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7 **SUPERIOR COURT OF THE STATE OF WASHINGTON**
8 **IN AND FOR SKAGIT COUNTY**

9 STEVE GONCALVES, as personal
10 representative of the Estate of Kaylee
11 Jade Goncalves, KAREN LARAMIE,
12 as personal representative of the
13 Estate of Madison May Mogen,
14 JEFFREY KERNODLE, as personal
15 representative of the Estate of Xana
16 Alexia Kernodle, and STACY
17 CHAPIN, as personal representative
18 of the Estate of Ethan J. Chapin,

19
20 Plaintiffs,

21 v.

22 WASHINGTON STATE
23 UNIVERSITY, a public university,

24 Defendant.
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Case No.

COMPLAINT FOR DAMAGES

1 Plaintiffs bring causes of action against Defendant Washington State
2 University and allege the following:

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4 **I. Introduction**

5 1. This case arises out of the violent assault and murder of four
6 University of Idaho students by a Washington State University (“WSU”)
7 employee with a known history of threatening, stalking and predatory behavior.
8

9 2. WSU brought Bryan Kohberger to Pullman, Washington, in the
10 Pacific Northwest, to serve as a Teaching Assistant in the Criminal Justice and
11 Criminology Department, while he also worked to obtain a Ph.D., with a study
12 focused on sexually motivated burglars and serial killers. Kohberger was heavily
13 reliant on WSU, who paid him a salary, provided free on-campus housing,
14 medical benefits, and free tuition, all conditioned on his behavior and subject to
15 being revoked.
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18 3. Pullman, Washington is only a few miles from Moscow, Idaho,
19 home to the University of Idaho, and the combined area is referred to as the
20 Pullman-Moscow community. Almost immediately upon his arrival to the
21 Pullman-Moscow community, Kohberger developed a reputation for
22 discriminatory, harassing, and stalking behavior, instilling substantial fear
23 among young female students and fellow WSU employees, necessitating regular
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1 security escorts for multiple females. Despite receiving at least 13 formal reports
2 of Kohberger's inappropriate, predatory and menacing behavior, WSU failed to
3 respond in any meaningful way and allowed Kohberger's escalating behavior to
4 continue unchecked.

6 4. On November 13, 2022, a foreseeable—and, in fact, predictable—
7 tragedy occurred when Kohberger entered the bedrooms of four undergraduate
8 students and violently stabbed them to death. These deaths should not and would
9 not have occurred if WSU had acted appropriately.

12 5. After Kohberger pled guilty in July 2025 to four counts of first-
13 degree murder and burglary, various law enforcement agencies began releasing
14 files from their investigations. Those files, together with other information in the
15 public domain, paint a deeply disturbing picture of the breathtaking level of
16 organizational paralysis and inaction by WSU that enabled Kohberger, over a
17 period of months, to stalk his victims, and plan and commit these heinous
18 murders.

21 6. Before WSU brought Kohberger to the Pullman-Moscow
22 community, he had a history of heroin addiction, had been arrested for theft, and
23 had made numerous posts over a period of years on public online forums
24 commenting about his inability to feel emotion and “crazy thoughts.” He had
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1 been removed from a vocational program in high school because of problems
2 with women and, later, local business owners had become so alarmed at his
3 behavior toward young women that staff kept electronic notes about him to warn
4 female staff when he arrived. He also had pursued a graduate degree in
5 criminology where he demonstrated a particular fascination with serial killers.
6

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8 7. Almost immediately upon Kohberger's arrival to the Pullman-
9 Moscow community he began demonstrating antisocial, disturbing and
10 menacing behaviors. In August 2022, early in the semester, a fellow graduate
11 student began leaving her office door open because she believed "this guy was
12 going to do something inappropriate with a student," and said that Kohberger
13 struck her as a "stalker" or "sexual assaulter type." Based on how Kohberger
14 talked to and treated women, another fellow graduate student described him as a
15 "possible future rapist," and Kohberger's supervising instructor was aware that
16 several female graduate students had reported that they were very uncomfortable
17 with interactions they had with him. Female graduate students also complained
18 that he made them feel unsafe. He was noted to be obsessed with studying
19 sexually motivated burglars and serial killers.
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24 8. On multiple occasions and with multiple WSU female staff
25 members and fellow students, Kohberger would regularly stand close to their
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1 desks, loom over them, and would block their exits from on-campus offices for
2 long periods of time. One female graduate student reported that Kohberger
3 would trap her in her office and try to talk to her about the Ted Bundy murders.
4 Kohberger followed several female students and staff to their cars after hours.
5 Multiple female students and staff members were so uncomfortable with
6 Kohberger's behavior that security escorts were arranged for them after 5 p.m.,
7 escorts that in some instances were provided by professors and in other instances
8 by the WSU Police Department. Certain of these staff members told others that
9 Kohberger had been stalking them.
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13 9. Some graduate students reported that they kept their on-campus
14 doors shut in an effort to keep Kohberger out, while others left their doors open
15 as a place of refuge for others if they felt threatened by Kohberger. In one
16 instance, early in the semester, Kohberger so verbally attacked a female student
17 in the classroom that she fled in tears, leaving all of her belongings behind.
18 Kohberger was described as "very angry, as if he had built up fury or rage."
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21 10. One sophomore student reported that Kohberger had followed her
22 and told her bosses at WSU about the incident. In response, they told her she
23 should not be alone with Kohberger, suggested that campus security should
24 escort her out, and commented that she was not the first to report such problems
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1 with him. On other occasions, this sophomore's supervisor would take her home
2 so that she did not have to walk by herself or take public transportation, and she
3 became concerned about all of the precautions that needed to be taken because
4 of Kohberger's behavior.
5

6 11. On more than one occasion, WSU employees would stay in a room
7 where Kohberger was engaging with one of their colleagues out of concern that
8 the colleague should not be left alone with him. On another occasion, a WSU
9 employee told her colleague to email her with the subject heading "911" if she
10 needed help because of Kohberger. On yet another occasion, a WSU
11 undergraduate fled into a bathroom to hide from Kohberger because she was so
12 uncomfortable with his "scary" behaviors.
13

14 12. As early as mid-September 2022, WSU professors were discussing
15 the "need to do an intervention with Kohberger" because of his treatment of
16 female students. By September or October 2022, a WSU professor believed that
17 Kohberger was stalking people. One student learned that Kohberger had photos
18 of her and other female classmates on his cell phone.
19

20 13. Kohberger's victims were encouraged to report his behaviors, and a
21 number of them did. The WSU office of Compliance and Civil Rights (CCR)
22 had at least 13 formal complaints related to Kohberger; yet, the individual in
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1 charge of acting on those complaints later reported that she had neither met nor
2 even spoken with Kohberger.

3
4 14. One student complained that she was unsatisfied with how prior
5 reports about Kohberger had been handled—and she did not believe that WSU
6 would adequately protect her from retaliation—but she continued to report her
7 experiences to the program chair and other faculty, stating that Kohberger’s
8 actions made her feel unsafe. Another graduate student made complaints about
9 Kohberger and was directed to copy them to another department at WSU but she
10 was reluctant to do so because she had bad experiences with that in the past.
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13 15. One female graduate student reported that she wondered why
14 people in power in the WSU Criminal Justice Department did not meaningfully
15 address Kohberger’s behavior. During one of several faculty meetings where
16 Kohberger was discussed extensively, one faculty member remarked: “Mark my
17 words, I work with predators, if we give him a Ph.D that’s the guy that in that
18 many years when he is a professor, we will hear is harassing, stalking, and
19 sexually abusing . . . his students.” This same WSU professor believed that
20 Kohberger was already stalking people.
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24 16. Kohberger’s supervising instructor, however, was concerned that
25 removing him from employment at WSU would open the university up to a civil
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lawsuit from Kohberger, thereby elevating the financial interests of the university above the safety and security of students, staff and members of the Pullman-Moscow community.

17. The WSU Police Department is intended to be a critically important bulwark when it comes to protecting students and the community from sexual harassment, stalking and dangerous predators. However, prior to Kohberger being hired by WSU and arriving in the Pullman-Moscow community, the WSU Police Department had a long, troubling and sordid history of tolerating and, in fact, fostering inappropriate sexual behavior in its own ranks and discouraging complete and accurate reporting of such misconduct.

18. In 2007, the WSU Chief of Police was demoted after an internal investigation found he had viewed inappropriate emails on his university computer, forwarded those to other WSU police, and invited them to view them. In 2011, WSU was fined over \$80,000 by federal officials because of multiple sexual assaults that were not properly reported. WSU did not dispute the findings of the federal investigation.

19. In 2022, WSU undertook an investigation of improper sexual activities by the WSU police force involving allegations that an officer had sex with a victim in the Presidential Suite of the Martin Stadium and the WSU

1 observatory while on duty, and that WSU police department leadership did not
2 properly report the incidents. The investigation ultimately found that police
3 department leadership exhibited gross misconduct, incompetence and neglect of
4 duty in response to claims of sexual misconduct.
5

6 20. In August 2022, the WSU Police Chief, Assistant Chief, and
7 Captain all resigned prior to facing discipline for their actions. In response,
8 WSU President Kirk Schulz issued a public statement indicating that “WSU will
9 not tolerate this kind of behavior nor the negligence of departmental command
10 staff.”
11

12 21. A subsequent investigation into the offending officer, during the
13 fall semester of 2022, found that he engaged in predatory grooming behavior
14 while in a supervisory role and had a history of sexual misconduct, and that the
15 WSU police command fostered an environment that discouraged reporting
16 sexual misconduct.
17

18 22. It was against the above-described backdrop of WSU
19 administrative inaction and Police Department dysfunction that Kohberger
20 arrived in the Pullman-Moscow community, immediately began engaging in
21 overt harassing, stalking and predatory behaviors, including repeatedly stalking
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1 over a period of months the four victims that he ultimately murdered on
2 November 13, 2022.

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4 23. Subsequent forensic examination of Kohberger's electronic devices
5 revealed that he had performed many searches regarding home invasions, co-ed
6 killings, and serial killers. Kohberger's search history also revealed internet
7 searches about psychopaths, paranoia, and porn involving exclusively non-
8 consensual sex acts. Kohberger's search history also included research on a
9 serial killer named Danny Rolling who murdered five college students in
10 Gainesville, Florida by entering a college apartment through a sliding glass
11 door, masked and dressed in black, and stabbed his victims to death using a Ka-
12 Bar knife—all features of Kohberger's later murders.

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16 24. Subsequent law enforcement investigation also revealed that
17 Kohberger had driven around the home of the murder victims in the middle of
18 the night, over a dozen times, and as early as August 2022.

19
20 25. Despite having a formal Threat Assessment Team—a now common
21 practice at universities to proactively identify, assess and manage individuals
22 who may pose a risk of violence—WSU wholly failed to follow that process
23 with Kohberger and, instead, allowed his dangerous behaviors to escalate while
24 it simultaneously continued to support him financially, provide him with access
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1 to university resources and students, and keep him housed rent-free in the
2 Pullman-Moscow community.

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4 26. As a result of WSU's actions and failures, four young college
5 students were brutally murdered.

6 **II. Parties**

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8 27. Steve Goncalves is a citizen of the State of Idaho and is the
9 surviving father of Kaylee Goncalves. Steve Goncalves brings a survival claim
10 and wrongful death claim as personal representative of the Estate of Kaylee Jade
11 Goncalves.

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13 28. Karen Laramie is a citizen of the State of Idaho and is the surviving
14 mother of Madison Mogen. Karen Laramie brings a survival claim and wrongful
15 death claim as personal representative of the Estate of Madison May Mogen.

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17 29. Jeffrey Kernodle is a citizen of the State of Arizona and is the
18 surviving father of Xana Kernodle. Jeffrey Kernodle brings a survival claim and
19 wrongful death claim as personal representative of the Estate of Xana Alexia
20 Kernodle.

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22 30. Stacy Chapin is a citizen of the State of Washington and resident of
23 Skagit County and is the surviving mother of Ethan Chapin. Stacy Chapin brings
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1 a survival claim and wrongful death claim as personal representative of the
2 Estate of Ethan J. Chapin.

3
4 31. WSU is a subdivision of the State of Washington and operates a
5 public university with campuses across the State of Washington.

6 32. All acts and omissions of Defendant alleged in this Complaint are
7 alleged to have been committed by agents and/or employees of Defendant acting
8 within the course and scope of their agency and/or employment, including
9 members of the WSU Department of Criminal Justice and Criminology,
10 members of the WSU Police Department, and members of the WSU
11 administration.
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14 **III. Jurisdiction and Venue**

15
16 33. This Court has original subject matter jurisdiction pursuant to the
17 Constitution of the State of Washington, Art. IV § 6.

18 34. Venue is proper in Skagit County pursuant to RCW 4.92.010(1) as
19 Plaintiff Stacy Chapin resides in Skagit County, WA.
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21 35. Venue is also proper in Skagit County pursuant to RCW 4.12.025
22 as WSU has offices in Skagit County, WA, and transacts business within Skagit
23 County, WA.
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1 36. WSU has sufficient contacts within this judicial district to subject it
2 to the personal jurisdiction of this Court.

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4 37. All prerequisites to suit under RCW 4.92.090, et seq. have been
5 met.

6 **IV. Factual Allegations Common to All Counts**

7
8 **a. Stalking is a serious and prevalent risk to college students**

9 38. Stalking is a serious and prevalent threat facing college-age young
10 adults both on and off campus.

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12 39. Up to 40% of college students, particularly women, report being
13 stalked since entering college.

14 40. The highest rates of stalking are experienced by students 18-24
15 years of age.

16
17 41. Most stalkers are also students.

18 42. Stalkers on college campuses are more likely to be acquaintances of
19 the victim, such as a classmate, friend, or someone else that they recognize.

20
21 43. Those diagnosed with autism spectrum disorders are also more
22 likely to engage in stalking behavior.

1 44. In addition to being a crime, stalking is commonly a violation of
2 university policies and a violation of Title IX of the Education Amendments of
3 1972 (20 U.S.C. § 1681).
4

5 45. It is critical for universities to promptly identify and appropriately
6 respond to stalking behavior.
7

8 46. As a Title IX violation, mandatory reporters at universities are
9 required to report any instances of stalking to the Title IX office.
10

11 47. Under Washington state law, Title IX and the Clery Act, stalking is
12 defined as engaging in a course of conduct directed at a specific person that
13 would cause a reasonable person to fear for the person's safety or the safety of
14 others, or suffer substantial emotional distress. (WAC 504-26-223; WAC 504-
15 26-227; 34 U.S.C. § 12291 (a)(36)).
16

17 48. A course of conduct is two or more acts.

18 49. Common stalking behaviors include unwanted communications,
19 showing up when not invited, following, surveillance and threats.
20

21 50. The most commonly identified stalking tactic is surveillance, which
22 includes watching, following, monitoring, and gathering information about the
23 victim. This can occur both in-person and online.
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1 51. Tactics that include intimidation or menacing behavior are also
2 common with stalking.

3
4 52. Fear is a central element of stalking and victims often might not
5 report that they are being “stalked,” but rather, report that the perpetrator will
6 not “leave them alone” or that he is acting “creepy.”

7
8 53. Stalkers commonly use coercive control tactics to exert power and
9 control over their victims.

10 54. Stalking is often associated with physical and sexual violence, and
11 studies show that stalking increases the risk of homicide by three-fold.

12
13 55. Stalking is a known indicator of an urgent, volatile, and risky
14 situation.

15
16 56. Because stalking involves a pattern of behavior that often includes
17 multiple and varied tactics, it is critical that universities promptly coordinate
18 their response so that complaints about concerning behavior can properly and
19 urgently be identified as stalking.

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21 57. Stalking behaviors often change and escalate over time, and it is
22 therefore critical that universities document all stalking behavior even if it
23 appears minor.
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1 58. Recognizing the extreme danger that stalking can pose to students,
2 many universities have processes designed to ensure a coordinated response for
3 reports of stalking or sexual violence that involves campus police, student
4 affairs, and Title IX coordinators.

5
6 59. WSU, in particular, has implemented policies and procedures
7 designed to prohibit, prevent, and intervene in situations involving
8 discriminatory, harassing, stalking or predatory behavior, and to discipline its
9 employees and students who engage in these behaviors.
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12 60. WSU also has the ability to exercise sufficient control over its
13 faculty, staff, and employees to manifest a duty to control their behavior.

