



King County

Department of Executive Services

Inquest Program

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ORDER DENYING THE SEATTLE POLICE DEPARTMENT’S MOTION TO STAY

INQUEST INTO THE DEATH OF CHARLEENA LYLES

No. 517IQ9301

PARTIES:

- Family of the decedent: Maternal family of Charleena Lyles, represented by Corey Guilmette and Prachi Dave
Paternal family of Charleena Lyles, represented by Karen Koehler and Edward H. Moore
- Law enforcement officers: Seattle Police Department Officer Steven McNew, represented by Karen Cobb
Seattle Police Department Officer Jason Anderson, represented by Ted Buck
- Employing government department: Seattle Police Department, represented by Ghazal Sharifi, Jeff Wolf, Rebecca Boatright - Chief Carmen Best’s representative
- Administrator: Michael Spearman assisted by Matt Anderson

The Administrator, having considered the briefing of parties, hereby denies Seattle Police Department’s (SPD) motion for a stay of the inquest proceedings for the reasons set forth below:

First, the case upon which SPD principally relies in support of the motion, King v. Olympic Pipeline Co., 104 Wn. App. 338 (2000), is not directly on point since that case addresses the propriety of a stay of civil proceedings in the context of an ongoing criminal proceeding. As noted in King, the critical factor in that context is the potential danger to a party

of self-incrimination. Id. at 357. SPD does not dispute that self-incrimination is not at issue in this inquest proceeding. (See SPD’s Reply In Support Of Motion To Stay at 4.) As to the other factors cited in King, I am not persuaded that, on balance, they weigh in favor of staying the inquest proceedings. While it is true that the factual circumstances of the inquest will overlap to some degree with those in the civil case, both parties to this motion acknowledge that the issues presented in the inquest are limited in comparison to those at issue in the civil case. And, in any event, determination of the issues here will have, at most, “an indirect bearing” on liability issues in the civil case. (See Executive Order App. 1 at Section 2.3.) In addition, while I appreciate the difficulty of working on the cases simultaneously for the attorneys, the current status of the civil case as on appeal and/or stayed mitigates that issue to some degree.¹ Nor do I foresee that the management of the inquest proceeding will be less efficient or otherwise encumbered by the civil case. On the other hand, because it has been well over two years since the death of Ms. Lyles, the public interest in proceeding with the inquest is substantial. Accordingly, the motion for a stay is denied.²

DATED October 4, 2019



Michael Spearman
Administrator

¹ If the appeal issues are resolved and the matter is returned to Superior Court, if necessary, the parties may seek a short extension of the stay in that court to allow completion of the inquest, which undoubtedly will conclude well before the civil proceeding.

² SPD also contends that the priority of action doctrine supports a stay in this case. The three factors relevant to application of the doctrine are identity of: 1) subject matter; 2) parties and 3) relief. The doctrine is inapplicable here because, while there may be an identity of parties, the other two factors are not met. In addition, the Family contends, in response, that once an inquest has been ordered by the Executive, the Inquest Administrator has no authority or discretion to order a stay of the proceeding. Because the motion for a stay has been denied on other grounds, it is unnecessary to resolve that issue at this time and I decline to address it.