

HONORABLE ROBERT S. LASNIK

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF SEATTLE, *et al.*,

Defendants.

Case No. C16-322RSL

DECLARATION OF HARRY J. F.
KORRELL IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
MOTION TO DISMISS

I, Harry J. F. Korrell, hereby declare as follows:

1. I submit this declaration in support of Plaintiff's Opposition to Defendants' Motion to Dismiss. I have personal knowledge of each fact stated in this declaration, to which I could and would competently testify if called as a witness in this matter.

2. I am an attorney at law, duly licensed to practice before all courts of the State of Washington. I am a partner at the law firm of Davis Wright Tremaine LLP.

3. On January 15, 2016, I submitted public-records requests to city officials in the legislative and executive branches of the City of Seattle, seeking information related to the taxi, limousine, for-hire, ride-sharing, or transportation-network industries.

DECLARATION OF HARRY J. F. KORRELL - 1

1 4. I received responses from the City Council on March 11, April 8, April 22, and
2 April 29, 2016. The documents attached as Exhibits A-L were included in those responses.

3
4 I declare under penalty of perjury under the laws of the United States of America that the
5 foregoing is true and correct.

6
7 Executed on May 9, 2016



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9 Harry J. F. Korrell

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Exhibit A

From: Caldirola-Davis, Carlo
Sent: 14 Nov 2015 21:22:51 +0000
To: Gregorich, Chris
Subject: FW: TNC rally

Hey Chris,

Talked with Dawn this morning. 117 is just bad at communication. They didn't invite anyone until after the press release went out. I told Dawn they have to do better about keeping us in the loop, as it only hurts them to have us find things out second-hand.

They are inviting mayor, would love to have him speak, are also inviting councilmembers.

Program is an hour, will feature Uber drivers speaking about the need for collective bargaining. Dawn said they have been getting pressure from the drivers to have some sort of event.

Any interest in having EBM attend?

From: Dawn Gearhart [Dawn.Gearhart@Teamsters117.org]
Sent: Friday, November 13, 2015 6:07 PM
To: Caldirola-Davis, Carlo
Subject: Re: TNC rally

Hi Carlo,

I just left you a long message. I'm so sorry if anyone feels caught off guard. That was my mistake. The Mayor is definitely invited! I know he's busy, but it would really encourage drivers to hear from him. Please free to give me a call tonight or tomorrow. 206-794-6678 and thank you for the birthday wishes!

Dawn

Sent from my iPhone

> On Nov 13, 2015, at 5:31 PM, Caldirola-Davis, Carlo <Carlo.Davis@seattle.gov> wrote:
>
> Hey Dawn,
>
> Our office just heard about the rally next week and people are feeling caught off guard. Want to get some more details, find out if mayor invited, etc.
>
> Thanks,
> Carlo
> 206-330-8881
>
> PS- happy birthday! ;)

Exhibit B



Taxis, for-hires, limos, TNCS!

DRIVERS RALLY!



**SEATTLE
CITY HALL**

600 4TH AVE.

**WEDNESDAY
NOV. 18**

AT 11AM

JOIN DRIVERS AND COMMUNITY MEMBERS as we deliver a petition calling on the City Council to pass legislation that will give Seattle taxi, for-hire, and TNC drivers a voice and the right to collectively bargain.

Seattle drivers need a **VOICE!**



Exhibit C

From: Dawn Gearhart
Sent: Tue 09/22/2015 05:25 PM
To: Bagshaw, Sally
Subject: Pass Voice for Drivers Legislation

Re: Pass Voice for Drivers Legislation

Dear Councilmember Bagshaw,

Drivers deserve a voice at work. Like all workers, taxi, for-hire, and drivers for transportation network companies like Uber and Lyft should be able to come together and discuss the basic conditions of their work with their employers. To be recognized and represented is to have dignity. But, as you know, current law, and the practices of companies unjustly prevent this.