14 **b. WSU has policies and procedures to control conduct and**
15
16 **prohibit and prevent discrimination, harassment and stalking**

17 61. As discussed further below, WSU recruited Kohberger from the
18 East Coast to the WSU Graduate School and hired him to be an employee of the
19 university.
20

21 **i. WSU was obligated to control Kohberger under the**
22
23 **requirements of its Employment Agreement with him**

24 62. WSU gave Kohberger a written offer of employment to serve in the
25 role of a Teaching Assistant, which offer Kohberger signed in agreement.
26

1 63. Under the requirements of the Employment Agreement, WSU was
2 obligated to control Kohberger.

3
4 64. WSU policy provides that a teaching assistantship is an
5 appointment in which a graduate student's *primary duty* is teaching or serving as
6 a teaching assistant.

7
8 65. Kohberger's employment with WSU came with conditions and
9 obligations.

10 66. Under WSU policies, one condition of employment was that
11 Kohberger complete a sexual misconduct declaration prior to his hire. He had to
12 declare whether he was the subject of any findings or investigation into sexual
13 misconduct. A failure to provide complete and accurate information in this
14 declaration can result in WSU withdrawing the offer of employment.
15

16
17 67. Presumably, this sexual misconduct declaration is intended to
18 identify and prevent potential inappropriate interactions with the undergraduate
19 students that Kohberger would be interacting with in his employment with the
20 university.
21

22 68. WSU also has a policy requiring pre-employment background
23 checks.
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1 69. Had WSU performed a comprehensive pre-employment
2 background check on Kohberger, it likely would have revealed significant red
3 flags and the risk of hiring Kohberger and bringing him to the Pullman-Moscow
4 community.
5

6 **ii. WSU was obligated to control Kohberger under the**
7
8 **requirements of its Graduate School Policies and**
9 **Procedures Manual**

10 70. WSU was further obligated to control Kohberger under the
11 requirements of its Graduate School Policies and Procedures Manual.
12

13 71. As a teaching assistant and employee of WSU, Kohberger was
14 required to abide by and meet the regulations and policies set forth in the
15 Graduate School Policies and Procedures Manual:
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Graduate School
WASHINGTON STATE UNIVERSITY

Policies and Procedures Manual

2022-2023



All graduate students are required to abide by and meet the regulations and policies set forth in these most current and revised Graduate School Policies and Procedures, which are also available at <http://gradschool.wsu.edu/policies-procedures>. Any exceptions to this policy must be submitted in writing by the student through their major professor and chair of the major graduate program to the dean of the Graduate School, who may then consider such an exception.

72. WSU policies required that Kohberger “be at work each normal workday, including periods when the university classes are not in session.”

73. WSU also states that “[a]s key contributors to the WSU community, graduate assistants have a responsibility to maintain high standards of professional and ethical conduct.”



1 74. To that end, WSU policy requires that all graduate teaching
2 assistants complete the Human Resource Services' Discrimination, Sexual
3 Harassment, and Sexual Misconduct Prevention Training. Failure to timely
4 complete this training can result in a loss of employment with WSU.
5

6 **iii. WSU was obligated to control Kohberger under the**
7
8 **requirements of its Department of Criminal Justice and**
9 **Criminology Graduate Handbook**

10 75. Similarly, the WSU Department of Criminal Justice and
11 Criminology Graduate Handbook, which Kohberger was also required to
12 comply with, highlights the significance of his employment with the State of
13 Washington and the importance of behaving appropriately:
14

15 It should be remembered that TA appointments qualify the
16 student to be an employee of both the university and the state.
17
18 Students are expected to uphold the standards of professional
19 conduct that are implied by this status. In particular, students
20 should be familiar with policies regarding inappropriate
21 workplace conduct, amorous relationships, and respect for
22 undergraduate students. Unsatisfactory performance of TA
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responsibilities could result in a discontinuation of funding as determined by the Chair in consultation with relevant faculty.

76. Moreover, as a teaching assistant employed by WSU, the university had increased supervision and oversight responsibilities with respect to Kohberger's conduct.

77. WSU policies state that departments and programs working with teaching assistants "should provide adequate supervision and training."

**iv. WSU was obligated to control Kohberger under its
Standards of Conduct for Students**

78. WSU also was obligated to control Kohberger under its Standards of Conduct for Students.

79. WSU policies state that termination mid-semester can be recommended if a teaching assistant encounters performance difficulties, such as continual deficient performance or misconduct while performing the duties of the assistantship, misconduct while engaging in other educational activities, violation of the University's academic integrity policies, or violation of the University's Standards of Conduct for Students.

1 80. If a WSU graduate teaching assistant is suspended or expelled as a
2 result of a violation of the Standards of Conduct, their assistantship is terminated
3 *immediately*.
4

5 81. The Standards of Conduct set forth WSU's policies regarding
6 certain conduct by students and employees, like teaching assistants.
7

8 82. WSU expects teaching assistants to comply with the Standards of
9 Conduct both on and off campus and they are subject to the WSU disciplinary
10 process if they violate the Standards of Conduct.
11

12 83. WSU's Center for Community Standards is charged with enforcing
13 the Standards of Conduct.
14

15 84. A WSU representative previously testified (in another lawsuit
16 against WSU involving a student's death off campus) that the Center for
17 Community Standards can respond to reported violations that occur off campus
18 if they create safety concerns or if they impact the reputation of the university
19 negatively.
20

21 85. In fact, most WSU Center for Community Standards investigations
22 concern behavior that occurs at private residences, off campus, or in close
23 proximity to the campus.
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1 86. Under his terms of enrollment at WSU, Kohberger acknowledged
2 the university's authority to take disciplinary action for conduct on or off
3 university property that is detrimental to the university's mission.
4

5 87. In fact, the stated purpose of WSU's disciplinary processes and
6 Standards of Conduct is "to protect the welfare of the community."
7

8 88. Similarly, the basic philosophy behind the WSU Standards of
9 Conduct and disciplinary processes is to guide and correct behaviors, to protect
10 the rights of all students, and to support a safe environment for students, the
11 university, and the community at large. (WAC 504-26-001)
12

13 89. The WSU Standards of Conduct prohibit physical harm or threats
14 of physical harm, harassment, and stalking, among other behaviors.
15

16 90. The WSU Standards of Conduct and Washington law define
17 "threat" to include, but not be limited to, a statement of an intention to inflict
18 pain, injury, damage, or other hostile action to another person. Threat can come
19 in the form of actions or words. (WAC 504-26-204)
20

21 91. The WSU Standards of Conduct and Washington law define
22 "harassment" as conduct by any means that is severe, persistent, or pervasive,
23 and is of such a nature that it would cause a reasonable person in the
24 complainant's position substantial emotional distress and undermine their ability
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1 to work, study, or participate in their regular life activities or participate in the
2 activities of the university, and/or actually does cause the complainant
3 substantial emotional distress and undermines the complainant's ability to work,
4 study, or participate in the complainant's regular life activities or participate in
5 the activities of the university. (WAC 504-26-222)
6

7
8 92. The WSU Standards of Conduct, Washington state law, and federal
9 law define "stalking" as engaging in a course of conduct directed at a specific
10 person that would cause a reasonable person to:
11

12 (a) Fear for their safety or the safety of others; or

13 (b) Suffer substantial emotional distress.

14 93. Course of conduct means two or more acts including, but not
15 limited to, acts in which the stalker directly, indirectly, or through third parties,
16 by any action, method, device, or means, follows, monitors, observes, surveils,
17 threatens, or communicates to or about a person, or interferes with a person's
18 property. (WAC 504-26-223; 34 U.S.C. 12291 (a)(36))
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21 94. Sanctions for violations of the WSU Standards of Conduct can
22 include temporary or permanent dismissal from the university, as well as a
23 trespass admonition that would restrict the offender from any or all university
24 premises based on their misconduct. (WAC 504-26-425)
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v. WSU was obligated to control Kohberger under its

Executive Policy 15

95. WSU also has a policy prohibiting discrimination and harassment called Executive Policy 15 (EP15) that obligated it to control Kohberger and which it recognizes can impact the community:



WASHINGTON STATE UNIVERSITY | COMPLIANCE AND CIVIL RIGHTS

Executive Policy 15

Washington State University recognizes that discrimination and harassment can impact the ability of students, staff, faculty and community members to participate in, access or reap the benefits of educational and employment opportunities. WSU is committed to creating and maintaining a diverse, inclusive, accessible and equitable community.

WSU encourages reporting and questions, even anonymous questions to Compliance and Civil Rights under this policy. WSU offers support even if reporting parties choose to limit the information they disclose.

Executive Policy 15: WSU Policy Prohibiting Discrimination and Harassment

The complete policy, as well as other executive policies can be found in the [Executive Policy Manual](#) maintained by the [Office of Procedures, Records and Forms](#).

[Compliance and Civil Rights Network](#) > [Compliance and Civil Rights](#) > Executive Policy 15

96. EP15 is broader than Title IX and, therefore, conduct that does not technically violate Title IX can, however, still violate EP15.

97. EP15 generally applies to all students, faculty, staff and others that have an association with WSU.

98. Like Title IX, EP15 prohibits stalking.

1 99. EP15 requires that all WSU employees, including student
2 employees, who have information regarding sexual harassment *must* report that
3 information to WSU's Compliance and Civil Rights (CCR) office. Sexual
4 harassment includes stalking.
5

6 100. EP15 provides a mechanism for reporting and investigating
7 violations, which is primarily handled by the CCR office.
8

9 101. EP15 also provides that violations of the policy subject the offender
10 to discipline.
11

12 **vi. WSU was obligated to control Kohberger under its**
13 **Executive Policy 42**

14 102. WSU also was obligated to control Kohberger under its Executive
15 Policy 42.
16

17 103. In the aftermath of mass killings on both K12 and college
18 campuses, including those at Columbine High School in Colorado and Virginia
19 Polytechnic Institute and State University (Virginia Tech), the United States
20 Secret Service developed programs to detect and prevent incidents of mass
21 violence involving principles of Behavioral Threat Assessment and Threat
22 Assessment and Management. These are proactive, evidence-based processes to
23 identify, assess and manage individuals who may pose a risk of violence,
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1 focusing on concerning behaviors and communications to prevent harm before it
2 happens.

3
4 104. The U.S. Department of Homeland Security, through its Center for
5 Prevention Programs and Partnerships, emphasizes: “Threat assessment and
6 management teams are effective *proactive* and *protective* measures that are
7 designed to prevent—not predict—potential acts of targeted violence and
8 terrorism.” [https://www.dhs.gov/sites/default/files/2021-](https://www.dhs.gov/sites/default/files/2021-12/Threat%20Assessment%20and%20Management%20Teams_0.pdf)
9
10 [12/Threat%20Assessment%20and%20Management%20Teams_0.pdf](https://www.dhs.gov/sites/default/files/2021-12/Threat%20Assessment%20and%20Management%20Teams_0.pdf) (emphasis
11 in original).
12

13 105. Threat Assessment Teams, or TAT’s, are now commonplace at
14 colleges and universities throughout the United States and have become a
15 critical part of the standard of care for preventing violence on campuses and in
16 surrounding communities.
17

18 106. In addition to WSU’s CCR office and disciplinary processes, WSU
19 also has a Threat Assessment Team (TAT) as set forth in WSU Executive Policy
20 42 (EP42):
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Threat Assessment

[Threat Assessment Team](#)[Reporting](#)[Contact Team](#)

Threat Assessment Team

Policy

Washington State University's EP42 Threat Assessment Team identifies, assesses, and addresses threats to the university community and property. They receive and assess reports of threats and other concerning behavior reportedly carried out by students, employees of the university, or by others who may impact the safety of the WSU community.

The EP42 Threat Assessment Team coordinates with university stakeholders to receive and assess information of potential threats using evidence-based behavioral structured professional judgment assessment model. Further, the team recommends university action regarding safety and security matters to the appropriate university decision makers, consistent with carrying out the university's mission and goals.

107. According to WSU's EP42, TAT identifies, assesses, and addresses threats to the university community.

108. WSU's TAT's responsibility is to receive and assess reports of threats and other concerning behavior reportedly carried out by students, employees of the university, or by others who may impact the safety of the community.

109. The purpose of WSU's TAT is to work with any appropriate university departments, law enforcement, mental health agencies, and other third parties to assess situations and recommend appropriate interventions.



1 110. WSU's TAT is designed to work quickly and efficiently with the
2 best information available at the time of the concern.

3
4 111. WSU's TAT has the responsibility and authority to confer on an
5 urgent basis to assess and recommend mitigating strategies for threats of
6 potential violence, or to manage behavioral risks or threats.

7
8 112. Anyone may submit a report of instances of distressing, disruptive,
9 or dangerous behavior to WSU's TAT.

10 113. Threat assessment areas of focus include, but are not limited to,
11 behavior that creates reasonable fear of physical harm, intimidation, threats
12 (both direct and indirect), stalking, fixation, and harassment.

13
14 114. WSU's TAT then is responsible to coordinate with relevant
15 stakeholders to receive and assess information about potential or perceived
16 threats, and recommend WSU action regarding safety and security matters.

17
18 115. WSU's TAT is a multi-disciplinary team, co-chaired by the
19 Associate Vice President and Executive Director of Public Safety and the
20 Associate Vice President and Dean of Students, and includes representatives
21 from the WSU human resources services, emergency management, campus
22 safety and security, student affairs, academic affairs, and counseling and
23 psychological services.
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26

1 **vii. WSU was obligated to control Kohberger under its**
2 **WAVR-21™ threat assessment and intervention**
3 **protocols**

4
5 116. WSU's TAT claims to utilize tools and methods recognized in the
6 field for threat assessment of individual cases and situations.

7
8 117. These tools assess psychological, behavioral, historical, and
9 situational factors associated with organizational violence, such as
10 preoccupation with violence, threats, irrational thinking, substance abuse,
11 history of violence or criminality, or extreme moods.

12
13 118. In particular, WSU's TAT utilizes a structured, evidence-based risk
14 assessment tool called Workplace Assessment of Violence Risk or WAVR-
15 21™.

16
17 119. WSU was obligated to control Kohberger under its WAVR-21™
18 threat assessment and intervention protocols.

19
20 120. WAVR-21™ warns about the conflict-avoidant manager who
21 allows behavioral issues to fester which is particularly prevalent in some
22 institutions of higher learning.

23
24 121. WAVR-21 emphasizes that one precursor to violence is when the
25 problematic individual has a distorted self-perception of competence and
26

1 achievement that differs from leadership's view of their performance, leading to
2 tension between the parties. This tension often includes issues with the
3 individual's conduct and increasing disruptiveness. This tension is readily felt
4 by involved supervisors who recognize the need to act but are concerned with
5 the consequences, sensing the individual's volatility. For instance, they may
6 acknowledge the need to remove him from the program, but fear that he will
7 resort to violence if they do. Managers or advisors feel intimidated by the angry,
8 defensive individual and avoid interactions with him, which increases his sense
9 of entitlement and only makes matters worse as time goes on.

13 122. WAVR-21TM recommends that when removing such problematic
14 individuals from a program, the organization should offer supportive services
15 and careful messaging to reduce the risk of the individual committing violence.

17 123. Mishandling complaints about a problematic individual can also
18 contribute to them committing violence.

20 124. WAVR-21TM warns that in a campus setting, problematic
21 individuals are most likely to become violent in the days following a shameful
22 or rejecting event, such as a reprimand, even though they may have fantasized
23 about mass killing for weeks or months.

