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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

QUINAULT INDIAN NATION, a federally-recognized Indian tribe on its own behalf and as *parens patriae*;

Plaintiff,

v.

LAKE QUINAULT SCHOOL DISTRICT; MARY M. KNIGHT SCHOOL DISTRICT; NORTH RIVER SCHOOL DISTRICT; WISHKAH VALLEY SCHOOL DISTRICT; RICH DUBOIS, in his capacity as Superintendent of Lake Quinault School District, **KEITH SAMPLAWSKI**, in his capacity as Athletic Director of Lake Quinault School District; **BETH DANEKER**, in her capacity as Superintendent of Mary M. Knight School District; **JOHN SCHULTZ**, in his capacity as Athletic Director of Mary M. Knight School District; **DAVID PICKERING**, in his capacity as Superintendent of North River School District; **SEAN PIERSON**, in his capacity as Athletic Director of North River School District; **RAY YODER**, in his capacity as Superintendent of Wishkah Valley School District; and **MARK MAXFIELD**, in his capacity as Athletic Director of Wishkah Valley School District,

Defendants.

Case No.: _____

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Civil Rights Act of 1964,
42 U.S.C. § 2000d, *et seq.*

JURY DEMAND

INTRODUCTION

This is an action by the Quinault Indian Nation, in its sovereign capacity and as *parents patriae* on behalf of its tribal member parents and students at the Taholah School District located within the Nation’s Reservation. As set forth in more detail below, Defendants are engaging in intentional racial discrimination against the tribal member student-athletes of Taholah School District, which is comprised mostly of American Indian or Alaska Native Students, by dissolving Taholah’s athletic league and reducing equal opportunity for Taholah’s student-athletes to participate in extracurricular athletic activities. The Nation seeks declaratory and injunctive relief to ensure Taholah students enjoy equal athletic opportunity and to enjoin Defendants’ continuing violations of Taholah students’ right to equal protection of the laws under the Fourteenth Amendment to the United States Constitution and for intentional racial discrimination in violation of Title VI of the Civil Rights Act, 42 U.S.C. § 2000d, *et seq.*, and RCW 28A.642 *et seq.*

PARTIES

A. Plaintiff

1. Plaintiff Quinault Indian Nation (“Nation”) is a federally recognized sovereign Indian tribe, with an elected legislative body pursuant to its Tribal Constitution and By-Laws. The Quinault Indian Reservation, created pursuant to the Treaty of Olympia, ratified by Congress in 1859 (12 Stat. 971), is located on the Pacific coast in northwestern Grays Harbor County and southwest Jefferson County, 45 miles north of Hoquiam, Washington. The boundaries of the Nation’s Reservation were confirmed on November 4, 1873.

2. The Taholah School District is located within the external boundaries of the Nation’s Reservation. The Taholah school sports teams are called the Chitwins, the Quinault name for bear. As of the 2012-2013 school year, Taholah’s total enrollment was 212 students. 66.0% of those students 140 were American Indian or Alaska Native, most of them enrolled Nation members. 0.94% of the enrolled student body was White.

1 3. The Nation has a strong and immediate interest in seeing that Defendants cease
2 discriminatory actions that preclude equal opportunities for all Taholah students regardless of
3 race. The Nation also has a responsibility to its members and the community to provide support
4 for tribal member parents and students of Taholah. The Nation values athletics as a venue to
5 teach young people the highest standards of sportsmanship, respect, camaraderie and teamwork.
6 The Nation sues in its sovereign capacity and in its capacity as *parens patriae* on behalf of its
7 tribal members who are students at the Taholah School District and their tribal member parents.
8 These tribal member students at Taholah and their parents are directly harmed as a result of
9 Defendants' conduct complained of herein.

10 **B. Defendants**

11 4. Defendant Lake Quinault School District ("Lake Quinault") is a Washington State
12 public school district, a political subdivision of the State existing pursuant to Revised Code of
13 Washington Chapter 28, responsible for providing for the administration of educational services,
14 and operating in Amanda Park, Washington. Defendant is the recipient of Federal funds and
15 assistance.

