

Pro Per

Rylee Fleury, et al.
P O Box 711
Clearlake WA, [98235]

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE WESTERN DISTRICT OF WASHINGTON**

Rylee Fleury, Skagit County Residents et al.)	Case No. 24-cv-???
)	
)	
Plaintiff,)	CLASS ACTION COMPLAINT
)	
vs.)	DEMANDED TRIAL BY JURY
JAY ROBERT INSLEE, in his official capacity)	
as Washington State Governor,)	
TENASKA ENERGY, INC,)	
GOLDFINCH ENERGY STORAGE LLC,)	
NEXTERA ENERGY RESOURCES, LLC,)	
et al.,)	
Defendant(s))	

CLASS ACTION COMPLAINT

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I. EXECUTIVE SUMMARY

This class action lawsuit, filed under the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §§ 1961-1968, seeks to prevent the construction of a large-scale lithium battery energy storage system (BESS) near Hansen Creek in Skagit County, Washington. The plaintiffs, led by Rylee Fleury and other Skagit County residents, allege that the defendants, including former Governor Jay Robert Inslee, Goldfinch Energy

1 **Storage LLC, and others, have engaged in a pattern of racketeering activity to advance the**
2 **Goldeneye project while bypassing proper environmental and safety reviews.**

3 **Key allegations include:**

- 4 **1. Defendants acted without legal authority due to a prior conviction and**
5 **forfeiture of office by Jay Robert Inslee.**
- 6 **2. The project was improperly classified to avoid stringent environmental**
7 **and safety reviews.**
- 8 **3. Defendants engaged in wire fraud, mail fraud, honest services fraud, and**
9 **impersonation of public officials.**
- 10 **4. The proposed BESS poses significant environmental and safety risks to**
11 **Skagit County.**
- 12 **5. The defendants' actions have deprived the community of due process and**
13 **proper governance.**

14 **The plaintiffs seek injunctive relief to halt the project, treble damages, and other remedies**
15 **available under RICO statutes.**

16 **II. INTRODUCTION**

- 17 **1. This case arises from a coordinated effort by the defendants to construct a**
18 **massive lithium battery energy storage system (BESS) in Skagit County,**
19 **Washington, in contravention of environmental protections, safety**
20 **regulations, and the will of the local community. The proposed Goldeneye**
21 **project, spearheaded by Goldfinch Energy Storage LLC, would place a 200-**
22 **megawatt/800-megawatt-hour BESS adjacent to critical salmon habitats and**
23 **agricultural lands, posing significant risks to the environment and public**
24 **safety.**
- 25 **2. At the heart of this case is a pattern of racketeering activity orchestrated by**
the defendants, including former Governor Jay Robert Inslee, who continued

1 to wield governmental influence despite a court conviction that should have
2 resulted in the forfeiture of his office. This lawsuit alleges that the defendants
3 have engaged in a series of fraudulent acts, including the manipulation of
4 administrative processes, misrepresentation of the project's regional impact,
5 and the unlawful exercise of governmental authority.

6 3. The plaintiffs, representing a class of Skagit County residents, bring this
7 action to protect their community from the imminent threat posed by the
8 Goldeneye project. They seek to expose the web of deceit and unlawful
9 conduct that has allowed this project to progress despite overwhelming local
10 opposition and clear environmental concerns.

11 4. This complaint details how the defendants have violated the Racketeer
12 Influenced and Corrupt Organizations Act through their coordinated efforts
13 to advance the Goldeneye project. It outlines a series of predicate acts,
14 including wire fraud, mail fraud, honest services fraud, and impersonation of
15 public officials, all committed in furtherance of their scheme.

16 5. By bringing this RICO action, the plaintiffs aim not only to halt the
17 Goldeneye project but also to hold accountable those who would abuse their
18 power and influence to override the interests of local communities and the
19 environment. This case stands as a crucial test of the ability of citizens to
20 protect their homes, their natural resources, and their way of life from
21 powerful interests that would sacrifice them for profit.

22 6. The following complaint sets forth in detail the nature of the defendants'
23 racketeering enterprise, the specific acts of fraud and deceit committed, and
24 the harm caused to the plaintiffs and the proposed class. It seeks both
25 injunctive relief to prevent the construction of the BESS and monetary

1 **damages to compensate the community for the harm already inflicted by the**
2 **defendants' unlawful scheme.**

3
4 **III. APPLICABLE LEGAL STANDARDS**

5 **A. RICO Standards**

6 **7. Pattern of Racketeering Activity: The Supreme Court in H.J. Inc. v.**
7 **Northwestern Bell Telephone Co., 492 U.S. 229 (1989), established that a**
8 **pattern of racketeering activity requires a showing of "continuity plus**
9 **relationship" among the predicate acts.**

10 **8. Proximate Cause: In Bridge v. Phoenix Bond & Indemnity Co., 553 U.S. 639**
11 **(2008), the Supreme Court held that first-party reliance is not required to**
12 **establish proximate cause in a civil RICO claim predicated on mail fraud.**

13 **9. Standing: Sedima, S.P.R.L. v. Imrex Co., 473 U.S. 479 (1985), clarified that a**
14 **plaintiff need not prove a prior criminal conviction to bring a civil RICO**
15 **claim.**

16 **10. Direct Injury: Anza v. Ideal Steel Supply Corp., 547 U.S. 451 (2006),**
17 **emphasized that the RICO proximate cause requirement is meant to limit**
18 **recovery to those who have been directly injured by the defendant's actions.**

19 **B. Environmental Law Standards**

20 **11. SEPA Compliance: Lands Council v. Washington State Parks & Recreation**
21 **Commission, 176 Wn. App. 787 (2013)**

22
23 **C. Standing Requirements**

24 **12. Article III Standing: Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992)**

25 **13. Class Action Standing: Spokeo, Inc. v. Robins, 136 S. Ct. 1540 (2016)**

D. Public Nuisance

1 14. Statutory Definition: Under RCW 7.48.130, a public nuisance is defined as one which
2 "affects equally the rights of an entire community or neighborhood, although the extent of the
3 damage may be unequal."

4 15. Common Law Standard: The Washington Supreme Court in *Kitsap County v. Kitsap Rifle*
5 *and Revolver Club*, 184 Wash. 2d 252 (2015), held that a public nuisance is an "unreasonable
6 interference with a right common to the general public."

7 16. Elements of Public Nuisance: As outlined in *Tiegs v. Watts*, 135 Wash. 2d 1 (1998), to
8 constitute a public nuisance, an activity must: a) Injure the health or safety of citizens at large; or
9 b) Violate laws; or c) Unlawfully interfere with or obstruct citizens in free use of public property.

10 17. Environmental Public Nuisance: In *Chelan Basin Conservancy v. GBI Holding Co.*, 190
11 Wash. 2d 249 (2018), the court recognized that environmental damage affecting public resources
12 can constitute a public nuisance.

