The Honorable Samuel Chung

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

DENNY BLAINE PARK FOR ALL, an unincorporated neighborhood association,

Plaintiff,

vs.

CITY OF SEATTLE, a Washington municipal corporation

Defendant,

and

FRIENDS OF DENNY BLAINE

Intervenor

No. 25-2-12422-3 SEA

COURT'S FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PERMANENT INJUNCTION AND ORDERING ABATEMENT OF PUBLIC NUISANCE

Clerk's Action Required

I. SUMMARY

This matter came before the Court for a bench trial on Plaintiff's, Denny Blaine Park For All, Complaint for a Permanent Injunction to close Denny Blaine Park due to presence of nudity and lewd sexual acts. Previously, on July 15, 2025, this Court granted Preliminary Injunction finding public nuisance and ordered Defendant City of Seattle to abate the nuisance. At the current trial, the Court considered testimonies of the witnesses, exhibits admitted into evidence, arguments of counsels, and the records and files herein. Based on the evidence presented, the Court grants Plaintiff's request for Permanent Injunction; however, the Court denies Plaintiff's

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request to close the Park, and instead orders Defendant City to further abate the public nuisance as provided below.

II. FINDINGS OF FACT

1. The trial occurred before this Court on May 27, 28, June 1, 2, 3, 4, 8, 9,10 and 11, 2026. The Court heard from the following witnesses:

Plaintiff	Megan Harman
	Carrie Christensen
	Dylan Nelson
	Michael Hatch
	Nicholas Burgess
	Sarah Richmond
	Brett Robertson
	Betsy Terry-Losh
	Stuart Sloan
	Jeffery Glann Darrow
	Dr. Stephanie Wolf
	David Graves
	Molly Nordstrom
	Dr. Frederick Moll
Defendant	Larry Adarna
	Dewright Brooks
	Justin Hellier
	William Geoghagan
	Scott Hatzenbuehler
	Andrew Sheffer
	Rachel Shulkin
	William Neale
	Dr. Loren Atherley
	Spencer Fomby
Intervenor	Christopher Duryee
	Elayne Wylie
	Dr. Neil Malamuth
	Fern Feldman
	Austin Wright
	Kristin Zaborksa
	Kathleen Blanchard
	Simon Thornton
	Lynn Loheide
	Colleen Kimseylove

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2. Plaintiff, Denny Blaine Park for All, was represented by Patrick Schneider, Rylan Weythman, Anthoney Godwin, Lindsey Folik, and Benjamin Lester of Foster Garvey. Defendant, City of Seattle, was represented by Lorraine Phillips, Joseph Groshong, and Molly Kosten of the City Attorney's Office. Intervenor, Friends of Denny Blaine Park, was represented by Susan Foster, Cassandra Carley, Sam Coren, Julia Englebert, Juliana Bennington, Katlyn Stockslager, Benjamin Lester, James Williams and David Burman of Perkins Coie.

3. Plaintiff, Denny Blaine Park For All, is an unincorporated association comprised of neighborhood residents who border or live adjacent to the Park.

4. Defendant, City of Seattle is a Washington municipal corporation.

5. Intervenor, Friends of Denny Blaine, is a LGBTQ+ led organization dedicated to promoting use of the Denny Blaine Park by all users, including marginalized groups such as LGBTQ+ individuals who have long looked to Denny Blaine Park as a safe and affirming space.

6. Denny Blaine Park ("the Park") is a public park located at the intersection of East Lake Washington Boulevard and 40th Avenue East. The Park was created in 1901 by the Plat of Denny-Blaine Lake Park Addition, and in 1931, the City of Seattle placed the Park under the jurisdiction of the Department of Parks, which today is the Department of Parks and Recreation.

7. The Park is approximately two acres in size and consists of upper and lower sections separated by a stone bulkhead, a former seawall. The upper section consists of an oval shaped grass area encircled by a city street, East Denny Blaine Place. The lower beach section contains a lawn area and access to Lake Washington.

8. Bordering the Park are residential homes on East Denny Blaine Place and also on 40th Avenue East. These homes can only be accessed by driving through the Park. East Denny

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Blaine Place was originally a two-way street, however, due to overcrowding and illegally parked cars, the street has been reduced to one way traffic only.

