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

PEOPLE FOR THE ETHICAL TREATMENT
OF ANIMALS, INC.

Plaintiff,

v.

UNIVERSITY OF WASHINGTON,

Defendant

NO. 21-2-13099-9 SEA

COMPLAINT - FOR OPEN PUBLIC
MEETINGS ACT VIOLATIONS

Plaintiff, People for the Ethical Treatment of Animals, Inc. (“PETA”), for its cause of action against Defendant, the University of Washington (“UW”), alleges that Defendant has violated the Open Public Meetings Act (“OPMA”) by concealing the names of members of a UW governing body, using inconstant numeric identifiers rather than names at public meetings of the governing body, using initials rather than names in published meeting minutes, and using a voting mechanism that is at times concealed from the public. Specifically, Plaintiff alleges as follows:

I. INTRODUCTION

1. In 1981, PETA exposed the abysmal conditions for monkeys used in experimentation at the Institute for Behavioral Research in Silver Spring, Maryland. This exposure resulted in Maryland’s prosecution of the lead experimenter for cruelty to animals and the confiscation of animals from the laboratory. Congress responded by imposing new requirements

1 on facilities conducting experiments on animals. In 1985, Congress amended the Animal Welfare
2 Act (“AWA”), the only federal law that sets minimal standards for the treatment of animals used
3 in experimentation, to mandate, *inter alia*, that such facilities establish a committee, commonly
4 known as an Institutional Animal Care and Use Committee (“IACUC”). Among an IACUC’s
5 responsibilities are reviewing proposed experimental protocols involving the use of animals and
6 approving, rejecting, or requiring modification to such protocols before any experiments can begin
7 or significant changes to approved experiments can be implemented.

8 2. That same year, 1985, Congress passed the Health Research Extension Act
9 (“HREA”), which likewise requires facilities experimenting on animals to establish an IACUC.

10 3. Legislators expressed their intentions for the role of an IACUC, including as
11 follows: “The consultation inherent in the review of the care and treatment of animals by animal
12 care committees is essential. Within such a framework, the public can have confidence that the
13 proper sensitivity, whatever the sensitivity may be, to the care and treatment of animals will
14 occur.” H.R. Conf. Rep. No. 99-309, at 86 (1985).

15 4. The AWA, the HREA, and the Public Health Service, a federal agency that
16 provides federal funding for experimentation using animals, impose requirements mandating the
17 size and composition of IACUCs.

18 5. As a facility engaged in experimentation on animals, UW has an IACUC
19 (hereinafter, “UW IACUC”).

20 6. The UW IACUC is subject to the OPMA.

21 7. The UW IACUC reviews and approves planned experimentation at UW, including
22 at the Washington National Primate Research Center (“WaNPRC”), a department of UW.

23 8. The composition and operations of the UW IACUC are of keen public concern. For
24 example, the UW IACUC has been consistently inert as numerous animals in UW facilities have

1 been injured, suffered illness, or died—including by strangulation, suffocation, thirst, starvation,
2 blood loss, scalding, attacks by other animals, and veterinary error—due to inhumane and illegal
3 actions of UW faculty and staff. On one occasion, a federal inspector with the United States
4 Department of Agriculture (“USDA”) found the UW IACUC to have been operating essentially
5 as a rubberstamping entity, approving many experimental protocols despite incomplete or
6 inadequate descriptions of activities using animals—including incomplete and inadequate
7 descriptions of procedures involving slicing into the skulls and vertebrae of non-human primates
8 to implant instruments of unspecified size or design, resulting in severe health complications
9 requiring involved animals to be killed by UW—rather than conducting adequate review for
10 compliance with federal law. Just in May 2021, the USDA stated that the high incidence of serious
11 AWA violations at UW “is not indicative of a facility that is demonstrating success at preventing
12 critical animal welfare issues.” This history lends itself to reasonable public concern that members
13 of the UW IACUC have a vested interest in the furtherance of experimentation on animals that
14 has impaired their objective assessment of UW’s activities.