16 5. Defendant Mary M. Knight ("Mary M. Knight") School District is a Washington
17 State public school district, a political subdivision of the State existing pursuant to Revised Code
18 of Washington Chapter 28, responsible for providing for the administration of educational
19 services, and operating in Elma, Washington. Defendant is the recipient of Federal funds and
20 assistance.

21 6. Defendant North River School District ("North River") is a Washington State
22 public school district, a political subdivision of the State existing pursuant to Revised Code of
23 Washington Chapter 28, responsible for providing for the administration of educational services,
24 and operating in Cosmopolis, Washington. Defendant is the recipient of Federal funds and
25 assistance.

26 7. Defendant Wishkah Valley School District ("Wishkah Valley") is a Washington
27 State public school district, a political subdivision of the State existing pursuant to Revised Code
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1 of Washington Chapter 28, responsible for providing for the administration of educational
2 services, and operating in Aberdeen, Washington. Defendant is the recipient of Federal funds
3 and assistance.

4 8. Defendant Beth Daneker is sued in her official capacity as the Superintendent of
5 Defendant Mary M. Knight. As Superintendent of Mary M. Knight, Defendant is responsible for
6 ensuring compliance with the provisions of Title VI of the Civil Rights Act, as well as Revised
7 Code of Washington 28A.642, and its implementing regulations at WAC 392-190-060 and WAC
8 392-190-025, which prohibits discrimination on the basis of race in any interscholastic club or
9 intramural athletics or recreational activity offered by a school district. Defendant Daneker is the
10 Civil Rights Compliance Coordinator for Defendant Mary M. Knight.

11 9. Defendant John Schultz is sued in his official capacity as the Athletic Director of
12 Mary M. Knight High School, which is part of Defendant Mary M. Knight. On information and
13 belief, as Athletic Director, Defendant exercises shared decision making authority concerning
14 Coastal 1-B League play, game scheduling, and related matters at issue in this litigation.

15 10. Defendant Rich DuBois is sued in his official capacity as the Superintendent of
16 Defendant Lake Quinault. As Superintendent of Lake Quinault, Defendant is responsible for
17 ensuring compliance with the provisions of Title VI of the Civil Rights Act, as well as Revised
18 Code of Washington 28A.642, and its implementing regulations at WAC 392-190-060 and WAC
19 392-190-025, which prohibits discrimination on the basis of race in any interscholastic club or
20 intramural athletics or recreational activity offered by a school district.

21 11. Defendant Keith Samplawski is sued in his official capacity as the Athletic
22 Director of Lake Quinault High School, which is part of Defendant Lake Quinault. Defendant
23 Samplawski also serves as the President of the Coastal 1-B League. On information and belief,
24 as Athletic Director, Defendant exercises shared decision making authority concerning Coastal
25 1-B League play, game scheduling, and related matters at issue in this litigation. Defendant
26 Samplawski is the Civil Rights Compliance Coordinator for Defendant Lake Quinault.

1 12. Defendant David Pickering is sued in his official capacity as the Superintendent
2 of Defendant North River. As Superintendent of North River, Defendant is responsible for
3 ensuring compliance with the provisions of Title VI of the Civil Rights Act, as well as Revised
4 Code of Washington 28A.642, and its implementing regulations at WAC 392-190-060 and WAC
5 392-190-025, which prohibits discrimination on the basis of race in any interscholastic club or
6 intramural athletics or recreational activity offered by a school district. Defendant Pickering is
7 the Civil Rights Compliance Coordinator for Defendant North River.

8 13. Defendant Sean Pierson is sued in his official capacity as the Athletic Director of
9 North River High School, which is part of Defendant North River. On information and belief, as
10 Athletic Director, Defendant exercises shared decision making authority concerning Coastal 1-B
11 League play, game scheduling, and related matters at issue in this litigation.