1 125. WAVR-21TM instructs that in what has become a “see something,
2 say something” world, organizations fundamentally require or should require
3 their members to report all direct and indirect threats observed by them.
4

5 126. WAVR-21TM emphasizes that there is a tendency in academia to not
6 fully vet faculty or graduate level applicants for conduct or criminal history and
7 that has contributed to dire consequences.
8

9 127. According to WAVR-21TM, one risk factor for violence is an
10 individual that has a strong desire for intimacy but is unable to obtain it because
11 of his own deficiencies in being able to connect with others.
12

13 128. WAVR-21TM further warns that autism spectrum disorder is a risk
14 factor for young perpetrators of mass murder due to their strong desire for, but
15 inability to establish, intimate or social bonds.
16

17 129. WAVR-21TM warns that an individual who displays anger that
18 causes fear in others is also an indicator of potential violence.
19

20 130. WAVR-21TM warns that a specific indicator of a dangerous level of
21 anger is when the individual engages in physically threatening or intimidating
22 movement or gestures such as standing too close to someone and glaring at
23 them.
24
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1 131. Stalking or menacing behavior is a strong indicator of future
2 violence. WAVR-21TM defines stalking, or obsessional following, as a pattern of
3 unwanted pursuit and harassment of another that threatens their safety—a crime
4 that is illegal throughout most of Western civilization.
5

6 132. According to WAVR-21TM, workplace or campus-related stalking
7 behavior typically involves physical following, surveillance, and appearances at
8 the victim's work or home. Stalking is commonly perpetrated by a student, or a
9 subject who is infatuated with someone who wants nothing to do with the
10 perpetrator, and is most commonly perpetrated by young males. Many stalkers
11 have a criminal history, and a history of drug abuse and psychiatric issues.
12 Stalkers also tend to be highly intelligent, contributing to their resourcefulness
13 and manipulateness in their pursuit activities.
14
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16

17 133. According to WAVR-21TM, stalkers' motives generally stem from a
18 need to control or instill fear in the victim as a means to overcome intolerable
19 feelings of inadequacy, or humiliation, to increase feelings of omnipotence, or to
20 retaliate against a perceived injustice. Erotomania—a delusional belief that
21 another person is infatuated with the perpetrator, despite distinct objective
22 evidence to the contrary—is another characteristic of stalkers.
23
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1 134. WAVR-21TM defines stalking as broader than physical violence per
2 se, but notes that stalking is associated with an eventual physical assault one
3 third of the time, usually directed at the object of pursuit. The risk that the
4 stalker kills their victim is many times greater than the risk of an ordinary citizen
5 being intentionally killed by another.
6

7 135. WAVR-21TM warns that a thorough investigation and consistent
8 management and follow-through are essential for dealing with workplace and
9 campus stalkers.
10

11 136. According to WAVR-21TM, a particularly ominous sign is when the
12 problematic individual shows a lack of conscience. These individuals are
13 potentially dangerous in work and campus settings because they exercise no
14 brakes on their behaviors. They often come to the attention of threat
15 management teams because of their aggressiveness and bullying. There is often
16 a history of questionable conduct, inconclusive suspicions of wrongdoing, or
17 blatant wrongdoing that has been ignored by management. They also often first
18 come to attention as the subject of non-threat-related misconduct investigations.
19 When that investigation identifies signs of aggressiveness or callousness, then it
20 should lead to an appropriate concern about violence risk. These individuals also
21 may engage in sexual harassment, stalking, and sexual assault or abuse,
22
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1 behaviors that an organization's threat management team must address on an
2 urgent basis.

3
4 137. According to WAVR-21TM, a critical predictor for violence is when
5 the perpetrator engages in pre-attack planning and preparation, such as actively
6 researching a potential target's routines and schedules. A decline in the
7 perpetrator's academic duties may also correlate with these pre-attack behaviors.
8 The perpetrator's comments may also indicate that he has been gaining
9 information on a target's personal life habits, whereabouts and patterns of travel.
10

11
12 138. WAVR-21TM warns that the perpetrator may target victims in an
13 off-campus setting.

14
15 139. In a WAVR-21TM assessment, one significant red flag is whether
16 the individual shows a general preoccupation with violent ideas, fantasies, or
17 identification with or fixation on perpetrators of violence or mass murderers.
18 WAVR-21TM warns that an individual on a pathway to violence may show an
19 unusual interest in notorious perpetrators.
20

21 140. WAVR-21TM instructs that after an individual is determined to
22 present a risk of violence, a threat assessment team should determine what steps
23 can be taken to manage the subject's risk for violence.
24
25
26

1 141. WAVR-21TM describes a wide range of interventions available,
2 including plans for security, mental health-related interventions, legal actions,
3 interventions intended to defuse and problem solve with the subject, and
4 separation of the individual from the organization. Generally recommended
5 prevention measures include civil protective orders, voluntary or involuntary
6 hospitalization and treatments, law enforcement interviews or confrontations,
7 surveillance, arrest and detention, counseling conducted by skilled interveners
8 intended to defuse anger and humiliation and encourage rational problem
9 solving, suspensions and leaves of absence, expulsion and termination.
10
11
12

13 **viii. WSU was obligated to control Kohberger under the**
14 **terms of WSU's Family and Graduate Apartment**
15 **Agreement**
16

17 142. As part of his employment as a WSU teaching assistant, WSU also
18 provided Kohberger with housing, in an apartment complex owned and operated
19 by WSU.
20

21 143. As an occupant of WSU-owned housing, Kohberger was required
22 to sign and agree to the terms of a license called the Washington State
23 University Family and Graduate Apartment Agreement (Apartment Agreement):
24
25
26

***WSU Family and Graduate
Apartment Agreement
2022-2023***

All occupants of University-owned housing are required to sign licenses called apartment agreements.

144. WSU was further obligated to control Kohberger under the terms of WSU's Family and Graduate Apartment Agreement.

145. One of the requirements of the Apartment Agreement was that while on the residential premises, Kohberger had to abide by all local, state and federal law and WSU rules and regulations.

146. One of the amenities that WSU provided to Kohberger as part of the Apartment Agreement was free internet access, both wired and wireless.

147. WSU provides internet access through a single network called WSU ResNet, which serves all WSU apartment complexes:

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 WASHINGTON STATE UNIVERSITY Give Apply Now Lo

Housing & Residence Life

Network Service Agreement

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Network Service Agreement for Connection of Personally Owned Devices to WSU Owned/Operated Networks

Last Update: 19 November 2019

This document represents the agreement between Washington State University (WSU) and any resident of the WSU Residence Halls and Apartment Complexes, or any Guest connecting to the WSU provided network in any manner. This document supersedes any other written or oral agreement. Changes may be made to this document at the discretion of WSU, and the "Last Update" date shall be modified at this time. All clauses apply to all users, including but not limited to wireless and wired Ethernet connections unless otherwise noted. Use of WSU network service from a device connected to a WSU provided network constitutes acceptance of this agreement.

1.0 Provision of services

WSU provides network services to authorized parties within WSU owned housing to include Residents and their Guests, in exchange for acceptance of this document. Network services include access to various on-campus resources and a gateway to the Internet. WSU

148. Kohberger had to agree and abide by the Network Service Agreement in order to access WSU'S ResNet internet network.

149. WSU was further obligated to control Kohberger under the terms of this Network Services Agreement.

150. WSU ResNet provides users with access to all publicly available resources on the internet. In other words, WSU does not put any technical or physical restrictions on what a user could potentially access or do on the Internet.

151. WSU acknowledges that "Some of the information available may contain language or images about subjects intended for adult audiences. Some

COMPLAINT FOR
DAMAGES

 **Wagstaff & Cartmell**
4740 Grand Avenue, Suite 300
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(816) 701-1100 | Fax: (816) 531-2372

**PFAU COCHRAN
VERTETIS AMALA**
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Tacoma, WA 98402
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1 information available over the internet may even be illegal to transmit or
2 possess. Examples of this include but are not limited to: child pornography,
3 illegal export of software, distribution of copyrighted material, distribution of
4 chain or pyramid schemes, phishing, sending of unsolicited bulk email (e.g.
5 Spam) and other fraudulent or questionable activity.”

6
7
8 152. The Apartment Agreement states that “[i]nappropriate use of
9 computers on the WSU-provided network can result in the loss of network
10 privileges.”

11
12 153. WSU also retains the right to monitor usage of ResNet.

13 154. WSU further retains the right to terminate access to ResNet
14 immediately, and without notice, if the network is abused or used in an
15 inappropriate manner.

16
17 155. WSU requires that users comply with all applicable laws and
18 university policies when connected to ResNet.

19
20 156. It would be a violation of WSU policies, as well as Title IX, to use
21 ResNet to facilitate discrimination, sexual harassment, or stalking.

22
23 157. The Apartment Agreement also prohibited Kohberger from
24 possessing any weapons, including knives, in his apartment:
25
26

1 Weapons of any kind including pistols, rifles, air guns, knives
2 (having a blade longer than 4 inches that are not for culinary
3 purposes or having a “swing” or “switch” blade), slingshots,
4 crossbows or martial arts tools may **not** be stored or used in
5 apartments. (emphasis in original)
6
7

8 158. WSU explicitly retained the right to have an agent of WSU enter
9 Kohberger’s apartment “at any reasonable hour for purpose of inspection” and
10 WSU retained the right to enter the apartment without notice.
11

12 159. Failure to abide by, and adhere to, the rules and regulations in the
13 Apartment Agreement, or failure to abide by other WSU policies and regulations,
14 could result in termination of the Apartment Agreement and removal from the
15 premises.
16

17 160. Similarly, repeatedly disturbing other occupants and/or violating
18 WSU policies could result in a termination of the Apartment Agreement and
19 removal from the premises.
20

21 **c. When Kohberger arrived at WSU in the fall of 2022, the WSU**
22 **Police Department was consumed by a university investigation**
23 **into its own long and sordid history of tolerating and, in fact,**
24 **fostering serious sexual misconduct in its own ranks**
25
26

1 161. WSU employs and operates its own police force, which is intended
2 to be a critically important bulwark when it comes to protecting students and the
3 community from sexual harassment, stalking and dangerous predators.
4

5 However, prior to Kohberger being hired by WSU and arriving in the Pullman-
6 Moscow community, the WSU Police Department had a long, troubling and
7 sordid history of tolerating and, in fact, fostering inappropriate sexual behavior
8 in its own ranks and discouraging complete and accurate reporting of
9 occurrences of such misconduct.
10

11 162. When Kohberger arrived in the Pullman-Moscow community for
12 the 2022 fall semester, WSU was roiling from sexual misconduct allegations and
13 a related investigation that resulted in the resignations of WSU Police
14 Department senior leadership.
15

16 163. The scandal and investigation that consumed the WSU Police
17 Department in the fall of 2022 was not the first such scandal. In 2007, WSU's
18 Police Chief Steve Hansen was demoted from his position after a WSU internal
19 auditor's investigation concluded that Hansen had viewed emails containing
20 inappropriate content on his university computer, forwarded those emails to
21 other WSU police, and invited other members of WSU police to view them:
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April 6, 2007

Hansen steps down as WSU police chief

By Communications staff, Washington State University



PULLMAN – Washington State University Police Chief **Steve Hansen** will step down from that position, which he has held since 2000 and become a lieutenant on the force.

The announcement comes at the conclusion of a WSU internal auditor's investigation into a complaint of improper computer use in the police department. According to the auditor's report, Hansen viewed e-mails that were sent to him containing inappropriate material, forwarded such e-mails to Assistant Chief **Scott West** and invited other members of the department to view them.

University policy forbids use of university time and computers for such activity.

"That was a mistake on my part and I want to apologize for the embarrassment it has caused the department and the university. Because of this situation, I accept the administration's decision to demote me to lieutenant," Hansen said.

164. In 2011, federal education officials fined WSU \$82,500 over a separate campus safety incident that occurred in 2007 involving multiple sexual assaults:

News / Northwest

Federal officials fine WSU over campus safety

Failures in reporting sexual assaults draw the \$82,500 penalty

By The Columbian

Published: August 19, 2011, 5:00pm

Share



The campus of Washington State University in Pullman is seen in this 2009 photo. The university has been fined for failing to report two sexual assaults in 2007. The university says it will appeal.

165. Federal education officials completed an investigation of WSU's campus safety statistics and determined that WSU had not properly reported two sexual assaults in violation of the Clery Act.

166. Federal law requires campus notification of potential threats to students and employees.

1 167. Federal officials charged WSU with failing to properly disclose
2 forcible sex crime statistics and to properly classify offenses in its annual
3 security report.
4

5 168. The charges arose out of two incidents in 2007.

6 169. In one incident that occurred in August 2007, WSU police labeled
7 the offense as a “domestic dispute” even though investigators found it included a
8 rape perpetrated by the friend of the victim’s husband.
9

10 170. In the second incident, a January 2007 police report of sexual
11 assault was relabeled as “unfounded” by a WSU police records manager without
12 authority to make such changes.
13

14 171. WSU did not dispute the findings of the federal investigation.
15

16 172. In early August 2022, the Police Chief, Assistant Chief, and
17 Captain of the WSU Police Department resigned from their positions to avoid
18 investigation into yet another incident of serious sexual misconduct involving a
19 WSU police officer:
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THE SPOKESMAN-REVIEW

Spokane, Washington Est. May 19, 1883

Washington Idaho Business Education Photos Further Review



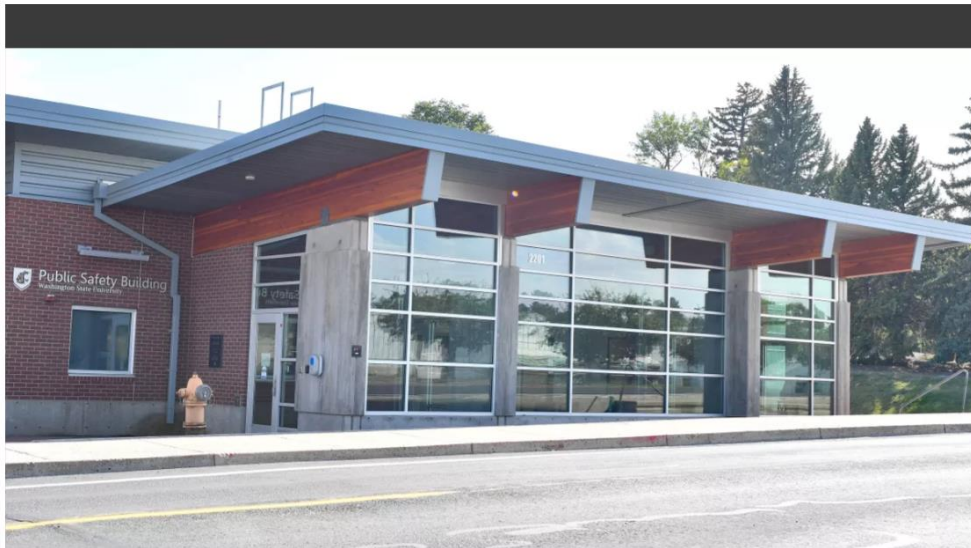
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NEWS > CRIME/PUBLIC SAFETY

WSU police leaders retire early to avoid discipline following sexual misconduct allegations

Aug. 9, 2022 | Updated Tue., Aug. 9, 2022 at 9:57 p.m.



173. WSU initiated a disciplinary investigation into the WSU Police Department for failing to advise university leadership of a 2020 departmental investigation involving a WSU police officer alleged to have engaged in sexual activities on campus and while on duty.