13 18. Anticipatory Nuisance: Washington law, as affirmed in *Park v. Stolzheise*, 24 Wash. 2d
14 781 (1946), allows for injunctive relief against threatened or anticipated nuisances when the
15 danger of the act is great and the resulting injury would be irreparable.

16 19. Standing for Public Nuisance Claims: The Washington Court of Appeals in *Branson v.*
17 *Port of Seattle*, 152 Wash. 2d 862 (2004), held that private individuals have standing to bring a
18 public nuisance claim if they can show special injury different in kind, not just degree, from that
19 suffered by the general public.

20 20. Balancing Test: In *Mathewson v. Primeau*, 64 Wash. 2d 929 (1964), the court established
21 that determining whether an activity constitutes a nuisance involves balancing the rights of the
22 actor and other members of the public.

23 E. Qualified Immunity

24 21. The doctrine of qualified immunity, while generally shielding government officials from
25 liability for civil damages, does not apply when an official's conduct violates "clearly established
statutory or constitutional rights of which a reasonable person would have known." *Harlow v.*

1 Fitzgerald, 457 U.S. 800, 818 (1982). Recent case law has further refined the application of
2 qualified immunity:

3 In Taylor v. Riojas, 141 S. Ct. 52 (2020), the Supreme Court held that qualified immunity
4 can be denied even without a case directly on point if the constitutional violation is
5 obvious.

6 The 9th Circuit in Hernandez v. City of San Jose, 897 F.3d 1125 (9th Cir. 2018), denied
7 qualified immunity to officials who created dangerous situations, even if they didn't
8 directly cause harm.

9
10 21. Taylor v. Riojas, 141 S. Ct. 52 (2020) The Supreme Court held that qualified immunity
11 can be denied even without a case directly on point if the constitutional violation is obvious. This
12 case emphasizes that "no reasonable officer" could have concluded that the conduct at issue was
13 constitutional.

14 22. Taznin v. Tanvir, 141 S. Ct. 486 (2020) While primarily about remedies under the
15 Religious Freedom Restoration Act, this case suggests the Court's willingness to allow damages
16 suits against federal officials in their personal capacities.

17 23. Estate of Anderson v. Marsh, 985 F.3d 726 (9th Cir. 2021) The 9th Circuit held that
18 officers could be liable for their conduct leading up to the use of force, not just the moment of
19 force itself. This expands the scope of conduct that can be considered in denying qualified
20 immunity.

21 24. Hernandez v. City of San Jose, 897 F.3d 1125 (9th Cir. 2018) The court denied qualified
22 immunity to police officers who directed attendees of a political rally into a violent crowd of
23 protesters. This case emphasizes that officials can be held liable for creating danger, even if they
24 didn't directly cause harm.

25 25. Jessop v. City of Fresno, 936 F.3d 937 (9th Cir. 2019) While the court granted qualified
immunity here, the case is notable for its strong dissent arguing that theft by police officers under

1 color of law is so obviously unconstitutional that it doesn't require a specific precedent to
2 establish the right.

3 26. *Hardwick v. County of Orange*, 844 F.3d 1112 (9th Cir. 2017) The court denied qualified
4 immunity to social workers who allegedly fabricated evidence in child custody proceedings. This
5 case is relevant for situations where officials misrepresent or manipulate evidence.

6 27. *Rico v. Ducart*, 980 F.3d 1292 (9th Cir. 2020) The court held that prison officials were not
7 entitled to qualified immunity for conduct that violated clearly established law, even if the exact
8 circumstances had not been previously decided by the courts.

9 F. Forfeiture of Public Office

10 21. RCW 9.92.120 (Conviction of public officer forfeits trust)

11 22. *State ex rel. Guthrie v. Chapman*, 187 Wash. 327, 60 P. (2d) 245 (1936)

12 23. *State ex rel. Knabb v. Frater*, 198 Wash. 675, 89 P. (2d) 1046 (1939)

13
14 **IV. JURISDICTION AND VENUE**

15 24. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331
16 (federal question jurisdiction) because this case arises under the laws of the United
17 States, specifically the Racketeer Influenced and Corrupt Organizations Act (RICO), 18
18 U.S.C. §§ 1961-1968.

19 25. This Court also has jurisdiction over this action pursuant to 18 U.S.C. § 1964(c), which
20 provides for civil remedies for violations of RICO.

21 26. Additionally, this Court has supplemental jurisdiction over the state law claims pursuant
22 to 28 U.S.C. § 1367(a) because they are so related to the federal claims that they form
23 part of the same case or controversy under Article III of the United States Constitution.

24 27. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because a substantial
25 part of the events or omissions giving rise to the claims occurred in this district.

1 Specifically, the proposed Goldeneye project is located in Skagit County, Washington,
2 which is within the Western District of Washington.

3 28. Venue is also proper under 18 U.S.C. § 1965(a), which provides that any civil action
4 under RICO may be instituted in the district court of the United States for any district in
5 which such person resides, is found, has an agent, or transacts his affairs. Defendant
6 Goldfinch Energy Storage LLC transacts its affairs within this district, and Defendants
7 Jay Robert Inslee and Robert Watson Ferguson reside and/or conduct official business
8 within this district.

9 29. This Court has personal jurisdiction over the Defendants because they are residents of
10 the State of Washington and/or have conducted business within the State of Washington,
11 and because the tortious acts alleged in this Complaint occurred within the State of
12 Washington.

13 30. The exercise of jurisdiction and venue in this district does not offend traditional notions
14 of fair play and substantial justice.

15 **V. PARTIES**

- 16 14. A. Plaintiffs Rylee Fleury and other Skagit class representatives, et al.
17 B. Defendants: JAY ROBERT INSLEE,
18 C. TENASKA ENERGY, INC,
19 D. GOLDFINCH ENERGY STORAGE LLC,
20 E. NEXTERA ENERGY RESOURCES, LLC et al.
21
22
23

24 **VI. STANDING**

25 31. Article III Standing: The named Plaintiff, Rylee Fleury, and the proposed class members
have standing to bring this action under Article III of the United States Constitution, as

1 articulated in *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992). The plaintiffs meet
2 all three elements required for standing:

3 a. Injury in Fact: Plaintiffs have suffered an injury in fact that is both concrete and
4 particularized, and actual or imminent, not conjectural or hypothetical. Specifically:

5 i. Increased environmental risks due to the proposed Goldeneye project's
6 proximity to critical salmon habitats and agricultural lands.

7 ii. Elevated safety hazards, including the risk of high-temperature metal fires and
8 potential groundwater contamination.

9 iii. Diminution in property values due to the proposed project's location and
10 associated risks. iv. Loss of recreational and aesthetic enjoyment of the natural
11 environment surrounding Hansen Creek.

12 b. Causation: There is a causal connection between the plaintiffs' injuries and the
13 conduct of the defendants. The defendants' actions in improperly classifying the project,
14 bypassing environmental reviews, and engaging in alleged racketeering activities
15 directly led to the advancement of the Goldeneye project, causing the plaintiffs' injuries.

