

**MOTION
OF THE PORT OF SEATTLE COMMISSION
CONCERNING THE *CITYICE* INJUNCTION**

STATEMENT IN SUPPORT OF THE MOTION

OCTOBER 23, 2012

The Port of Seattle Commission (the “Commission”) supports a concessions program at the Seattle-Tacoma International Airport (the “Airport”) that addresses the interests of the Airport, including revenue generation; the concessions employees; the concessionaires; and the traveling public. The Commission has sought to balance diverse values in the concessions program and believes the concessions program should reflect the Port’s commitment to the shared values of equal opportunity and non-discrimination, economic security and entrepreneurial initiative. As a result, the Commission adopted a motion on February 14, 2012, providing “policy direction to the Chief Executive Officer as the staff creates a ‘Concessions Master Plan’ to guide the successful re-development of the airport concessions program in 2015 through 2017.”

Commissioners have stated on a number of occasions in open public session that the concessions program at Seattle-Tacoma International Airport should include a strong commitment to workers’ rights, including policies that provide economic security for employees in the Airport concessions program.

Since November 2000, the Port of Seattle (the “Port”) has been constrained from implementing policies that involve worker retention because of a permanent injunction entered by the United States District Court in the lawsuit of *CityIce Cold Storage Company v. Port of Seattle* (“*CityIce*”). The Port Commissioners believe that the scope of the *CityIce* injunction is overbroad and restricts their ability as elected public officials to adopt appropriate public policies that would be available to them if the injunction were not in place.

The Port Commission discussed retaining outside counsel on December 13, 2011, and February 14, 2012, in public session. At the Commission meeting on March 27, 2012, the Commission President announced the formation of a temporary committee for the purpose of selecting outside counsel to review the *CityIce* injunction, and on July 6, 2012, the Commission retained Paul Lawrence of the Pacifica Law Group to provide an initial evaluation of the costs and benefits of pursuing a modification the injunction. Mr. Lawrence has reviewed the *CityIce* injunction and, with the Commission’s authorization, he is prepared to file a motion in United States District Court to modify or dissolve the injunction.

MOTION

The Commission authorizes Paul Lawrence of the Pacifica Law Group to file a motion to dissolve or modify the Order and Consent Judgment issued on November 17, 2000, by U.S. District Judge Barbara Rothstein in the case of *CityIce Cold Storage Company v. the Port of Seattle*.