

Hearing: April 4, 2022 at 1:30 p.m.

STATE OF WASHINGTON
KING COUNTY DISTRICT COURT
EAST DIVISION, BELLEVUE COURTHOUSE

STEPHANIE J. RUDAT,

Petitioner,

v.

MIKI M. MULLOR,

Respondent.

No. 22CIV03090KCX

RESPONSE TO PETITION FOR
HARASSMENT PROTECTION
ORDER AND REQUEST FOR
FEE AWARD

Respondent Miki M. Mullor (“Mullor” or “Respondent”) hereby responds to the
Petition for Harassment Protection Order as follows.

I. INTRODUCTION

Petitioner’s claims are utterly without merit. Indeed, they are frivolous, as discussed in more detail below, and as shown by the accompanying Declaration of Miki Mullor, refuting the conclusory assertions. As a result, Respondent requests denial of the Petition, with an award of reasonable attorney’s fees.

II. DISCUSSION

Mullor is the editor of *The Sammamish Comment*, an online newspaper which has criticized Petitioner and her father, the Sammamish City Manager (until March 31, because on March 1, the City Council terminated his contract after an internal investigation detailing

1 alleged malfeasance) David Rudat. Pursuant to ER 201, moreover, this Court can take judicial
2 notice of the contents of *The Comment* (see, e.g., Exhibit 1, attached hereto), which are also
3 available here: <https://sammamish.news/>

4 In connection with her support for her father, the City Manager, Petitioner has thrust
5 herself forward into the public controversies regarding his corrupt activities and the City's
6 investigations into those corrupt activities, making herself a public figure. *See Camer v. Seattle*
7 *Post-Intelligencer*, 45 Wn. App. 29, 723 P.2d 863 (1986). *See* attached Exhibit 2, which
8 includes Petitioner's Facebook page confirming her public figure status.

9 For example, she has been actively involved in a 990-member' Facebook group called
10 "Vote Sammamish" which she controls, and as recently reported by *The Comment* has made
11 multiple "misrepresentation to the public," "has eavesdropped on calls the City Manager had
12 with unsuspecting council members," and "was using her inside access to impact council
13 members' votes through her control of local social media."

14 What facts does Petitioner allege against Mullor in support of her protection order? She
15 claims that:

- 16 • Mullor is "aggressively attacking the Petitioner online," repeatedly criticizing
17 "the character and actions of the Petitioner."
 - 18 • He is "coordinating community action in speaking up to City Council in a
19 negative light portraying her as a liar."
 - 20 • He has "contacted elected officials to say derogatory things about the
21 Petitioner," which make her appear "toxic and dangerous."
- 22
23

- He is “directly contacting people in the community, in writing and possibly otherwise,” seeking to persuade them that Petitioner is a “liar and acting as an ‘agent of the city.’”
- He told a “community member” that Petitioner would likely “feel the pain” when and if her father was removed from office.
- He was critical of the fact that “Petitioner had some sort of social agenda.”

In support of her Petition, Rudat offers copies of a June 2021 exchange of emails between Mullor and someone named Michael Scoles, discussing someone named “Christie,”¹ which suggest that Respondent and Scoles disagreed about various political matters involving the operation of the City of Sammamish, that they have different views of “Christie,” and that because of Scoles’ false allegations directed against Christie, Respondent believes that Scoles is a “liar” – “You’re a liar,” Mullor tells Scoles.²

If these are the relevant allegations, the Petition is absurd. On their face, these communications to members of the public and to government officials on matters of public concern are absolutely protected by the First Amendment to the United States Constitution and by Article I, Section 5, of the Washington Constitution. And that conclusion is reinforced by RCW 10.14.190, which states: “Nothing in this chapter shall be construed to infringe upon any constitutionally protected rights including, but not limited to, freedom of speech and freedom of assembly.”

The Declaration of Miki Mullor, accompanying this brief, details all of his involvement in the public controversies regarding Petitioner and her father, and problems with Sammamish

¹ Christie Malchow is Deputy Mayor of the City of Sammamish. Mullor Declaration ¶ 26.

² For more information about Scoles, *see* Mullor Declaration, ¶¶ 13-14, 21-22, 32, 37, 42, 44.

1 City government, and additional background on Mullor's and Scoles' political disagreements,
2 which provides context for the heated June 2021 email exchange between Respondent and
3 Scoles.³ As that Declaration demonstrates, the overwhelming conclusion is that all of
4 Respondent's activities and communications involving the City of Sammamish (and including
5 Petitioner and her father) are directly protected by the First Amendment and by Article I,
6 Section 5, of the Washington Constitution — "liberty interests," in the words of RCW
7 10.14.030(4)(a)), including freedom of speech (communications by a Sammamish citizen to
8 City government employees and officials absolutely protected by RCW 4.24.510, and to others
9 such as Petitioner who are on the opposite side of the public debates) and freedom of the press
10 (receiving and reporting communications from Petitioner and others, following by reporting
11 and publication in *The Comment*) — and the other factors listed in RCW 10.14.030 all confirm
12 that the conclusory allegations in the Petition, and the evidence proffered by Petitioner of
13 Respondent's June 2021 views about Michael Scoles' honesty, require denial of the Petition.⁴