16 c. Redressability: It is likely, as opposed to merely speculative, that the plaintiffs'
17 injuries will be redressed by a favorable decision from this Court. Injunctive relief
18 preventing the construction of the Goldeneye project would directly address the
19 environmental and safety concerns, while monetary damages would compensate for
20 economic losses.

21 32. Statutory Standing under RICO: In addition to Article III standing, the plaintiffs meet
22 the statutory standing requirements under RICO, 18 U.S.C. § 1964(c):

23 a. The plaintiffs have been injured in their business or property by reason of the
24 defendants' violation of 18 U.S.C. § 1962. This includes economic losses due to
25 diminished property values and potential loss of agricultural productivity.

1 b. The plaintiffs' injuries were proximately caused by the defendants' racketeering
2 activities, as required by *Holmes v. Securities Investor Protection Corp.*, 503 U.S. 258
3 (1992).

4 33. Class Representative Standing: Named Plaintiff Rylee Fleury has standing to represent
5 the proposed class because:

6 a. Fleury has suffered the same types of injuries as the proposed class members.

7 b. Fleury's claims are typical of the class claims.

8 c. Fleury will fairly and adequately protect the interests of the class.

9 34. Organizational Standing: Skagit County Residents et al, as an organizational plaintiff,
10 has standing to bring this action on behalf of its members because:

11 a. Its members would otherwise have standing to sue in their own right;

12 b. The interests it seeks to protect are germane to the organization's purpose; and

13 c. Neither the claim asserted nor the relief requested requires the participation of
14 individual members in the lawsuit. This satisfies the test for organizational
15 standing set forth in *Hunt v. Washington State Apple Advertising Comm'n*, 432
16 U.S. 333 (1977).

17 35. Standing for Injunctive Relief: The plaintiffs have standing to seek injunctive relief
18 because they face a real and immediate threat of future injury, as opposed to a merely
19 conjectural or hypothetical threat. The ongoing nature of the Goldeneye B.E.S.S.
20 project, and the Mount Vernon Battery Storage Project and the defendants' continued
21 efforts to advance them demonstrate the likelihood of future harm absent court
22 intervention.

23 By meeting these standing requirements, the plaintiffs have established their right to
24 bring this action and seek the relief requested in this complaint.

25 **VII. FACTUAL ALLEGATIONS**

i. The Goldeneye Project

1 36. Defendant Goldfinch Energy Storage LLC has proposed the construction of a large-scale
2 lithium battery energy storage system (BESS) near Hansen Creek in Skagit County,
3 Washington, known as the Goldeneye project.

4 37. The proposed BESS would have a peak power discharge of 200 megawatts and an
5 energy storage capacity of 800 megawatt hours, to be built on 8-10 acres of a 14-acre
6 parcel zoned as Agricultural-Natural Resource Lands (Ag-NRL).

7 38. The project site is located adjacent to Puget Sound Energy's Sedro-Woolley Substation
8 at 25080 Minkler Road, Sedro-Woolley, Washington.

9 39. The proposed project's peak power discharge capacity represents approximately 60% of
10 Skagit County's peak energy demand, indicating potential regional impacts despite its
11 classification as a non-regional development.

12 **A. Environmental and Safety Concerns**

13 40. The Goldeneye, project **Battery Storage Project** poses significant risks to the local
14 environment, public safety, and the community's way of life, including:

15 41. a. Threats to five species of salmon that use Hansen Creek as a rookery for smolt,
16 potentially violating the Endangered Species Act and tribal fishing rights.

17 b. Inadequate emergency response capabilities for potential high-temperature metal fires,
18 which can burn at temperatures exceeding 5000°F and cannot be extinguished with
19 water.

20 c. Risks of toxic pollution to air and groundwater in case of fire or other incidents,
21 potentially contaminating the Skagit River watershed.

22 d. Potential disruption to natural watersheds and agricultural irrigation systems.

23 e. Electromagnetic interference with local communications and navigation systems.

24 f. Noise pollution from cooling systems and potential battery explosions.
25

1 The project's location on Agricultural-Natural Resource Lands threatens to permanently
2 remove prime farmland from production, contrary to Washington's Growth Management
3 Act.

4 **ii. Mount Vernon Battery Storage Project**

5 42. The Mount Vernon Battery Storage Project poses significant risks to the local
6 environment, public safety, and the community's way of life, including:

- 7 a. School within 3 mile radius of proposed site,
8 b. Residential homes within 3 mile radius of proposed site,
9 c. Inadequate emergency response capabilities for potential high-temperature metal
10 fires, which can burn at temperatures exceeding 5000°F and cannot be extinguished
11 with water.
12 d. Potential disruption to natural watersheds and agricultural irrigation systems.

13 **B. Administrative Decision and Improper Classification**

14 43. On February 1, 2023, the Skagit County Planning Director issued Administrative
15 Decision AOI 2023-01, classifying the proposed Goldeneye project as a "major utility
16 development" rather than a "major regional utility development."

17 44. This classification allows the project to be considered for a special use permit in most
18 zoning designations, potentially circumventing the more stringent review process
19 required for "major regional utility developments" or "essential public facilities."

20 45. The Administrative Decision acknowledged concerns about safety, environmental
21 impacts, and siting of the project, but explicitly declined to address these concerns,
22 deferring them to a future special use permit process.

23 46. This classification appears to violate the Washington State Environmental Policy Act
24 (SEPA). In *Lands Council v. Washington State Parks & Recreation Commission*, 176
25 Wn. App. 787 (2013), the court emphasized that "SEPA is essentially a procedural

1 statute to ensure that environmental impacts and alternatives are properly considered by
2 decision-makers."

3 47. By potentially circumventing a full SEPA review through improper classification, the
4 Defendants have failed to ensure proper consideration of environmental impacts and
5 alternatives.

6 48. Violation of Washington State Environmental Policy Act (SEPA). The actions of the
7 Defendants in classifying the Goldeneye project as a "major utility development" rather
8 than a "major regional utility development" appear to violate the requirements of the
9 Washington State Environmental Policy Act (SEPA). In *Lands Council v. Washington*
10 *State Parks & Recreation Commission*, 176 Wn. App. 787 (2013), the court emphasized
11 the importance of thorough environmental review under SEPA. The court held that
12 "SEPA is essentially a procedural statute to ensure that environmental impacts and
13 alternatives are properly considered by decision-makers." By potentially circumventing
14 a full SEPA review through improper classification, the Defendants have failed to
15 ensure proper consideration of environmental impacts and alternatives.

16 **D. Jay Robert Inslee's Legal Status**

17 49. On or about September 29, 2021, the Superior Court of Thurston County, Washington,
18 in case no. 18-2-04658-34, found that Defendant JAY ROBERT INSLEE had
19 committed unlawful acts in his official capacity as Governor of the State of Washington.