1 174. Joint disciplinary investigations were initiated by the office of
2 Compliance and Civil Rights (CCR) and the Human Resource Services office
3 (HRS).
4

5 175. The investigation revealed that in December 2020, a WSU police
6 officer notified WSU Police Department command staff that they learned of
7 possible nonconsensual sexual activity between another WSU police officer and
8 a victim on campus.
9

10 176. The allegations of improper sexual activities included that the WSU
11 police officer had sex with the victim in the presidential suite at the Martin
12 Stadium and at the WSU Observatory while he was on duty as a WSU police
13 officer.
14

15 177. The offending officer told departmental staff that he was willing to
16 identify the name of the woman involved, but the WSU police department
17 investigators said that was not necessary and then misleadingly wrote in their
18 internal report that they could not substantiate the allegations without talking to
19 the victim, whose identity they did not have.
20

21 178. Despite being advised of these incidents, the WSU police command
22 staff failed to advise the CCR as required by WSU policies.
23
24
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1 179. Instead, the WSU Police Department attempted to keep the
2 incidents internal, and claimed to ultimately be unable to locate any witness
3 willing to file a complaint against the offending officer.
4

5 180. Despite that, the WSU Police Department offender did face internal
6 disciplinary action for misconduct while on duty.
7

8 181. In March 2022, WSU administrators learned about the 2020
9 incident and the WSU Police Department's investigation that was previously
10 unreported to administration.
11

12 182. Investigations were then initiated by the WSU CCR and HRS and
13 the WSU Police Department command staff were advised that disciplinary
14 proceedings had been initiated against them based on the investigation's
15 findings that they exhibited gross misconduct, incompetence, and neglect of
16 duty in their response to claims of sexual misconduct involving the WSU
17 officer.
18
19

20 183. All of the WSU Police Department command staff then announced
21 their resignations and retirement before the disciplinary process concluded.
22

23 184. In response to the resignations, WSU President Kirk Schulz stated,
24 "These are positions of great public trust and WSU will not tolerate this kind of
25 behavior nor the negligence of departmental command staff."
26

1 185. WSU then hired the retired Chief of Police of the City of Pullman's
2 Police Department to serve as interim Chief of Police of the WSU police
3 department.
4

5 186. The offending WSU officer, however, did not resign, and WSU
6 continued to conduct a formal investigation under Title IX.
7

8 187. WSU's CCR then proceeded to spend months during the 2022 fall
9 semester investigating the allegations of serious sexual misconduct of its WSU
10 police officer.
11

12 188. The offending WSU police officer admitted to having sex while on
13 duty.
14

15 189. The WSU investigation found that the offending officer engaged in
16 predatory grooming behavior while in a supervisory role at the university, made
17 sexually explicit comments to coworkers, subjected coworkers to nonconsensual
18 physical contact, and engaged in sexual activities while on duty and on
19 university property.
20

21 190. WSU records also reveal that the WSU police had a history of
22 sexual misconduct while on duty, directed toward fellow employees, including
23 student interns.
24
25
26

1 191. The offending WSU police officer had a reputation of engaging in
2 sexual activities around the Pullman campus, including in the Presidential Suite
3 at Martin Stadium and the WSU Observatory.
4

5 192. Fellow WSU police officers also told investigators that they had
6 concerns about the offending officer making comments about student interns
7 such as, “Can you have them do that [a calisthenics movement] again?” and
8 “Got any hot interns this year?”
9

10 193. The offending WSU officer also sent inappropriate pictures to a
11 former employee and used a ringtone on his cellphone associated with a
12 pornography website.
13

14 194. The offending WSU officer also groped a newly hired female
15 employee of the WSU Police Department, who complained to a fellow officer.
16 Despite reporting that incident, it was not documented by WSU or disclosed to
17 CCR.
18

19 195. In early November 2022, the offending WSU police officer
20 resigned from the university:
21
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23
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25
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November 4, 2022

WSU police sergeant accused of sexual misconduct resigns

By Communications staff, Washington State University



WASHINGTON STATE
UNIVERSITY

PULLMAN, Wash. — A Washington State University police sergeant who engaged in sexual activity while on duty has resigned from the university. The individual, who had been on home assignment while the allegations were investigated, submitted his resignation effective Tuesday, Nov. 1.

196. Ultimately, the investigation determined that the WSU Police Department command fostered an environment that discouraged reporting sexual misconduct.

197. These serious sexual misconduct allegations and the ensuing months-long investigation and findings regarding the WSU Police Department

1 during the 2022 fall semester substantially preoccupied WSU administrators
2 and, in particular, the WSU CCR office.

3
4 198. As discussed in detail below, around this same time period, WSU's
5 CCR office had received numerous formal complaints about Kohberger's
6 discriminatory, harassing, stalking and predatory behavior, but had not acted on
7 those complaints or even met with or spoken to Kohberger about them.
8

9 **d. WSU brings Kohberger to the Pullman-Moscow community**
10 **and quickly learns of his threatening, stalking and predatory**
11 **behavior**
12

13 199. Born in 1994, Bryan Kohberger grew up in rural eastern
14 Pennsylvania.
15

16 200. In high school, Kohberger was overweight, bullied, and had
17 difficulty developing relationships with female students.

18 201. It was later reported that Kohberger has autism spectrum disorder.
19

20 202. Later in school, Kohberger lost significant weight and became more
21 aggressive with classmates.

22 203. Over a number of years before he came to the Pullman-Moscow
23 community, Kohberger made numerous public posts on an online forum called
24 the "Visual Snow or Static Forum." People with "visual snow" report seeing
25
26

1 small, moving dots across their field of vision. Kohberger posted about his
2 “crazy thoughts,” depersonalization, inability to feel emotion, that he was a
3 “blank soul,” and his despair.
4

5 204. Kohberger posted online that “As I hug my family, I look into their
6 faces, I see nothing, it is like I am looking at a video game, but less.”
7

8 205. Kohberger wrote that he could do “whatever I want with little
9 remorse.”
10

11 206. Kohberger also wrote about an array of mental health challenges
12 that he faced, including anxiety, depression, depersonalization, lack of emotion
13 and his “constant thought of suicide.”
14

15 207. Kohberger also developed a heroin addiction while in high school,
16 that he funded in part by theft.
17

18 208. Kohberger attended a law enforcement vocational program in high
19 school, but was kicked out of the program his junior year due to a series of
20 complaints from female classmates. According to the administrator of the
21 program, “To be removed from a program, [the conduct] has to be pretty
22 severe.” Kohberger was then transferred to an HVAC vocational program
23 because it did not have any female participants.
24
25
26

1 209. Kohberger did not attend the vocational program his senior year,
2 and finished his high school degree online, graduating from Pleasant Valley
3 High School in 2013.
4

5 210. In 2014, Kohberger was arrested in Pennsylvania for theft.

6 211. Kohberger went on to attend DeSales University in Pennsylvania,
7 seeking a graduate degree in criminology.
8

9 212. At DeSales, Kohberger demonstrated a particular fascination with
10 serial killers.
11

12 213. Also while at DeSales, Kohberger reportedly made multiple women
13 uncomfortable.
14

15 214. Employees at local businesses in Kohberger's community were so
16 concerned about his behavior that they took extraordinary measures. For
17 example, female staff at a local brewery complained about Kohberger's
18 behavior and even made a note in their electronic ID system that would warn
19 staff about his conduct when his ID was scanned. The female staff noted that
20 Kohberger would make creepy comments and ask probing questions like where
21 they lived and he would get upset if they did not answer.
22
23

24 215. After obtaining his master's degree from DeSales, Kohberger
25 applied to the Ph.D. program at WSU.
26

1 216. Kohberger was selected for the Criminal Justice Program by a
2 WSU panel.

3
4 217. WSU also hired Kohberger to be a teaching assistant. As part of
5 this employment, WSU provided him with reduced/free tuition by giving him a
6 nonresident tuition waiver, on-campus office, on-campus housing, health
7 insurance benefits, and paid him a bi-weekly salary.

8
9 218. As a result of WSU accepting and hiring Kohberger, he moved
10 from Pennsylvania to Pullman, Washington in July 2022.

11
12 219. In fact, the terms of WSU's agreements with Kohberger required
13 that he live in Washington in order to receive the benefits that WSU was
14 offering to him.

15
16 220. Kohberger would later tell law enforcement that he did not know
17 much about Washington or Idaho, and that prior to moving to Washington, he
18 had not left the tri-state area much in the Atlantic Northeast. In fact, before
19 WSU hired Kohberger, he had never been to the Pacific Northwest.

20
21 221. On July 9, 2022, shortly after arriving at WSU, Kohberger attended
22 a pool party in nearby Moscow, Idaho.

222. Moscow, Idaho is the home of the University of Idaho, and is less than 10 miles from the WSU campus in Pullman, Washington. These two universities are the primary employers in both of their respective counties.



223. As neighboring small “college towns,” there is expected and considerable interaction between the students enrolled at WSU and the students at the University of Idaho. As evidence of that well-recognized fact, the probable cause affidavit that ultimately was used to obtain an arrest warrant for Kohberger, signed under penalty of perjury by Corporal Brett Payne of the Moscow, Idaho Police Department, states: “Both Pullman and Moscow are small college towns and people commonly travel back and forth between them.”

1 224. For over 50 years, WSU and the University of Idaho have
2 cooperated on sharing academic resources and have enriched educational
3 opportunities through the sharing of faculty, facilities, and ideas.
4

5 225. WSU and the University of Idaho allow students at each school to
6 take courses at the other school.
7

8 226. WSU and the University of Idaho have cooperative programs and
9 cross-listed courses.
10

11 227. The Presidents and Provosts at University of Idaho and WSU stated
12 that “[f]or years the University of Idaho and Washington State University have
13 been offering courses together to allow a varied and robust educational
14 experience for our students.”
15

16 228. In fact, the WSU Criminal Justice and Criminology department
17 regularly interacts with professors and students enrolled at the University of
18 Idaho.
19

20 229. The WSU Criminal Justice and Criminology program advertises on
21 its main webpage its relationship with the University of Idaho:
22
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230. The WSU Criminal Justice and Criminology program also offers a study abroad program to University of Idaho students that it also promotes on its website:



231. Moscow, Idaho and Pullman, Washington are often referred to together as the “Pullman-Moscow” or “Moscow-Pullman” area.

1 232. The United States Census Bureau has a combined statistical area
2 for the cities of Moscow and Pullman that has the official name “Pullman-
3 Moscow, WA-ID CSA.”
4

5 233. The Pullman-Moscow region is also known collectively as the
6 Palouse.
7

8 234. The Pullman-Moscow region shares many common resources and
9 the communities cooperate with each other.
10

11 235. The regional airport serving the cities is the Pullman-Moscow
12 Regional Airport, and the local newspaper is the Moscow-Pullman Daily News.
13

14 236. There is also cooperation in the Pullman-Moscow region on the
15 issue of public safety.
16

17 237. The Pullman Police Department and the Moscow Police
18 Department have formal mutual aid agreements and routinely cooperate on law
19 enforcement matters and emergency dispatch services.
20

21 238. The City of Moscow contracts with WHITCOM in Pullman for all
22 of its dispatching and emergency 911 services.
23

24 239. WHITCOM is an agency that consists of the County of Whitman,
25 City of Pullman, and WSU.
26

1 240. According to the Moscow Police Department, “[t]he partnership
2 with Whitcom has provided the community of Moscow and the University of
3 Idaho with advanced support in many technical fields.”
4

5 241. The July 2022 pool party attended by Kohberger was located near
6 the University of Idaho campus at an off-campus apartment complex called the
7 Grove at Moscow. The Grove apartment complex is a mere one-mile distance
8 from the home of the four students that would later be murdered by Kohberger.
9

10 242. Kohberger had been invited to the Moscow, Idaho pool party by
11 another WSU student and many of the people attending the party were graduate
12 students.
13

14 243. Kohberger made multiple females uncomfortable at the pool party
15 in Moscow, Idaho.
16

17 244. When Kohberger arrived to the pool party he approached a female
18 student from the University of Idaho that was in the property’s office and asked
19 how to get to the pool. She was wearing a sundress with a swimsuit underneath.
20 She reported that Kohberger was blatantly staring at her body and acted weird.
21 When she later went to the pool, Kohberger made very direct eye contact with
22 her and then made a beeline towards her. She was uncomfortable and “weirded
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1 out” by Kohberger’s behavior and his staring. The interaction was concerning
2 enough that another attendee intervened to intercept Kohberger.
3

4 245. Another female attendee told Kohberger that she was married in an
5 attempt to end the conversation, but Kohberger persisted in engaging with her. A
6 male attendee finally had to physically intervene, but Kohberger continued to be
7 fixated on the girls.
8

9 246. Another female attendee also reported that Kohberger behaved
10 oddly at the pool party and gave an “off” vibe that caused her to keep her eye on
11 him.
12

13 247. On August 17, 2022, the WSU graduate program hosted a meet and
14 greet event on the WSU campus. Kohberger attended and fellow graduate
15 students noted that they did not like their interactions with him.
16

17 248. At the graduate school orientation in August 2022, a fellow WSU
18 graduate student instantly had a bad feeling about Kohberger from the moment
19 that he approached her.
20

21 249. A fellow WSU graduate teaching assistant quickly identified
22 Kohberger as a threat:
23

24 “Pretty early on, I started leaving my office door open when he
25 was in his office, especially if there was ever a student in there,
26

1 because I just wanted to make sure that nothing was
2 inappropriate. Like, I felt way early on that this guy was going to
3 do something inappropriate with a student.”
4

5 The teaching assistant indicated that she pegged Kohberger as a “stalker or sexual
6 assaulter type.”
7

8 250. Most, if not all, of Kohberger’s fellow graduate students were also
9 Teaching Assistants or Research Assistants employed by WSU and, as such,
10 were mandatory reporters of any instances of sexual discrimination, sexual
11 harassment, and stalking under WSU policies and Title IX.
12

13 251. Some instances of Kohberger’s discriminatory, harassing, and
14 stalking behavior were reported to WSU administrators, but many instances
15 went unreported in violation of WSU policies and Title IX.
16

17 252. Kohberger’s supervising instructor at WSU was aware early on that
18 the female graduate students did not like Kohberger because he was so off-
19 putting and that several female graduate students were very uncomfortable
20 because of interactions they had with Kohberger.
21

22 253. Kohberger was known by WSU professors and fellow students to
23 have a particular interest in studying sexually motivated burglars and to be
24 obsessed with serial killers.
25
26

1 254. One fellow WSU graduate student reported that based on how
2 Kohberger talks to and treats women, people in the WSU Criminal Justice
3 Program thought that he was a “possible future rapist.”
4

5 255. During the second or third week of the semester, a female WSU
6 graduate student hosted the whole graduate cohort at her apartment to watch a
7 ballgame. Kohberger attended the event. Afterward, Kohberger began telling
8 others about prescriptions that she took, leading the graduate student to suspect
9 that he had looked through her medicine cabinet while attending the event at her
10 apartment.
11
12

13 256. Female graduate students would complain that Kohberger made
14 them uncomfortable, feel unsafe, that he was “creepy” and would try to distance
15 themselves from him, including physically spacing out from Kohberger in
16 classrooms.
17

18 257. There were numerous instances where Kohberger would stare at
19 students weirdly during class, making students uncomfortable. Kohberger’s
20 supervising instructor at WSU believed that Kohberger did this in a way to
21 display power or dominance. Kohberger’s supervising instructor also was aware
22 of a complaint made by a senior student that Kohberger stared at her a lot in
23 class and that it made her feel uncomfortable.
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1 258. Kohberger would engage in similar inappropriate behavior with
2 WSU instructors. The instructor under whom Kohberger served as her
3 undergraduate teaching assistant reported that she would regularly interact with
4 him and that he was frequently in her office. That instructor stated that
5 Kohberger would stand behind her while she was working at her desk and stare
6 over her shoulder at her. This instructor had another WSU professor escort her
7 to her car at the end of the workday because Kohberger's behavior was of such
8 concern. Kohberger's inappropriate behavior with this instructor also was
9 reported to other WSU professors.
10

11 259. Another female WSU staff member described Kohberger as
12 "creepy" and stated that he would simply stand at her desk and stare at her or her
13 co-worker. She also observed Kohberger physically block her co-worker in her
14 desk area. Kohberger would also follow this female staffer and her co-worker to
15 their cars at the end of the day, causing her to arrange for escorts at 5:00 pm
16 after work to safely get to their cars.
17

18 260. There were also numerous instances where Kohberger would block
19 the door and trap female graduate students in their on-campus student offices for
20 long periods of time. In one instance, a WSU professor heard a female graduate
21 student say, "I really need to get out of here" and the professor intervened by
22

1 going to the office to allow the female student to leave. One female graduate
2 student reported that Kohberger would trap her in her office and that he would
3 try to talk to her about the Ted Bundy murders.
4

5 261. Some WSU graduate students would try to keep their on-campus
6 office doors closed in order to keep Kohberger out.
7

8 262. Yet other WSU graduate students would keep their office doors
9 open as a place of refuge for others in the event that Kohberger was present.
10

11 263. Kohberger was perceived by female classmates as dominant and
12 sexist, and was disrespectful to female instructors.

13 264. Kohberger's coworkers in the WSU Criminal Justice Program
14 believed that he was an "incel" or involuntary celibate and was sexually
15 frustrated.
16

17 265. By September 2022, Kohberger had developed a reputation at WSU
18 for "being a dick."
19

20 266. Kohberger also developed a reputation at WSU for being very
21 homophobic.
22

23 267. Kohberger would pick fights with other WSU classmates, and his
24 arguments would leave the class upset.
25
26

1 268. Kohberger was described as “very angry, as if he had built up a
2 fury or rage.”
3

4 269. Kohberger tended to be aggressive when interacting with female
5 colleagues, and would get agitated, argumentative and confrontational during
6 class instruction, as well as out of the classroom, often prompting other
7 classmates to intervene.
8

9 270. In one instance that occurred during the first few weeks of the
10 semester, a confrontation with Kohberger made a female student so upset that
11 she fled the classroom in tears during the middle of class leaving her possessions
12 behind. Professors in the WSU graduate program were aware of the incident at
13 the time that it occurred. The student later filed a complaint against Kohberger
14 with the WSU CCR office. The student filed this complaint with the goal of
15 creating documentation of the incident should further issues arise with
16 Kohberger. Kohberger was supposedly spoken to about his inappropriate
17 behavior, but nothing further was done about this incident.
18
19
20

21 271. Kohberger’s female classmates kept a board with a running tally of
22 his behaviors in female instructor-led classes versus male instructor-led classes,
23 as well as documenting his discriminatory comments and behaviors with
24 colleagues, and instances of aggressively staring at students. During one
25
26

1 particular class, Kohberger stared at a female student nine times. WSU
2 professors were aware of this tally board concerning Kohberger's behavior.