14 In short, Petitioner's allegations against Mullor, including Mullor's statements in *The*
15 *Comment* criticizing Petitioner and her father and his criticism of Michael Scoles' honesty, are
16 targeting activities and communications protected by the First Amendment,⁵ which reflects "a
17

18 ³ For what it's worth, Respondent still believes that Scoles is a "liar." Under the First
19 Amendment, such opinions are absolutely protected from liability. Indeed, Washington law
20 recognizes that such nonactionable "statements of opinion are expected to be found more often
21 in ... political debates." *Dunlap v. Wayne*, 105 Wn.2d 529, 539, 716 P.2d 842 (1986); *Hoppe*
v. Hearst Corp., 53 Wn. App. 668, 674-75, 770 P.2d 203 (1989). A glance at Petitioner's
22 "evidence" confirms that this was a political debate. Plus, sending an email to Scoles accusing
23 him of being a "liar" cannot seriously justify an Order of Protection on Rudat's behalf.

⁴ See RCW 10.14.020(1) ("course of conduct" in the harassment statute "does not include
constitutionally protected free speech," or other "Constitutionally protected activity").

⁵ Respondent's activities are also protected by Article I, Section 5, of the Washington
Constitution, which in fact provides broader protections than the First Amendment. *See State*
v. Coe, 101 Wn.2d 364, 679 P.2d 353 (1984).

1 profound national commitment to the principle that debate on public issues should be
2 uninhibited, robust, and wide-open.” *New York Times Co. v. Sullivan*, 376 U. S. 254, 270
3 (1964). Indeed, “speech on public issues occupies the highest rung of the hierarchy of First
4 Amendment values, and is entitled to special protection.” *Connick v. Myers*, 461 U. S. 138, 145
5 (1983).

6 Finally, because this case is frivolous, Mullor is also entitled to an award of reasonable
7 attorneys’ fees pursuant to RCW 4.84.185: “In any civil action,⁶ the court having jurisdiction
8 may, upon written findings by the judge that the action, counterclaim, cross-claim, third party
9 claim, or defense was frivolous and advanced without reasonable cause, require the non-
10 prevailing party to pay the prevailing party the reasonable expenses, including fees of
11 attorneys, incurred in opposing such action, counterclaim, cross-claim, third party claim, or
12 defense.”

13 III. CONCLUSION

14 In conclusion, Mullor requests that the Court deny the Petition, issue a finding of
15 frivolousness, and award Respondent his reasonable attorneys’ fees pursuant to RCW 4.84.185.

16 DATED this 18th day of March, 2022.

17
18 DAVIS WRIGHT TREMAINE LLP
Attorneys for Respondent

19
20 By 

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⁶ This Petition is a civil action. RCW 10.14.040.

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CERTIFICATE OF SERVICE

I hereby certify that I caused the document to which this certificate is attached to be delivered to the following as indicated:

Stephanie Rudat
2120 Sahalee Drive E.
Sammamish, WA 98074
Email: stephanierudat@gmail.com

- ☐ Messenger
☐ U.S. Mail, postage prepaid
☐ Federal Express
☐ Facsimile
☒ Email
☐ King County E-Filing Application

Declared under penalty of perjury under the laws of the state of Washington dated at this 18th day of March, 2022.

By


Bruce E.H. Johnson, WSBA #07667

EXHIBIT 1

Sammamish Comment

Independent source of local news in Sammamish

Save

Council move to fire City Manager fails, but 30 day suspension passes

Posted on [November 17, 2021](#) by [cityhamilton](#)

By Scott Hamilton

Nov. 17, 2021: The Sammamish City Council split Nov. 16 over whether to fire City Manager David Rudat or suspend him for 30 days without pay.

The motion by Council Member Tom Odell to notify Rudat, who was present and listening to the debate, that he would be fired for cause failed on a 2-5 vote. Council Member Pam Stuart supported Odell. Mayor Karen Moran, Deputy Mayor Christie Malchow, and Members Ken Gamblin, Kent Treen and Chris Ross opposed the move.

Ross then moved to suspend Rudat for 30 days without pay, after allowing Rudat to first respond to allegations of improprieties. Malchow seconded this motion. They were joined by Gamblin and Moran. Odell, Stuart and Treen opposed this motion.

Rudat has until Nov. 30 to respond before the suspension potentially is enacted.

Months of investigation

The actions come following months of investigation “To Evaluate Complaints or Charges brought against a Public Officer or Employee pursuant to RCW 42.30.110 (1)(f)” against Rudat. The probe was conducted by an outside attorney retained specifically for the investigation.