12 14. Defendant Ray Yoder is sued in his official capacity as the Superintendent of
13 Defendant Wishkah Valley. As Superintendent of Wishkah Valley, Defendant is responsible for
14 ensuring compliance with the provisions of Title VI of the Civil Rights Act, as well as Revised
15 Code of Washington 28A.642, and its implementing regulations at WAC 392-190-060 and WAC
16 392-190-025, which prohibit discrimination on the basis of race in any interscholastic club or
17 intramural athletics or recreational activity offered by a school district. Defendant Yoder is the
18 Civil Rights Compliance Coordinator for Defendant Wishkah Valley.

19 15. Defendant Mark Maxfield is sued in his official capacity as the Athletic Director
20 of Wishkah Valley High School, which is part of Defendant Wishkah Valley. On information
21 and belief, as Athletic Director, Defendant exercises shared decision making authority
22 concerning Coastal 1-B League play, game scheduling, and related matters at issue in this
23 litigation.

24 16. Defendants' actions complained of herein, in particular dissolving the Coastal 1-B
25 League to force Taholah athletic teams to play as an "independent" that must actively seek other
26 schools to play for the rest of this school year and beyond, and makes it more difficult to make
27 post-season appearances, violates Title VI of the Civil Rights Act, Washington State law, and the
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1 protections of the Fourteenth Amendment to the U.S. Constitution by reducing opportunities for
2 Taholah student-athletes to participate in extracurricular activities on the basis of race.

3 **JURISDICTION AND VENUE**

4 17. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343,
5 1362, 1367, 2201 and 2202, as the causes of action arise under the Constitution and laws of the
6 United States, or are state law claims cognizable under this Court’s supplemental jurisdiction.

7 18. This Court has personal jurisdiction over each defendant for reasons including,
8 but not limited to: each defendant resides in and/or conducts business in the state of
9 Washington, and the underlying facts arose from actions occurring within the Western District of
10 Washington.

11 19. Venue is proper in the United States District Court for the Western District of
12 Washington, Tacoma Division, pursuant to 28 U.S.C. § 1391 because each defendant is subject
13 to personal jurisdiction here, and a substantial part of the events giving rise to this action
14 occurred here.

15 **FACTUAL ALLEGATIONS**

16 **C. Background and Racial Composition**

17 20. The Taholah School District (“Taholah”) is located within the exterior boundaries
18 of the Nation’s Reservation in Taholah, Washington. Taholah is comprised of a high school and
19 middle school for pre-kindergarten through grade 12. As is pertinent herein, Taholah offers the
20 following athletic programs: high school cheerleading, football, wrestling, volleyball, boys’ and
21 girls’ basketball, track, baseball and softball; and junior high school wrestling, football, boys’
22 and girls’ basketball, and track.

23 21. There are three seasons for Taholah athletics. The spring season sports are
24 Baseball (February-May), Softball (February-May), and Track & Field (February-May). The fall
25 season sports are Football (August-November), Volleyball (August-November), and Cross-
26 Country (August-November). The winter season sports are Basketball (November-March) and
27 Wrestling (November-February).

1 22. Until December 21, 2012, Taholah was part of the Coastal 1-B League for
2 athletics. The other member school districts of the Coastal 1-B League were Lake Quinault,
3 Mary M. Knight, North River, Wishkah, and the Oakville School District. The Coastal 1-B
4 League (and each individual Defendant School District) is part of Southwest Washington District
5 Four (“District IV”), which is under the governance of the Washington Interscholastic Activities
6 Association (“WIAA”). The WIAA acts to establish uniformity of standards in sports and
7 activities; to protect the safety and health of students; to shield students from exploitation by
8 special interest groups; to provide fair and equal opportunities to all students participating; and to
9 encourage good sportsmanship. The Coastal 1-B League was an association of six public school
10 districts governed by a Constitution, revised on June 21, 2012.

11 23. The racial composition of the Taholah student body, comprised of 66% American
12 Indian or Alaska Native students, is vastly different from the rest of the Coastal 1-B League
13 schools.

14 24. As of the 2012-2013 school year, Mary M. Knight’s total enrollment was 194
15 students. Only 1.0% of those students were American Indian or Alaska Native. 93.3% of the
16 enrolled student body was White.

