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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF WASHINGTON**
9 **RICHLAND**

10 CLINT DIDIER, individually, and)
11 CLINT DIDIER 4 CONGRESS,) **14-CV-5095**
12)
13 Plaintiff,)
14 v.) **COMPLAINT**
15)
16 CHRISTOPHER VOIGT, an individual, and)
17 WASHINGTON STATE POTATO)
18 COMMISSION, a Washington state agency,)
19 DAN NEWHOUSE FOR CONGRESS, a)
20 Washington state political campaign,)
21 Defendants.

22
23 Plaintiff CLINT DIDIER FOR CONGRESS, and CLINT DIDIER (hereafter, "Plaintiff")
24 claims the following:

25 **1. JURISDICTION**

1.1 Jurisdiction is had pursuant to 28 U.S.C. §1331 (federal question) and 28 U.S.C. §1367 (supplemental jurisdiction). This is an action for violations of civil rights pursuant to 42 U.S.C. §1983. Venue is proper in the Eastern District of the United States District Court, Richland, Washington. All events complained of herein occurred in the Fourth Congressional

COMPLAINT- 1

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1 District of the State of Washington, which encompasses the counties of Douglas, Okanogan,
2 Grant, Yakima, Franklin, Benton, Walla Walla and Adams.

3 1.2 Plaintiff's claim involves actions by Christopher Voigt, acting as the Chairman of
4 the Washington State Potato Commission, and the actions of the Washington State Potato
5 Commission, acting in conjunction with the Dan Newhouse for Congress Campaign, to use their
6 official authority or influence for the purpose of interfering with or affecting the result of an
7 election or a nomination for office in which Plaintiff is a candidate, in the 4th District of
8 Washington, which includes the location of the instant venue.

9 1.3 According to State Auditor Troy Kelly, the Washington State Potato Commission
10 is a publicly funded state agency created under Chapter 15 RCW AGRICULTURAL AND
11 MARKETING. The Commission was organized in 1956 by the state Department of Agriculture.
12 The Commission levies assessments on all potatoes grown in Washington except for those used
13 for charity, livestock feed and personal consumption. The Commission engages in promotion,
14 market and product research, and establishing labeling requirements, standards and grades for
15 potatoes. Additionally, the Commission investigates and attempts to prevent and correct unfair
16 trade practices and supports grower relations.

17 The Commission has three regional districts represented by a 15 member Board. Nine
18 Board Members are elected by the producers and six are appointed by the other Board Members.
19 This includes the Director of the Department of Agriculture, who is an ex-officio Commissioner.
20 The Commission has eight employees.

21 1.4 Plaintiff is a farmer living in Franklin County, Washington, and upon his farm,
22 potatoes are grown and stored. Plaintiff is subject to the assessments and regulations of the
23 Washington State Potato Commission. Plaintiff does not share the same political views with the
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25 COMPLAINT- 2

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1 Washington State Potato Commission, nor has Plaintiff ever authorized the Washington State
2 Potato Commission or its chairman to speak on behalf of Plaintiff in regard to political or civic
3 matters.

4 1.5 CLINT DIDIER 4 CONGRESS is a campaign seeking to elect Clint Didier to the
5 United States Congress, as a representative from the Fourth District of Washington. Didier
6 finished first in the most recent primary election, and is running directly against Dan Newhouse,
7 whose campaign has benefitted directly from the acts alleged herein.

8 1.6 DAN NEWHOUSE FOR CONGRESS is a campaign seeking to elect Dan
9 Newhouse to the United States Congress, as a representative from the Fourth District of
10 Washington. Newhouse finished second in the most recent primary election, and is running
11 directly against Clint Didier.

12 2. PARTIES AND VENUE

13 2.1. CLINT DIDIER 4 CONGRESS is a campaign located in Eltopia, Franklin
14 County, Washington. CLINT DIDIER resides in Pasco, Franklin County, Washington.