Moran, Gamblin and Treen voted months ago against launching the investigation. *Sammamish Comment* learned that Moran and Gamblin were concerned that the probe and any action that might result could have a detrimental effect on Moran’s campaign for a second term in the November 2 election. She won with 75% of the vote against a token opponent.

The investigation falls under the Executive Session provisions of state law, in which the city council discusses personnel matters. The council has held multiple executive sessions before last night's action. The discussions within the sessions are not public. But debate over the two motions hinted at what was behind the moves to fire or suspend Rudat.

The investigation involved people outside the city government and centered on alleged improprieties of Rudat.

The motion to fire

Odell moved to adopt a resolution to notify Rudat that he would be terminated for cause, following an opportunity allowing him to respond in 30 days. Stuart seconded.

"I make this motion because the city manager has failed to adequately protect sensitive information from disclosure and failed to follow code of conduct," Odell said.

"I support this motion. We've been conducting this investigation for quite some time. There is a pattern of behavior. There is a failure to protect sensitive information. I have lost confidence" in Rudat.

Moran kept interrupting Stuart, charging her with "pontificating" and not making her point. Moran characterized Stuart's comments as "opinion." Stuart objected to Moran's frequent interruptions and characterization of her comments as "opinion." The independent legal investigation was based on factual findings that drove Stuart's decision and rationale.

"There is a pattern of behavior," Stuart said.

"I am not going to support the motion for termination," Malchow said. She said the report did not specify whether failure to safeguard information was tacit. Malchow instead supported a reprimand.

Moran opposed firing as well. "It's against the spirit of any contract we have with the city manager. It's premature. What we have, we were just starting to look at it and requires an explanation."

"We have facts," Stuart replied. "We have facts that the city manager failed to safeguard information." Rudat, she said, violated the code of conduct of the International City/County Management Association and of the city's code of conduct. The facts, Stuart said, also pointed to the city manager not protecting himself from undue influence of "outside people," whom she did not identify.

Gamblin said "The entire investigation got off on the wrong foot. There was not enough discussion with the city manager. The preponderance of evidence points to lapses in judgment. It doesn't rise to the level of termination. I think it's laughable."

Motion for suspension

Following the 2-5 vote for termination, Ross moved for a 30 day suspension without pay. Ross felt Rudat's actions fell short of termination but "some sanction is appropriate given facts and information. It doesn't say we lost confidence in the city manager. He's a very talented individual. This gives us the opportunity to work with the city manager going forward for a positive relationship."

Stuart, however, noted that the council terminated two city managers in the last 3.5 years "for far less," and "We have evidence he lied to the investigator."

A grim-faced Rudat was mute throughout the debate.

At the root of the investigation

What's at the root of the investigation, in a confidential complaint filed by Miki Mullor, the editor of *The Comment*, is evidence that Dave Rudat was sharing confidential city information with his daughter, Stephanie Rudat. Stephanie Rudat is an administrator-moderator of several Sammamish-oriented Facebook groups. Criticisms of Dave Rudat and of council members she supports are often deleted, or threatened with deletion, from these groups. But one member of these groups, who uses the screen name David Benedet, is freely allowed to criticize Mullor and council members opposed to David Rudat. (This writer was thrown out of Save Sammamish today for criticizing one of the administrators, Kartik Mithal, for allowing Benedet's latest rant and for Mithal posting his own allegations toward Mullor.) Mullor has evidence that Benedet receives talking points from Stephanie Rudat.

After Mullor in late May confidentially circulated alleged malfeasance evidence to the council, which ultimately led to the 4-3 decision to hire an outside investigator, Moran immediately leaked the existence of the document to Stephanie Rudat. Two days after the leak, a Dave Rudat supporter filed a dozen or so public records requests targeting Mullor, who is a private citizen, and his wife, insinuating an undue influence on city council members. Some of the PRRs also named this writer, who had virtually no contact with council members or staff since the 2019 election.

In the months since the investigation began, Moran, Gamblin and Treen have through action or inaction moved to delay the probe.

The investigation's report remains, for the moment, sealed in executive session deliberations.

Update: Administrators have now blocked the writer from Vote Sammamish and Sammamish. The administrators include Mithal and, for Vote Sammamish, Stephanie Rudat.

This entry was posted in [City Politics](#) and tagged [David Rudat](#), [Karen Moran](#), [Pam Stuart](#), [Stephanie Rudat](#), [Tom Odell](#) by [cityhamilton](#). Bookmark the [permalink](#) [<https://sammamish.news/2021/11/17/council-move-to-fire-city-manager-fails-but-30-day-suspension-passes/>].

EXHIBIT 2


— Gloria Steinem, *American feminist, journalist, and activist*



Stephanie Rudat

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Intro


A PASSIONATE Civic Engagement Orchestrator
(among many other things)

I enjoy supporting people thro

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 about.me/stephanierudat

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Stephanie Rudat

7h · 

[#IloveShias](#)



Syed Ali Abbas Zaidi

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"The time between killing of two Shias is called peace in