17 25. As of the 2012-2013 school year, North River’s total enrollment was 53 students.
18 0% of those students were American Indian or Alaska Native. 73.6% of the enrolled student
19 body was White.

20 26. As of the 2012-2013 school year, Wishkah Valley’s total enrollment was 145
21 students. 0% of those students were American Indian or Alaska Native. 93.8 % of the enrolled
22 student body was White.

23 27. As of the 2012-2013 school year, Lake Quinault’s total enrollment was 154
24 students. 18.2% of those students were American Indian or Alaska Native. 37.0% of the
25 enrolled student body was White. Quinault Indian Nation tribal member students attend Lake
26 Quinault.

1 28. Historically, Taholah student-athletes, parents and staff have encountered
2 discriminatory behavior in contests with Defendant School Districts, including racial slurs,
3 stereotyping and prejudice. For example, Taholah student-athletes have been called “dirty
4 Indians,” “wagon burners” and “sand niggers” at games hosted by Mary M. Knight.

5 29. The racial harassment and disparate treatment to which Taholah student-athletes
6 have been subjected is severe, pervasive, and objectively offensive. However, Defendants have
7 not initiated any investigation into such incidents directed at Taholah student-athletes, coaches,
8 staff, and fans.

9 30. Instead, Defendants focus on alleged conduct by Taholah. For example, in 2007-
10 2008, home games were taken away from Taholah based on allegations of unsportsmanlike
11 conduct. The home game ban was rescinded once procedures were put into place to help remedy
12 communication problems between the Coastal 1-B schools. Defendants’ present conduct is
13 inconsistent with the procedures adopted in 2008.

14 **D. Decision to Exclude Taholah Students from Athletics**

15 31. Most recently, there were significant procedural and substantive departures from
16 those normally followed by Defendants in making their decision to exclude Taholah students
17 from athletic competitions. This decision relied on vague generalized allegations that were a
18 mere pretext for racial discrimination.

19 32. On November 2, 2012, a Coastal 1-B League Athletic Director Meeting was held
20 where discussions took place concerning alleged track team eligibility and recruiting violations
21 by a Taholah track coach. Other concerns about Taholah high school athletics included
22 allegations of inappropriate fan behavior towards officials, swearing on the sidelines, and past
23 rules infractions. Based on Coastal 1-B League minutes, this is the first time these complaints
24 were raised about Taholah.

25 33. Taholah officials met with the Defendants and informally responded to the
26 allegations several days later, on November 6, 2012, at a Coastal 1-B League Athletic Director
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1 Meeting. Taholah officials denied some allegations, clarified others, and assured Defendants
2 that Taholah would work to remedy the remaining alleged problems with the track coach.

3 34. On November 13, 2012, another Coastal 1-B League Athletic Director Meeting
4 was held. The meeting minutes reflect a discussion of alleged “concerns” from unnamed
5 “schools and individuals concerning Taholah High School athletics.” A list of vague
6 “complaints” from unnamed sources dated November 11, 2012 was circulated, as well as some
7 electronic mails relating to a November 3, 2012 football game. This was the first presentation of
8 any written concerns. The generalized alleged concerns about Taholah athletics included
9 running up scores, “head hunting” players in football, and unsportsmanlike fan behavior. These
10 generalized allegations were either remedied by Taholha or occurred years ago, some as far back
11 at 2008, but were being raised by Defendants now as if they were new events.

12 35. On November 26, 2012, Taholah presented a report to the Coastal 1-B League
13 Athletic Directors providing its response to the allegations and pledging to take steps to control
14 and sanction students, coaches, fans and staff. Taholah agreed to continue having community
15 meetings with the Nation to encourage better fan behavior. In addition, on December 17, 2012,
16 Taholah took remedial action against a track coach who was alleged to have violated recruiting
17 and eligibility rules. The coach was formally relieved of his duties on December, 26 2012.