15 9. As part of PETA’s ongoing efforts to assess the UW IACUC’s compliance with
16 applicable law, approval of experiments involving animals, and conducting of other public
17 business, PETA has sought information from UW regarding the UW IACUC’s composition and
18 has attempted on its own to learn who sits on the UW IACUC. However, UW conceals the
19 identities of the UW IACUC members, in violation of the OPMA. At meetings subject to the
20 OPMA, the UW IACUC members use numeric identifiers rather than their names to identify
21 themselves, without provision of any corresponding key. These numeric identifiers typically
22 change from one meeting to the next. Meeting minutes, published at least one month after each
23 such meeting, use only initials to identify the UW IACUC members, rather than their names. UW
24 has refused to provide UW IACUC members’ names upon request. In addition, the UW IACUC

1 members, currently using remote videoconferencing to conduct public meetings, use a voting
2 mechanism that, at times, the public cannot see and, at times, turn off their cameras so that they
3 are not visible during the meeting. Prior to transitioning to remote videoconferencing, the UW
4 IACUC members did not display their names at public meetings and used initials, rather than
5 names, to identify members in published meeting minutes.

6 II. PARTIES

7 A. Plaintiff.

8 10. PETA is a Virginia non-stock corporation and an animal-protection charity
9 dedicated to protecting animals—including those used in experimentation—from neglect, abuse,
10 and all forms of cruelty. PETA undertakes these efforts through, *inter alia*, public education,
11 investigations, research, animal rescue, legislation, special events, celebrity involvement, and
12 protest campaigns.

13 11. Because of the scale, influence, and egregiousness of UW’s use of animals in
14 experimentation, including through WaNPRC, PETA’s efforts often focus on UW. One or more
15 representatives of PETA has attended each UW IACUC noticed meeting since November 2019,
16 providing public comment at some meetings. PETA has also made public records requests of UW
17 for information relating to the composition and activities of the UW IACUC and is currently in
18 Public Records Act litigation with UW over its failure to produce responsive records.

19 B. Defendant.

20 12. UW is a public university and a public agency subject to the OPMA. The UW
21 IACUC is a governing body of UW and subject to the OPMA. The Harm Benefit Committee, also
22 known as the Harm Benefit Analysis Subcommittee (hereinafter, “HBC”), is a subcommittee of
23 the UW IACUC subject to the OPMA.

1 **III. JURISDICTION AND VENUE**

2 13. UW is located in King County, Washington.

3 14. Jurisdiction and venue are appropriate in the King County Superior Court under
4 RCW 2.08.010, 42.30.120, and 42.30.130.

5 **IV. LEGAL FRAMEWORK**

6 15. As a public university, UW is a public agency subject to the OPMA. RCW
7 42.30.020(1)(a).

8 16. The UW IACUC is a governing body of UW under the OPMA. RCW 42.30.020.

9 17. UW has acknowledged that the UW IACUC is a governing body of UW. In 1987,
10 UW entered a stipulation as part of a settlement with Progressive Animal Welfare Society
11 (“PAWS”) in which UW stipulated on page one that “[t]he University of Washington Animal Care
12 Committee (“ACC”) is a governing body of the University of Washington with respect to issues
13 of the care, use, and welfare of laboratory animals at the University of Washington.” **Exhibit A**,
14 attached hereto, which is a Stipulation of Defendant in Settlement. The term “Animal Care
15 Committee” refers to the UW IACUC.

16 18. As part of the 1987 settlement with PAWS, UW agreed to a court order
17 permanently enjoining it from closing its Animal Care Committee, i.e., IACUC, meetings to the
18 public. **Exhibit B**, attached hereto, which is an Order on Permanent Injunction and Order
19 Exonerating Bond.

20 19. The OPMA embraces and requires transparency, pursuant to the legislative
21 declaration that public agencies “exist to aid in the conduct of the people’s business.” RCW
22 42.30.010. Accordingly, “[t]he people, in delegating authority, do not give their public servants
23 the right to decide what is good for the people to know and what is not good for them to know.”
24

1 *Id.* Thus, the legislature expressed its clear intent that, under the OPMA, public agencies’ “actions
2 be taken openly and that their deliberations be conducted openly.” *Id.*

3 20. The OPMA is to “be liberally construed.” RCW 42.30.910.

4 21. The OPMA forbids the UW IACUC from conducting its meetings in private via a
5 secret roster of members. In keeping with the OPMA’s policy and purpose that public business be
6 conducted openly and the people be fully informed, “[a]ll meetings of the governing body of a
7 public agency shall be open and public.” RCW 42.30.030.

8 22. A “meeting” is a “meeting[] at which action is taken.” RCW 42.30.020(4).
9 “Action” is “the transaction of the official business of a public agency by a governing body
10 including but not limited to receipt of public testimony, deliberations, discussions, considerations,
11 reviews, evaluations, and final actions.” RCW 42.30.020(3). “Final action” is “a collective positive
12 or negative decision, or an actual vote by a majority of the members of a governing body when
13 sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.” *Id.*

14 23. Meeting minutes “shall be promptly recorded” and “open to public inspection.”
15 RCW 42.30.035.