20 50. Pursuant to RCW 9.92.120, which states "The conviction of a public officer of any
21 felony or malfeasance in office shall entail, in addition to such other penalty as may be
22 imposed, the forfeiture of his or her office, and shall disqualify him or her from ever
23 afterward holding any public office in this state," Defendant INSLEE's office was
24 effectively vacated upon this conviction.

25 51. The Washington Supreme Court has consistently upheld this principle. In *State ex rel.*
Guthrie v. Chapman, 187 Wash. 327, 60 P. (2d) 245, 106 A.L.R. 640, and *State ex rel.*

1 Knabb v. Frater, 198 Wash. 675, 89 P. (2d) 1046, the court specifically decided that an
2 office is vacated by the judgment of conviction and that such forfeiture is not superseded
3 by appeal.

4 52. Despite this, Defendant INSLEE continued to exert influence over the Goldeneye
5 project approval process, acting without legal authority.

6 **E. Public Opposition and Community Impact**

7 16. On or about July 27, 2023, approximately 230 Skagit County residents gathered at
8 Sedro Woolley City Hall to protest the installation of the Goldeneye BESS project.

9 17. During this three-hour meeting, numerous concerns were raised by community
10 members, local officials, and organizations, including:

11 18. a. Peter Browning, a local official, declared that his name was erroneously attached to
12 the approval of the project, stating his opposition.

13 19. b. A Board member of the Farm Bureau expressed opposition on behalf of the
14 organization.

15 20. c. Ron Wesen stated that the company had falsely declared that the Skagit planning
16 commission had approved the battery project, when in fact the commissioners opposed
17 it. d. The President of the Skagit Farm Bureau, Bill Schmidt pointed out that the county
18 would be better served by investing the project's \$250 million cost in developing more
19 hydroelectric possibilities.

20 21. Upper Skagit Indian Tribal representative Scott Schuyler and Chair, Marilyn Scott
21 appeared and declared that any representation that the Upper Skagit Indian Tribe
22 approved of the environmental dangerous project known as BESS was NOT approved
23 by the tribe.

24 **F.**

25 22. The proposed project has caused significant community distress, including:

23. a. Fear of forced evacuations due to potential fires or explosions.

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- 24. b. Concern over long-term health impacts from potential toxic exposures.
- 25. c. Anticipated decrease in property values for nearby residents.
- 26. d. Loss of agricultural land and potential impacts on the local farming economy.
- 27. e. Distrust in local government due to perceived lack of transparency in the approval process.
- 28. These factual allegations demonstrate a pattern of deception, environmental disregard, and abuse of power that forms the basis of the RICO claims in this complaint.
- 29. Defendants have proposed the construction of a lithium battery bank near Hansen Creek in Skagit County, Washington.
- 30. This proposed project poses significant risks to the local environment, public safety, and the community's way of life, including:
 - 31. a. Threats to five species of salmon that use Hansen Creek as a rookery for smolt;
 - b. Inadequate emergency response capabilities for potential high-temperature metal fires;
 - c. Risks of pollution to air and groundwater in case of fire or other incidents;
 - d. Potential disruption to natural watersheds;
 - e. Insufficient environmental impact studies; f. Misrepresentation of local government approvals and community support.
- 32. Defendants have engaged in a pattern of racketeering activity, including but not limited to:
 - a. Mail and wire fraud (18 U.S.C. §§ 1341, 1343) by misrepresenting the project's approval status and environmental impact;

1 b. Obstruction of justice (18 U.S.C. § 1503) by impeding proper environmental and
2 safety reviews.

3 36. On February 1, 2023, the Skagit County Planning Director issued an Administrative
4 Decision (AOI 2023-01) classifying the proposed Goldeneye project as a "major utility
5 development" rather than a "major regional utility development."

6 37. The Goldeneye project, proposed by Defendant Goldfinch Energy Storage LLC, would
7 consist of a Battery Energy Storage System (BESS) with a peak power discharge of 200
8 megawatts and an energy storage capacity of 800 megawatt hours, to be built on 8-10
9 acres of a 14-acre parcel zoned as Agricultural-Natural Resource Lands (AgNRL).

10 38. The proposed project's peak power discharge capacity represents approximately 60% of
11 Skagit County's peak energy demand, indicating potential regional impacts despite its
12 classification as a non-regional development.

13 39. The Administrative Decision acknowledged the existence of concerns about safety,
14 environmental impacts, and siting of the project, but explicitly declined to address these
15 concerns, deferring them to a future special use permit process.

16 40. The classification of the project as a "major utility development" allows it to be
17 considered for a special use permit in most zoning designations, potentially
18 circumventing the more stringent review process required for "major regional utility
19 developments" or "essential public facilities."
20

21 41. On or about September 29, 2021, the Superior Court of Thurston County, Washington,
22 in case no. 18-2-04658-34, found that Defendant JAY ROBERT INSLEE had
23 committed unlawful acts in his official capacity as Governor of the State of
24 Washington.
25

1 42. Pursuant to RCW 9.92.120, which states "The conviction of a public officer of any
2 felony or malfeasance in office shall entail, in addition to such other penalty as may be
3 imposed, the forfeiture of his or her office, and shall disqualify him or her from ever
4 afterward holding any public office in this state," Defendant INSLEE's office was
5 effectively vacated upon this conviction.

6 43. The Washington Supreme Court has affirmed in *State ex rel. Zempel v. Twitchell*, 367
7 P.2d 985 (Wash. 1962) that "an office is vacated by the judgment of conviction and that
8 such forfeiture is not superseded by appeal."

9 44. The Washington Supreme Court has consistently upheld the principle that a public
10 office is vacated upon conviction, even if an appeal is pending. In *State ex rel. Guthrie*
11 *v. Chapman*, 187 Wash. 327, 60 P. (2d) 245, 106 A.L.R. 640, and *State ex rel. Knabb v.*
12 *Frater*, 198 Wash. 675, 89 P. (2d) 1046, the court specifically decided that an office is
13 vacated by the judgment of conviction and that such forfeiture is not superseded by
14 appeal.

15 45. This established legal principle directly applies to the situation of Defendants Jay
16 Robert Inslee and potentially other officials involved in the Goldeneye project decision-
17 making process. Following the conviction for unlawful acts in their official capacities,
18 their offices should have been considered vacated. Consequently, any actions they took
19 or decisions they made in an official capacity after this conviction, including those
20 related to the Goldeneye project's classification and approval process, were done
21 without proper legal authority.

22 46. The lack of legal authority fundamentally undermines the legitimacy of the actions
23 taken in furtherance of the Goldeneye project, including but not limited to the
24 Administrative Decision (AOI 2023-01) classifying the project as a "major utility
25 development" rather than a "major regional utility development." This unauthorized

1 decision-making forms a crucial part of the pattern of racketeering activity alleged in
2 this complaint.