18 36. In an electronic mail dated November 28, 2012, Defendant Samplawski wrote to
19 Taholah Superintendent Lyn Roberts confirming that Taholah “explained what they will do to
20 address these concerns.” Defendant Samplawski indicates that the Athletic Directors need to
21 “come back together . . . to discuss what was heard” to make a “decision.” However, Defendant
22 Samplawski misrepresented the true intent of the meetings and the goal of Defendant School
23 Districts in his communications with Taholah.

24 37. In another electronic mail to Taholah’s Superintendent Lyn Roberts dated
25 November 29, 2012, Defendant Samplawski stated “I am not advocating for sanctions against
26 Taholah.” However, in a January 15, 2013 article that appeared in *The Daily World*, Defendant
27 Samplawski is quoted as saying: “I’ve been concerned for a few years about different things that
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1 I didn't agree with that Taholah have done. . . .This is the ending to a long story that has been
2 written over the past few years.”

3 38. In the electronic mail to Superintendent Roberts dated November 29, 2012,
4 Defendant Samplawski also said, “I have no intention of having a meeting without representation
5 by Taholah”. Three weeks later, however, a 1-B Coastal League meeting did take place without
6 a Taholah representative on December 21, 2012.

7 39. On December 17, 2012, despite Taholah's remedial actions, Mary M. Knight
8 voted at a school board meeting to become an independent school for sports. This means the
9 school has the freedom to schedule any games it wishes without having to follow a league
10 schedule.

11 40. On December 19, 2012, despite Taholah's remedial actions, Lake Quinault also
12 voted at a school board meeting to become an independent school for sports.

13 41. On December 21 2012, despite Taholah's remedial actions and without having
14 timely notified the Taholah representatives, the Coastal 1-B League Athletic Directors held a
15 meeting and brought up three motions targeted at Taholah as follows: (1) a motion made by
16 Defendant Maxfield, and seconded by Defendant Pierson, to ban the 2013 Taholah track team
17 from all post season play; (2) a motion made by Defendant Maxfield, and seconded by
18 Defendant Daneker, to ban all Taholah athletic teams from all post season play for the next
19 calendar year, beginning December 21, 2012; and (3) a motion made by Defendant Daneker, and
20 seconded by Defendant Pierson, to dissolve the Coastal 1-B League mid-season, including
21 middle school, making each school in the League independent. The first two motions passed 5-
22 0; the third motion passed 4-1, with the Oakville School District representative opposing the
23 motion.

24 42. Having not been timely informed of the December 21, 2012 meeting, no one from
25 Taholah was present at the December 21, 2012 Coastal 1-B League Athletic Directors meeting
26 where the punishments against Taholah were slated for decision.

27 43. The Coastal 1-B League dissolution was declared effective on January 1, 2013.

1 44. Defendant Samplawski informed Taholah of the three motions by electronic mail
2 on Saturday, December 22, 2012. In the message, Defendant Samplawski notes that the third
3 motion dissolving the League “may lead to teams cancelling games that appear on our
4 schedules.” On information and belief, the dissolution of the Coastal 1-B League was
5 undertaken for the purpose of allowing the Defendant School Districts to cancel games pending
6 with Taholah without having to forfeit.

7 45. On December 24, 2012, Defendant Samplawski informed Taholah by electronic
8 mail that “Lake Quinault has decided not to play Taholah in boys or girls basketball this year.
9 Please cancel our games scheduled for January 4th, 2013 and January 19th, 2013. I feel it is in the
10 best interest of Lake Quinault to cancel these games.”

11 46. On December 24, 2012, Defendant Schultz informed Taholah by electronic mail
12 that “Mary M Knight has decided NOT to play Taholah in boys or girls basketball this year.
13 Please cancel our games scheduled for Saturday, January 5th and Friday, January 25th. It is in the
14 best interests of our student-athletes at Mary M. Knight to cancel these games.”

15 47. North River also canceled games scheduled with Taholah because, according to
16 an electronic mail from Defendant Pierson, “it would not be in the best interest of North River
17 students to compete with athletes from Taholah, nor in the presence of their supporters.” North
18 River cancelled its basketball games scheduled for January 12, 2013 and February 1, 2013.