16 24. Governing bodies are prohibited from voting by secret ballot “at any meeting
17 required to be open to the public.” RCW 42.30.060(2).

18 25. Under the AWA, an IACUC must be composed of at least three members,
19 appointed by the chief executive officer of the institution. 7 U.S.C. § 2143(b)(1). “[A]t least one
20 member (i) shall not be affiliated in any way with such facility other than as a member of the
21 Committee; (ii) shall not be a member of the immediate family of a person who is affiliated with
22 such facility; and (iii) is intended to provide representation for general community interests in the
23 proper care and treatment of animals.” 7 U.S.C. § 2143(b)(1)(B) (boldface omitted); *see also* 9
24 C.F.R. § 2.31(b). The HREA duplicates requirements in similar language. 42 U.S.C. § 289d(b)(2)

1 (requiring at least one member with “no association with such entity”). The public interest in the
2 welfare of animals used during experimentation generally, and in IACUC composition
3 specifically, was referenced repeatedly in the legislative history of AWA amendments and the
4 HREA, and is routinely emphasized in both federal guidance and in binding policies that provide
5 governing standards for federally funded experimentation.

6 **V. STATEMENT OF FACTS**

7 **A. UW IACUC’s Activities of Essential Public Concern**

8 26. PETA’s, and the general public’s, interest in the composition, deliberations, and
9 outcomes of IACUC meetings is of critical and particularized importance with respect to the UW
10 IACUC.

11 27. UW, through WaNPRC, oversees one of seven remaining “flagship primate
12 centers” established in the early 1960s and continuously funded by the National Institutes of
13 Health. UW, as a whole, receives billions of dollars in federal funds that contribute toward
14 experimentation on animals. Meanwhile, federal inspectors frequently find egregious violations
15 of the AWA at UW. Federal inspection reports reveal that animals at UW, including non-human
16 primates, frequently suffer because of incompetence and neglect. For example, monkeys used by
17 UW experimenters have been strangled to death when caught on a cage chain; died of thirst,
18 starvation, blood loss, and scalding; been mauled by other monkeys; died from veterinary error;
19 and choked to death on their own vomit.

20 28. Yet the UW IACUC, despite serving as the last line of defense for animals used by
21 UW experimenters, has been consistently inert and failed to address these chronic welfare issues
22 in any meaningful way. For example, on July 14, 2015, the USDA found the UW IACUC to be
23 operating essentially as a rubberstamping entity because it approved major surgeries on animals
24 even though the experimenters had not bothered to provide crucial information in the proposed

1 protocols. In one such instance, non-human primates who were subjected to skull, arm, and
2 vertebral implants experienced severe medical complications after the surgeries and had to be
3 killed; among other missing critical information, the experimenter had not described the devices
4 to be implanted or the size and location of incisions to be made. By way of further example, in
5 May 2021, the USDA informed UW in a letter that it would not grant UW’s appeal of citations of
6 critical AWA violations because UW’s record of animal care—and, by implication, the UW
7 IACUC’s record—“is not indicative of a facility that is demonstrating success at preventing
8 critical animal welfare issues.” Specifically, the USDA had found that, between August 2019 and
9 April 2020, UW had committed critical AWA violations that caused injury to several monkeys,
10 including but not limited to an incident in which a monkey was left confined outside their regular
11 enclosure without access to food or water for at least 12 hours. On information and belief, the
12 latter incident appeared on the UW IACUC’s July 2020 and May 2020 meeting agendas, but the
13 UW IACUC chose not to take any punitive measures, stressing “the importance of self-reporting
14 instead of punitive actions held against individuals,” and tabled discussion regarding sending a
15 letter to facility upper management. *See Exhibit C*, attached hereto, which is the published
16 meeting minutes for the November 21, 2019-July 15, 2021 UW IACUC public meetings, at 42,
17 50.

18 29. The UW IACUC’s practice of routinely approving such protocols out of public
19 view means that similar unlawful conduct is likely to remain secret.

20 30. In addition, the UW IACUC itself has also engaged in direct misconduct with
21 respect to issues of extreme public interest. For example, in November 2020, federal officials
22 concluded that the head of the UW IACUC made “knowingly false” statements when she claimed
23 during an IACUC meeting that experimentation on monkeys at WaNPRC helped create Moderna’s
24 COVID-19 vaccine.

1 **B. UW IACUC’s Concealment of Members’ Names and Conduct During Public**
2 **Meetings**

3 31. Since at least 2015, the UW IACUC has held monthly public meetings, though
4 some months it has held no meeting at all and, on occasion, it has held an additional meeting in a
5 particular month.