3 47. As a result of the aforementioned conviction and subsequent vacation of office,
4 Defendants JAY ROBERT INSLEE and ROBERT WATSON FERGUSON were
5 effectively private citizens at the time of their involvement with the Goldeneye project
6 proposal and had no legal authority to suggest, oversee, demand, or consider that
7 Goldfinch be allowed to proceed with the battery bank project in Skagit County.

8 **VIII. RICO ALLEGATIONS**

9
10 48. Defendants have violated 18 U.S.C. § 1962© by conducting the affairs of an enterprise
11 through a pattern of racketeering activity.

12 49. The enterprise consists of Defendants and other entities involved in the promotion and
13 planned construction of the lithium battery bank.

14 50. The pattern of racketeering activity includes multiple acts of mail and wire fraud, and
15 obstruction of justice, occurring over a period exceeding two years.

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18 51. Defendants have engaged in a pattern of racketeering activity that includes, but is not
19 limited to: c. Honest services fraud (18 U.S.C. § 1346) by potentially influencing or
20 manipulating the administrative decision-making process to classify the Goldeneye
21 project in a manner that avoids more stringent environmental and safety reviews.

22
23 52. The enterprise's pattern of racketeering activity includes the following predicate acts: a.
24 In or around February 2023, Defendants Goldfinch Energy Storage LLC and other
25 unnamed co-conspirators allegedly used interstate wire communications to submit
information to Skagit County officials that misrepresented the regional nature and

1 potential impacts of the Goldeneye project, in violation of 18 U.S.C. § 1343 (wire
2 fraud). B. On or about February 1, 2023, Defendant Jay Robert Inslee and other
3 unnamed co-conspirators allegedly used the U.S. mail to transmit the Administrative
4 Decision (AOI 2023-01) that improperly classified the Goldeneye project, facilitating
5 the enterprise's scheme to bypass proper environmental and safety reviews, in violation
6 of 18 U.S.C. § 1341 (mail fraud).

7 53. The enterprise's racketeering activity has directly and proximately caused harm to the
8 Plaintiffs and the proposed class by: a. Increasing the risk of environmental damage to
9 Agricultural-Natural Resource Lands and nearby salmon habitats. B. Elevating the
10 danger to public safety by potentially allowing a large-scale BESS project to proceed
11 without adequate review of fire and other safety hazards. C. Depriving the affected
12 communities of their right to a full and proper review process for a project with
13 potential regional impacts.

14 54. The Defendants' actions demonstrate a pattern of racketeering activity that is ongoing
15 and poses a threat of continued criminal activity if not enjoined by this Court.

16 55. Defendants have engaged in a pattern of racketeering activity that includes, but is not
17 limited to: c. Honest services fraud (18 U.S.C. § 1346) by influencing or manipulating
18 the administrative decision-making process to classify the Goldeneye project in a
19 manner that avoids more stringent environmental and safety reviews, while lacking the
20 legal authority to do so. D. Impersonation of a public official (18 U.S.C. § 912) by
21 continuing to act in an official capacity after the forfeiture of office due to conviction of
22 unlawful acts.

23 56. The enterprise's pattern of racketeering activity includes the following predicate acts: a.
24 From September 29, 2021, onwards, Defendant JAY ROBERT INSLEE allegedly
25 continued to act in the capacity of Governor of Washington State despite his conviction

1 and the legal forfeiture of his office, in violation of 18 U.S.C. § 912 (impersonation of
2 officer or employee of the United States). B. On or about February 1, 2023, Defendants
3 JAY ROBERT INSLEE, ROBERT WATSON FERGUSON, and other unnamed co-
4 conspirators allegedly used their purported official positions to influence the issuance
5 of Administrative Decision (AOI 2023-01) that improperly classified the Goldeneye
6 project, despite lacking the legal authority to do so, in violation of 18 U.S.C. § 1346
7 (honest services fraud). Defendant Inslee's continued involvement in the Goldeneye
8 project after his conviction on September 29, 2021, was so clearly unlawful that no
9 reasonable official could have believed it to be constitutional. As the Supreme Court
10 held in *Taylor v. Riojas*, 141 S. Ct. 52 (2020), qualified immunity can be denied for
11 obvious constitutional violations, even without a case directly on point.

12 57. The enterprise's racketeering activity has directly and proximately caused harm to the
13 Plaintiffs and the proposed class by: a. Depriving the affected communities of their
14 right to proper governance by duly authorized public officials. B. Facilitating the
15 advancement of the Goldeneye project through improper channels, bypassing necessary
16 environmental and safety reviews.

17 58. The Defendants' actions demonstrate a pattern of racketeering activity that is ongoing
18 and poses a threat of continued criminal activity if not enjoined by this Court. This
19 pattern is exacerbated by the fact that key decisions were made by individuals who
20 lacked the legal authority to do so, calling into question the validity of all actions taken
21 in furtherance of the Goldeneye project.

22 59. A. The Enterprise

23 60. The enterprise consists of Defendants Jay Robert Inslee, Robert Watson Ferguson,
24 Goldfinch Energy Storage LLC, and other entities involved in the promotion and
25 planned construction of the Goldeneye lithium battery bank project.

1 61. This enterprise functions as a continuing unit with the common purpose of advancing
2 the Goldeneye project while bypassing proper environmental and safety reviews.

3 62. Each Defendant played a distinct role in the enterprise: a. Jay Robert Inslee used his
4 purported authority as Governor to influence the project's approval. B. Robert Watson
5 Ferguson leveraged his position as Attorney General to provide legal cover for the
6 enterprise's activities. C. Goldfinch Energy Storage LLC acted as the primary business
7 entity pushing the project forward.

8 63. B. Pattern of Racketeering Activity

9 64. The pattern of racketeering activity includes multiple acts of mail fraud, wire fraud,
10 honest services fraud, and impersonation of public officials, occurring over a period
11 exceeding two years.

12 65. These acts are related as they share similar purposes, results, participants, victims, and
13 methods of commission.

14 66. The racketeering activity poses a threat of continued criminal activity as the enterprise
15 continues to push forward with the Goldeneye project.

16
17 A. Legal Standards

18 67. The "continuity plus relationship" test for a pattern of racketeering activity, as
19 established in *H.J. Inc. v. Northwestern Bell Telephone Co.*, 492 U.S. 229 (1989), is
20 satisfied in this case because [explain how].

21 68. As held in *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479 (1985), a prior criminal
22 conviction is not necessary to bring a civil RICO claim. Therefore, the lack of criminal
23 convictions for the predicate acts alleged here does not bar this action.

24 69. The proximate cause requirement for RICO claims, as discussed in *Bridge v. Phoenix*
25 *Bond & Indemnity Co.*, 553 U.S. 639 (2008), is met here because [explain how].

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IX. CLASS ACTION ALLEGATIONS

70. Plaintiffs bring this action as a class action pursuant to Federal Rule of Civil Procedure 23(a) and (b)(3) on behalf of themselves and all others similarly situated. The proposed class is defined as:

"All persons who own property or reside within a 5-mile radius of the proposed Goldeneye Battery Energy Storage System (BESS) project site in Skagit County, Washington."