3
4 272. In one incident, Kohberger and a female WSU graduate student
5 were alone in a classroom and Kohberger physically blocked her from leaving
6 the room.

7
8 273. In another incident, Kohberger asked out a fellow WSU staff
9 member who rejected his advance, and then he followed her outside to her car.
10 That WSU staff member told another female WSU graduate student that
11 Kohberger had been stalking her. This resulted in another report being filed with
12 WSU's CCR office.

13
14 274. Colleagues in the WSU Criminal Justice Program also were aware
15 that undergraduate students were uncomfortable around Kohberger.

16
17 275. Kohberger's officemate, a fellow WSU teaching assistant for the
18 Criminology program, was aware that Kohberger attempted to use his authority
19 as a TA to inappropriately interact with female students. The officemate thought
20 that Kohberger wanted a girlfriend and would frequently talk about his desire for
21 a girlfriend.
22

23
24 276. A 19-year-old WSU sophomore first met Kohberger when he came
25 to her student office. Shortly thereafter, Kohberger started coming to her office
26

1 nearly every day to talk. Kohberger's office was located in a different part of the
2 building, and he did not have a particular reason to be in the area of the
3 sophomore's office. The topics of his conversations became more personal
4 rather than focused on his studies or work as a WSU teaching assistant. The
5 sophomore would try to focus on her work, but Kohberger would remain in her
6 office whether or not she interacted with him. She described her interactions
7 with Kohberger as uncomfortable.
8

9
10 277. On one occasion, the sophomore returned to her office to find
11 Kohberger inside. She told him that she was closing the office and he followed
12 her outside. Kohberger then asked if she wanted to get coffee, but the
13 sophomore declined and stated that her girlfriend was coming to pick her up.
14 The sophomore told her bosses at WSU about the incident. In response, they
15 told her that she should not be alone with Kohberger and suggested that she have
16 campus security escort her out. Her bosses at WSU also told the sophomore that
17 she was not the first to report such problems about Kohberger.
18

19
20 278. Kohberger continued to come to the sophomore's campus office
21 when she was alone. On another occasion, Kohberger stood directly behind the
22 sophomore's chair as she was working. He stood directly behind her for a while
23 and did not move until another WSU advisor came into the room.
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1 279. The sophomore was told that WSU staff had talked to Kohberger as
2 many as five times about his inappropriate behavior. When she would see
3 Kohberger in the hallway he would physically corner her and attempt to force a
4 conversation even though the sophomore tried not to engage. The sophomore
5 found these experiences to be “scary,” especially when she was alone.
6

7 280. The sophomore thought it was strange that Kohberger seemed to
8 know her schedule and would intentionally encounter her. In another incident,
9 the sophomore saw Kohberger walking outside as she was locking up her
10 campus office. Kohberger made eye-contact with the sophomore through the
11 window, as if he was looking for her in anticipation, and then he entered the
12 office building. In order to avoid contact with Kohberger, the panicked
13 sophomore fled into the bathroom to hide. She hid out of instinct, due to how
14 uncomfortable contact with Kohberger had become.
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17

18 281. Out of concerns over Kohberger, the sophomore’s boss at WSU
19 would occasionally take her home so that she would not have to walk by herself
20 or take public transportation. The sophomore became concerned about how
21 many precautions needed to be taken because of Kohberger’s behavior.
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1 282. In another incident, the sophomore's neighbor informed her that
2 someone was lurking outside the window of her residence and warned her to
3 lock the door. She later learned that Kohberger lived nearby.
4

5 283. Kohberger's supervising instructor at WSU was aware that the
6 sophomore had made complaints about Kohberger's behavior.
7

8 284. Another female undergraduate student who attended a class where
9 Kohberger was the assigned teaching assistant reported that he always seemed to
10 be staring at her when she would look up. She also noted that Kohberger would
11 intentionally leave the class at the same time as her and follow her to her car.
12 Later, that student learned that Kohberger had photos of her and her female
13 classmates on his cellphone.
14

15 285. A WSU employee, who was assigned to work with Kohberger,
16 began receiving complaints in late August 2022 from students and staff in the
17 Criminal Justice Program about Kohberger's inappropriate behavior. Because of
18 these complaints, the WSU employee spent a lot of time—at least once a
19 week—speaking about Kohberger during different disciplinary meetings. These
20 meetings focused on Kohberger's interactions with fellow graduate students, in
21 and out of the classroom, along with his behavior around some of the criminal
22 justice professors. The various complaints included outspoken discriminatory
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1 comments which were homophobic, ableist, xenophobic, and misogynistic in
2 nature. Other complaints included that Kohberger would stare at people and
3 stand uncomfortably close or lean over women, making them uncomfortable. As
4 a result of the complaints, the WSU employee brought Kohberger to her office
5 to talk about the complaints and attempt to get him to correct his behavior, but
6 Kohberger deflected personal responsibility.
7
8

9 286. On more than one occasion, WSU employees would stay in a room
10 where Kohberger was engaging with a WSU colleague out of concern that the
11 colleague should not be left alone with Kohberger. In one instance, a WSU
12 employee told the colleague to email her with the subject heading “911” if she
13 needed help.
14
15

16 287. Another WSU professor was asked by WSU staff to check in on
17 another colleague because Kohberger had been harassing her.
18

19 288. A fellow female WSU graduate student was asked by WSU to start
20 keeping track of Kohberger’s behavior toward her. The student had already
21 made an informal report about Kohberger to WSU, but she did not like the way
22 WSU responded because she felt that they would not adequately protect her
23 from retaliation. The student continued to report her experiences with Kohberger
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1 to WSU, including to the program chair and other professors, and reported that
2 Kohberger's actions made her feel unsafe.

3
4 289. Another fellow female WSU graduate student made multiple
5 complaints to WSU about Kohberger's behavior. She was directed to copy her
6 complaints to another WSU department, but she was reluctant to do so because
7 she had bad experiences with that in the past.

8
9 290. As early as mid-September 2022, WSU professors were discussing
10 the "need to do an intervention with Kohberger" because "he's offended several
11 of our female students." When asked "how do you want to handle this," another
12 WSU professor responded, "Let's see when we have more info."

13
14 291. Around September or October 2022, a fellow WSU graduate
15 teaching assistant was asked to monitor Kohberger's behavior because others at
16 WSU wanted to track it. The teaching assistant was instructed to write down
17 anything she saw and notify WSU staff. It was discussed that WSU could not
18 give Kohberger a Ph.D.—and the resulting authority that could give him—out of
19 concern over his inappropriate behavior.

20
21 292. Also around September or October 2022, a female graduate student
22 came to a WSU professor to report that someone had broken into her apartment
23 and stolen intimate items such as perfume and underwear, and that the student
24
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1 was very scared. That WSU professor also believed that Kohberger was stalking
2 people.
3

4 293. In another incident, Kohberger got into an argument with his WSU
5 mentor and supervising instructor for whom he also served as a teaching
6 assistant. This argument escalated to the point of shouting and the instructor
7 telling Kohberger to leave his office. Kohberger refused to leave the instructor's
8 office, causing the instructor to leave his own office. It was common for
9 Kohberger to prevent his mentor and instructor from leaving his office which the
10 mentor believed was Kohberger "power tripping" to exert control.
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12

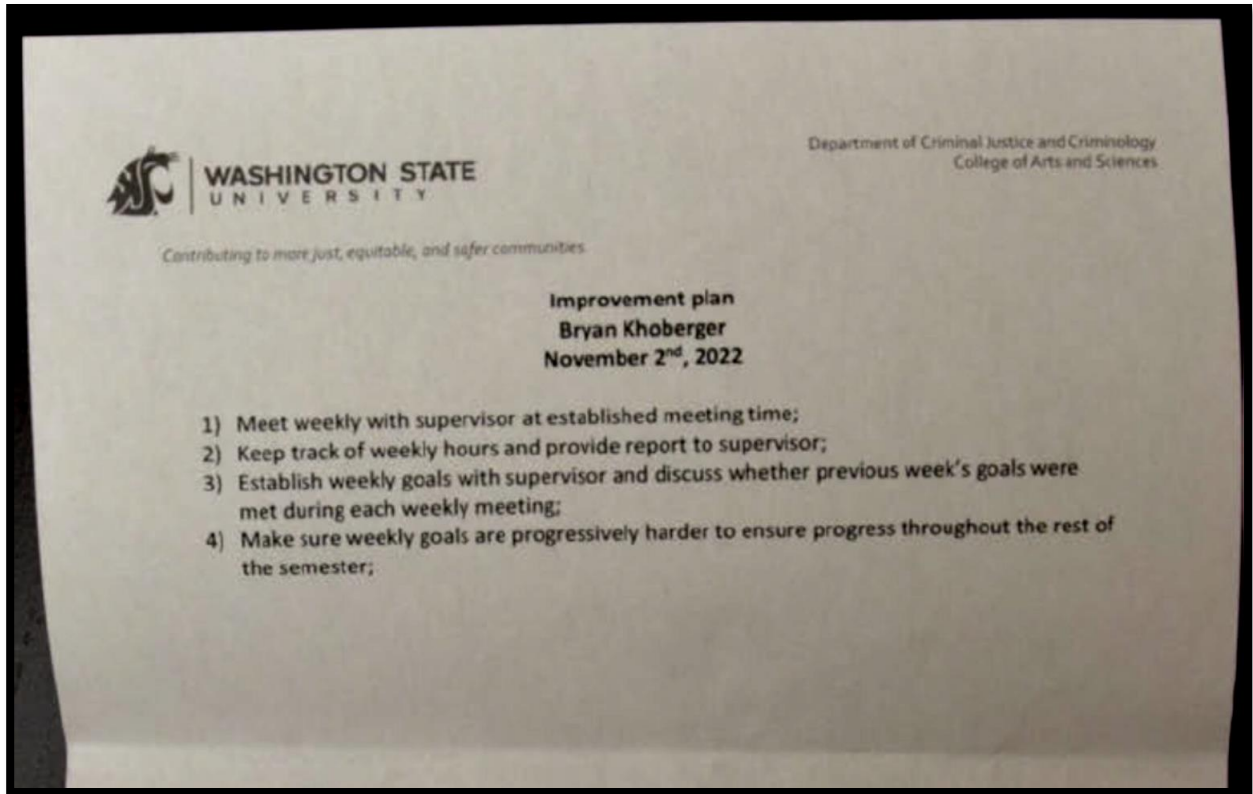
13 294. Kohberger was also known to make unwanted advances to a female
14 employee of the WSU bookstore. A male bookstore coworker would attempt to
15 intervene to prevent Kohberger from interacting with the female employee. The
16 female employee was unsettled that Kohberger knew her name even though she
17 did not wear a name tag and had not told him her name. It also seemed to the
18 female employee that Kohberger knew what hours she worked and he would
19 make remarks about her schedule. One evening, the female employee was home
20 alone and changing in her bedroom when someone knocked on her window. She
21 called her husband to come home from work. On another occasion, she heard
22 someone on her porch in the evening. Her husband came home again and saw a
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1 white car leaving the area. Kohberger drove a white car. Both occurrences were
2 in August or September 2022.

3
4 295. A WSU employee—whose duties include investigating and
5 providing education, mediation and other disciplinary focused responses to
6 complaints or reports made by members of the student body, especially
7 complaints that have a discriminatory nexus—stated that she never interacted
8 with Kohberger but admitted that she had received 13 reports highlighting
9 concerns regarding his behavior.
10

11
12 296. One fellow female WSU graduate student reported that the way
13 Kohberger spoke to females in the department was unsettling to them and that
14 she had never met anyone that acted in such a condescending manner as
15 Kohberger. She wondered why people in power in the WSU Criminal Justice
16 Department did not address his behavior.
17

18 297. On November 2, 2022, WSU put Kohberger on a brief, vague and
19 non-specific four point “improvement plan” due to his inappropriate behavior,
20 but that plan set no specific goals:
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298. On Tuesday, November 8, 2022, WSU conducted a remedial mandatory discrimination and harassment training for all graduate students due to Kohberger's inappropriate behavior. During Kohberger's attendance at this training, WSU staff observed him sitting at the back of the room with his hands behind his head and staring at the ceiling.

299. The graduate students knew that the discrimination and harassment training was specifically due to Kohberger's behavior.

300. The November 8, 2022 discrimination and harassment training embarrassed Kohberger in front of his entire cohort, something that WAVR-

1 21TM specifically advised against and warned that in a campus setting,
2 problematic individuals are most likely to become violent in the days following
3 a shameful or rejecting event, such as a reprimand.
4

5 301. During one faculty meeting, a discussion concerning Kohberger
6 took up most of the time because he was highly problematic. Concern was
7 expressed about Kohberger's behavior around women, including that he was
8 aggressive towards women and made them feel uncomfortable. The WSU
9 faculty discussed if, or how, they could intervene. One WSU professor warned
10 her colleagues at that meeting that Kohberger was a predator:
11
12

13 "He is smart enough that in four years we will have to give him
14 a Ph.D. Mark my word, I work with predators, if we give him a
15 Ph.D. that's the guy that in that many years when he is a
16 professor, we will hear is harassing, stalking, and sexually
17 abusing ... his students at wherever university he ended."
18
19

20 That WSU professor also believed that Kohberger was already stalking people.

21 302. Kohberger's supervising instructor at WSU, however, was
22 concerned that removing Kohberger from employment with WSU would open
23 the university up to a civil lawsuit from Kohberger.
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1 303. Despite numerous complaints about Kohberger's behavior from
2 students, faculty and staff, WSU failed to properly and adequately intervene or
3 take steps to mitigate and prevent further threatening, dangerous and predatory
4 behavior by Kohberger.
5

6 304. WSU had actual knowledge of significant problematic and
7 dangerous behavior that should have caused WSU to perform a formal and
8 comprehensive threat assessment on Kohberger. For example, WSU did provide
9 safety escorts to concerned staff and students, evidencing its awareness of the
10 significant danger that Kohberger posed to the Pullman-Moscow community.
11
12

13 305. There is no indication, however, that WSU used its TAT to conduct
14 a threat assessment of Kohberger or that it employed any of the potential
15 interventions recommended by its WAVR-21TM protocols.
16

17 306. Had WSU's TAT conducted a proper and comprehensive threat
18 assessment, it would have readily identified that Kohberger prominently
19 displayed nearly every red flag that WAVR-21TM warns about.
20

21 307. For instance, a proper threat assessment would have found, among
22 other things, that Kohberger had characteristics associated with a heightened
23 risk for violence including anger problems, lack of empathy, and a strong sense
24 of entitlement.
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1 308. A proper threat assessment also would have shown other
2 recognized serious warning signs for violence, including but not limited to: (i)
3 that Kohberger was engaging in stalking and menacing behavior that was
4 escalating and instilling extreme fear in his female victims; (ii) that he was
5 having increasing conflict with professors and colleagues; (iii) that he was
6 having increasing problems with his work performance; (iv) that he was autistic
7 and sexually frustrated; (v) that he was preoccupied with violent homicidal
8 fantasies, sexual burglary and serial killers; (vi) that he was in possession of a
9 Ka-Bar military-style hunting knife; (vii) that he was using WSU's ResNet
10 internet network for improper purposes, such as troubling searches and stalking
11 and planning his attack and murder of decedents; and (viii) that he had photos of
12 WSU and University of Idaho female undergraduate students on his cellphone.
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17 309. Had WSU performed a proper threat assessment, it would have
18 determined that Kohberger posed an extremely high and imminent risk of
19 violence.
20

21 310. A proper threat assessment would have required that WSU identify
22 likely targets of any possible violence that Kohberger might commit, including
23 by examination of his cell phone, computers, internet search history, and an
24 inspection and search of his university-supplied apartment and office.
25
26

1 311. A proper threat assessment also would have required that WSU
2 identify potential triggering events that could cause Kohberger to commit
3 violence.
4

5 312. A proper threat assessment also would have required that WSU
6 identify steps that could be taken to manage and mitigate Kohberger's risk for
7 violence.
8

9 313. There is no indication that WSU's CCR office conducted a proper,
10 comprehensive or timely investigation into the more than a dozen formal
11 complaints made about Kohberger.
12

13 314. There is no indication that WSU did any of these things. Instead,
14 for months it continued in a state of organizational and bureaucratic paralysis
15 while continuing to employ Kohberger as a teaching assistant, continuing to
16 provide Kohberger with housing, health benefits, free tuition, free internet
17 access, continuing to pay Kohberger a salary, and continuing to provide
18 Kohberger with academic studies focused on criminal behavior that fed his
19 preoccupation and obsession with sexual assault and mass murder.
20
21

22 **e. Kohberger commits mass murder which was foreseeable to**
23

24 **WSU**
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1 315. On the weekend immediately following the November 8, 2022
2 discrimination and harassment training, Kohberger commits mass murder which
3 was foreseeable to WSU.
4

5 316. In the early morning hours of November 13, 2022, while he was
6 still employed by and enrolled at WSU, Kohberger stared through the back
7 window of a home at 1122 King Road in Moscow, Idaho (“King Road
8 residence”), immediately adjacent to the University of Idaho.
9



1 317. Kohberger, masked and dressed in all black, entered the King Road
2 residence by slipping through a kitchen sliding glass door at the back of the
3 home:
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21 318. Kaylee Goncalves was heard to frantically yell in fear, “someone’s
22 here.”