6 32. During the COVID-19 pandemic, it has held meetings virtually via the Zoom
7 remote videoconferencing platform. All but two members attended the March 2020 meeting
8 remotely, and the April 2020 meeting was the first fully virtual meeting.

9 33. Prior to March 2020, the UW IACUC met in person in the UW Health Sciences
10 building in King County.

11 34. UW IACUC meetings include scant discussion of any agenda items. The UW
12 IACUC has not discussed a proposed experimental protocol during a public meeting since the
13 March 2020 public meeting, though there are currently hundreds of active protocols using animals,
14 meaning that this key function of an IACUC is being done entirely out of public view. Prior to the
15 March 2020 meeting, the September 2019 public meeting was the last public meeting during which
16 the UW IACUC discussed a proposed experimental protocol.

17 35. Upon information and belief, UW IACUC members regularly approve new
18 protocols and protocol amendments, and the UW IACUC uses software by the name of
19 “Hoverboard” or a similar program to review, comment on, and approve protocols.

20 36. During virtual meetings, the UW IACUC members’ names are not displayed on
21 Zoom. Rather, the identification label for each member reads instead, “IACUC1,” “IACUC2,” and
22 so forth. Those identification labels are not consistent from meeting to meeting, meaning that a
23 member may have the label “IACUC1” for one meeting and a differently numbered label the next
24 meeting. *See Exhibit D*, attached hereto, which is a pair of screenshots from the July 15, 2021,

1 and September 16, 2021 UW IACUC meetings that show the inconsistent application of numeric
2 identifiers.

3 37. Other than the infrequent use of the first name of a UW IACUC member, the
4 members refer to each other by the label of “IACUC1,” *et cetera*, as it appears on each member’s
5 Zoom view.

6 38. There is no key available on Zoom or on UW’s website to identify the UW IACUC
7 members. When meeting minutes are posted on UW’s website after the following month’s
8 meeting, only initials are used to identify which members were present or absent. The initials are
9 not accompanied by any reference to numeric identifiers.

10 39. The UW IACUC does not require any of its members to remain visible onscreen
11 during the virtual meetings, except when votes are being taken. Even then, members not needed
12 to constitute a quorum remain off-screen, or otherwise not visible, during votes.

13 40. The UW IACUC does not require members to remain visible during discussions of
14 what are referred to in meeting minutes as “standard procedures” and “standard operating
15 procedures” (collectively hereinafter, “SOPs”) governing use of animals by UW. Although
16 description of SOPs in both the minutes and the public meetings is routinely scant to nonexistent,
17 SOPs are frequently of critical importance to animal welfare, and thus public interest, and, in at
18 least some cases, are reviewed only every three years regardless of whether improvements or
19 alternatives to certain procedures may have been developed in the interim. For example, SOPs
20 discussed during the July 15, 2021 meeting included approval of procedures for killing animals
21 during or after the conclusion of experiments.

22 41. While meeting virtually via Zoom, UW IACUC members raise their hand as if to
23 signify their vote and also click the virtual hand-raising button on Zoom. At some meetings,
24 members of the public cannot see which UW IACUC members click that button—meaning that

1 votes cast using that button are completely secret. The members are instructed to vote audibly if
2 in favor of a proposal, but the vote count is not tallied audibly. An individual who is not visible
3 onscreen claims to register the votes, noting “got it” or the like after a few moments. No count is
4 given at the meeting of the physically raised hands, the “raise your hand” button, the voice vote,
5 or of votes registered by any other means. This creates a situation in which members of the public
6 have no satisfactory means of systematically confirming, e.g., how members of the IACUC voted,
7 the margins of votes among IACUC members, and even whether IACUC actions are accurate
8 reflections of how IACUC members voted.

9 42. Prior to the pandemic, when the UW IACUC met in person, the members did not
10 have their names displayed.

11 43. On September 3, 2020, PETA made a public records request of UW for specified
12 records containing names and other membership information of the UW IACUC for the period of
13 January 1, 2017 to the present. **Exhibit E**, attached hereto, which is the 9/3/2020 Public Records
14 Act request to UW. Although UW, as part of its response, offered as an apparent excuse that it had
15 a practice of over-writing and deleting responsive public records, the meager records UW
16 produced listed members’ first names and initials for only a portion of the requested period.
17 **Exhibit F**, attached hereto, which is an email and attachment produced by UW. The particular
18 record at Exhibit F also lists members’ email addresses; however, some email addresses contain
19 no part of the corresponding member’s name.