9. As one of the smallest parks within the Seattle Parks Department system, the Park is considered a "mini" or "pocket park" with limited parking, and in contrast to regional parks which feature amenities like barbeque grills or basketball courts, the Park does not have any other amenities other than the park land itself.

10. Newspaper articles and other historical literature from the 1980's showed that topless women had used the Park for some years. Residents who grew up in the neighborhood and others who are familiar with the Park recalled seeing topless women sunbathing at the lower section of the Park, but that these sunbathers were discreet, covering themselves when others were present. Evidence showed that there were reports of occasional full nudity (males) in the beach area of the Park.

11. The Park also has been a gathering place for Seattle's LGBTQ+ community for many years. At least since the 1980's, gay and lesbian park goers have come to the Park as a place of refuge and providing healing and community solidarity. News articles from 1980's showed that the Park served as a site for supporting gay and lesbian athletes and since then, the Park has served a key role in the Seattle LGBTQ+ community.

12. More recently, the Park has been an important place for people affirming their bodies especially for those identifying as transgender as the Park environment provides a space free from the pressure of conforming to traditional way of life.

13. Starting approximately in 2010's, nearby residents and others began noticing lewd behaviors at the Park. Stuart Sloan, who has lived in the neighborhood since 1990 and currently owns a house that borders the Park, first saw in 2015 a fully naked man standing facing the street

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for many hours. The popularity of the Park had been growing as a place for nudity, and in 2017, nearby neighbors petitioned the City of Seattle to take enforcement actions against public nudity as well as illegal parking and overcrowding related problems at the Park.

14. Carrie Christensen has worked in this neighborhood since 2010, and in 2018 she saw a man masturbating in the parking area of the Park. The man was doing this while looking at two women sitting in the grass area unaware of the male. According to Christensen, she yelled at the male who then got into his car and drove off. Other neighbors saw similar lewd behaviors around the Park.

15. After the start of the Covid Pandemic, the number of visitors to the Park grew even further and the incidents of lewd acts also greatly increased. Christensen and others saw, sometime multiple times a day, various forms of sex and sexualized behaviors happening throughout the Park. Graphic video and photograph evidence showed people engaged in public masturbation, sexual intercourse, oral sex, bondage, laying naked spreadeagle on top of cars, fingering private areas, and taking videos and photos of genitals. There were also lewd acts on the lake waters on various floating devices. Some individuals were repeat offenders and were recognized by residents. Evidence showed that the Park was also listed on online as a "cruise" site for people to meet to have sex.

16. The two homes which border the Park to the south and north were most affected by the nudity and the lewd sexual behaviors at the Park. From their own homes, they can see large areas of the Park and have witnessed many lewd behaviors. They also saw many more lewd acts from their security cameras. Some park users also trespassed onto their properties, some even swimming under a boat dock and climbing over privacy walls.

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17. Residents of homes on the street immediately adjacent to the Park experienced similar problems caused by the naked and lewd park users. Because these residents must drive through the Park to access their homes, they were forced to see nudity and other sexualized behaviors. One former resident testified that while driving through the Park his daughter became really upset at seeing a naked man sitting on a lawn chair provocatively in the upper lawn area of the Park facing the street. The former resident warned parents of children about seeing naked park goers in the neighborhood.

18. Some naked park users parked their cars in front of the neighboring properties and on their driveways, preventing the residents from accessing their homes. Many of these residents became concerned and fearful of the naked park users especially for their school-age children. All the neighbors testified that they have limited or stopped having any guests at their homes.

19. King County Assessor's Office has officially designated the nearby thirteen properties as being negatively affected by "nuisance" from the Park and decreased the assessed land value of these homes by at least ten percent.

20. The Court finds that the prevalence of nudity and lewd conducts have substantially interfered with Plaintiff's ability to use and enjoy their properties.

21. Some of the residents tried to stop the lewd park goers themselves. They confronted these individuals and took photo and video evidence of their lewd acts. The residents also made numerous and repeated complaints to the police and the Parks Department.

22. Most other park users, however, did not intervene to stop lewd behaviors. One Park user who felt threatened by two men masturbating in front of her called the police, and other park users confronted her about contacting the police.