23 319. Kohberger was heard to say, “It’s ok Kaylee, I’m here for you.”
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1 320. Using a military style Ka-Bar knife, Kohberger then violently
2 stabbed to death four victims that were later identified by police as Kaylee
3 Goncalves, Madison Mogen, Xana Kernodle, and Ethan Chapin.
4

5 321. Below is a photograph of the victims taken only a matter of hours
6 before their murders:
7



24 322. The victims were all undergraduate students at the University of
25 Idaho.
26

1 323. Police found defensive knife wounds on both Xana Kernodle and
2 Madison Mogen's hands.

3
4 324. Kaylee Goncalves was unrecognizable as her facial structure was
5 extremely damaged.

6 325. Two other female residents of the King Road residence survived
7 the encounter.

8
9 326. A surviving 19-year-old resident of the King Road residence
10 reported to police that before the murders, Kaylee Goncalves had seen a
11 shadowy figure watching her from the tree line at the back of the residence
12 which freaked her out.

13
14 327. Goncalves had also told her family and roommates about a stalker
15 in Moscow, Idaho that had followed her to her car.

16
17 328. The 19-year-old resident of the King Road residence also reported
18 to police that she and another roommate were often "freaked out" at the home
19 because they felt there was someone watching them from outside the back
20 window.

21
22 329. During the time of the murders, the 19-year-old resident heard
23 Goncalves crying and Kohberger telling Goncalves that he was there for her.
24
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1 330. On November 13, 2022, and in the days following, both WSU and
2 the University of Idaho sent alerts to their students and staff about the murders
3 and potential ongoing risk.
4

5 331. After the quadruple murders, but before Kohberger was identified
6 as a suspect, Kohberger's supervising instructor at WSU considered the
7 possibility that Kohberger had committed the murders. Similarly, fellow WSU
8 graduate students also immediately thought Kohberger committed the murders.
9

10 332. Kohberger's officemate and fellow Teaching Assistant employed
11 by WSU observed a large scratch on Kohberger's face which looked like
12 scratches from fingernails. Other members of the WSU Criminology program
13 also observed wounds on Kohberger's hands following the murders.
14

15 333. None of members of the WSU Criminology program, however,
16 notified law enforcement about Kohberger's behavior or their suspicions about
17 his potential involvement in the murders.
18

19 334. Video evidence led the Moscow, Idaho Police Department to
20 believe that a white Hyundai Elantra may have been involved in the murders.
21

22 335. On November 25, 2022, the Moscow Police Department asked the
23 Pullman-Moscow area law enforcement agencies to be on the lookout for a
24 white Hyundai Elantra.
25
26

1 336. In response to this request, on November 29, 2022, WSU Police
2 Officer Daniel Tiengo searched a WSU database for white Elantras registered
3 with WSU and identified a 2015 white Elantra with a Pennsylvania license plate
4 registered to Kohberger, residing at 1630 NE Valley Road, Apt. 201, Pullman,
5 Washington. No apparent action was taken by WSU at this time.
6

7
8 337. 1630 NE Valley Road is an apartment complex that houses WSU
9 graduate students and is referred to as Steptoe Village:
10



21 338. WSU owns and operates Steptoe Village and had provided
22 Kohberger with a residence there as part of his employment with the university.
23

24 339. On that same day, November 29, 2022, at approximately 1:00 a.m.,
25 WSU Police Officer Curtis Whitman was searching for any white Hyundai
26

1 Elantras and located a 2015 white Elantra in a parking lot at 1630 NE Valley
2 Road. This car had a Washington license plate but it also was registered to
3 Kohberger. No apparent action was taken by WSU at this time.
4

5 340. The 2022 fall term then ended in mid-December and Kohberger
6 promptly returned back to his family home in Pennsylvania.
7

8 341. Only after the murders and after the semester had concluded did
9 WSU make the belated decision to terminate Kohberger's teaching assistantship,
10 cut Kohberger's funding and remove him from the graduate program.
11

12 342. As part of its ongoing investigation into Kohberger, the Moscow
13 Police Department obtained Kohberger's cell phone records in an effort to
14 determine if Kohberger stalked any of the murder victims prior to the killings or
15 conducted surveillance on the King Road residence.
16

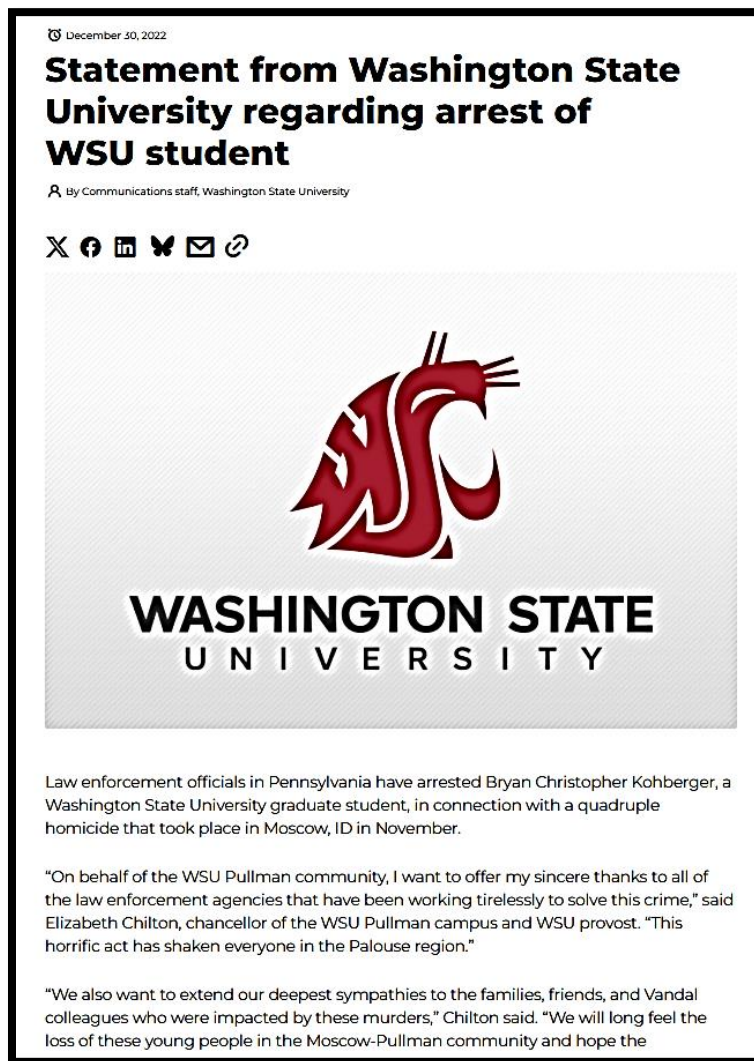
17 343. A subsequent examination of Kohberger's cellphone confirmed that
18 he was stalking female students at both WSU and the University of Idaho, with
19 dozens of photos of students, many in bathing suits.
20

21 344. Kohberger's cell phone records also revealed that he had been in
22 the area of the King Road residence on at least 12 occasions prior to November
23 13, 2022. All but one of these occasions occurred in the middle of the night. On
24
25
26

one occasion, Kohberger was in the area of the King Road residence on August 21, 2022 from approximately 10:30 p.m. to 11:30 p.m.

345. On December 30, 2022, Kohberger was arrested for burglary and four counts of murder at his family's residence in Pennsylvania.

346. Also on December 30, 2022, WSU issued a press release regarding Kohberger's arrest in connection with the quadruple murders:



1 347. In the press release, WSU’s Chancellor and Provost stated that
2 “[t]his horrific act has shaken everyone in the Palouse region.” She further
3 stated that “[w]e also want to extend our deepest sympathies to the families,
4 friends, and [University of Idaho] Vandal colleagues who were impacted by
5 these murders. We will long feel the loss of these young people in the Moscow-
6 Pullman community and hope the announcement today will be a step toward
7 healing.” The press release further indicated that Kohberger had completed his
8 first semester as a Ph.D. student in WSU’s criminal justice program earlier that
9 month.
10
11
12

13 348. On December 31, 2022, WSU served a belated “Trespass
14 Admonition” on Kohberger, signed by WSU Chief of Police Gary Jenkins,
15 which provided:
16
17
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WASHINGTON STATE
UNIVERSITY

Office of Public Safety
Gary Jenkins, Chief of Police

Trespass Admonition

Date: December 30, 2022

Addressee: Bryan Kohberger (DOB: 11-21-1994)

Address: 1630 NE Valley Rd G201
Pullman, WA 99163

RE: Trespass Admonition

This admonition is to inform you that you have been trespassed from all areas of Washington State University campuses. This includes all buildings, sidewalks, breezeways, courtyards, access roads, and parking lots and any other Washington State University campus property. This admonition is effective immediately and will continue until pending student conduct charges have been resolved and you have been given permission in writing to return to campus.

Trespassed means that your privilege to be on or in the area(s) listed above has been revoked or denied by Washington State University. If you are found in the area(s) listed above in violation of this admonition, or if at the conclusion of an investigation it is determined you were actually in or on the area(s) listed above in violation of this admonition, you may be subject to arrest and prosecution for Criminal Trespass under RCW 9A.52.070 or 9A.52.080.

If you have a legitimate business need with Washington State University you must be escorted by an official with Washington State University, and arrangements for such escort must be made prior to you entering the area(s) listed above. This means you must make arrangements with WSU Police 509-335-8548 before coming on campus for any reason.

Sincerely,

Gary Jenkins, Chief of Police
Washington State University

349. After being served with the admonition, Kohberger signed an acknowledgment:



1 I acknowledge that I have read the forgoing trespass admonition/notice.

2 Bryan C. Kohberger

3 12-31-2022

4 Bryan

5 Bryan Kohberger

6 Date

7 Signature of person served

8 I have personally served or read (circle one) the forgoing trespass admonition/notice
9 to the above-named Addressee and have left a copy of the admonition/notice for said
10 Addressee.

11 J. GARCIA ¹⁵¹

12 12/31/2022

13 J. GARCIA ¹⁵¹

14 Name of person serving

15 Date

16 Signature of person serving

17 350. As part of their investigation, law enforcement took into evidence
18 several electronic devices possessed by Kohberger, including a laptop computer,
19 desktop computer, hard drives, and a cell phone.

20 351. As set forth above, one of the amenities that WSU provided to
21 Kohberger at his apartment in Steptoe Village was free internet access, both
22 wired and wireless, through WSU's ResNet internet network.

23 352. Forensic examination of Kohberger's devices revealed an alarming
24 and menacing history of internet use.

25 353. Kohberger had performed many internet searches regarding home
26 invasions, burglary, co-ed killings, and serial killers.

354. For example, Kohberger had researched a serial killer named
Danny Rolling.

1 355. Rolling, known as the Gainesville Ripper, murdered five college
2 students and became the inspiration of the slasher film “Scream.”
3

4 356. In the middle of the night, Rolling entered a college apartment
5 through a sliding glass door, masked and dressed in all black, and stabbed his
6 female victims to death using a Ka-Bar knife—chilling facts suggesting that
7 Kohberger murdered his victims in copycat fashion.
8

9 357. Kohberger also performed internet searches about psychopaths and
10 paranoia.
11

12 358. Kohberger searched for porn exclusively involving non-consensual
13 sex acts, using terms such as “aggressive,” “forced,” “drugged,” “sleeping,”
14 “passed out,” and “voyeurism.”
15

16 359. Kohberger’s cell phone also contained numerous photos of female
17 students at both WSU and the University of Idaho, including acquaintances of
18 some of the murder victims.
19

20 360. Apparently in preparation for the murders, Kohberger turned off his
21 Wi-Fi and cleared his search history. Forensic examiners believe this was an
22 attempt to conceal his location and the potential evidence that would show he
23 was not at his WSU Steptoe Village apartment at the time of the murders.
24
25
26

1 361. On his school computer, forensic examiners found that Kohberger
2 had made extensive attempts to delete his internet usage for the period of the
3 month before the murders. There was evidence that Kohberger had been using
4 his computer during that time period, but he made attempts to delete the specific
5 details of his use. Forensic examiners believe that he was manually cleaning up
6 his tracks in the lead up to the murders to conceal the plotting, planning and
7 selecting of victims that he had performed on this computer online in the
8 preceding months.
9
10

11 362. WSU would have possessed details regarding Kohberger's use of
12 the WSU ResNet internet network in the form of logs and other user data on its
13 own servers that would have been unaffected by Kohberger's attempts to
14 conceal and delete his browser history. There is no indication, however, that
15 forensic examiners were given access to WSU's data which, upon information
16 and belief, likely still exists unless WSU has deleted it.
17
18
19

20 363. It is reported that Kohberger had followed some of the murder
21 victims on their Instagram accounts and had repeatedly messaged one of the
22 female victims, who rejected his advances.
23

24 364. On May 22, 2023, the Latah County District Judge entered a plea of
25 not guilty for all charges filed against Kohberger.
26

1 365. On July 2, 2025, weeks before his trial was scheduled to begin,
2 Kohberger pled guilty to four counts of first-degree murder and burglary in the
3 November 2022 murders of Kaylee Goncalves, Madison Mogen, Xana Kernodle
4 and Ethan Chapin.
5

6 366. On July 23, 2025, Kohberger was sentenced to four consecutive life
7 terms without the possibility of parole.
8

9 367. Following Kohberger's sentencing, the Moscow Police Department
10 and the Idaho State Police began releasing portions of their investigative files.
11 The investigative files contain numerous interviews with WSU employees,
12 faculty, staff, and students that had interactions with Kohberger during the 2022
13 fall semester, as described in the foregoing paragraphs.
14
15

16 368. These police interviews, along with other evidence, demonstrate
17 that WSU had extensive knowledge of Kohberger's discriminatory, harassing,
18 and stalking behavior—beginning as early as the first week of the 2022 fall
19 semester—but repeatedly failed to take proper, necessary, and decisive action to
20 address Kohberger's behavior and eliminate the imminent and serious threat that
21 he posed to the Pullman-Moscow community and to the four young victims.
22
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1 **V. Legal Counts**

2 **a. Count I – Violation of Title IX of the Education Amendments of**
3
4 **1972 (20 U.S.C. § 1681)**

5 369. Plaintiffs incorporate by reference each and every allegation stated
6 above as if stated herein in full.

7
8 370. Plaintiffs seek to hold WSU liable for its own decisions and actions
9 to remain idle in the face of known extreme and repeated instances of
10 discrimination, sexual harassment, and stalking by Kohberger occurring in its
11 educational program throughout the entirety of the 2022 fall semester, that
12 ultimately culminated in Kohberger stalking and murdering the decedents.

13
14 371. WSU operates an educational program that receives federal
15 financial assistance and therefore is subject to the requirements of 20 U.S.C. §
16 1681, known as Title IX.

17
18 372. Title IX prohibits sex-based discrimination, including sexual
19 harassment and stalking, in federally funded education programs.

