

1 EXPEDITE
2 No Hearing Set
3 Hearing is Set:
4 Date: 10/5/2018
5 Time: 9:00 AM
6 Hon. Carol Murphy

FILED

OCT 25 2018

Superior Court
Linda Myhre Enlow
Thurston County Clerk

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8 **STATE OF WASHINGTON**
9 **THURSTON COUNTY SUPERIOR COURT**

9 PENNSYLVANIA HIGHER
10 EDUCATION ASSISTANCE AGENCY,

11 Petitioner,

12 v.

13 WASHINGTON STATE ATTORNEY
14 GENERAL'S OFFICE, a Political
15 Subdivision of the State of Washington,

16 Respondent.

NO. 18-2-01415-34

[PROPOSED] ORDER GRANTING
RESPONDENT AND CROSS-
PETITIONER WASHINGTON
STATE ATTORNEY GENERAL'S
OFFICE'S MOTION FOR
SUMMARY JUDGMENT AND
DENYING PETITIONER
PENNSYLVANIA HIGHER
EDUCATION ASSISTANCE
AGENCY'S MOTION FOR
SUMMARY JUDGMENT

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18 THIS MATTER, having come before the Court on Respondent Washington State
19 Attorney General's Office's and Petitioner Pennsylvania Higher Education Assistance Agency's
20 Cross-Motions for Summary Judgment, and the Court having heard the arguments of the parties,
21 and considered the following material:

22 1. Petitioner Pennsylvania Higher Education Assistance Agency's (PHEAA)
23 Petition to Set Aside Civil Investigative Demand by Washington Attorney General's Office;

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26 [PROPOSED] ORDER GRANTING
RESPONDENT STATE'S MOTION FOR
SUMMARY JUDGMENT AND
DENYING PHEAA'S MOTION FOR
SUMMARY JUDGMENT - 1

ATTORNEY GENERAL OF WASHINGTON
Consumer Protection Division
800 Fifth Avenue, Suite 2000
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1 2. Respondent State of Washington's Response to Petitioner PHEAA's Petition to
2 Set Aside Civil Investigative Demand by Washington Attorney General's Office and Cross-
3 Petition to Enforce Civil Investigative Demand;

4 3. Petitioner and Cross-Respondent PHEAA's Response to Respondent and Cross-
5 Petitioner State of Washington's Cross-Petition to Enforce Civil Investigative Demand;

6 4. Respondent Washington State Attorney General's Office's Motion for Summary
7 Judgment;

8 5. Declaration of Shidon Aflatooni and exhibits attached thereto;

9 6. Petitioner PHEAA's Motion for Summary Judgment;

10 7. Declaration of Scott S. Anders and exhibits attached thereto;

11 8. Declaration of James Jarecki and exhibits attached thereto;

12 9. Respondent Washington State Attorney General's Office's Opposition to
13 Petitioner PHEAA's Motion for Summary Judgment;

14 10. Declaration of Todd Leatherman and exhibits attached thereto.

15 11. Petitioner PHEAA's Opposition to Respondent Washington State Attorney
16 General's Office's Motion for Summary Judgment;

17 12. Respondent Washington State Attorney General's Office's Reply in Support of
18 its Motion for Summary Judgment; and

19 13. Petitioner PHEAA's Reply in Support of its Motion for Summary Judgment.

20 Having found that there exists no issues of material fact, it is therefore ORDERED that:

21 1. Respondent Washington State Attorney General's Office's Motion for Summary
22 Judgment is GRANTED to the extent set forth below;

23 2. Respondent Washington State Attorney General's Office's Cross Petition to
24 Enforce the Civil Investigative Demand is GRANTED to the extent set forth below;

25 3. Petitioner PHEAA's Motion for Summary Judgment is DENIED; and

1 4. Petitioner PHEAA's Petition to Set Aside the Civil Investigative Demand is
2 DENIED.

3 The Court therefore HOLDS that:

4 1. Based on the plain language of RCW 19.86.010(1) and the liberal interpretation
5 to be given to the Consumer Protection Act (CPA) pursuant to RCW 19.86.920, PHEAA is a
6 "corporation" and therefore "person" as that term is defined by RCW 19.86.010(1).

7 2. As a "person" under RCW 19.86.010(1), PHEAA is subject to the Civil
8 Investigative Demand (CID) issued by the Washington Attorney General's Office under RCW
9 19.86.110 in this matter, and enforcement of the CPA.

10 3. The CID served on PHEAA by the Attorney General's Office (AGO) is
11 reasonable and enforceable because the CID is "within the authority of the agency," is not "too
12 indefinite," and the information and documents sought are "reasonably relevant" to the subject
13 of the AGO's investigation *Steele v. State*, 85 Wn.2d 585, 594, 537 P.2d 782 (1975).

14 4. The Court therefore ORDERS that PHEAA is required to provide responses to
15 the CID by November 5, 2018. In responding, PHEAA may assert any appropriate objections
16 to specific requests.

17 5. The Court will not award either party attorney's fees at this time.

18 DATED this 25th day of October, 2018.

CAROL MURPHY

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20 THE HONORABLE CAROL MURPHY

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22 Presented by:

23 ROBERT W. FERGUSON
24 Attorney General

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SHIDON B. AFLATOONI, WSBA #52135

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7 Approved for Entry, Notice of Hearing Waived:

8 JORDAN RAMIS PC

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[PROPOSED] ORDER GRANTING
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