20 44. At the July 15, 2021 UW IACUC meeting, a PETA representative asked for the
21 names of new members but was told by UW IACUC chair and UW professor Jane Sullivan that
22 the UW IACUC members would not answer questions during the public-comment period. The
23 same PETA representative emailed Sullivan and another UW IACUC member on December 9,
24

1 2020 and December 14, 2020 to request the full name and email address of one UW IACUC
2 member but did not receive a reply.

3 45. On information and belief, the UW IACUC has engaged in other conduct to evade
4 public scrutiny likely to violate the OPMA. For example, on information and belief, it has
5 manipulated attendance at some meetings of a subcommittee of the UW IACUC, the HBC, to
6 avoid a quorum. Likewise, on information and belief, the UW IACUC often performs one of its
7 primary functions, the approval of experimental protocols and amendments thereto, outside the
8 public eye, using software that allows members to review, comment on, and approve protocols
9 virtually, rather than through deliberation at the public meetings or any other process sufficiently
10 visible or accountable to the public.

11 **C. Individual Meetings of the UW IACUC in Violation of the OPMA**

12 **1) September 16, 2021 UW IACUC Meeting**

13 46. On September 16, 2021, the UW IACUC held a meeting subject to the OPMA.
14 During the meeting, members were identified by number and not name. Although meeting minutes
15 have yet to be published, there is no reason to believe the UW IACUC will not follow its routine
16 practice of identifying members in the meeting minutes only by initials.

17 47. The meeting, prior to public comment, lasted approximately thirteen minutes. A
18 new member was introduced as “IACUC4 today,” which corresponded to the electronic label on
19 Zoom.

20 **2) August 19, 2021 UW IACUC Meeting**

21 48. On August 19, 2021, the UW IACUC held a meeting subject to the OPMA. During
22 the meeting, members were identified by number and not name. Although meeting minutes have
23
24

1 yet to be published, there is no reason to believe the UW IACUC will not follow its routine practice
2 of identifying members in the meeting minutes only by initials.

3 **3) July 15, 2021 UW IACUC Meeting**

4 49. On July 15, 2021, the UW IACUC held a meeting subject to the OPMA. During
5 the meeting, members were identified by number and not name. Members were identified in the
6 meeting minutes published at least a month later—but not during the meeting itself—by initials.
7 According to the minutes, AB, AC, CM, DM, JM, GS, JPVH, JS, LM, ME, KG, KM, KS, MB,
8 and SRH were present. LM was present as an alternate for ME, who joined the meeting late.

9 50. During the meeting, the UW IACUC voted to send a letter of counsel to UW
10 personnel involved in the deaths of four mice from starvation and to approve twenty-three SOPs
11 as a block, as well as an additional SOP.

12 **4) June 17, 2021 Meeting**

13 51. On June 17, 2021, the UW IACUC held a meeting subject to the OPMA. During
14 the meeting, members were identified by number and not name. Members were identified in the
15 meeting minutes published at least a month later—but not during the meeting itself—by initials.
16 According to the minutes, AB, AW, CM, KG, FRR, KM, KS, SRH, JS, SL, MB, and MK were
17 present. KSH was present as an alternate.

18 52. During the meeting, the UW IACUC approved SOPs related to surgical training
19 and animal care.

20 **5) May 20, 2021 UW IACUC Meeting**

21 53. On May 20, 2021, the UW IACUC held a meeting subject to the OPMA. During
22 the meeting, members were identified by number and not name. Members were identified in the
23 meeting minutes published at least a month later—but not during the meeting itself—by initials.

1 According to the minutes, AB, AW, CM, DM, FRR, GS, SL, JM, JPVH, JS, KG, KM, KS, MB,
2 MK, and SRH were present.

3 54. During the meeting, the UW IACUC voted to send letters of counsel to UW
4 personnel involved in the deaths of five mice from starvation and to approve SOPs, including
5 pertaining to neuroscience studies in non-human primates.

6 **6) No Meeting Held in April 2021**

7 55. The UW IACUC failed to hold a public meeting in April 2021.

8 **7) March 18, 2021 UW IACUC Meeting**

9 56. On March 18, 2021, the UW IACUC held a meeting subject to the OPMA. During
10 the meeting, members were identified by number and not name. Members were identified in the
11 meeting minutes published at least a month later—but not during the meeting itself—by initials.
12 According to the minutes, JA, CM, JS, KG, SL, KM, JPVH, MK, SRH, JM, KS, MB, FRR, and
13 GS were present.