As a result, drivers can now earn as little as \$3 per hour. Companies can change any condition of work overnight, including disallowing the very cars it convinced drivers to invest their life savings in. And companies can fire drivers at any time for any reason, including speaking out about their pay or working conditions. It is important that communities, together with their elected officials, recognize the urgency for progress. Without swift action, drivers will head into the slowest season of the year facing more uncertainty and economic instability.

A proposed ordinance before you would fix this unjust situation. It would allow drivers to negotiate these and other critical matters directly with for-hire companies, a solution that has worked for tens of millions of Americans for over a hundred years.

It is time to act on this now and not delay. Drivers, their families and their communities are struggling now, and have waited long enough. With every decision to draw out the process, real people in our City are being hurt.

Pass this legislation and give our drivers the voice they deserve.

Sincerely,
Dawn Gearhart

7035 Beach Dr SW
Seattle, WA 98136
Constituent

Prepared by One Click Politics(tm) at www.oneclickpolitics.com. For information regarding this service, please contact admin@oneclickpolitics.com

Exhibit D

From: Dawn Gearhart
Sent: Tue 09/22/2015 05:25 PM
To: Burgess, Tim
Subject: Pass Voice for Drivers Legislation

Re: Pass Voice for Drivers Legislation

Dear Councilmember Burgess,

Drivers deserve a voice at work. Like all workers, taxi, for-hire, and drivers for transportation network companies like Uber and Lyft should be able to come together and discuss the basic conditions of their work with their employers. To be recognized and represented is to have dignity. But, as you know, current law, and the practices of companies unjustly prevent this.

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It is time to act on this now and not delay. Drivers, their families and their communities are struggling now, and have waited long enough. With every decision to draw out the process, real people in our City are being hurt.

Pass this legislation and give our drivers the voice they deserve.

Sincerely,
Dawn Gearhart

7035 Beach Dr SW
Seattle, WA 98136
Constituent

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Exhibit E

From: Dawn Gearhart
Sent: 23 Sep 2015 00:25:23 +0000
To: O'Brien, Mike
Subject: Pass Voice for Drivers Legislation

Re: Pass Voice for Drivers Legislation

Dear Councilmember O'Brien,

Drivers deserve a voice at work. Like all workers, taxi, for-hire, and drivers for transportation network companies like Uber and Lyft should be able to come together and discuss the basic conditions of their work with their employers. To be recognized and represented is to have dignity. But, as you know, current law, and the practices of companies unjustly prevent this.

As a result, drivers can now earn as little as \$3 per hour. Companies can change any condition of work overnight, including disallowing the very cars it convinced drivers to invest their life savings in. And companies can fire drivers at any time for any reason, including speaking out about their pay or working conditions. It is important that communities, together with their elected officials, recognize the urgency for progress. Without swift action, drivers will head into the slowest season of the year facing more uncertainty and economic instability.

A proposed ordinance before you would fix this unjust situation. It would allow drivers to negotiate these and other critical matters directly with for-hire companies, a solution that has worked for tens of millions of Americans for over a hundred years.

It is time to act on this now and not delay. Drivers, their families and their communities are struggling now, and have waited long enough. With every decision to draw out the process, real people in our City are being hurt.

Pass this legislation and give our drivers the voice they deserve.

Sincerely,
Dawn Gearhart

7035 Beach Dr SW
Seattle, WA 98136
Constituent

Prepared by One Click Politics(tm) at www.oneclickpolitics.com. For information regarding this service, please contact admin@oneclickpolitics.com

Exhibit F

From: Auriemma, Anthony
Sent: 19 Aug 2015 17:35:07 +0000
To: 'dawn.gearhart@teamsters117.org'
Subject: FW: Meeting Request: Upcoming Legislation
Attachments: image001.jpg, image002.png, image003.png, image004.png, image005.png

Hi Dawn,

I'm happy to meet with you on O'Brien's legislation. I worked on the TNC/taxi/for-hire legislation last year for CM Rasmussen. I'm pretty wide open next week for a meeting. Monday is especially good, any times for work for you?