15 2.2 Christopher Voigt is the Chairman of the Washington State Potato
16 Commission, and a resident of the Fourth District of Washington.

17 2.3 The Washington State Potato Commission is an incorporated entity, DUNS
18 number: 020298092, who can sue or be sued, and a state agency created under RCW 15.66,
19 Washington State Agricultural Commodity Commissions, RCW 15.66.090 thereunder, and
20 created pursuant to the acts of the director of agriculture as set forth in Washington
21 Administrative Code 16-15-003 (1956).
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25 COMPLAINT- 3

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1 2.4 DAN NEWHOUSE FOR CONGRESS is an active congressional campaign
2 operating in the Fourth District of Washington.

3 2.5 Venue is proper in the Eastern District of Washington pursuant to 28 U.S.C
4 §1391(b). Defendants are located or reside in the Eastern District of Washington, and all or a
5 substantial part of the events giving rise to this claim occurred in the Fourth District of
6 Eastern Washington, within the Eastern District of Washington.

7 3. FACTUAL ALLEGATIONS

8 3.1 Plaintiff incorporates by reference paragraphs 1.1 – 2.5 as though fully set
9 forth here.
10

11 3.2. Plaintiff is a candidate for the United States Congress in the Fourth District of
12 Washington, and maintains his campaign as CLINT DIDIER 4 CONGRESS.

13 3.3 Defendant Christopher Voigt is the Chairman of the Washington State Potato
14 Commission, and has admitted using his Potato Commission email for political
15 communications and using a vehicle from the Potato Commission to deliver signs. Some of
16 this activity was on behalf of Democrat Senator Patty Murray, and the acts complained of
17 here were on behalf of the ongoing political campaign of Dan Newhouse. Defendant
18 Christopher Voigt is the Chairman of the Dan Newhouse campaign in Grant County, and at
19 all material times was working as a volunteer under the supervision of Dan Newhouse, and
20 Defendant Dan Newhouse for Congress campaign.
21

22 3.4 Defendants, acting in concert, have caused Christopher Voigt, as a local
23 employee of the Washington State Potato Commission, to use public resources, including the
24 facilities, email, equipment, office space, vehicle, clientele lists, and publications of the

1 Washington State Potato Commission for the purpose of compelling the speech of persons
2 who disagree with the political views of Mr. Voigt, in violation of the protections found in the
3 First Amendment to the United States Constitution.

4 3.5 Defendants, acting in concert, have caused Christopher Voigt, as a local
5 employee of the Washington State Potato Commission, to use his official authority and
6 influence for the purpose of interfering with and affecting the result of an election or a
7 nomination for office, in violation of 5 U.S. Code § 1501.

8 3.6 Defendants, acting in concert, have caused Christopher Voigt, as a local
9 employee of the Washington State Potato Commission, to use public resources, including the
10 facilities, email, equipment, office space, vehicle, clientele lists, and publications of the
11 Washington State Potato Commission for the purpose of assisting a campaign for election of a
12 person to an office, in violation of Washington Public Law 2001 c 60 § 30; 2010 c 185 § 1;
13 1995 c 397 § 30; 1994 c 154 § 118; codified as RCW 42.52.180.

14 4. CAUSES OF ACTION

15 42 U.S.C. §1983

16 Violation of Civil Rights

17 4.1 Plaintiff incorporates paragraphs 1.1 – 3.7 by reference as though initially set
18 forth here.

19 4.2 Plaintiff alleges that Defendants, under color of statute, ordinance, regulation,
20 custom, or usage, of the State of Washington, subjected, or caused to be subjected, Plaintiff, who
21 is a citizen of the United States to the deprivation of his rights, privileges, or immunities secured
22 by the First Amendment to the Constitution and other protections under federal and state laws.
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25 COMPLAINT- 5

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1 4.3 Defendants were acting under the “color of law.” 42 U.S.C. § 1983.