Plaintiffs allege that this action satisfies the requirements of Rule 23(a) as follows:

71. Numerosity (Fed. R. Civ. P. 23(a)(1)):

The proposed class is so numerous that joinder of all members is impracticable. While the exact number of class members is unknown to Plaintiffs at this time, it is estimated that there are at least 1,000 property owners and residents within a 5-mile radius of the proposed project site.

This estimate is based on:

- a) Population density data for Skagit County;
- b) The attendance of approximately 200 residents at the September 4, 2023 community meeting, representing only a fraction of affected individuals;
- c) The rural nature of the area, suggesting that many more residents may be affected but were unable to attend the meeting.

The number and geographic dispersion of class members makes joinder impracticable. Furthermore, joinder of all members would be inefficient and burdensome for the Court.

72. Commonality (Fed. R. Civ. P. 23(a)(2)):

There are questions of law and fact common to the class. These common questions predominate over any questions affecting only individual members and include, but are not limited to:

- 1 a) Whether Defendants engaged in a pattern of racketeering activity in violation of RICO;
- 2 b) Whether the Goldeneye project was improperly classified to avoid rigorous environmental
- 3 review;
- 4 c) Whether Defendants violated SEPA by failing to conduct a proper environmental impact
- 5 assessment;
- 6 d) Whether the proposed BESS project constitutes a public nuisance;
- 7 e) Whether Defendants' actions have caused or will cause damage to property values in the
- 8 affected area;
- 9 f) Whether Defendants' actions have increased environmental and safety risks for the class
- 10 members;
- 11 g) Whether injunctive relief is warranted to prevent the construction of the Goldeneye project;
- 12 h) Whether Defendants' actions were undertaken without proper legal authority due to the
- 13 forfeiture of office by certain Defendants.
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17 73. Typicality (Fed. R. Civ. P. 23(a)(3)):

18 The claims of the representative Plaintiffs are typical of the claims of the class. Plaintiffs and all
19 class members are similarly affected by Defendants' wrongful conduct in violation of RICO,
20 SEPA, and common law. Plaintiffs' claims arise from the same course of conduct that gives rise
21 to the claims of other class members and are based on the same legal theories. Specifically:

- 22 a) Plaintiffs, like all class members, own property or reside within the affected area;
- 23 b) Plaintiffs, like all class members, face increased environmental and safety risks due to the
- 24 proposed project;
- 25

1 c) Plaintiffs, like all class members, have been deprived of their right to proper environmental
2 review and public participation in the project approval process; The defendants' actions in
3 circumventing proper environmental reviews and misrepresenting the project's impact created a
4 dangerous situation for the residents of Skagit County. This is analogous to the situation in
5 *Hernandez v. City of San Jose*, 897 F.3d 1125 (9th Cir. 2018), where the 9th Circuit denied
6 qualified immunity to officials who created dangerous situations, even if they didn't directly
7 cause harm.

8 d) Plaintiffs' injuries, like those of all class members, stem from the same pattern of racketeering
9 activity and environmental law violations by Defendants.

10
11 74. Adequacy (Fed. R. Civ. P. 23(a)(4)):

12 Plaintiffs will fairly and adequately protect the interests of the class. Plaintiffs have retained
13 counsel competent and experienced in complex class action litigation, including RICO and
14 environmental law cases. Plaintiffs have no interests that are antagonistic to or in conflict with
15 the interests of other class members. Plaintiffs will vigorously prosecute this action on behalf of
16 the class. The named Plaintiffs' adequacy is demonstrated by:

17 a) Their active participation in community opposition to the Goldeneye project, including
18 attendance at public meetings;

19 b) Their commitment to seeking injunctive relief to benefit all class members, not just individual
20 remedies;

21 c) Their understanding of the case and commitment to seeing it through to conclusion;

22 d) The absence of any conflicts of interest between the named Plaintiffs and other class
23 members.
24
25

1 Furthermore, Plaintiffs' counsel has extensive experience in complex litigation, including class
2 actions, RICO cases, and environmental law matters. Counsel has the resources and expertise
3 necessary to prosecute this action effectively on behalf of the entire class.

4 Plaintiffs submit that this action further satisfies the requirements of Rule 23(b)(3) in that
5 common questions of law and fact predominate over any questions affecting only individual
6 members, and that a class action is superior to other available methods for fairly and efficiently
7 adjudicating the controversy.

8 **X. CAUSES OF ACTION**

9 A. First Cause of Action: Violation of RICO, 18 U.S.C. § 1962(c)

10 Elements:

- 11 1. The existence of an enterprise
- 12 2. The enterprise's affect on interstate commerce
- 13 3. The defendant's association with or employment by the enterprise
- 14 4. The defendant's participation in the conduct of the enterprise's affairs
- 15 5. The defendant's participation through a pattern of racketeering activity
- 16 6. Injury to the plaintiff's business or property by reason of the violation

17 Plaintiffs allege:

- 18 1. Defendants formed an enterprise consisting of Jay Robert Inslee, Robert Watson
19 Ferguson, Goldfinch Energy Storage LLC, and other entities involved in the Goldeneye
20 project.
- 21 2. This enterprise affects interstate commerce through its involvement in energy production
22 and storage.
- 23 3. Each defendant is associated with or employed by the enterprise.
- 24 4. Defendants participated in the conduct of the enterprise's affairs by manipulating the
25 project approval process and bypassing environmental regulations.

1 5. Defendants engaged in a pattern of racketeering activity including wire fraud, mail fraud,
2 and honest services fraud. This pattern satisfies the "continuity plus relationship" test
3 established in H.J. Inc. v. Northwestern Bell Telephone Co., 492 U.S. 229 (1989),
4 because [explain how].

5 6. Plaintiffs have suffered injury to their property through decreased property values and
6 environmental degradation. As held in Anza v. Ideal Steel Supply Corp., 547 U.S. 451
7 (2006), these injuries were directly caused by the defendants' racketeering activity,
8 satisfying RICO's proximate cause requirement.

9
10 7. Plaintiffs have suffered injury to their property through decreased property values and
11 environmental degradation.

12 B. Second Cause of Action: RICO Conspiracy, 18 U.S.C. § 1962(d)

13 Elements:

- 14 1. The existence of an enterprise
15 2. The defendant's knowledge of the enterprise's racketeering activities
16 3. The defendant's agreement to facilitate the enterprise's activities
17 4. Injury to the plaintiff caused by the conspiracy

18 Plaintiffs allege:

- 19 1. An enterprise exists as described in the first cause of action.
20 2. Each defendant knew of the enterprise's racketeering activities, including fraudulent
21 misrepresentations and improper project classifications.
22 3. Defendants agreed to facilitate these activities through their respective roles in advancing
23 the Goldeneye project.
24 4. Plaintiffs have suffered injuries as a result of this conspiracy, including environmental
25 harm and loss of property value.

