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Hon. Jay White

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6 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
7 IN AND FOR THE COUNTY OF KING

8 OAK HARBOR FREIGHT LINES, INC., a  
9 Washington corporation,

10 Plaintiff,

11 v.

12 INTERNATIONAL BROTHERHOOD OF  
13 TEAMSTERS, GENERAL TEAMSTERS  
14 UNION LOCAL 174; GENERAL  
15 TEAMSTERS UNION LOCAL 763; JOHN  
16 DOE 1 THROUGH JOHN DOE 100; and all  
17 other persons associated with or acting by or  
through or under or in connection or in concert  
with any of the above-named Defendants or  
any of them,

Defendant.

NO. 08-2-38544-2 KST

~~EXHIBIT~~  
ORDER GRANTING  
MOTION FOR TEMPORARY  
RESTRAINING ORDER AND  
ORDER TO SHOW CAUSE  
REGARDING PRELIMINARY  
INJUNCTION

18 THIS MATTER came before the Court upon Plaintiff's motion for a temporary  
19 restraining order and order to show cause regarding a preliminary injunction. Plaintiff, Oak  
20 Harbor Freight Lines, Inc. appeared by and through its attorneys of record, Davis Grimm  
21 Payne & Marra. The Court being fully apprised makes the following findings of fact.

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**I FINDINGS OF FACT**

1. Plaintiff is a Washington corporation with its principal place of business in King County, Washington. Plaintiff employs commercial truck drivers to ship commercial goods throughout Washington, Oregon, California, Idaho and Nevada

2. Plaintiff has a bargaining relationship with General Teamsters Local Unions 81, 174, 231, 252, 324, 483, 589, 690, 760, 763, 839 and 962 ("Teamsters Union"). In August 2007, Plaintiff and Teamsters Unions began negotiating a new collective bargaining agreement. On September 22, 2008, the Teamsters Union called for a strike of Plaintiff and that strike is currently ongoing (hereinafter "the strike").

3. During the strike, Defendants have blocked ingress and egress through the Main Gate of Plaintiff's Auburn Terminal, which is located 1225 37<sup>th</sup> Street NW, Auburn WA, 98001. Defendants have intentionally and willfully placed their picket lines in front of vehicles attempting to enter and exit the Auburn Terminal, forcing the vehicles to stop and blocking ingress and egress to the facility.

4. During the strike, Defendants have placed spotlights at the Main Gate of Plaintiff's Auburn Terminal and aimed those lights towards vehicles attempting to exit the Main Gate, obstructing the vision of the vehicle operator.

5. During the strike, Defendants have positioned themselves on the corner of the Main Gate located at 37<sup>th</sup> Street NW, making it unsafe for trucks to enter onto 37<sup>th</sup> Street NW.

1           6       During the strike, Defendants have intimidated and threatened the occupants  
2 in the vehicles that are stopped at the Main Gate of Plaintiff's Auburn Terminal as a result of  
3 Defendants' blocking of ingress and egress to the Auburn Terminal. The occupants of those  
4 vehicles include members of the public who are not affiliated with Oak Harbor and/or  
5 employees of Oak Harbor.

6           7.       During the strike, Defendants have followed employees of Plaintiff's Auburn  
7 Terminal during the employees' workday. Defendants have intimidated and threatened those  
8 employees and the security officers who follow those employees during the workday to  
9 ensure the employees' safety. Defendants have tailgated the employees driving Plaintiff's  
10 trucks on the public highways, swerved in front of the employees driving Plaintiff's trucks,  
11 and engaged in other unsafe vehicular conduct.

12   **II. CONCLUSIONS OF LAW**

13           1.       The above-referenced actions of Defendants constitute unlawful picketing  
14 activities, which presents an immediate safety concern to the general public, visitors,  
15 customers and guests of Plaintiff, employees of Plaintiff, and Defendants and the other  
16 persons and picketers present on the picket lines.

17           2.       If the above-referenced actions are permitted to stand or continue, Oak Harbor  
18 Freight Lines will suffer immediate and irreparable harm for which there is no adequate  
19 remedy at law. There is proper cause for a temporary restraining order and injunctive relief; an  
20 emergency exists, that Plaintiff has no adequate remedy at law, that Plaintiff has suffered  
21 immediate and irreparable damage, and that, unless such restraining order be granted,  
22 substantial and irreparable injury and damage will continue to Plaintiff before the matter can be  
23 heard on notice.