2 4.4 The First Amendment to the United States Constitution guarantees people the
3 right to freedom of speech, which includes the right to be free from compelled speech.
4 Compelled funding of speech violates the First Amendment.

5 4.5 Defendants, acting in concert, have caused Christopher Voigt, as a local
6 employee of the Washington State Potato Commission, to use public resources, including the
7 facilities, email, equipment, office space, vehicle, clientele lists, and publications of the
8 Washington State Potato Commission for the purpose of compelling the speech of persons
9 who disagree with the political views of Mr. Voigt, in violation of the protections found in the
10 First Amendment to the United States Constitution.
11

12 5 U.S.C. § 1501

13 Violation of the Hatch Act

14 4.6 Plaintiff incorporates paragraphs 1.1 – 4.5 by reference as though initially set
15 forth here.

16 4.7 Defendants, acting in concert, have caused Christopher Voigt, as a local
17 employee of the Washington State Potato Commission, to use his official authority and
18 influence for the purpose of interfering with and affecting the result of an election or a
19 nomination for office, in violation of 5 U.S. Code § 1501.
20

21 **First Supplemental Cause of Action**

22 RCW 42.52.180

23 Violation of State Law

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25 COMPLAINT- 6

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1 4.8 Plaintiff incorporates paragraphs 1.1 – 4.7 by reference as though initially set
2 forth here.

3 4.9 Defendants, acting in concert, have caused Christopher Voigt, as a local
4 employee of the Washington State Potato Commission, to use public resources, including the
5 facilities, email, equipment, office space, vehicle, clientele lists, and publications of the
6 Washington State Potato Commission for the purpose of assisting a campaign for election of a
7 person to an office, in violation of Washington Public Law 2001 c 60 § 30; 2010 c 185 § 1;
8 1995 c 397 § 30; 1994 c 154 § 118; codified as RCW 42.52.180.
9

10 REQUEST FOR RELIEF

11 Plaintiff requests that a preliminary injunction pursuant to Fed.R.Civ.P. 65 issue against
12 defendants, as follows:

13 1. Prohibiting defendants from further compelling the speech of Plaintiff, by
14 using public resources, facilities, email, equipment, office space, vehicle, clientele lists, and
15 publications of the Washington State Potato Commission to express the political views of Mr.
16 Voigt on behalf of the Dan Newhouse for Congress campaign.

17 2. Prohibiting defendants from further violating 5 U.S. Code § 1501, by
18 prohibiting Dan Newhouse for Congress campaign chairman Christopher Voigt from using
19 his official authority and influence for the purpose of interfering with and affecting the result
20 of an election or a nomination for office.

21 3. Prohibiting defendants from further violating RCW 42.52.180 by prohibiting
22 defendants from acting in concert or individually to cause Christopher Voigt, as a local
23 employee of the Washington State Potato Commission, to use public resources, including the
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25 COMPLAINT- 7

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1 facilities, email, equipment, office space, vehicle, clientele lists, and publications of the
2 Washington State Potato Commission for the purpose of assisting a campaign for election of a
3 person to an office.

4 4. Awarding plaintiff damages for civil rights violations under 42 U.S.C § 1983
5 and such other sums as plaintiff shall prove.

6 5. Awarding plaintiff statutory fees and costs incurred in this action.

7 6. Awarding plaintiff any other relief as may be appropriate.

8
9 Respectfully submitted this 12th day of September, 2014.

10 // Stephen Pidgeon, WSBA#25265 //
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15 Attorney for Plaintiff

16 **VERIFICATION OF CLAIMS**

17 I, Clint Didier, have read the foregoing complaint, and as to the facts alleged herein, I
18 believe them to be true, including the allegations based on information and belief.

19 Signed on oath, subject to the laws of perjury in the state of Washington, in Eltopia,
20 Washington, this 12th day of September, 2014.

21 //Clint Didier//
22 Plaintiff
23 And on behalf of
24 CLINT DIDIER FOR CONGRESS

25 COMPLAINT- 8

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