Hon. Samuel Chung
Hearing Date: August 6, 2025

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

DENNY BLAINE PARK FOR ALL, an unincorporated neighborhood association,

Plaintiff,

vs.

CITY OF SEATTLE, a Washington municipal corporation,

Defendant.

No. 25-2-12422-3 SEA

DEFENDANT CITY OF SEATTLE'S PLAN OF ABATEMENT

I. INTRODUCTION

Pursuant to this Court's Order Partially Granting Plaintiff's Motion for Preliminary Injunction, Defendant City of Seattle submits its plan of abatement ("Plan") at Denny Blaine Park. The City's Plan, which is detailed in the Declaration of Andy Sheffer and submitted herewith, addresses abatement efforts the City intends to undertake with respect to conditions at the Park, including:

- Limiting the portion of the Park that is clothing optional to the area of the Park least visible from residences;

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- Establishing visual barriers to separate the clothing optional area of the Park;
- Installing clearly marked signage throughout the Park and at its entrances stating Park rules;
- Implementing a substantial increase in staffing of Park Rangers and/or Seattle Parks and Recreation staff at the Park; and
- Using a progressive discretionary enforcement approach, which may include educating, warning, and citing individuals who do not comply with Park rules and, where necessary, requesting assistance from law enforcement to address criminal activity such as sexual criminal lewd conduct.

As stated in its Motion for Reconsideration (Dkt. 56), the City respectfully objects to any order that would (1) require the City to obtain approval from the Court for any abatement plan,[1] (2) direct the City to exercise its discretion in a particular way, and/or (3) impose upon the City any obligation to abate criminal conduct that exceeds mere nudity at the Park. The City appreciates the Court's consideration and looks forward to addressing these issues further at the August 6th hearing.

II. EVIDENCE RELIED UPON

The City relies upon the Declaration of Andy Sheffer ("Sheffer Decl."), filed herewith, and the exhibit attached thereto.

III. DISCUSSION

[1] As detailed in the Motion for Reconsideration, the City submits that to avoid infringement on the City's exercise of its police power, this Court should revise its Order to afford the City a reasonable time to engage in abatement efforts, the effects of which the Court can assess in a hearing thereafter. The City suggests that 90 days would be appropriate.

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In its briefing, Plaintiff did not specify a precise form of abatement. At oral argument, however, Plaintiff's counsel appeared to suggest that there may be a manner in which nudity could be permitted at the Park "in places where it isn't offensive" and "isn't seen by people who don't want to see it." Declaration of Joseph Groshong in Support of Motion for Reconsideration, Ex. 1, at 17:9-18:3; *see also id.*, Ex. 2, at 13:3-10 (Court noting in its oral ruling that nudity "as constituted" at the Park was a nuisance). The parties therefore seem to agree that a solution is possible that balances Plaintiff's rights as Park-adjacent landowners and the LGBTQIA+ community's historical use of the Park as a nude gathering space. The City's Plan seeks to accomplish such a balance while continuing to prohibit public sexual and lewd acts.

To address Plaintiff's concern that nudity should only be permitted in particular areas of the Park, the City's Plan limits nudity to a specified area, with a visual barrier separating that area from the remainder of the Park.[2] Sheffer Decl., Ex. 1 at 1-2. The City has selected the portions of the Park that will be clothing optional based on the Park's geographical terrain and the historical use of the park. *Id.* at 2. The clothing optional portions of the Park are the least visible from nearby residences. *Id.* at 1. To clearly identify the clothing optional portions of the Park and reinforce Park rules, the City will install signs at the Park's entrances, parking lot, and at the entrance of clothing optional areas. *Id.* at 1-2. The signage will inform attendees that criminal activity is not permitted in the Park, specify that state and local laws, as well as Seattle Parks & Recreation rules and regulations, apply to Park usage, and identify those areas of the Park that are clothing optional. *Id.*

[2] The visual barriers installed may include meshed fencing, hedging, increased plantings, or other delineated boundaries in conformance with Crime Prevention Through Environmental Design assessments. *Id.* at 2.

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To effectuate these measures, the City will significantly increase staffing of City personnel at the Park. Currently, Park Rangers are onsite at the Park for 45 minutes per week. *Id.* at 2. Going forward, Park Rangers or other Parks staff will be on-site at the Park three days per week for two to four hours per shift. *Id.* This augmented staffing is a dramatic increase in the time City personnel will be present at the Park. *Id.* While onsite, City personnel will educate and/or issue warnings regarding Park rules to users as needed. *Id.* When necessary, Park Rangers will request assistance from law enforcement to address criminal activity. *Id.*

The City expects that its efforts to address conditions at the Park will evolve over time based on the circumstances. Sheffer Decl., ¶ 5. The City is committed to identifying and implementing solutions that effectively account for the reasonable interests of all involved parties.

CERTIFICATE OF COMPLIANCE

I certify that this Motion contains 823 words in compliance with the Local Civil Rules of the King County Superior Court as amended September 1, 2016.

DATED this 28th day of July, 2025.

ANN DAVISON
Seattle City Attorney

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CERTIFICATE OF SERVICE

I certify that on the 28th day of July, 2025, I caused a true and correct copy of this document to be served on the following in the manner indicated below:

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