19 48. On January 7, 2013, Defendant Maxfield informed Taholah by electronic mail
20 that “Wishkah Valley basketball teams will not be playing the January 11th and 26th boys and
21 girls basketball games with Taholah.”

22 49. In an article in *The Olympian* on January 9, 2013, Defendant Schultz is reported
23 to have said that “no decision on whether a new 1B league will be formed – with or without
24 Taholah – starting in the 2013-14 school year.”

25 **E. Taholah School District WIAA Appeal**

26 50. By letter dated January 8, 2013, Taholah, acting through its attorneys Porter
27 Foster and Rorick LLP, appealed the December 21, 2012 Coastal 1-B League actions to the
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1 WIAA under WIAA Rule 30.2.1. The letter asserts that the actions taken by the Coastal 1-B
2 League schools failed to comply with the League's own Constitution, WIAA rules, and
3 Washington state law, including RCW 28A.600.200(3)(4)(a), that prohibit punishing students for
4 rules they did not violate.

5 51. On January 17, 2013, District IV took action to remove the post season ban on the
6 Taholah track team for the 2013 season.

7 52. By letter dated January 24, 2013, Taholah, acting through its attorneys Porter
8 Foster and Rorick LLP, sent another letter to the WIAA confirming that it intended to seek relief
9 from the ban on all Taholah teams for post season play and the dissolution of the Coastal 1-B
10 League at a January 28, 2013 appeals hearing before the WIAA.

11 53. On January 31, 2013, the WIAA issued a ruling upholding Taholah's challenges
12 as to the post-season ban and the cancelling of games for the current season by the Defendants.
13 The WIAA did not address dissolution of the League. All six of the former Coastal 1-B League
14 schools are now independents, but the WIAA required the schools to play out their 2012-2013
15 winter schedules and suggested that it would address post-season play issues.

16 54. The result of Taholah's WIAA appeal is that Taholah has no league to play in as
17 of the 2012-2013 spring sports season. WIAA did not address any racial discrimination issues.

18 **F. Effects of Defendants' Discriminatory Conduct**

19 55. The disproportionate penalties reflected by Defendants' actions taken on
20 December 21, 2012 result in a reduction of opportunities for Taholah students to participate in
21 athletics. Rather than punish the track coach who allowed non-eligible students to compete, or
22 deal with the issues resulting in the alleged adult fan misconduct, Defendants swiftly punished
23 all Taholah student-athletes for rules that they did not violate. In the aggregate, the result of the
24 December 21, 2012 votes, even after the WIAA ruling, is the expulsion (or permanent
25 suspension) of Taholah student-athletes from interschool extracurricular athletics with
26 Defendants beyond the current season.

1 56. Taholah’s forced independent status will make it more difficult to find schools to
2 play during the regular season. League athletic schedules are completed a few years in advance,
3 making it difficult to find games that can be played as an independent. This will immediately
4 impact the Taholah student-athletes who participate in spring sports that begin in February. It
5 will also impact schedules for all sports starting next school year.

6 57. Defendants have created a racially hostile environment causing schools to not
7 want to play Taholah. Taholah’s Athletic Director, Jerry Walther, contacted Defendant Maxfield
8 and Defendant Pickering about playing games, and both declined to play Taholah.

9 58. Another school, that is also an independent, asked about playing Taholah in a
10 basketball tournament said it would only play Taholah if “[t]hey pay local police to be there.”

11 59. An electronic mail from Rich Frazer, the director of District IV to Mike Colbrese,
12 the Executive Director of the WIAA, dated January 22, 2013, confirms these scheduling
13 problems stating: “[Taholah] could find it hard to find games in District IV next year.”

14 60. Taholah’s forced independent status will also make it more difficult to make post-
15 season appearances.

16 61. WIAA Rule 25.2.10 discusses an independent team’s access to post season
17 competition. The Rule provides that independent schools may only participate in post-season
18 play as decided by the WIAA Executive Board. In stark contrast, leagues have their own rules
19 for qualifying for post-season play.

