor's  
20 family lawyer. When the dust settled, a jury cleared the officers of wrongdoing.

21          28.     Sawant, however, continues to refer to the shooting as a "murder" and publicly  
22 asserts that the officers avoided "accountability" (touting the implicit—if not explicit—factual  
23 premise that this was a race-based murder).

24          29.     The officers requested that Sawant retract her statements. She did not even  
25 bother to respond to their request.

1 Impact On the Officers

2 30. With the political firestorm created when Sawant—purportedly speaking with  
3 factual authority—publicly called the officers racist murderers, the officers’ lives were turned  
4 upside down.

5 31. The officers were nearly denied a fair inquest hearing.

6 32. Being called a racist and murderer directly impacted their careers, which were  
7 stymied.

8 33. The officers were publicly berated and chastised.

9 34. The officers watched their families suffer. Detective Miller, whose children  
10 attended the Seattle School District, had to move.

11 35. To this day, a Google search of the officers bespeaks the impact on their  
12 reputation and good names.

13 36. The damage has been far-reaching, extending throughout King County and  
14 well-beyond.

15 **JURY DEMAND**

16 The officers demand a jury on all issues so triable.

17 **CAUSES OF ACTION**

18 Defamation and Defamation Per Se

19 37. Plaintiffs incorporate all of the above-allegations as if stated herein in full.

20 38. Defendant Sawant has defamed Plaintiffs by stating and publishing harmful and  
21 damaging statements.

22 39. The statements are false and unprivileged.

23 40. Because the statements assert criminal conduct and embrace plaintiffs’ job and  
24 business, this constitutes defamation per se.

25 41. The statements have not been retracted.

1 42. The conduct proximately caused harm.

2 43. Plaintiffs have suffered damage in an amount to be proven at trial.

3 **RELIEF REQUESTED**

4 Plaintiffs pray the following relief:

5 A. Damages in an amount to be proven at trial.

6 B. Attorneys' fees and costs as permitted by law and equity.

7 C. All other relief the Court deems just and proper.

8 RESPECTFULLY SUBMITTED this 18<sup>th</sup> day of August, 2017.

9 s/Adam L. Rosenberg

10 Daniel A. Brown, WSBA #22028

11 Adam L. Rosenberg, WSBA #39256

12 Attorneys for Plaintiffs Miller and Spaulding

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KSHAMA SAWANT, an individual.  
  
Defendant.

NO.  
  
SUMMONS

TO THE DEFENDANT ABOVE NAMED:

A lawsuit has been started against you in the above entitled Court by Plaintiffs  
Scott Miller and Michael Spaulding. Plaintiffs' claims are stated in the written Complaint, a  
copy of which is served upon you with this Summons. In order to defend against this lawsuit,  
you must respond to the Complaint by stating your defense in writing and serve a copy upon  
the undersigned attorney for plaintiffs within twenty (20) days after the service of this  
Summons, excluding the day of service, or in sixty (60) days after the date of service of this  
Summons, excluding the day of service, if you are residing outside the State of Washington.  
Failure to do so may result in a default judgment being entered against you without notice. A  
default judgment is one where plaintiffs are entitled to what it asks for in the Complaint



1 because you have not responded. If you serve a Notice of Appearance on the undersigned  
2 attorney, you are entitled to notice before a default judgment may be entered.

3 You may demand that plaintiffs file this lawsuit with the Court. If you do so, the  
4 demand must be in writing and must be served upon plaintiffs. Within 14 days after you serve  
5 the demand, plaintiffs must file this lawsuit with the Court, or the service upon you of this  
6 Summons and Complaint will be void.  
7

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

10 This Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the  
11 State of Washington.

12 RESPECTFULLY SUBMITTED this 18<sup>th</sup> day of August, 2017.

13  
14 s/Adam L. Rosenberg  
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