Thanks,



Anthony Auriemma
Legislative Assistant
Office of Seattle City Councilmember Tom Rasmussen
206.684.8593
www.seattle.gov/council/rasmussen/



From: Dawn Gearhart [<mailto:Dawn.Gearhart@Teamsters117.org>]
Sent: Thursday, August 13, 2015 9:11 AM
To: Pulliam, Tobias
Subject: Re: Meeting Request: Upcoming Legislation

Thank you, Tobias! I appreciate the quick response! Looking forward to hearing from you and Councilmember Rasmussen.

-Dawn

On Aug 13, 2015, at 8:54 AM, "Pulliam, Tobias" <Tobias.Pulliam@seattle.gov> wrote:

Hello Dawn, thanks for reaching out. I'll let Tom know about this request – and I promise to follow up with you.

Tobias Pulliam
Legislative Assistant
Seattle City Council | Office of Councilmember Tom Rasmussen
O 206.684.8808 | D 206.684.5398

<[image001.jpg](#)> <[image002.png](#)> <[image003.png](#)> <[image004.png](#)> <[image005.png](#)>

From: Dawn Gearhart [<mailto:Dawn.Gearhart@Teamsters117.org>]
Sent: Wednesday, August 12, 2015 3:48 PM
To: Rasmussen, Tom
Cc: Pulliam, Tobias
Subject: Meeting Request: Upcoming Legislation

Councilmember Rasmussen,

The Teamsters-affiliated App-Based Drivers' and the Taxicab Operators' Associations are working on new legislation which Councilmember O'Brien is planning to sponsor. The legislation is quickly taking shape, and it is critical that we have your input.

We would love the opportunity to meet prior to Council recess. In order to facilitate, please let me know your soonest availability.

We look forward to a continued partnership in advocating for the rights of drivers and riders.

Thank you,

Dawn

Dawn Gearhart | Business Representative
Teamsters Local Union No. 117

14675 Interurban Avenue South, Suite 307 | Tukwila, WA 98168
Office: 206-441-4860 ext. 1254 | Toll Free: 888-872-3489 ext. 1254 | Fax: 206-441-3153
Fighting for workers' rights!

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Exhibit G

From: Dawn Gearhart
Sent: Mon 08/17/2015 10:29 AM
To: Bleck, Alberta
Cc: Dawn Gearhart;Rehrmann, Lily
Subject: Re: Meeting Request: Upcoming Legislation

Hi Alberta,

Thank you for getting back to me. We would love the opportunity to meet directly with Councilmember Bagshaw as the legislation will likely be introduced very soon after the recess. I understand that this timeline is condensed, and we welcome the opportunity to meet with staff on the issue.

Please let me know what times will work best.

Thanks again,
Dawn

Sent from my iPhone

On Aug 17, 2015, at 9:48 AM, "Bleck, Alberta" <Alberta.Bleck@seattle.gov> wrote:

Dear Dawn,

I hope Monday finds you well—I apologize for my delay in following up with you. I will certainly check in with Councilmember to see if she would be interested in moving forward with a meeting about upcoming Rideshare and Taxi Legislation. Her schedule this week is already quite tightly booked. If she is unable to meet this week, would you be interested in meeting with staff?

Let me know how you would like to proceed.

Thanks again,

Alberta

From: Dawn Gearhart [<mailto:Dawn.Gearhart@Teamsters117.org>]
Sent: Wednesday, August 12, 2015 3:41 PM
To: Bleck, Alberta
Cc: Bagshaw, Sally
Subject: Meeting Request: Upcoming Legislation

Councilmember Bagshaw,

The Teamsters-affiliated App-Based Drivers' and the Taxicab Operators' Associations are working on new legislation which Councilmember O'Brien is planning to sponsor. The legislation is quickly taking shape, and it is critical that we have your input.

We would love the opportunity to meet prior to Council recess. In order to facilitate, please let me know your soonest availability.

We look forward to a continued partnership in advocating for the rights of drivers and riders.