20
21 373. Title IX liability arises where the university had substantial control
22 over both the harasser and the context in which the harassment occurred, and
23 that the university acted with deliberate indifference to known acts of
24 discrimination.
25
26

1 374. The U.S. Supreme Court has recognized that these conditions of
2 control are satisfied most easily and most obviously when the offender is an
3 employee of the university.
4

5 375. Similarly, Title IX liability arises where the offender is under the
6 university's disciplinary authority in the setting in which the harassment takes
7 place.
8

9 376. The U.S. Supreme Court has recognized a private right of action
10 under Title IX, allowing individuals to seek monetary damages for intentional
11 violations of the statute, including deliberate indifference to sexual harassment
12 and stalking.
13

14 377. Liability arises when the university has actual knowledge of the
15 discrimination and acts with deliberate indifference to it.
16

17 378. Liability also extends to third-party misconduct when the
18 university's deliberate indifference effectively subjects individuals to
19 discrimination or harassment, including stalking, even if that harassment takes
20 place off the physical property of the institution.
21

22 379. The evidence demonstrates that one or more responsible WSU
23 officials exercised sufficient control over the context in which Kohberger
24
25
26

1 stalked, planned and ultimately attacked the decedents to support liability under
2 Title IX.

3
4 380. The evidence further demonstrates that WSU had actual knowledge
5 of facts that required an appropriate, comprehensive and urgent response, and
6 that WSU officials' failure to escalate and/or properly, decisively and urgently
7 act upon reports of Kohberger's actions was a clearly unreasonable response that
8 demonstrated WSU's deliberate indifference.
9

10 381. As explained further above, WSU had substantial control over
11 Kohberger as an employee of the university.
12

13 382. WSU had the ability to perform pre-employment vetting, including
14 performing a comprehensive background check and requiring a sexual
15 misconduct declaration.
16

17 383. After WSU hired Kohberger, WSU also had control over his
18 training, including mandatory Human Resource Services' Discrimination,
19 Sexual Harassment, and Sexual Misconduct Prevention Training.
20

21 384. After WSU hired Kohberger, WSU also had control over his
22 supervision and specifically assigned WSU faculty to serve in that capacity.
23

24 385. Kohberger was subject to numerous WSU policies and procedures
25 that set forth the obligations he was expected to perform, as well as the
26

1 behaviors that he was prohibited from engaging in—both on and off campus and
2 including periods when the university classes were not in session.

3
4 386. Through its unique employment and financial relationship with
5 Kohberger, WSU exerted substantial control over his conduct by providing him
6 with a salary, housing, medical benefits, tuition, and free internet access—all of
7 which WSU conditioned on Kohberger’s good behavior and which WSU could
8 revoke.
9

10 387. WSU also had substantial control over the context in which
11 Kohberger was repeatedly and continually behaving in a discriminatory,
12 harassing, and stalking manner.
13

14 388. Kohberger’s offending behavior occurred in WSU classrooms,
15 during instruction and in the presence of faculty, as early as the first week of the
16 semester.
17

18 389. Kohberger’s offending behavior also occurred outside of the
19 classroom, but in the halls and offices of the WSU Criminology Department.
20

21 390. Kohberger’s offending behavior also occurred in the course and
22 scope of his employment with WSU, including but not limited to preying on
23 undergraduate students and fellow WSU graduate students and employees.
24
25
26

1 391. Kohberger’s offending behavior occurred throughout the WSU
2 campus as he harassed female employees in the campus bookstore and followed
3 female students and employees to their cars, inciting fear for their safety and
4 necessitating escorts by faculty and police for security.
5

6 392. WSU faculty, staff, and students were also aware that Kohberger
7 was engaging in harassing, stalking, and predatory behavior off of the WSU
8 campus, but in the Pullman-Moscow community.
9

10 393. Kohberger’s offending behavior also occurred in a context that
11 should have triggered urgent action by WSU’s Threat Assessment Team, and
12 WSU had the ability to take such urgent action to mitigate the imminent threat
13 that Kohberger posed.
14

15 394. Kohberger also was under WSU’s disciplinary authority in the
16 setting in which the harassment took place, and WSU had the authority to take
17 remedial action.
18

19 395. WSU’s policies and procedures—including those that required
20 Kohberger to act with the highest degree of professional conduct and not to
21 discriminate, harass, and stalk—allowed WSU to take remedial action if
22 Kohberger engaged in violative behavior that occurred either on or off campus.
23

24 396. WSU had the ability to punish Kohberger for his behavior.
25
26

1 397. WSU only took sporadic, minor and ineffective action to address
2 Kohberger’s inappropriate behavior, including informal discussions with
3 faculty, putting him on a brief, vague and non-specific four point personal
4 “improvement plan” and mandating that all graduate students participate in
5 remedial discrimination and harassment training—training which Kohberger
6 was observed to conspicuously ignore.
7
8

9 398. WSU had the ability to take action against Kohberger through its
10 Compliance and Civil Rights/Title IX office. But despite receiving 13 formal
11 complaints, WSU’s CCR apparently took no meaningful action and the
12 individual responsible for acting on such complaints admitted never having met
13 or even spoken with Kohberger.
14
15

16 399. WSU had the ability to take action against Kohberger through its
17 Threat Assessment Team, but there is no indication that any such action was
18 taken by WSU.
19

20 400. WSU had the ability to terminate Kohberger’s employment,
21 eliminate his funding, remove him from campus housing, and eliminate access
22 to the WSU ResNet internet network.
23

24 401. WSU ultimately did terminate Kohberger’s employment and
25 eliminated his funding, but not until after he had murdered four young students.
26

1 402. Only after Kohberger’s arrest for the murders did WSU finally
2 serve Kohberger with a Trespass Admonition, prohibiting his presence at WSU.
3

4 403. Before the murders, WSU had substantial actual knowledge and
5 notice of Kohberger’s extensive and repeated instances of discriminatory,
6 harassing, and stalking behavior.
7

8 404. There were numerous discussions among WSU graduate students,
9 teaching assistants, faculty, and staff about Kohberger’s discriminatory,
10 harassing, and stalking behavior.
11

12 405. The members of the WSU Criminology Department—most, if not
13 all, of whom were mandatory reporters—were tracking Kohberger’s
14 inappropriate behavior, but failed to properly inform and alert WSU
15 administrators.
16

17 406. Ultimately, however, WSU received at least 13 formal complaints
18 of discriminatory, harassing, or stalking-type behavior by Kohberger that were
19 presented to a WSU administrator whose duties are to address such complaints.
20 But there is no indication that WSU acted on those formal complaints, or that it
21 acted in an urgent and decisive manner commensurate with the imminent and
22 serious threat that Kohberger posed.
23
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1 407. WSU faculty recognized the need to stage an “intervention” on
2 Kohberger very early on, and months before the murders, but failed to ever do
3
4 so.

5 408. Kohberger’s supervisor at WSU even advocated that disciplinary
6 action *not* be taken against Kohberger out of fear that he would sue WSU—
7
8 thereby putting the financial interest of the university above the safety of the
9 Pullman-Moscow community.

10 409. WSU also exercised significant control over Kohberger and the
11 environment in which the harassment occurred by implementing an official
12
13 policy that tolerated sexual misconduct, harassment and stalking and
14 discouraged complete and accurate reporting of occurrences of misconduct.
15

16 410. This official policy that tolerated sexual misconduct, harassment
17 and stalking is evidenced, in part, by the fact that during the 2022 fall semester,
18 WSU’s own investigation determined that the WSU Police Department—a
19
20 department responsible to prevent and intervene in instances of such
21 misconduct—had itself engaged in numerous incidents of sexual misconduct
22 and fostered an environment that discouraged reporting of sexual misconduct.
23

24 411. Despite being aware of specific reports of inappropriate and
25
26 alarming behavior, WSU allowed Kohberger’s discriminatory, harassing and

1 stalking behavior to continue unchecked, and provided him with a target-rich
2 environment where that behavior was tolerated and allowed to escalate,
3 including but not limited to continued interaction with female undergraduate
4 students in a supervisory capacity as a WSU Teaching Assistant, a salary, on-
5 campus housing with free Internet, medical benefits, and free tuition.
6

7
8 412. Recognizing the potential and serious danger that Kohberger posed,
9 WSU police provided safety escorts to female students and employees, but did
10 not intervene directly with Kohberger, or perform any proper threat assessment,
11 which served to further embolden Kohberger.
12

13 413. Evidence also indicates that Kohberger engaged in stalking
14 behavior and preparatory acts as it relates to the decedents both on WSU
15 property and using WSU resources.
16

17 414. WSU provided on-campus housing to Kohberger at the Steptoe
18 Village apartments.
19

20 415. WSU also provided Kohberger with free internet access through
21 WSU's controlled network called WSU ResNet, on which WSU retained the
22 right to monitor usage and take remedial action if used for inappropriate
23 purposes.
24
25
26

1 416. The numerous red flags in Kohberger's behavior should have led
2 WSU to monitor his online behavior and had WSU done so it would more likely
3 than not have discovered that he was using the WSU ResNet internet network
4 for inappropriate purposes.
5

6 417. Evidence indicates the Kohberger had engaged in stalking behavior
7 of one or more of the decedents for months before he committed the murders.
8

9 418. After the murders, a forensic examination of one of Kohberger's
10 computers revealed that during his time at WSU, he had performed many deeply
11 troubling internet searches about serial killers, home invasions, co-ed killings,
12 and pornography depicting non-consensual sex.
13

14 419. Kohberger, however, made significant efforts to delete his
15 computer activity in the month before the murders, which forensic examiners
16 believe was a deliberate attempt to conceal his plotting, planning and stalking of
17 the decedents.
18

19 420. Had WSU been monitoring Kohberger's use of the ResNet internet
20 network it would have been aware of these efforts to plot, plan and stalk the
21 decedents.
22

23 421. Additionally, WSU possessed information about Kohberger's use
24 of ResNet in the form of server logs and other user data that would have
25
26

1 remained in WSU's possession despite any efforts by Kohberger to delete and
2 conceal his internet usage.

3
4 422. Reports indicate that Kohberger had been stalking one of the
5 decedents on social media, and to the extent that occurred through the WSU
6 ResNet network, it is violative conduct that occurred on the WSU campus.

7
8 423. Kohberger also possessed the murder weapon for months before the
9 murder.

10 424. It was a violation of WSU policies and the Apartment Agreement
11 for Kohberger to possess the murder weapon in his on-campus apartment, and
12 WSU had the ability and right to inspect his apartment and remove Kohberger
13 for such a violation.
14

15
16 425. Kohberger's repeated, alarming and menacing behavior should
17 have caused WSU to inspect his apartment as it had the right to do under the
18 Apartment Agreement and had it done so WSU likely would have discovered
19 the Ka-Bar knife in violation of the Apartment Agreement and WSU policies.
20

21 426. WSU's response to Kohberger's behavior and the numerous
22 complaints raised by WSU students, faculty, and staff, was clearly unreasonable.
23
24
25
26

1 427. Title IX liability also arises when discrimination and harassment is
2 so severe, pervasive, and objectively offensive that it deprives victims of access
3 to educational opportunities or benefits.
4

5 428. Kohberger's discriminatory and harassing behavior was so extreme,
6 pervasive and objectively offensive that female classmates would flee the
7 classroom in the middle of instruction, leaving their possessions behind. Female
8 students, staff and faculty felt threatened and scared by his aggressive staring,
9 looming behind them and uncomfortably close, physically blocking their exit,
10 and following them to their vehicles necessitating routine security escorts.
11
12

13 429. The decedents (Goncalves, Mogen, Kernodle, and Chapin), all
14 students at a federally funded university in the same community, were also
15 deprived of and permanently denied access to educational opportunities and
16 benefits when Kohberger stalked them, planned his attack, violently assaulted
17 them and ultimately took their lives.
18
19

20 430. WSU's acts and omissions alleged herein with respect to the
21 discriminatory, harassing and stalking behavior of Kohberger against multiple
22 female students deprived students of the full benefits of their educational
23 program, on the basis of sex, in violation of Title IX.
24
25
26

1 431. WSU failed to exercise its supervisory power and disciplinary
2 authority over Kohberger, despite having repeated notice of the high risk of
3 serious misconduct.
4

5 432. The likelihood of Kohberger engaging in future and escalating
6 misconduct was so obvious that WSU's failure to act was the result of deliberate
7 indifference.
8

9 433. WSU had the ability, but failed to take timely, appropriate and
10 decisive action that would likely have prevented the harassment, stalking and
11 murder of the decedents.
12

13 434. WSU's acts and omissions alleged herein caused in fact and
14 substantially contributed to the stalking, assault and murder of decedents.
15

16 435. WSU acted with deliberate indifference to known acts of
17 harassment and stalking against female students in connection with its programs
18 or activities that it was in a position to address appropriately, and therefore may
19 be held liable for damages under Title IX.
20

21 **b. Count II - Negligence**

22 436. Plaintiffs incorporate by reference each and every allegation stated
23 above as if stated herein in full.
24
25
26

1 437. WSU had a duty to exercise ordinary care and refrain from
2 negligent acts and omissions, duties that arose out of a special relationship
3 between Kohberger and WSU under Restatement (Second) of Torts § 315(a).
4

5 438. WSU failed to exercise ordinary care in its special relationship with
6 Kohberger and was negligent.
7

8 439. As Kohberger's employer, WSU also had a duty to exercise
9 reasonable care in hiring, supervising, and retaining Kohberger as an employee.
10

11 440. WSU was negligent in hiring, supervising, and retaining Kohberger
12 as an employee.

13 441. WSU also had a duty to exercise reasonable care so as to control
14 Kohberger while acting outside the scope of his employment so as to prevent
15 him from intentionally harming others under Restatement (Second) of Torts §
16 317.
17

18 442. WSU was negligent when it failed to control Kohberger so as to
19 prevent him from intentionally harming others.
20

21 443. WSU also owed a duty of care under Restatement (Second) of Torts
22 § 302B where its own affirmative acts create or expose someone to a
23 recognizable high degree of risk of harm through such misconduct, which a
24 reasonable person would take into account.
25
26

1 444. An act or an omission may be negligent if the actor realizes or
2 should realize that it involves an unreasonable risk of harm to another through
3 the conduct of the other or a third person which is intended to cause harm, even
4 though such conduct is criminal.

5
6 445. WSU was negligent by its own affirmative acts that created and
7 exposed the decedents to the recognizable degree of risk of harm posed by
8 Kohberger.

9
10 446. WSU's adoption of WAVR-21TM and TAT protocols heightens
11 these duties, as these frameworks mandate proactive assessment and
12 intervention for behaviors like threats or stalking, which align with known red
13 flags in violence prevention, and caution against certain responses that can
14 heighten the risk of violence.

15
16
17 447. WSU had a duty to use reasonable care to control Kohberger and
18 protect members of the Pullman-Moscow community, including decedents, from
19 foreseeable harm and the imminent danger that Kohberger posed.

20
21 448. As described in detail above, there was a definite, established, and
22 continuing relationship between WSU and Kohberger.

23
24 449. The relationship between WSU and Kohberger was unlike WSU's
25 relationship with a typical individual student.

1 450. WSU offered Kohberger employment as a Teaching Assistant for a
2 definite period of time—the 2022 fall semester and 2023 spring semester—with
3 defined and established expectations of performance and behavior pursuant to a
4 written employment agreement.
5

6 451. WSU affirmatively brought Kohberger to the Pullman-Moscow
7 community from the East Coast, and its offer of employment included a
8 requirement that he reside in Washington.
9

10 452. As a result of this agreement, WSU expected to receive teaching
11 assistant services that benefited WSU undergraduate students and faculty.
12

13 453. For instance, WSU policy provided that Kohberger’s *primary duty*
14 was teaching or serving as a teaching assistant and he was required to “be at
15 work each normal workday, including periods when the university classes are
16 not in session.”
17

18 454. In return for his teaching assistant services provided to WSU,
19 Kohberger received a salary, health benefits, an on-campus office, housing and
20 tuition.
21

22 455. Efforts that Kohberger engaged in to identify the decedents, stalk
23 and plan his attack that occurred in his on-campus office or on-campus housing,
24
25
26

1 or using WSU's ResNet internet network, are activities occurring on WSU
2 premises.