14 57. During the meeting, the UW IACUC voted to send a letter of counsel to UW
15 personnel involved in the deaths of two mice from incorrect oral gavage and a deviation from an
16 approved protocol, to send a letter of reprimand to UW personnel involved in the deaths of two
17 mice after eight mice were left without food for days, and to approve SOPs.

18 **8) February 18, 2021 UW IACUC Meeting**

19 58. On February 18, 2021, the UW IACUC held a meeting subject to the OPMA.
20 During the meeting, members were identified by number and not name. Members were identified
21 in the meeting minutes published at least a month later—but not during the meeting itself—by
22 initials. According to the minutes, AB, AW, CM, DM, FRR, GS, JA, JM, JPVH, JS, KG, KAG,
23 KM, KS, MB, MK, MRK, SL, and SRH were present.

1 59. During the meeting, the UW IACUC voted to send a letter of reprimand to UW
2 personnel involved in the deaths of fourteen mice from dehydration and starvation and to approve
3 two SOPs.

4 **9) January 21, 2021 UW IACUC Meeting**

5 60. On January 21, 2021, the UW IACUC held a meeting subject to the OPMA. During
6 the meeting, members were identified by number and not name. Members were identified in the
7 meeting minutes published at least a month later—but not during the meeting itself—by initials.
8 According to the minutes, AB, CM, DM, FRR, GS, JM, JPVH, JS, KG, KAG, KM, KS, MB, MK,
9 SRH, and SL were present.

10 61. During the meeting, the UW IACUC approved an SOP regarding terminal
11 anesthesia.

12 **10) December 17, 2020 UW IACUC Meeting**

13 62. On December 17, 2020, the UW IACUC held a meeting subject to the OPMA.
14 During the meeting, members were identified by number and not name. Members were identified
15 in the meeting minutes published at least a month later—but not during the meeting itself—by
16 initials. According to the minutes, AB, CM, GS, JA, JPVH, JS, KG, KAG, KS, MB, MK, ML,
17 SRH, and SL were present.

18 63. During the meeting, the UW IACUC voted to send letters of counsel to UW
19 personnel involved in the death of three mice from starvation and in deviating from an approved
20 caging protocol, and it voted to approve a non-pharmaceutical grade policy.

21 **11) November 19, 2020 UW IACUC Meeting**

22 64. On November 19, 2020, the UW IACUC held a meeting subject to the OPMA.
23 During the meeting, members were identified by number or initials and not name. Members were
24 identified in the meeting minutes published at least a month later by initials. According to the

1 minutes, AB, AW, CM, FRR, GS, JA, JM, JPVH, JS, KG, KAG, KS, MB, ML, SRH, and SL were
2 present.

3 65. During the meeting, the UW IACUC voted to send letters of counsel to UW
4 personnel involved in the deaths of several mice from dehydration and in a deviation from protocol
5 resulting in successive intraocular injections to squirrel monkeys, and it voted to approve SOPs.

6 **12) October 15, 2020 UW IACUC Meeting**

7 66. On October 15, 2020, the UW IACUC held a meeting subject to the OPMA. During
8 the meeting, members were identified by number or initials and not name. Members were
9 identified in the meeting minutes published at least a month later by initials. According to the
10 minutes, AB, AW, CM, DM, EWC, FRR, JM, JPVH, JS, KG, KAG, KS, MK, ML, SRH, and SL
11 were present. EWC was present as an alternate member.

12 67. During the meeting, the UW IACUC voted to send a letter of counsel to UW
13 personnel involved in cutting the tails of mice contrary to protocol and voted to approve SOPs and
14 a drug formulary.

15 **13) September 17, 2020 UW IACUC Meeting**

16 68. On September 17, 2020, the UW IACUC held a meeting subject to the OPMA.
17 During the meeting, members were identified by number or initials and not name. Members were
18 identified in the meeting minutes published at least a month later by initials. According to the
19 minutes, AB, AW, CM, FRR, GS, JA, JM, JPVH, JS, KG, KAG, KS, MB, MK, ML, SRH, and
20 SL were present.

21 69. During the meeting, the UW IACUC discussed but did not act on an incident that
22 left nineteen mice dead.

1 **14) August 20, 2020 UW IACUC Meeting**

2 70. On August 29, 2020, the UW IACUC held a meeting subject to the OPMA. During
3 the meeting, members were identified by number or initials and not name. Members were
4 identified in the meeting minutes published at least a month later by initials. According to the
5 minutes, AB, AF, CM, DM, FRR, GS, JM, JPVH, JS, KG, KS, MB, were present. AF was an
6 alternate member for CM for part of the meeting.