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23. The Parks Department's Code of Conduct prohibits sexual misconduct and conduct "that unreasonably deprives others of their use or enjoyment." Despite such prohibition, the Department has maintained that nudity is legal in Seattle and that due to the historical use by members of LGBTQ+ community, it lacked authority to regulate nudity at the Park.[1]

24. The Parks Department also did not want its employees to confront the lewd parkgoers. A July 2022 internal email showed that employees had complained about seeing lewd conducts and so much nudity. The Department instructed these employees to not intervene, to not take videos or photos evidence, and to stay in their cars.

25. Seattle police department viewed complaints related to lewd behaviors as low priority especially due to the overall shortage of officers. But evidence showed that it also treated complaints from Denny Blaine differently than elsewhere due to concerns for complaints about bias and potential lawsuits. Incident calls from the Park required a sergeant to accompany a responding officer, delaying police responses. The City Attorney's Office also did not actively bring cases to prosecution. One complainant was shown a message from a deputy City Attorney stating that the Office would not prosecute anyone unless there was a clear victim of the lewd acts, and that the complainant should relocate.

26. Many of the residents were discouraged by the lack of enforcement responses and stopped reporting the lewd incidents.

27. Expert opinions showed that while incidental exposure to nudity is not harmful to an average person, repeated exposure can cause traumas or trigger past traumas. Plaintiff's expert

[1] The Parks Department did investigate other possible sites for a nude park other than Denny Blaine. However, it decided against other sites due the Park's proximity to the Capital Hill area. No evidence was presented that the Parks Department considered any alternate usages or the impact on the neighborhood residents.

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also testified that while nudity does not necessarily cause lewd conduct, nudity can invite lewd conduct. The Court finds this testimony credible and finds that the Defendant City's actions and omissions created an environment that was inviting to the lewd park goers.

28. The Court also finds that unlike visitors to the Park, Plaintiff residents' experience with nudity and lewd conduct has been much more extensive, repeated, and harmful. The general anxiety and fear of seeing or being accosted by nude and lewd park users have substantially interfered with the enjoyment of their own homes.[2]

29. In May 2025, Plaintiff filed the current lawsuit for an injunction. This Court granted Plaintiff's Motion for Preliminary Injunction and ordered abatement of nuisance. The City installed a fence at the stone bulkhead designating the lower beach area as clothing-optional (nudity allowed), and posted signs notifying the Park users.[3] The City also increased some services to the area, including having more park ranger visits and more frequent garbage pick-ups.

30. Since these abatement efforts, the fence was vandalized with hate messages targeting the residents. Although the total number of lewd incidents have slightly decreased, explicit sex acts were witnessed by residents and were captured on home security cameras since the initial abatement.[4] Combined with the evidence that most park goers did not report incidents

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[2] The Court rejects Defendant and Intervenor's arguments that the incidents of lewd behaviors are mostly from security cameras and therefore avoidable or "self-inviting." The Court finds that these incidents occurring at or near their homes violated the residents' comfort and personal safety regardless of whether they personally observed them or saw them from security camera videos.

[3] This was later amended to allow toplessness in the clothing required area.

[4] According to Dr. Loren Atherley, Defendant City's expert and Seattle Police Department research scientist, the number of calls for sex offences declined in the first five months of 2026 as compared to the same period in 2025 (11 to 7). However, when combined with reports for lewd conduct, the total calls for sex related matters were 12 to 10. Furthermore, at trial, the Court provisionally granted Plaintiff's request to exclude portions of Dr.

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of lewd conduct, concerns remain that these acts have been continuing at the Park. Some nude parkgoers have also ignored the clothing required signage. Data analyzed by the Seattle Police Department showed that the Park generated highest number of calls to the police for lewd conduct compared to other areas.

31. However, some changes have also occurred. Reports of incidents of lewd acts were mostly confined to the lower beach area and not in the upper section of the Park. The Parks Department has increased monitoring and services at the Park. Intervenor members made and distributed community guidelines about acceptable behaviors at the Park. These handouts state that the Park is "a space for nonsexual activity" and that "sexual conduct, harassment and masturbation are not permitted here." Some of its members have started to intervene to discourage behaviors deemed inappropriate. They have also engaged in trash pick-up around the Park and made proposals to relieve parking congestion.