Thank you,

Dawn

Dawn Gearhart | Business Representative
Teamsters Local Union No. 117

14675 Interurban Avenue South, Suite 307 | Tukwila, WA 98168
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Exhibit H

From: Lundberg, Debi
Sent: Fri 08/14/2015 03:02 PM
To: 'Dawn Gearhart'
Subject: RE: Meeting Request: Upcoming Legislation

Hi Dawn,

The Mayor just scheduled a signing of legislation and CM Burgess needs to attend. It's scheduled for 9:45 on Friday Aug. 21. Any chance I can move your meeting to 10:30?

Debi

From: Dawn Gearhart [mailto:Dawn.Gearhart@Teamsters117.org]
Sent: Thursday, August 13, 2015 4:28 PM
To: Dawn Gearhart
Cc: Lundberg, Debi
Subject: Re: Meeting Request: Upcoming Legislation

Sorry, about that.

The meeting will be attend by Parminder Cheema, Hussein Farah, and myself. Parminder is a taxicab operator and Hussein drives on several TNC platforms.

Looking forward to working with Councilmember Burgess on this issue!

Thank you for coordinating,

Dawn
206-794-6678

On Aug 13, 2015, at 4:24 PM, "Dawn Gearhart" <Dawn.Gearhart@Teamsters117.org> wrote:

Thanks, Debi!

Friday at 10am will work fine. The meeting will be attended by myse

Sent from my iPhone

On Aug 13, 2015, at 4:12 PM, "Lundberg, Debi" <Debi.Lundberg@seattle.gov> wrote:

Dawn,

The first opening I have to schedule a meeting with CM Burgess is Friday, August 21 at 10:00.

Please let me know if this will work and who will be attending.

Debi

From: Dawn Gearhart [<mailto:Dawn.Gearhart@Teamsters117.org>]
Sent: Wednesday, August 12, 2015 3:42 PM
To: Burgess, Tim
Cc: Lundberg, Debi
Subject: Meeting Request: Upcoming Legislation

Councilmember Burgess,

The Teamsters-affiliated App-Based Drivers' and the Taxicab Operators' Associations are working on new legislation which Councilmember O'Brien is planning to sponsor. The legislation is quickly taking shape, and it is critical that we have your input.

We would love the opportunity to meet prior to Council recess. In order to facilitate, please let me know your soonest availability.

We look forward to a continued partnership in advocating for the rights of drivers and riders.

Thank you,

Dawn

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Teamsters Local Union No. 117

14675 Interurban Avenue South, Suite 307 | Tukwila, WA 98168
Office: 206-441-4860 ext. 1254 | Toll Free: 888-872-3489 ext. 1254 | Fax:
206-441-3153 Fighting for workers' rights!

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Exhibit I

From: Caldirola-Davis, Carlo
Sent: 28 Apr 2015 23:07:06 +0000
To: Johnson, Meadow
Cc: Glass Hastings, Andrew;Gregorich, Chris
Subject: Teamster taxi event
Attachments: 050315 ABDA Annual Convention Flyer.pdf

Hey Meadow –

Teamsters 117 is hosting a gathering of “app-based” drivers this Sunday at their headquarters in Tukwila. They’d like a representative from the mayor’s office (I will be out of town)., seems like a good fit for the outreach team. But not sure who has been tracking taxi stuff on your end.

Can you let me know who can attend? 4:30 pm – 5 on Sunday.

Thanks!

From: Dustin Lambro [mailto:Dustin@Teamsters117.org]
Sent: Tuesday, April 28, 2015 3:38 PM
To: Caldirola-Davis, Carlo
Subject: RE: Possible reschedule

Hi Carlo,

That time sure does and thank you. I am glad you can make that time!

Additionally, do you think it would be possible for someone from the Mayor’s office to attend our Annual Meeting of the App Based Drivers Association this coming Sunday? It would be good for us to simply say “we appreciate so and so who is here from the Mayor’s office today.” They don’t even need to speak if they don’t want to, but it would be good for someone to be there from 4:30-5 as we kick the program off. We have some additional elected officials from the county and the city and it would be excellent to say there was someone from your office. I attached a flyer with additional information.

Thanks!

Dustin

Exhibit J

All Drivers Welcome!