7 71. During the meeting, the UW IACUC voted to send letters of counsel to UW
8 personnel involved in the deaths of five mice from dehydration and of five mice from starvation.

9 **15) July 16, 2020 UW IACUC Meeting**

10 72. On January 16, 2020, the UW IACUC held a meeting subject to the OPMA. During
11 the meeting, members were identified by number or initials and not name. Members were
12 identified in the meeting minutes published at least a month later by initials. According to the
13 minutes, AB, CM, DM, FRR, GS, SL, JPVH, JS, KG, KAG, KS, MB, MK, ML, and SRH were
14 present.

15 73. During the meeting, the UW IACUC voted to send a letter of counsel to UW
16 personnel involved in cutting the tails of mice in procedures that were contrary to protocol.

17 **16) June 18, 2020 UW IACUC Meeting**

18 74. On June 18, 2020, the UW IACUC held a meeting subject to the OPMA. During
19 the meeting, members were identified by number or initials and not name. Members were
20 identified in the meeting minutes published at least a month later by initials. According to the
21 minutes, AB, AW, CH, CM, FRR, GS, JM, JPVH, JS, KG, KS, MB, MK, ML, SRH, and SL were
22 present.

23 75. During the meeting, the UW IACUC approved SOPs.

1 **17) May 21, 2020 UW IACUC Meeting**

2 76. On May 21, 2020, the UW IACUC held a meeting subject to the OPMA. During
3 the meeting, members were identified by number or initials and not name. Members were
4 identified in the meeting minutes published at least a month later by initials. According to the
5 minutes, AW, CH, CM, DM, FRR, GS, JM, JPVH, JS, KG, KS, were present.

6 77. During the meeting, the UW IACUC voted to send a letter of acknowledgment to
7 UW personnel involved in the deaths of three rats during or after spinal-injury surgery after
8 receiving an overdose of anesthesia and voted to approve SOPs pertaining to adhesion grading in
9 non-human primates and prolonged physical restraint, a drug formulary, and a housing variance.

10 **18) April 16, 2020 UW IACUC Meeting**

11 78. On April 16, 2020, the UW IACUC held a meeting subject to the OPMA. During
12 the meeting, members were identified by number or initials and not name. Members were
13 identified in the meeting minutes published at least a month later by initials. According to the
14 minutes, AW, CH, CM, DM, GS, JA, JPVH, JS, KS, MB, SL, ML, SRH, MK, FRR, and KG were
15 present.

16 79. The UW IACUC voted to send a letter of counsel to UW personnel involved in an
17 adverse event where rats were found dead after being injected with parasitic larvae and not
18 monitored as frequently as had been described in the approved experimental protocol.

19 **19) March 19, 2020 UW IACUC Meeting**

20 80. On March 19, 2020, the UW IACUC held a meeting subject to the OPMA. During
21 the meeting, members were identified by number or initials and not name. Members were
22 identified in the meeting minutes published at least a month later by initials. According to the
23 minutes, AW, JA, CM, DM, FRR, GS, JM, JPVH, JS, KG, KS, MB, MK, ML, and SL were
24 present.

1 81. During the meeting, the UW IACUC approved a protocol involving traumatic
2 spinal cord and brain injuries to mice, SOPs pertaining to killing methods, an AIDS-related
3 monitoring protocol, and a delegation of authority to UW personnel to implement COVID-19-
4 related measures.

5 **20) February 20, 2020 UW IACUC Meeting**

6 82. On February 20, 2020, the UW IACUC held a meeting subject to the OPMA.
7 During the meeting, members were not identified at all, neither by number, initial, nor name.
8 Members were identified in the meeting minutes published at least a month later—but not during
9 the meeting itself—by initials. According to the minutes, AB, AW, CH, CM, FRR, JB, JM, JPVH,
10 JS, KG, KS, MB, MLK, SL, and SRH were present (CM and SL attended remotely, but the
11 meeting was in person). JB attended as an alternate member.

12 83. During the meeting, the UW IACUC approved SOPs and an exemption to a cage-
13 cleaning policy, and it voted to send letters of acknowledgment to UW personnel involved in the
14 deaths of mice from a malfunctioning cigarette-smoke machine and of mice from dehydration.

15 **21) January 16, 2020 UW IACUC Meeting**

16 84. On January 16, 2020, the UW IACUC held a meeting subject to the OPMA. During
17 the meeting, members were not identified at all, neither by number, initial, nor name. Members
18 were identified in the meeting minutes published at least a month later—but not during the meeting
19 itself—by initials. According to the minutes, AB, CH, DM, FRR, JM, JPVH, JS, KG, KS, MB,
20 MK, ML, SL, and SRH were present.