3
4 456. As part of their relationship, WSU required Kohberger to follow the
5 Graduate School Policies and Procedures Manual, the WSU Department of
6 Criminal Justice and Criminology Graduate Handbook, the Apartment
7 Agreement, the Network Service Agreement, and the WSU Standards of
8 Conduct, all of which applied to both on and off campus conduct.
9

10 457. WSU required that Kohberger "maintain high standards of
11 professional and ethical conduct" and to show "respect for undergraduate
12 students."
13

14 458. WSU agreed to "provide adequate supervision and training," and
15 specifically assigned WSU faculty to serve in that capacity with Kohberger.
16

17 459. Kohberger engaged with his WSU supervisors on a nearly daily
18 basis.
19

20 460. WSU had the ability to control Kohberger and, in fact, did exercise
21 control over Kohberger.
22

23 461. WSU also knew of the necessity and opportunity to exercise control
24 over Kohberger.
25
26

1 462. WSU had the ability to use its multi-disciplinary TAT to conduct a
2 threat assessment using its WAVR-21TM protocol to identify Kohberger's
3 propensity to commit violence and to implement measures to mitigate that risk,
4 but failed to do so.
5

6 463. WSU had the ability to use its Center for Community Standards to
7 investigate and enforce the numerous Standards of Conduct that Kohberger
8 repeatedly violated, but failed to do so.
9

10 464. WSU had the ability to discipline Kohberger or terminate his
11 employment and defund him at any time if he engaged in misconduct, had
12 deficient job performance, or violated university policies, but failed to do so
13 until after the murders.
14

15 465. WSU was the entity solely responsible for ensuring that Kohberger
16 complied with the terms of the various WSU agreements, policies and
17 procedures that Kohberger was bound to abide by.
18

19 466. Interventions like monitoring or removal likely would have
20 prevented the murders by breaking Kohberger's access and momentum.
21

22 467. Had WSU followed its policies and procedures—including but not
23 limited to escalating complaints to a full WAVR-21TM assessment and TAT
24 review—it likely would have prevented escalation by triggering interventions
25
26

1 including counseling, mental health referral, suspension, expulsion or law
2 enforcement referral, thereby averting the mass murder by removing Kohberger
3 from his position and the Pullman-Moscow community long before he
4 committed the murders.
5

6 468. Indeed, after the murders, WSU exercised the ultimate control over
7 Kohberger and terminated his employment, defunded him, and served him with
8 a trespass admonition prohibiting his presence at WSU.
9

10 469. WSU knew or should have known that Kohberger habitually
11 engaged in misconduct in a manner dangerous to others.
12

13 470. WSU affirmatively mismanaged the numerous complaints that it
14 received about Kohberger's inappropriate behavior, including but not limited to
15 attempts to contain these complaints within the Criminal Justice and
16 Criminology Program, avoiding escalating complaints to proper authorities,
17 engaging in ineffective and informal discussions with Kohberger, and
18 affirmatively keeping him employed at WSU.
19
20

21 471. Through its close relationship with Kohberger, WSU had
22 substantial insight into his dangerous propensities and was aware of the
23 identities of various victims—primarily young female students.
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1 472. As undergraduate students living in the Pullman-Moscow
2 community, decedents were foreseeable targets and victims of Kohberger.

3 473. It was reasonably foreseeable to WSU that Kohberger would
4 engage in future and escalating misconduct and dangerous and predatory
5 behavior, including violence, if action was not taken to mitigate that imminent
6 threat.
7

8 474. Had WSU's TAT conducted a proper WAVR-21TM assessment and
9 followed the recommendations and warnings of that threat assessment and
10 intervention protocols, it would have known that Kohberger was a ticking time
11 bomb ready to explode and should not have embarrassed him in front of his
12 entire cohort when it mandated remedial sexual harassment and discrimination
13 training for all students but solely because of Kohberger's behavior.
14

15 475. WSU was aware of Kohberger's repeated instances of
16 inappropriate, predatory and menacing behavior occurring within days of him
17 first appearing on the WSU campus and WSU breached its duty of care and was
18 negligent in one or more of the following respects:
19

- 20 a. Hiring Kohberger and bringing him to the Pullman-Moscow
21 community without conducting an adequate background check and
22 other pre-employment vetting;
23
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- 1 b. Failing to adequately train and supervise Kohberger;
- 2 c. Failing to follow WSU policies and procedures;
- 3
- 4 d. Failing to timely report Kohberger's inappropriate and menacing
- 5 behavior to WSU's Threat Assessment Team, and failing to
- 6 perform an adequate threat assessment of Kohberger and failing to
- 7 implement necessary, proper and urgent measures to mitigate the
- 8 imminent threat posed by Kohberger;
- 9
- 10 e. Failing to report Kohberger's inappropriate and predatory behavior
- 11 to appropriate WSU administrators and law enforcement;
- 12
- 13 f. Permitting the Criminal Justice and Criminology Department to
- 14 address Kohberger's behavior through informal piecemeal,
- 15 indecisive and wholly inadequate faculty discussions and ad hoc
- 16 responses, instead of urgently involving appropriate WSU
- 17 administrators and law enforcement;
- 18
- 19
- 20 g. Failing to timely report Kohberger's inappropriate and menacing
- 21 behavior to WSU's Center for Community Standards, and failing to
- 22 promptly and thoroughly investigate such reports and take urgent
- 23 action against Kohberger;
- 24
- 25
- 26

- 1 h. Failing to timely report Kohberger's inappropriate and menacing
2 behavior to WSU's Compliance and Civil Rights/Title IX office,
3 and failing to promptly and thoroughly investigate such reports and
4 take urgent action against Kohberger;
5
6 i. Failing to monitor Kohberger's inappropriate use of WSU ResNet
7 internet network and take appropriate and urgent remedial action;
8
9 j. Failing to enforce WSU policies and the Rental Agreement, by
10 failing to inspect Kohberger's residence following reports of his
11 harassing, stalking and menacing behavior, and failing to enforce
12 the Rental Agreement's prohibition of weapons on campus property
13 and in on-campus housing, including the Ka-Bar knife that
14 Kohberger used to assault and murder the decedents;
15
16 k. Mismanaging the numerous complaints and reports of Kohberger's
17 inappropriate behavior;
18
19 l. Failing to intervene in Kohberger's discriminatory, harassing and
20 stalking behavior;
21
22 m. Failing to discipline Kohberger;
23
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- 1 n. Retaining Kohberger as an employee of WSU following numerous
2 reports of his dangerous and alarming behaviors beginning with the
3 earliest days of his employment;
4
5 o. Failing to terminate Kohberger from employment with WSU, and
6 failing to defund and remove him from campus;
7
8 p. Failing to warn the Pullman-Moscow community of the danger and
9 threat posed by Kohberger;
10
11 q. Placing the financial condition and reputation of WSU above the
12 safety and security of the Pullman-Moscow community in general
13 and the decedents in particular; and
14
15 r. In other respects that may be revealed during discovery.

16 476. If WSU had exercised reasonable care, Kohberger would have been
17 neutralized as a threat long before he committed the murders.

18 477. WSU's negligence caused in fact and substantially contributed to
19 the assault and murder of decedents.
20

21 478. As a result of WSU's negligence, Plaintiffs were damaged.

22 **c. Count III – Gross Negligence**
23

24 479. Plaintiffs incorporate by reference each and every allegation stated
25 above as if stated herein in full.
26

1 480. WSU had a duty to exercise slight care, which is care substantially
2 less than ordinary care, and to refrain from grossly negligent acts and omissions.
3

4 481. WSU's multiple failures and breaches of its duties owed, as
5 described above, proximately caused the assault and murder of decedents and
6 resultant damages for which WSU is liable.
7

8 **d. Count IV – Outrage**

9 482. Plaintiffs incorporate by reference each and every allegation stated
10 above as if stated herein in full.
11

12 483. WSU's acts and omission described herein constituted extreme and
13 outrageous conduct that went beyond all possible bounds of decency and can
14 only be regarded as atrocious and utterly intolerable in a civilized community.
15

16 484. WSU acted either intentionally or with reckless disregard for the
17 near certainty that emotional distress of some female students would result from
18 WSU's acts and omissions with regard to Kohberger.
19

20 485. WSU did in fact cause severe emotional distress to Plaintiffs'
21 decedents and their families.
22

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1 **e. Survival Claim (Kaylee Goncalves)**



10 486. The wrongful acts and neglect of WSU as alleged above caused or

11

12 contributed to the injuries inflicted on Kaylee Goncalves.

13 487. Prior to her death, Kaylee Goncalves experienced extreme pain and

14

15 suffering, anxiety, emotional distress and humiliation as Kohberger repeatedly

16 and violently stabbed her to death.

17 488. At the time of her death, Kaylee Goncalves had no surviving

18

19 spouse, domestic partner, or living child or stepchild. Kaylee Goncalves does

20 have surviving parents and siblings.

21 489. Steve Goncalves, as personal representative of the Estate of Kaylee

22

23 Jade Goncalves, asserts a survival claim under RCW 4.20.046 and RCW

24 4.20.060 for the pain and suffering, anxiety, emotional distress and humiliation

25 sustained as a result of Kaylee's injuries.

26

1 490. Plaintiff Goncalves seeks damages in such amounts as determined
2 by a trier of fact to be just under all the circumstances of the case.
3

4 **f. Wrongful Death Claim (Kaylee Goncalves)**

5 491. The wrongful acts and neglect of WSU as alleged above caused or
6 contributed to the death of Kaylee Goncalves.
7

8 492. Steve Goncalves, as personal representative of the Estate of Kaylee
9 Jade Goncalves, asserts a claim for wrongful death under RCW 4.20.010 for the
10 economic and noneconomic damages sustained by the beneficiaries as a result of
11 Kaylee's death, including but not limited to the loss of the decedent's love,
12 guidance, companionship and society, services, care and attention, protection
13 and advice.
14
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16 493. Plaintiff Goncalves seeks damages in such amounts as determined
17 by a trier of fact to be just under all the circumstances of the case.
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1 **g. Survival Claim (Madison Mogen)**



11 494. The wrongful acts and neglect of WSU as alleged above caused or
12 contributed to the injuries inflicted on Madison Mogen.
13

14 495. Prior to her death, Madison Mogen experienced extreme pain and
15 suffering, anxiety, emotional distress and humiliation as Kohberger repeatedly
16 and violently stabbed her to death.
17

18 496. At the time of her death, Madison Mogen had no surviving spouse,
19 domestic partner, or living child or stepchild. Madison Mogen does have
20 surviving parents.
21

22 497. Karen Laramie, as personal representative of the Estate of Madison
23 May Mogen, asserts a survival claim under RCW 4.20.046 and RCW 4.20.060
24
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26

1 for the pain and suffering, anxiety, emotional distress and humiliation sustained
2 as a result of Madison's injuries.

3
4 498. Plaintiff Laramie seeks damages in such amounts as determined by
5 a trier of fact to be just under all the circumstances of the case.

6 **h. Wrongful Death Claim (Madison Mogen)**

7
8 499. The wrongful acts and neglect of WSU as alleged above caused or
9 contributed to the death of Madison Mogen.

10 500. Karen Laramie, as personal representative of the Estate of Madison
11 May Mogen, asserts a claim for wrongful death under RCW 4.20.010 for the
12 economic and noneconomic damages sustained by the beneficiaries as a result of
13 Madison's death, including but not limited to the loss of the decedent's love,
14 guidance, companionship and society, services, care and attention, protection
15 and advice.
16
17

18 501. Plaintiff Laramie seeks damages in such amounts as determined by
19 a trier of fact to be just under all the circumstances of the case.
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1 **i. Survival Claim (Xana Kernodle)**



10 502. The wrongful acts and neglect of WSU as alleged above caused or
11 contributed to the injuries inflicted on Xana Kernodle.
12

13 503. Prior to her death, Xana Kernodle experienced extreme pain and
14 suffering, anxiety, emotional distress and humiliation as Kohberger repeatedly
15 and violently stabbed her to death.
16

17 504. At the time of her death, Xana Kernodle had no surviving spouse,
18 domestic partner, or living child or stepchild. Xana Kernodle does have
19 surviving parents and siblings.
20

21 505. Jeffrey Kernodle, as personal representative of the Estate of Xana
22 Alexia Kernodle, asserts a survival claim under RCW 4.20.046 and RCW
23 4.20.060 for the pain and suffering, anxiety, emotional distress and humiliation
24 sustained as a result of Xana's injuries.
25
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1 506. Plaintiff Kernodle seeks damages in such amounts as determined by
2 a trier of fact to be just under all the circumstances of the case.

3
4 **j. Wrongful Death Claim (Xana Kernodle)**

5 507. The wrongful acts and neglect of WSU as alleged above caused or
6 contributed to the death of Xana Kernodle.

7
8 508. Jeffrey Kernodle, as personal representative of the Estate of Xana
9 Alexia Kernodle, asserts a claim for wrongful death under RCW 4.20.010 for
10 the economic and noneconomic damages sustained by the beneficiaries as a
11 result of Xana's death, including but not limited to the loss of the decedent's
12 love, guidance, companionship and society, services, care and attention,
13 protection and advice.
14

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16 509. Plaintiff Kernodle seeks damages in such amounts as determined by
17 a trier of fact to be just under all the circumstances of the case.

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1 **k. Survival Claim (Ethan Chapin)**



12 510. The wrongful acts and neglect of WSU as alleged above caused or
13 contributed to the injuries inflicted on Ethan Chapin.

14
15 511. Prior to his death, Ethan Chapin experienced extreme pain and
16 suffering, anxiety, emotional distress and humiliation as Kohberger repeatedly
17 and violently stabbed him to death.

18
19 512. At the time of his death, Ethan Chapin had no surviving spouse,
20 domestic partner, or living child or stepchild. Ethan Chapin does have surviving
21 parents and siblings.

22
23 513. Stacy Chapin, as personal representative of the Estate of Ethan J.
24 Chapin, asserts a survival claim under RCW 4.20.046 and RCW 4.20.060 for the
25
26

1 pain and suffering, anxiety, emotional distress and humiliation sustained as a
2 result of Ethan's injuries.

3
4 514. Plaintiff Chapin seeks damages in such amounts as determined by a
5 trier of fact to be just under all the circumstances of the case.

6 **I. Wrongful Death Claim (Ethan Chapin)**

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8 515. The wrongful acts and neglect of WSU as alleged above caused or
9 contributed to the death of Ethan Chapin.

10 516. Stacy Chapin, as personal representative of the Estate of Ethan J.
11 Chapin, asserts a claim for wrongful death under RCW 4.20.010 for the
12 economic and noneconomic damages sustained by the beneficiaries as a result of
13 Ethan's death, including but not limited to the loss of the decedent's love,
14 guidance, companionship and society, services, care and attention, protection
15 and advice.

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18 517. Plaintiff Chapin seeks damages in such amounts as determined by a
19 trier of fact to be just under all the circumstances of the case.

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21 **VI. Reservation of Rights**

22 518. Plaintiff reserves the right to assert additional claims as may be
23 appropriate following further investigation and discovery.
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1 **VII. Prayer for Relief**

2 Plaintiffs pray for judgement against Defendant WSU, as follows:

- 3
- 4 a. For all special and general damages established at trial;
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- 6 b. For compensatory damages in an amount to be proved at trial;
- 7
- 8 c. For Plaintiffs' reasonable attorneys' fees pursuant to Title IX and any
other applicable law;
- 9
- 10 d. For punitive damages as allowed by law;
- 11
- 12 e. For pre-judgment interest as allowed by law;
- 13
- 14 f. For post-judgment interest as allowed by law;
- 15
- 16 g. For an award to Plaintiffs of the costs of this action; and
- 17 h. For such other legal or equitable relief as the Court deems just and
proper.

17 **VIII. Demand for Jury Trial**

18 Plaintiffs hereby demand a trial by jury on all matters so triable.

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1 SIGNED this 7th day of January, 2026.

2 Respectfully submitted,

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4 WAGSTAFF & CARTMELL LLP

5 By: /s/ Jonathan P. Kieffer

6 Jonathan P. Kieffer (*Pro Hac Vice* Pending)

7 Jack T. Hyde (*Pro Hac Vice* Pending)

8 Lindsey N. Scarcello (*Pro Hac Vice* Pending)

9 PFAU COCHRAN VERTETIS AMALA PLLC

10 By: /s/ Thomas B. Vertetis

11 Thomas B. Vertetis, WSBA No. 29805

12 Christopher E. Love, WSBA No. 42832

13 William T. McClure, WSBA No. 54622

14 **ATTORNEYS FOR PLAINTIFFS**