III. CONCLUSIONS OF LAW

32. Based on the records contained in the above reference matter and the evidence presented to the Court, the Court enters the following conclusions of law:

33. Nuisance is defined in Washington under RCW 7.48.120. It states:

> Nuisance consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs … or any public

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Atherley's testimony relating the effectiveness of the abatement plan. Plaintiff had established that Dr. Atherley failed to update his opinions after his deposition was taken earlier in the litigation therefore was prejudiced. However, after the Court's ruling, Plaintiff asked Dr. Atherley numerous questions relating to the post abatement data. The Court has also reviewed Defendant's Exhibits 108-110 and finds that Plaintiff was given sufficient notice of Dr. Atherley's testimony regarding the abatement plan. Therefore, the Court holds that Plaintiff was not prejudiced by Dr. Atherley's testimony about the abatement plan's efficacy and admits his testimony in full.

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park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property.

34. The Washington Supreme Court has held that an actionable nuisance is an act or omission that injures the plaintiffs' property or unreasonably interferes with their enjoyment of the property. Tiegs v. Watts, 135 Wn. 2d 1, 13, 954 P 2d 877 (1998); See also, Grundy v. Thurston County, 155 Wash.2d 1, 6, 117 P.3d 1089 (2005).

35. If a particular conduct interferes with the comfort and enjoyment of others, nuisance liability exists only when the conduct is unreasonable. Lakey v. Puget Sound Energy, Inc., 176 Wash.2d 909, 923, 296 P.3d 860 (2013). A court must determine "the reasonableness of a defendant's conduct by weighing the harm to the aggrieved party against the social utility of the activity." Id., at 923-924; See also, 17 Stoebuck & Weaver, Wash. Prac.: Real Estate Property Law § 10.3, at 656–57 (2d ed. 2004) (whether a given activity is a nuisance involves balancing the rights of enjoyment and free use of land between possessors of land based on the attendant circumstances). "A fair test as to whether … a particular use of property, constitutes a nuisance is the reasonableness or unreasonableness of … the use of the property complained of in the particular locality and in the manner and under the circumstances of the case." Shields v. Spokane Sch. Dist. No. 81, 31 Wash.2d 247, 257, 196 P.2d 352, 358 (1948). An additional factor to be considered in determining the reasonableness is the character of the neighborhood in which it is located. Morin v. Johnson, 49 Wash.2d 275, at 281, 300 P.2d 569 (1956).

36. In this case, Plaintiff alleges that conditions at the Park constitute public nuisance, a type of nuisance that "affects equally the rights of an entire community or neighborhood, although the extent of the damage may be unequal." RCW 7.48.130. Such claim for public

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nuisance may be claimed by a private person "where they can demonstrate that the nuisance is especially injurious to themselves, but not otherwise." RCW 7.48.210.

37. Lewd sexual behaviors at the Park constitute public nuisance. The graphic and disturbing illegal sexual acts in public have affected the entire neighborhood and have prevented Plaintiff residents from using the Park and have severely impacted Plaintiff residents from use and enjoyment of their own homes. Despite its own Code of Conduct prohibiting lewd conduct, Defendant City and the Parks Department largely refrained from curbing these illegal acts and treated the incidents from the Park differently than other locations.

38. Defendant City and Intervenor assert that the social utility permitting full nudity at the Park outweighs the interest of Plaintiff residents.[5] Intervenor also asserts that the standards for viewing nudity should not be limited to the neighborhood where the Park is located and should apply to be the entire Seattle community, including those of the LGBTQ+ community.

39. In this public nuisance case, these social utilities must be viewed within the character of the neighborhood and the locality of the present dispute. The Park is surrounded by single family homes on residential streets in a populated urban city. Credible testimonies established that the Park is a central part of this residential neighborhood. Furthermore, evidence showed that due to the small size of the Park, nude park goers were not confined to the Park area but spread to the nearby streets, leading to confrontations with the neighbors. The

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[5] The Parks Department's assertion that nudity is legal in Seattle therefore cannot be regulated require much greater scrutiny. See, Kitsap County v. Kev, Inc., 106 Wash.2d 135, 140, 720 P.2d 818 (1986) (Nudity is conduct subject to the police powers of the State); Cf, People ex rel. Gallo v. Acuna, 14 Cal 4th 1090, 929 P. 2d 596 (1997) (lawful conduct may be enjoined under public nuisance law when the conduct contributes to or enables the nuisance).

