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EXPEDITE  
 No Hearing Set  
 Hearing is Set via Ex Parte  
Date: 5/31/2023  
Time: 8:30-9:00 A.M.  
Judge:

**STATE OF WASHINGTON  
THURSTON COUNTY SUPERIOR COURT**

WASHINGTON STATE  
DEPARTMENT OF HEALTH;  
UMAIR A. SHAH, MD, MPH, in his  
official capacity as WASHINGTON  
STATE SECRETARY OF HEALTH

Plaintiffs,

v.

DAYBREAK YOUTH SERVICES, a  
Non-Profit Corporation,

Defendant.

NO. *23-2-01665-39*

ORDER GRANTING EX PARTE  
MOTION FOR TEMPORARY  
RESTRAINING ORDER AND  
ORDER TO SHOW CAUSE

*\* Clerks Action Required \**

This matter came before this Court on Plaintiffs' Ex Parte Motion for Temporary Restraining Order and Order to Show Cause (Motion). The Court reviewed the Plaintiffs' Motion and the Declaration of Ian Corbridge with attached exhibits and hereby enters the following Findings of Fact, Conclusions of Law, and Order.

**I. FINDINGS OF FACT**

Defendant is a non-profit corporation with its principal office in Spokane, Washington. Defendant operates facilities in Spokane and Brush Prairie, Washington, that are both licensed by the Washington State Department of Health (Department) as a residential treatment facility (RTF) and a behavioral health agency (BHA).

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1 On May 26, 2023, the Department served Daybreak with ex parte orders that summarily  
2 suspended its licenses to operate a BHA and an RTF at both the Spokane and Brush Prairie  
3 locations. Specifically, the following license numbers were summarily suspended:  
4 RTF.FS.00001010, BHA.FS.60873305, RTF.FS.60722961, and BHA.FS.60873310. The  
5 summary suspensions were ordered based on findings that a summary suspension was needed to  
6 protect the public health, safety, and welfare.

7 The ex parte orders, per their terms, were immediately stayed for four calendar days to  
8 provide Daybreak an opportunity to safely transfer or discharge patients. During the four day  
9 period, Daybreak was required to: (a) stop all new admissions; (b) safely and appropriately  
10 discharge or transfer all current Daybreak patients; and (c) develop and provide a “Closure Plan”  
11 to the Department by May 27, 2023.

12 Daybreak did not develop and provide a “Closure Plan” to the Department by May 27,  
13 2023, in violation of the ex parte orders. Additionally, Daybreak has communicated to  
14 third-parties that it intends to remain operational as a BHA and RTF after the stay of the summary  
15 suspension expires at 12:01am on May 31, 2023 in violation of the ex parte orders. These  
16 violations disrupt and detrimentally impact the safe and appropriate transfer of Daybreak’s  
17 patients, which creates an immediate and serious danger that must be promptly addressed.

## 18 II. CONCLUSIONS OF LAW

19 Venue is proper in this court under RCW 43.70.190.

20 This Court has authority to issue injunctions. CR 65, LCR 65, RCW 43.70.190,  
21 RCW 7.40.010.

22 This Court has authority to enter a temporary restraining order ex parte upon a showing  
23 by the Secretary of Health that there is an immediate and serious danger to residents constituting  
24 an emergency. RCW 43.70.190. There is an immediate and serious danger to residents that  
25 constitutes an emergency in this case because Daybreak is in violation of, and has threatened to  
26 continue to violate, orders issued by the Secretary of Health, through designees, summarily

1 suspending the RTF and BHA licenses of Daybreak's Spokane and Brush Prairie locations due  
2 to the existence of an immediate danger to the public health, safety, or welfare.

3 **III. ORDER**

4 IT IS HEREBY ORDERED that Plaintiffs' Ex Parte Motion for Temporary Restraining  
5 Order and Order to Show Cause is GRANTED. Defendant Daybreak Youth Services, along  
6 with its agents and governors, is temporarily restrained from operating a residential treatment  
7 facility and behavioral health agency during the time its licenses are summarily suspended by  
8 the Department. This order applies to Defendant's Spokane and Brush Prairie locations operated  
9 under license nos. RTF.FS.00001010, BHA.FS.60873305, RTF.FS.60722961, and  
10 BHA.FS.60873310.

11 IT IS FURTHER ORDERED that Defendant DAYBREAK YOUTH SERVICES  
12 appear before this court at 10:00 a.m./p.m. on June 15, 2023, to show cause, if any, why  
13 a preliminary injunction should not be issued pending final judgment or further order of this  
14 Court.

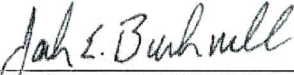
15 DATED this 15 day of June, 2023, at 10:00 AM/PM.

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\_\_\_\_\_  
Judge/Court Commissioner

18 Presented by:

**Indu Thomas**

19 ROBERT W. FERGUSON  
20 Attorney General

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