21 85. During the meeting, the UW IACUC voted to approve SOPs and to send a letter of
22 counsel to UW personnel involved in an unapproved surgery on a gerbil that led to the animal’s
23 killing by UW.

1 **22) December 19, 2019 UW IACUC Meeting**

2 86. On December 19, 2019, the UW IACUC held a meeting subject to the OPMA.
3 During the meeting, members were not identified at all, neither by number, initial, nor name.
4 Members were identified in the meeting minutes published at least a month later—but not during
5 the meeting itself—by initials. According to the minutes, AB, AW, CH, DM, FRR, GS, JB, JM,
6 JPVH, JS, KG, KS, MB, MK, ML, SL, SRH, and TH were present; DM and TH joined remotely.

7 87. During the meeting, the UW IACUC voted to approve SOPs.

8 **23) November 21, 2019 UW IACUC Meeting**

9 88. On November 21, 2019, the UW IACUC held a meeting subject to the OPMA.
10 During the meeting, members were not identified at all, neither by number, initial, nor name.
11 Members were identified in the meeting minutes published at least a month later—but not during
12 the meeting itself—by initials. According to the minutes, AB, AW, KAG, GS, JE, JM, JPVH, JS,
13 KG, KS, MB, MK, ML, SL, SRH, and TH were present; TH joined remotely.

14 89. During the meeting, the UW IACUC voted to approve SOPs and to send a letter of
15 acknowledgment to UW personnel involved in administering a fatally high dose of influenza virus
16 to mice.

17 **D. TRAINING AND KNOWLEDGE OF UW IACUC MEMBERS**

18 90. On information and belief, each of the members and alternate members of the UW
19 IACUC from November 2019 to the present has received training on the OPMA.

20 **VI. CLAIMS**

21 **Violations of the OPMA**

22 91. PETA repeats the allegations of the preceding paragraphs as if fully set forth
23
24

1 herein.

2 92. Under the OPMA, the UW IACUC, as a governing body of UW, cannot maintain
3 a secret membership and conduct secret meetings by concealing the identities of its members from
4 the public. The UW IACUC has conducted meetings and taken action, as those terms are defined
5 in the OPMA, while operating in function as a secret committee. It uses numbers instead of names
6 for members at its meetings, uses initials instead of names for members in its minutes, allows its
7 members to vote in a manner outside the view—and counts votes outside the view and hearing—
8 of the public, does not record votes by names, and allows its members to remove themselves from
9 the view and hearing of the public during meetings held by Zoom.

10 93. Upon information and belief, the UW IACUC also illegally meets and engages in
11 action outside the meetings that are announced, and intentionally hides its action from the public.

12 94. RCW 42.30.120 allows Plaintiff to seek and recover civil penalties against
13 members of governing bodies who attend meetings where the OPMA is violated, with knowledge
14 that the meeting violates the OPMA.

15 95. RCW 42.30.130 allows Plaintiff to seek mandamus or an injunction to stop
16 violations or prevent threatened violations of the OPMA by a governing body.

17 96. RCW 42.30.120 allows Plaintiff to seek and recover its fees and costs in connection
18 with this OPMA action.

19 97. RCW 42.30.060 allows the Court to declare action taken at meetings in violation
20 of the OPMA as null and void.

21 **VII. PRAYER FOR RELIEF**

22 WHEREFORE, the Plaintiff People for the Ethical Treatment of Animals, Inc. prays for
23 judgment against the Defendant as follows:

24 A. Find that the Defendant violated the OPMA by concealing the identities of the UW

1 IACUC members, including when taking action at meetings;

2 B. Mandate the Defendant promptly disclose (1) the full names and UW affiliation, as
3 well as (2) other identifying information required by law or sufficient to further establish the fitness
4 of the member for IACUC membership of all members of the UW IACUC, pursuant to RCW
5 42.30.130;

6 C. Enjoin the Defendant from concealing the identities of UW IACUC members
7 henceforth, pursuant to RCW 42.30.130;

8 D. Declare any and all action taken by the UW IACUC at any of the meetings held in
9 violation of the OPMA to be null and void pursuant to RCW 42.30.060;

10 E. Award Plaintiff all costs, including reasonable attorney's fees, incurred in
11 connection with this legal action, as provided in RCW 42.30.120(4); and

12 F. For such other relief as the Court deems just.

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1 Dated: October 1, 2021

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