DRIVERS ASSOCIATION

ANNUAL MEETING



Sunday, May 3 @ 4 P.M.

Teamsters Local 117
14675 Interurban Ave. S. Tukwila

Join drivers from Uber, Lyft, and Sidecar for our **App-Based Drivers Association's Annual Meeting**. Let's strengthen our voice and win justice, dignity and respect at work!

When We Fight, We Win!



For more information, call Dawn Gearhart at 206-441-4866.

App-based drivers from Uber, Lyft, and Sidecar are getting organized! We will be meeting on Sunday, May 3, 2015 at 4 P.M. at the Teamsters Building in Tukwila for our App-Based Drivers' Association Annual Meeting. ***It's time to fight for the respect we deserve!***

- ***Fair pay so that you can support your family***
- ***A fair rating system***
- ***Tips for drivers***
- ***Legal help on insurance and deactivation issues***
- ***Strong political backing on city, state and county issues***
- ***Legislative support***
- ***Communications and public relations consulting***
- ***A voice In decisions that affect your work***



Sunday, May 3 @ 4 P.M.

Teamsters Building - 14675 Interurban Ave. S.

Fighting for Justice, Dignity and Respect at Work!

www.TeamsterTNC.org



Exhibit K

From: Dustin Lambro
Sent: 14 Apr 2015 22:59:08 +0000
To: Caldirola-Davis, Carlo
Subject: App Based Drivers Annual Meeting - May 3 at 4PM
Attachments: 050315 ABDA Annual Convention Flyer.pdf

Hi Carlo,

I hope this email finds you well!

I wanted to cordially invite the Mayor to our Annual Meeting of the App Based Drivers Association, where drivers from TNCs (Uber, Lyft and Sidecar) will be meeting to talk through their next steps with their association.

Our legislative agenda at the city and county level in 2016 will seek to address some of the problems in the industry including pay so drivers can support their families, a fair rating system, access to tips, and a voice on the job. As the Mayor of the city where consumers most use these App-Based services in the state, it would be good for him to hear some of their concerns and what issues he can expect them to bring forward this year and next.

The meeting will take place on **Sunday, May 3rd at 4PM at the Teamsters Hall in Tukwila, 14675 Interurban Ave S.** He would be welcome to stay for the beginning of the meeting and make some brief remarks to the drivers, but wouldn't need to stay once the formal program begins.

If you have any questions please let me know, but it would be great to have him join us!

Dustin Lambro | Political Coordinator

Teamsters Local Union No. 117

14675 Interurban Avenue South, Suite 307 | Tukwila, WA 98168

Office: 206-441-4860 ext. 1262 | Cell: 206-794-2606 | Toll Free: 888-872-3489 ext. 1262 | Fax: 206-441-3153

Fighting for workers' rights!

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Exhibit L

From: Dawn Gearhart
Sent: 1 Apr 2014 21:23:17 +0000
To: Sawant, Kshama;Showalter, Clay
Cc: Virdone, Ted
Subject: Uber Driver Forum
Attachments: Driver Community Forum.pdf

Councilmember Sawant,

I'd like to formally invite you to the upcoming TNC Driver's Forum at the Yesler Community Center on Sunday April 13th at 2:30 PM. The meeting will be in the main multipurpose room at 917 E Yesler Way in Seattle.

Drivers from Uber and UberX have organized this event, and have asked for support from Teamsters Local 117 in reaching out to your office.

The event will be an opportunity for elected officials to engage with and hear directly from drivers about the policies that effect their ability to make a living and succeed in today's rapidly changing transportation environment. We will also be addressing ways to simplify the complex regulatory system, and address outstanding worker protection issues.

Please feel free to contact me if you have any questions. The Uber drivers organizing this event can be reached at seattleuber@gmail.com.

Hope to see you there,
Dawn

Dawn Gearhart | Business Representative

Teamsters Local Union No. 117

14675 Interurban Avenue South, Suite 307 | Tukwila, WA 98168

Office: 206-441-4860 ext. 1254 | Toll Free: 888-872-3489 ext. 1254 | Fax: 206-441-3153

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