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Court concludes that Plaintiff residents have established that their right to live in the security of their own homes like anyone else has been interfered with by Defendant City's use of the Park.[6]

Nuisance Per Se

40. Finally, the Court denies Plaintiff's nuisance per se based on violations of Park's Department of Code of Conduct and the Shoreline Management Act.[7] As our Washington Supreme Court held while violation of a statute may, under certain circumstances, constitute a public nuisance, simply establishing that a violation has occurred is insufficient. Animal Legal Defense Fund v. Olympic Game Farm, Inc., 1 Wn. 3d 925, 932, 533 P. 3d 1170 (2023). A failure to follow a law "does not transform conduct into a nuisance per se unless the legislature has specifically so declared or the courts of this state have specifically so found." Moore v. Steve's Outboard Serv., 182 Wn.2d 151, 154, 339 P.3d 169 (2014). Secondly, in order to be a nuisance per se, the conduct at issue cannot be "permissible or excusable under any circumstance." Id., at 156. The Court finds that Plaintiff has not met its burden to establish nuisance per se.

Remedy for Public Nuisance

41. Having determined that Plaintiff has established a claim for public nuisance, the Court must determine a just remedy. Relief for a nuisance may be either damages or injunction, and in the present case, Plaintiff is seeking a permanent injunction.

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[6] The Court rejects Defendant and Intervenor's argument that Plaintiff "came into the nuisance." As indicated above, the history of nudity and lewd behaviors at the Park show that the present conditions mostly began during the Covid pandemic, later than Plaintiff property owners' residency in the area.

[7] Evidence presented at trial showed that Defendant City's application for a permit is still pending and that requesting a permit after an installation is not uncommon.

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42. In order to prevail on injunction, Plaintiff must show: (1) a clear legal or equitable right, (2) a well-grounded fear of immediate invasion of that right, and (3) that the acts complained of are either resulting in, or will result in, actual and sustained injury. Markoff v. Puget Sound Energy, Inc., 9 Wash.App.2d 833 (2019), View Ridge Estates Homeowners Assoc. v. Guetter, 30 Wash.App.2d 612 (2024).

43. As stated above, the Court finds that Plaintiff residents have established a clear legal right based on interference with their use and enjoyment of their homes. Plaintiff residents have also shown that their comfort, repose, health and safety are injured and rendered insecure. The Court grants Plaintiff's request for permanent injunction.

44. Plaintiff claims that a closure of the Park is necessary to "reset" the situation. However, as stated by Defendant's policing expert, while providing short-term success, such closure of the Park would not bring about long-term change. The Court agrees with this opinion. Furthermore, both side's experts agreed that efforts such as limiting the hours of operation and access and establishing clear boundaries of acceptable behavior would likely mitigate harm to others. The Court finds these testimonies credible and concludes that closing the Park is not an appropriate remedy at this time.

45. The Court concludes that Denny Blaine Park is a limited natural resource that must be shared by the residents of the neighborhood and the Park's visitors and orders the following to further abate the present public nuisance:

a. In addition to the abatement plan previously approved by this Court, Defendant shall develop and implement a park specific user plan and code of conduct to address overcrowding, safety, and prohibited and acceptable behaviors;

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b. Adequately staff the area in and around the Park to monitor and to report incidents of inappropriate behavior and compliance;

c. Adequately maintain the Park grounds including vegetation to prevent and discourage lewd behaviors;

d. Establish buffers between bordering properties to avoid viewing of nude park users from bordering properties and to prevent park users from trespassing onto bordering properties;

e. Adequately sign the area and disseminate information to notify park users on proper and improper behaviors.

III. ORDER

46. Accordingly, it is hereby ORDERED that permanent injunction is granted and judgment shall be entered in favor of Plaintiff abating the public nuisance commensurate with this opinion.

IT IS SO ORDERED.

DATED this 15th day of July, 2026

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