20 62. The WIAA Rule also provides that consideration for post season play is premised
21 on that team’s record against varsity competition of schools of the same classification – or of a
22 higher classification. Classification is based on student body enrollment (1-B schools have the
23 smallest enrollment) and the independent school’s record against such competition must be equal
24 to or better than the team receiving the lowest berth from that league/district. In other words,
25 Taholha must seek out schools its size or bigger to play, and must have a record that is better
26 than the worst school from League play to make the post-season.

1 63. This is not as much of an issue for the four Defendant School Districts, which are
2 predominately non-Indian, and will continue to play each other in sports as independents.
3 Meanwhile, Taholah is intentionally excluded from such athletics as a result of Defendants
4 conduct forcing them into isolation as an independent school. Defendants' conduct bears more
5 heavily on one race than another.

6 64. Plaintiff the Nation, and its member parents and students at Taholah, are directly
7 harmed by Defendants' conduct.

8 65. Decreased athletic opportunities will make it difficult for Taholah students to
9 participate in activities that provide important after school opportunities for the development of
10 students' self-esteem, which creates strong community characteristics such as leadership and
11 community building.

12 66. Decreased athletic opportunities will diminish college scholarship opportunities
13 because of the unavailability of a League with which to schedule and play games, and possible
14 reduction of access to post-season play. Given Taholah's geographic isolation – literally at the
15 end of the road – post-season play gives Taholah student-athletes the best chance of being seen
16 by a college scout.

17 67. Decreased athletic opportunities means that Taholah student-athletes will miss out
18 on athletic achievements that would otherwise be provided to them through after school
19 interschool athletic activities. For many Taholah student-athletes, high school will represent the
20 end of their sports careers.

21 68. Taholah's loss of a sports league means that Taholah students and parents must
22 travel many miles to attend and play games. Recently, upon information and belief, the Taholah
23 basketball team travelled to play a school located on the Lummi Nation's Indian Reservation, a
24 bus ride of over 6 hours one way. The increased burden of losing access to closer schools for
25 athletic competition interferes with schooling, parents' schedules, and family life, and increases
26 the difficulty of Taholah qualifying for post-season tournaments.

1 76. Freedom from intentional racial discrimination is a well-recognized constitutional
2 right.

3 77. Defendants have violated, and continue to violate, Plaintiff's constitutionally
4 protected rights to receive the same treatment as other races.

5 78. Defendants have demonstrated a deliberate indifference to the racial
6 discrimination they have perpetuated through their actions.

7 79. Defendants have acted, and continue to act, to deny Plaintiff's equal protection of
8 the laws.

9 80. Plaintiff has suffered and will continue to suffer irreparable harm caused by
10 Defendants' actions and omissions that reduce opportunities to participate in extracurricular
11 athletic activities on the basis of race.

12 81. Plaintiff requests that this Court provide relief that ensures Taholah students enjoy
13 equal athletic opportunity with predominantly white school districts.

14 **SECOND CLAIM FOR RELIEF (CIVIL RIGHTS ACT - INTENTIONAL**
15 **DISCRIMINATION)**

16 82. Plaintiff hereby incorporates all preceding paragraphs of this Complaint as if fully
17 set forth herein.

18 83. Defendant School Districts receive Federal assistance from the United States
19 Department of Education and are therefore subject to Title VI of the Civil Rights Act, 42 U.S.C.
20 § 2000d, *et seq.*, and required to act in a nondiscriminatory manner.

21 84. Defendant School Districts, as well as Defendant Superintendents and Defendant
22 Athletic Directors acting as the School Districts' agents collectively and individually, have
23 obligations to comply with applicable Federal laws with respect to the allegations in this
24 Complaint.

25 85. Title VI of the Civil Rights Act provides, in pertinent part: "No person in the
26 United States shall, on the grounds of race, color, or national origin, be excluded from
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1 participation in, be denied the benefits of, or be otherwise subjected to discrimination under any
2 program to which this part applies.”

3 86. The non-discrimination requirements of Title VI ensure equal access to
4 educational opportunity for all students. Athletics is considered an integral part of an
5 institution’s education program and is therefore covered by Title VI.