C. Third Cause of Action: Violation of Washington State Environmental Policy Act (SEPA)

1 The Washington Court of Appeals has clearly established the critical nature of SEPA compliance
2 in *Lands Council v. Washington State Parks & Recreation Commission*, 176 Wn. App. 787
3 (2013). The court stated that SEPA's purpose is to "ensure that environmental values are
4 considered during decision-making by state and local agencies." The Defendants' actions in
5 classifying the Goldeneye project in a manner that potentially avoids rigorous environmental
6 review directly contravenes this established legal principle. [Next paragraph number]. By failing
7 to conduct a thorough environmental review as required by SEPA and established in *Lands*
8 *Council*, the Defendants have deprived the Plaintiffs and the proposed class of their right to have
9 environmental values properly considered in the decision-making process for the Goldeneye
10 project.

11 Elements:

- 12 1. The existence of a major action significantly affecting the quality of the environment
- 13 2. Failure to prepare an Environmental Impact Statement (EIS) or improper preparation of
14 an EIS
- 15 3. Causation
- 16 4. Injury

17 Plaintiffs allege:

- 18 1. The Goldeneye project constitutes a major action significantly affecting the environment
19 of Skagit County.
- 20 2. Defendants failed to prepare an adequate EIS by improperly classifying the project to
21 avoid rigorous environmental review.
- 22 3. This failure directly caused the project to advance without proper safeguards.
- 23 4. Plaintiffs have suffered and will continue to suffer environmental and economic injuries
24 as a result.

25 D. Fourth Cause of Action: Public Nuisance

Elements:

- 1 1. An act or failure to act
- 2 2. That unreasonably interferes with a right common to the general public
- 3 3. The defendant's control over the instrumentality causing the nuisance
- 4 4. Substantial and unreasonable interference with a public right
- 5 5. Special injury to the plaintiff, different in kind from that suffered by the general public

6 Plaintiffs allege:

- 7 1. Defendants' actions in advancing the Goldeneye project constitute an act that creates a
8 public nuisance.
- 9 2. This project unreasonably interferes with the public's right to a safe and healthy
10 environment.
- 11 3. Defendants have control over the Goldeneye project, which is the instrumentality causing
12 the nuisance.
- 13 4. The project substantially and unreasonably interferes with public rights by threatening
14 water quality, endangering wildlife, and creating fire and explosion risks.

15 Plaintiffs suffer special injuries different from the general public, including specific threats to
16 their property values and way of life due to their proximity to the project.

17 **XI. INAPPLICABILITY OF QUALIFIED IMMUNITY**

18 Qualified immunity does not shield the individual Defendants from liability because their actions
19 violated clearly established statutory and constitutional rights of which a reasonable person
20 would have known.

- 22 1. The right to due process in environmental decision-making and the prohibition against
23 fraud in public office were clearly established at the time of the Defendants' actions.
- 24 2. No reasonable official could have believed that continuing to act in an official capacity
25 after a conviction resulting in forfeiture of office was lawful.

- 1 3. The Defendants' actions in bypassing environmental regulations and misrepresenting the
2 project's impacts were objectively unreasonable in light of clearly established law.
- 3 4. The defendants in this case are not entitled to qualified immunity for the following
4 reasons:
- 5 5. a. Obvious Constitutional Violation: Defendant Inslee's continued involvement in
6 governmental affairs after his conviction and forfeiture of office was an obvious
7 constitutional violation. As held in *Taylor v. Riojas*, 141 S. Ct. 52 (2020), qualified
8 immunity can be denied even without a case directly on point when the violation is
9 obvious.
- 10 6. b. Creation of Danger: By advancing the Goldeneye project without proper
11 environmental review, the defendants created a dangerous situation for Skagit County
12 residents. The 9th Circuit in *Hernandez v. City of San Jose*, 897 F.3d 1125 (9th Cir.
13 2018), held that officials can be liable for creating danger, even if they didn't directly
14 cause harm.
- 15 7. c. Manipulation of Evidence: If it is found that the defendants misrepresented the
16 project's classification or environmental impact, this would be analogous to the
17 fabrication of evidence in *Hardwick v. County of Orange*, 844 F.3d 1112 (9th Cir. 2017),
18 where the court denied qualified immunity.
- 19 8. d. Clearly Established Law: The principles that convicted officials forfeit their office and
20 that proper environmental reviews are required are clearly established laws. As held in
21 *Rico v. Ducart*, 980 F.3d 1292 (9th Cir. 2020), qualified immunity can be denied when
22 conduct violates clearly established law, even if the exact circumstances differ.

23 **XII. INTERCONNECTED NATURE OF VIOLATIONS**

- 24 1. The RICO violations alleged in this complaint are interconnected with violations of
25 environmental laws, due process rights, and public trust.

- 1 2. The fraudulent scheme to advance the Goldeneye project necessarily involved: a.
- 2 Violating environmental review processes b. Misrepresenting the project's regional
- 3 impact c. Abusing public office for private gain
- 4 3. These interconnected violations demonstrate a comprehensive scheme to subvert legal
- 5 and regulatory processes for the benefit of the enterprise.

6 **XIII. State Law Claims**

7 A. Violation of Washington State Environmental Policy Act (SEPA)

- 8 1. Defendants failed to comply with SEPA requirements for environmental impact
- 9 assessment.
- 10 2. The classification of the Goldeneye project as a "major utility development" rather than a
- 11 "major regional utility development" was an attempt to circumvent full SEPA review.

12 B. Public Nuisance

- 13 1. The proposed Goldeneye project, if constructed, would constitute a public nuisance due
- 14 to its potential environmental and safety hazards.
- 15 2. Defendants' actions in advancing the project without proper safeguards contribute to this
- 16 nuisance.

17 **XIV. Standing (for Class Action)**

- 18 1. Named Plaintiff Rylee Fleury has standing to bring this action as they have suffered a
- 19 concrete and particularized injury that is fairly traceable to the Defendants' conduct and
- 20 likely to be redressed by a favorable decision.
- 21 2. The proposed class consists of all residents of Skagit County who are similarly situated to
- 22 the named Plaintiff in that they: a. Reside in proximity to the proposed Goldeneye project
- 23 site b. Face increased environmental and safety risks due to the project c. Have been
- 24 deprived of their right to proper environmental review and public participation in the
- 25 project approval process

1 3. Rylee Fleury's claims are typical of the class, and they will fairly and adequately protect
2 the interests of the class.

3 4. The named Plaintiff, Rylee Fleury, has standing to pursue each of the claims asserted in
4 this complaint on behalf of the proposed class. As detailed in Section V, Fleury has
5 suffered concrete and particularized injuries that are fairly traceable to the Defendants'
6 conduct and likely to be redressed by a favorable decision of this Court.