- 1 4. Shining lights at the height of vehicle windshields, mirrors, or a driver's line  
2 of sight at Plaintiff's facilities
- 3 5. Making statements that could reasonably be interpreted as a threatening or  
4 intimidating, and intimidating, molesting or coercing, assaulting, striking,  
5 battering jostling or causing or threatening to cause physical injury to  
6 Plaintiff or to Plaintiff's agents, security officers, employees, customers,  
7 guests, invitees or any other person having business with Plaintiff or desiring  
8 to enter or leave the Plaintiff's facility or any customer facilities; following  
9 Plaintiff's working employees when they leave Plaintiff's locations after  
10 work.

11 In addition to and without limiting the foregoing, at Plaintiff's Auburn Terminal,  
12 located at 1225 37<sup>th</sup> Street NW, Auburn, Washington, 98001, Plaintiff shall paint a white line  
13 10 feet from the West side of the access road that leads from the Main Gate to 37<sup>th</sup> Street  
14 NW. All picketing shall at all times remain on the West side of that 10-foot painted line.

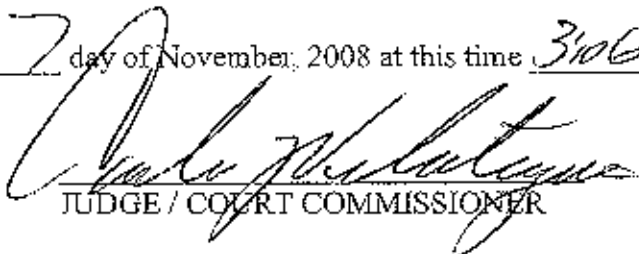
- 15 1. Teamster Picketers shall not stand, picket, or place any objects on the access  
16 road except in the space West of that 10-foot painted line.
- 17 2. In the event a Teamster Picketor must traverse the portion of the access road  
18 located on the East side of that 10-foot painted line, the Teamster Picketor  
19 shall traverse that distance without stopping, slowing, or otherwise  
20 intentionally blocking the free flow of traffic on the access road.
- 21 3. Teamster Picketers shall not intentionally enter the access road on the East  
22 Side of that 10-foot painted line to engage in picketing or to purposefully slow  
23 or stop vehicle traffic.
- 24 4. Teamster Picketers shall not point or otherwise cause any spotlights or  
handheld lights to be pointed at the height of vehicle windshields, mirrors,  
and driver's line of vision at the Main Gate leading to 37<sup>th</sup> Street NW.
5. Teamster Picketers shall not picket within 20 feet of the corner of the access  
road and 37<sup>th</sup> Street NW, to allow trucks to safely move onto 37<sup>th</sup> Street NW.
6. At the Back Gate, Teamster Picketers shall not stand, picket, or place any  
objects in the access road to West Valley Highway.
7. At the Back Gate, Teamster Picketers shall not picket within 20 feet of the  
corner of the access road leading to the Auburn Terminal's Back Gate, to  
allow vehicles to safely move onto West Valley Highway

1 IT IS FURTHER ORDERED that the public peace officers will enforce this Order as  
2 violation of this Order will be deemed to be both civil and criminal contempt; and

3 IT IS FURTHER ORDERED that Plaintiff's post a bond in the amount of \$ 20,000  
4 pursuant to CR 65(c) / By Monday  
4:30 P.M.

5 IT IS FURTHER ORDERED that the Defendants above-named and each of them  
6 appear before the presiding judge of the above-entitled Court in the King County Superior  
7 Courthouse at Kent, Washington, on November 21st, 2008, at the hour  
8 of 8:30 A.M., then and there to show cause, if any they have, why this temporary  
9 restraining order should not be made permanent pending the hearing of the above-entitled  
10 cause and until final judgment and decree, and further why the Defendants, and each of them  
11 should not, from and after the hearing on a show cause, and until the entry of the final  
12 judgment and decree be further enjoined and restrained as prayed for in the Complaint.

13 DONE IN OPEN COURT this 2 day of November, 2008 at this time 3:06 P.M.

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15 JUDGE / COURT COMMISSIONER

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17 Presented by:

18  
19 **DAVIS GRIMM FAYNE & MARRA**

20  
21 By: 

22 John M. Payne, WSBA# 11707  
23 Brian P. Lundgren, WSBA #37232  
24 Attorneys for Plaintiff

DAVIS GRIMM FAYNE & MARRA  
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(206) 447-0182

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