6 87. Defendants’ stated justifications for the actions are merely pretexts for a racial
7 motivation.

8 88. Defendants’ discriminatory purpose has been a motivating factor in their
9 decisions.

10 89. There were significant procedural and substantive departures from those normally
11 followed by Defendants in making their decisions with respect to Taholah, as confirmed by the
12 WIAA decision on January 28, 2013.

13 90. Defendants conduct shows a pattern and practice of intentional racial
14 discrimination towards Taholah tribal member student-athletes.

15 91. Defendants’ actions have caused and will cause Taholah tribal member students
16 and their parents to not be able to fully participate in healthy after school activities in the same
17 manner as students of other races, causing opportunities for the Taholah tribal member students
18 and their parents to be irreparably lost.

19 92. The above described actions and inactions of Defendants demonstrates intentional
20 discrimination by a public body and the agents thereof that violates Title VI of the Civil Rights
21 Act, 42 U.S.C. § 2000d, *et seq.*

22 93. Defendants have acted, and continue to act, in a manner that discriminates against
23 Plaintiffs’ on the basis of race in violation of Title VI of the Civil Rights Act, 42 U.S.C. § 2000d,
24 *et seq.*

25 94. Plaintiff has suffered and will continue to suffer irreparable harm caused by
26 Defendants’ actions and omissions that reduce opportunities to participate in extracurricular
27 athletic activities on the basis of race.

1 95. Plaintiff requests that this Court provide relief that ensures Taholah students enjoy
2 equal athletic opportunity with predominantly white school districts.

3 **THIRD CLAIM FOR RELIEF (RCW 28A.642)**

4 96. Plaintiff hereby incorporates all preceding paragraphs of this Complaint as if fully
5 set forth herein.

6 97. Defendant School Districts, Defendant Superintendents, and Defendant Athletic
7 Directors collectively and individually have obligations to comply with applicable Washington
8 State laws with respect to the allegations in this Complaint.

9 98. RCW 28A.642.010 provides that: “Discrimination in Washington public schools
10 on the basis of race, creed, religion, color, national origin, honorably discharged veteran or
11 military status, sexual orientation including gender expression or identity, the presence of any
12 sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a
13 person with a disability is prohibited.”

14 99. The above described actions and inactions of Defendants demonstrate intentional
15 discrimination by a public body and the agents thereof that violates the provisions of RCW
16 28A.642 and WAC 392-190-025, which prohibits discrimination on the basis of race in any
17 interscholastic, club or intramural athletics or recreational activity offered by a school district.

18 100. Defendants have acted, and continue to act, in a manner that discriminates against
19 Plaintiff on the basis of race in violation of RCW 28A.642, *et seq.*

20 101. Plaintiff has suffered and will continue to suffer irreparable harm caused by
21 Defendants’ actions and omissions that reduce opportunities to participate in extracurricular
22 athletic activities on the basis of race.

23 102. Plaintiff requests that this Court provide relief that ensures Taholah students enjoy
24 equal athletic opportunity with predominantly white school districts.

25 **PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiff hereby respectfully demands and prays for the following relief:
27
28

- 1 1. For a declaration that Defendants have denied Plaintiff the equal protection of the
- 2 laws in violation of the Fourteenth Amendment to the United States Constitution;
- 3 2. For a declaration that Defendants have discriminated on the basis of race by
- 4 failing to provide the benefits of educational activities and services to Plaintiff in a
- 5 nondiscriminatory manner in violation of Title VI of the Civil Rights Act, 42 U.S.C. § 2000d and
- 6 RCW 28A.642;
- 7 3. For an injunction providing race-conscious remedies for past discrimination and
- 8 preventing Defendants from continuing to discriminate against Plaintiff on the basis of race;
- 9 4. For an award of attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and
- 10 5. For such other and further relief as the Court deems just, equitable and proper.

11 **JURY DEMAND**

12 Plaintiff Quinault Indian Nation respectfully requests that this matter be tried before a
13 jury.

14 DATED this 21ST day of February, 2013.

15 **KILPATRICK, TOWNSEND & STOCKTON LLP**

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