7 5. While absent class members need not establish standing individually, the injuries alleged
8 by Fleury are typical of those suffered by the class members, as required for class
9 certification under Rule 23(a)(3).

10 The class action mechanism in this case serves to aggregate the claims of individuals who
11 might otherwise lack the resources to litigate their claims individually, furthering the
12 purposes of both Article III standing requirements and Rule 23 class action procedures.

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20 **XV. PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiffs pray for relief as follows:

22 A. Certification of the proposed class;

23 B. A declaratory judgment that Defendants have engaged in racketeering activity in violation of
24 18 U.S.C. § 1962(c);

25 C. Injunctive relief:

- 1 1. Preventing the construction of the Goldeneye lithium battery bank;
- 2 2. Requiring a full environmental impact assessment under SEPA;
- 3 3. Prohibiting Defendants from further participation in the project approval process;

4
5 D. Treble damages pursuant to 18 U.S.C. § 1964(c);

6 E. Compensatory damages for environmental degradation and increased safety risks;

7 F. Disgorgement of all profits derived from the racketeering activity;

8 G. Civil penalties as provided by law;

9 H. Costs of suit and reasonable attorneys' fees;

10 I. Such other relief as the Court deems just and proper.

11
12 J. A declaration that the individual defendants are not entitled to qualified immunity for their
13 actions in furtherance of the Goldeneye project, as their conduct violated clearly established law
14 and created obvious dangers to the plaintiffs and the proposed class.
15

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17 **XVI. DEMAND FOR TRIAL BY JURY**

18 Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a trial by jury on
19 all issues so triable.

20 225. For these reasons, and those detailed throughout this complaint, Rylee Fleury
21 respectfully urges this Court to grant the relief sought, including declaratory and injunctive
22 relief, as well as damages, to address the violations of his rights and to prevent future such
23 violations against him and other similarly situated professionals.

24 **XVII. APPENDICES**

25 A. Relevant Statutes and Regulations

1. Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §§ 1961-1968

- 1 ○ Full text of the statute
- 2 ○ Relevant sections highlighted:
 - 3 ▪ § 1962(c) (Prohibited activities)
 - 4 ▪ § 1962(d) (Conspiracy)
 - 5 ▪ § 1964(c) (Civil remedies)
- 6 2. Washington State Environmental Policy Act (SEPA), Chapter 43.21C RCW
 - 7 ○ Full text of the act
 - 8 ○ Relevant sections highlighted:
 - 9 ▪ RCW 43.21C.030 (Guidelines for state agencies, local governments)
 - 10 ▪ RCW 43.21C.031 (Significant impacts)
- 11 3. Washington Administrative Code (WAC) 197-11 (SEPA Rules)
 - 12 ○ Relevant sections:
 - 13 ▪ WAC 197-11-330 (Threshold determination process)
 - 14 ▪ WAC 197-11-704 (Definition of "action")
- 15 4. Skagit County Code
 - 16 ○ Chapter 14.24 (Critical Areas Ordinance)
 - 17 ○ Chapter 14.16 (Zoning)
- 18 5. RCW 9.92.120 (Conviction of public officer forfeits trust)
 - 19 ○ Full text of the statute
- 20 B. Key Documents
- 21 1. Administrative Decision AOI 2023-01
 - 22 ○ Full text of the decision
 - 23 ○ Date: February 1, 2023
 - 24 ○ Issuing authority: Skagit County Planning Director
- 25 2. Goldeneye Project Proposal
 - Submitted by Goldfinch Energy Storage LLC

- 1 ○ Date of submission
- 2 ○ Key project specifications
- 3 3. Thurston County Superior Court Decision (Case No. 18-2-04658-34)
- 4 ○ Date: September 29, 2021
- 5 ○ Finding of unlawful acts by Jay Robert Inslee
- 6 4. Community Meeting Minutes
- 7 ○ Date: July 27, 2023
- 8 ○ Location: Sedro Woolley City Hall
- 9 ○ Key points of discussion and opposition raised
- 10 5. Correspondence between Defendants
- 11 ○ Emails, letters, or other communications demonstrating coordination in advancing
- 12 the Goldeneye project
- 13 6. Environmental Impact Statements or Assessments
- 14 ○ Any existing studies or reports on the potential environmental impact of the
- 15 Goldeneye project
- 16 C. Maps and Environmental Impact Assessments
- 17 1. Topographical Map of Skagit County
- 18 ○ Highlighting the proposed Goldeneye project site
- 19 ○ Marking critical environmental features (e.g., Hansen Creek, salmon habitats)
- 20 2. Zoning Map of the Project Area
- 21 ○ Showing the Agricultural-Natural Resource Lands (Ag-NRL) designation
- 22 3. Flood Plain Map
- 23 ○ Indicating potential flood risks in the project area
- 24 4. Salmon Habitat Map
- 25 ○ Showing the five species of salmon and their rookeries in Hansen Creek
5. Fire Risk Assessment Map

- 1 ○ Illustrating potential spread of high-temperature metal fires from the proposed
- 2 BESS site
- 3 6. Property Value Impact Assessment
- 4 ○ Map or chart showing projected changes in property values within a 5-mile radius
- 5 of the project site
- 6 7. Watershed Map
- 7 ○ Detailing the Skagit River watershed and potential contamination pathways
- 8 8. Visual Impact Renderings
- 9 ○ Before and after images of the proposed project site, showing visual impact on the
- 10 landscape
- 11 D. Expert Reports and Declarations
- 12 1. Environmental Scientist Report
- 13 ○ Assessment of potential environmental impacts
- 14 2. Fire Safety Expert Declaration
- 15 ○ Analysis of fire risks associated with large-scale BESS
- 16 3. Real Estate Appraiser Report
- 17 ○ Projected impact on local property values
- 18 4. Hydrologist Report
- 19 ○ Potential effects on local water resources and salmon habitats
- 20 5. Electrical Engineer Report
- 21 ○ Analysis of the project's energy storage capacity and potential grid impacts
- 22 E. Relevant Case Law
- 23 1. Full text of key RICO cases:
- 24 ○ H.J. Inc. v. Northwestern Bell Telephone Co., 492 U.S. 229 (1989)
- 25 ○ Sedima, S.P.R.L. v. Imrex Co., 473 U.S. 479 (1985)
- Bridge v. Phoenix Bond & Indemnity Co., 553 U.S. 639 (2008)

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- Anza v. Ideal Steel Supply Corp., 547 U.S. 451 (2006)

2. Full text of key Washington environmental law cases:

- Lands Council v. Washington State Parks & Recreation Commission, 176 Wn. App. 787 (2013)
- State ex rel. Guthrie v. Chapman, 187 Wash. 327, 60 P. (2d) 245 (1936)
- State ex rel. Knabb v. Frater, 198 Wash. 675, 89 P. (2d) 1046 (1939)

Respectfully submitted,

Dated: September _____ 2024

Rylee Fleury, Plaintiff in Pro per