



## NEWS RELEASE

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### **BIAW Beats Knoll Lowney...Again**

■ *Judge rejects politically-motivated claims by the state's most unethical trial attorney and two former Supreme Court Justices*

OLYMPIA—The Building Industry Association of Washington this week scored a second victory in as many months over liberal activist attorney Knoll Lowney when King County Superior Court Judge Michael Heavey dismissed, with prejudice, his politically motivated lawsuit against the association.

Representing former Washington Supreme Court Judges Faith Ireland and Robert Utter, Lowney alleged BIAW illegally colluded with then-gubernatorial candidate Dino Rossi and made more than \$6 million in illegal campaign donations. Lowney and his plaintiffs argued BIAW should be fined an amount up to three times that number and subject to unreasonable reporting requirements for the association's activities, political and non-political.

Drawing upon his own campaign experience, and with Justice Ireland in the court room, Judge Heavey quickly ruled Lowney's case was without merit and granted BIAW's Motion for Summary Judgment.

"Given Lowney's bizarre penchant for claiming victory when his lawsuits against BIAW are rejected, I can't wait to read his spin of this bruising and incontrovertible defeat," said BIAW Executive Vice President Tom McCabe.

The case started in 2008, when in the midst of Rossi's challenge of Governor Gregoire, Lowney, representing his clients, Ireland and Utter, filed a lawsuit claiming BIAW coordinated election spending with Rossi and thereby exceeded campaign contribution limits. They also claimed BIAW's efforts related to the governor's race made the association a political action committee subject to burdensome reporting obligations.

The coordination claim had been the central claim in the case, and was the premise upon which Rossi was hauled into a highly-publicized deposition on the eve of the 2008 election.

Despite the Public Disclosure Commission's (PDC) subsequent investigation clearing Rossi of allegations of collusion in March, Lowney continued to pursue the claim, and even attempted to create another negative media spectacle in the midst of Rossi's recent U.S. Senate campaign by serving him with a subpoena demanding documents related to his 2004 and 2008 campaigns.

(more)

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Lowney's routine abuse of the legal system to harass political opponents like BIAW and Rossi prompted *The Wall Street Journal* to declare Washington State "Scoundrel Country," and the *WSJ* later labeled Lowney's legal antics "A Washington State Smear Campaign."

With no evidence or argument to support their allegation of collusion, Judge Heavey immediately dismissed this claim and the focus of the oral argument shifted to the claim seeking to require BIAW to report as a political committee. Ignoring several previous findings by the PDC that BIAW is not a political action committee, Lowney, Ireland and Utter argued BIAW is a political action committee and should thus be required to disclose all of its bank accounts, deposits and expenditures in accordance with political committee disclosure laws.

Judge Heavey immediately expressed skepticism of this theory, which he noted would unwittingly subject numerous organizations to Washington's political committee disclosure laws. Heavey also ruled that while the 2008 governor's race was a priority for BIAW, it was not BIAW's "primary purpose" as the law requires in order to subject an entity to the rigorous political committee reporting laws.

Despite the media spectacle surrounding the initiation of this lawsuit, culminating with Rossi's deposition, no media attended the final hearing.

"Once again BIAW has defeated Knoll Lowney's efforts to defund and silence this association," said McCabe. "It is a shame and an outrage that the courts can be exploited for what are clearly political purposes, forcing victims like BIAW to spend an inordinate amount of time, energy and resources defending itself against meritless accusations because we had the nerve to participate in the political process," he said. "I look forward to asking Judge Heavey to order Justices Ireland and Utter to reimburse BIAW for the significant attorneys' fees the association incurred over the course of this two year legal saga."

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*Known as the "champion of affordable housing," the Building Industry Association of Washington is the largest trade association in Washington State, representing over 250,000 families and more than 11,000 member companies involved in the homebuilding business.*