

Honorable William Downing

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

OAK HARBOR FREIGHT LINES, INC., a
Washington corporation

Plaintiff,

v.

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, GENEARL TEAMSTERS
UNION LOCAL 174; GENERAL
TEAMSTERS UNION LOCAL 763; JOHN
DOE 1 THROUGH JOHN DOE 100; and all
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,

Defendants.

No. 08-2-38544-2 KNT

PRELIMINARY INJUNCTION

~~PRELIMINARY~~

The Court has reviewed all materials submitted in support of and in opposition to Plaintiff Oak Harbor's request for a preliminary injunction. These materials include Oak Harbor's initial and reply briefs, Defendant's response brief, and multiple declarations under penalty of perjury from all sides. The Court has also reviewed numerous other materials submitted at a hearing on November 24, 2008 and heard the testimony of ten live witnesses. On the basis of findings of fact and conclusions of law placed on the record in the November 24, 2008 hearing:

PRELIMINARY INJUNCTION - 1
No. 08-2-38544-2-KNT

ORIGINAL

NOW, THEREFORE, THE COURT ORDERS:

That General Teamsters Local Union No. 174 and General Teamsters Local Union No. 763, and all of their members who have notice of this Order be and are hereby restrained and enjoined pending the determination of this action or until further order of this Court or the end of the labor dispute, whichever occurs sooner, from doing or performing or causing to be done or performed, directly or indirectly, any of the following acts or things:

- A. Blocking or attempting to block ingress or egress of vehicles at Plaintiff's facilities. Provided, however, that picketers may patrol with picket signs across the entrances of Plaintiff's facilities where vehicles are entering, exiting or present. "Patrol with picket signs" means walking back and forth across the entrance and includes doing so in front of an exiting or entering vehicle that must come to a stop to permit the patrolling, so long as the patrolling picketers consume no more than thirty seconds traversing in front of the vehicle before permitting the vehicle to proceed. This 30 second delay is the total amount of permitted delay per vehicle, regardless of the number of picketers. Provided further, that delay is prohibited if it is impeding or will foreseeably impede traffic on the public roadway.
- B. On the public roads and highways, tailgating, recklessly swerving at, recklessly cutting off, or engaging in other reckless driving towards Plaintiff's vehicles.
- C. At Plaintiff's facilities and customer facilities, including the entrances and exits thereto, hitting Plaintiff's vehicles in any manner (for example, with hands, feet, signs, or spit), or coming within a distance of six feet of any of Plaintiff's trucks or vehicles, when they are moving. Provided, however, that the six foot restriction does not apply to picketers on sidewalks or within the white lined area referenced below. Provided further, that it will not be deemed a violation of this Order by Defendants or picketers if Plaintiff's agents, employees, security, or invitees come within six feet of picketers.
- D. Shining lights directly into vehicle windshields, mirrors, or a driver's eyes at Plaintiff's facilities.
- E. Physically assaulting, striking, battering, jostling or causing or threatening to cause physical injury to Plaintiff or to Plaintiff's agents, security officers, employees, customers, guests, invitees or any other person having business with Plaintiff or desiring to enter or leave the Plaintiff's facility or any customer facilities.

In addition to and without limiting the foregoing, at Plaintiff's Auburn Terminal, located at 1225 37th Street NW, Auburn, Washington, 98001, Plaintiff has painted a white line 10 feet from the West side of the access road that leads from the Main Gate to 37th Street NW.

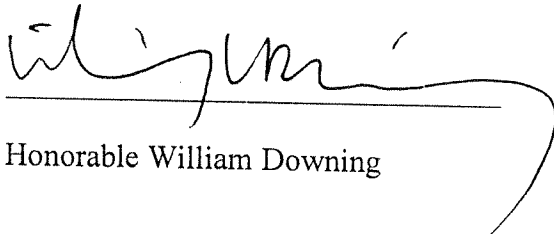
1. Teamsters Picketers shall not place any objects on the access road except in the space on the western side of the access road that has been marked with white lines.
2. When a vehicle is exiting or attempting to exit onto 37th Street NW, picketers shall not picket or stand in the portion of the access road south of the white-lined area to allow trucks to safely move onto 37th Street NW. Similarly when a vehicle is exiting or attempting to exit onto 37th Street NW, picketers shall not picket with placards raised higher than their heads sufficient to block a driver's vision within 20 feet of the corners of the access road and 37th Street NW. The west "corner" is the point on the public sidewalk along 37th Street NW where the access road's western curb would intersect the sidewalk if it were extended. The east "corner" is the point on the public sidewalk even with the westernmost extent of the curved grassy area closest to 37th Street, which extends into the east side of the access road.
3. At the Back Gate, picketers shall not place any objects in the access road to West Valley Highway. Also when stationed on either side of the access road, picketers will not raise placards so as to obstruct a driver's vision, or otherwise intentionally obstruct driver's vision.

IT IS FURTHER ORDERED that the public peace officers will enforce this Order; and

IT IS FURTHER ORDERED that the parties will work cooperatively with the City of Auburn to reposition Oak Harbor's fence consistent with property boundaries; and

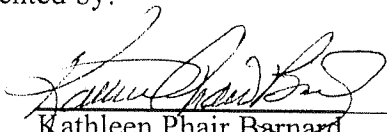
IT IS FURTHER ORDERED that Plaintiff's post a bond in the amount of \$ 20,000 pursuant to CR 65(c).

DONE IN OPEN COURT this 24 day of November, 2008 at this time 2:15 P.M.



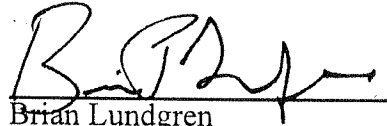
Honorable William Downing

Presented by:


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