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Motion Hearing: Tuesday, June 18, 2024 at 10:00 a.m.

SMC Room 1103

With Oral Argument

IN THE MUNICIPAL COURT OF THE CITY OF SEATTLE
KING COUNTY, WASHINGTON

THE CITY OF SEATTLE, a municipal
corporation,

Plaintiff,

vs.

MILES OLIVER HUDSON, a single person,

Defendant.

Civil Case No.: 1240000005

MOTION FOR ORDER OF DEFAULT
JUDGMENT

I. RELIEF REQUESTED

Plaintiff, The City of Seattle (City), moves the Court for entry of an Order of Default Judgment against Defendant, Miles Oliver Hudson (Defendant) pursuant to CRLJ 55(b)(1). The City requests that an Order be entered on June 18, 2024, unless Defendant files and serves his answer prior to the time set for hearing. The City asks this Court to award civil penalties, statutory attorneys' fees, and service costs.

II. STATEMENT OF FACTS

This case involves a code enforcement action for a nuisance noise violation caused by a vehicle which has been modified to be excessively loud. Hudson is a registered owner and operator of the subject 2023 Dodge Charger, VIN 2C3CDXL97PH503197, Washington License Number CKG6773 (Charger).

1 On May 7, 2024, the City filed a Complaint for Civil Penalties. On May 10, 2024, the City
2 personally served Hudson through a process server. *See* Declaration of Cindi Williams Exhibit A
3 (Declaration of Service). More than twenty (20) days have elapsed since the date of service of the
4 Summons and Complaint and Hudson has failed to answer or appear. The City incurred service costs
5 of \$219.97. *See* Exhibit B to Williams Decl. Defendant's Answer was due by May 30, 2024 and the
6 City has not received an Answer. Williams Decl., at ¶ 6. More than twenty (20) days have elapsed
7 since the date of service of the Summons and Complaint and Defendant has failed to answer.

8 **Background**

9 The City's enforcement efforts regarding the Charger began in January of 2024. The City of
10 Seattle received many complaints that the Charger was operating loudly on downtown streets at late-
11 night hours.

12 The Charger has a "Hemi" engine, which has a unique exhaust note. When the mufflers are
13 modified or removed, the noise is increased, and the "Hemi" exhaust note changes. The engine also
14 has a control module for which the software code can be re-written to create a series of backfires when
15 the throttle is transitioned. The Charger's original color was black. It now has a custom "wrap" that
16 displays a tan background and an enlargement of the Street and Racing Technology (SRT) Hellcat
17 logo. This design appears over most of the vehicle as stripes. The vehicle also has distinctive
18 headlights and taillights.

19 Defendant is the administrator of the Instagram account, @srt.miles. The Instagram account
20 contains numerous videos of Defendant where he is narrating what is occurring. On or about December
21 6, 2023, a video was posted to the @srt.miles Instagram account. That video depicts Defendant
22 discussing the installation of a new intake on the Charger. Later in the video, Defendant is driving in
23 downtown Seattle at night; the sound of the engine revving is now much louder than in previous videos

1 on the same account and includes a high-pitched whine. Defendant comments excitedly about the
2 louder noise that his engine now makes. On or about December 17, 2023, a video was posted to the
3 @srt.miles Instagram account. The video depicts Defendant stating he is going out for boba tea and
4 that “it is 12:50 a.m.” and “they close at 1:00 a.m.” It is dark outside. Defendant is driving the Charger
5 in downtown Seattle while loudly revving the engine. On or about December 18, 2023, a video was
6 posted to the @srt.miles Instagram account. Defendant is driving the Charger at a high rate of speed,
7 while revving and backfiring the engine.

8 On or about January 9, 2024, Seattle Police Department (SPD) stopped the Charger at the
9 intersection at Second Avenue and Pike Street in Seattle for travelling at high speeds. SPD confirmed
10 that the Defendant was the driver and gave him a Citation Warning. On or about January 10, 2024, a
11 video was posted to the @srt.miles Instagram account depicting the Charger in downtown Seattle, by
12 Pike Place Market, and the engine revving and backfiring.

13 On or about February 7, 2024, a video was posted to the @srt.miles Instagram video. The
14 video shows Defendant picking up the Charger at a mechanic’s shop. After interacting with an
15 employee, Defendant films the Charger in a parking lot as another person revs the engine loudly.
16 Defendant excitedly approves of the loud sound. The video also depicts Defendant driving the
17 Charger, loudly revving the engine. On or about February 10, 2024, a video was posted to the
18 @srt.miles Instagram account. The video starts with the Defendant commenting that it is “like 2am”
19 as he drives the Charger at a high rate of speed while loudly revving the engine. On that video,
20 Defendant is also heard commenting that his car “sounds like a shotgun.” On or about February 13,
21 2024, a video was posted to the @srt.miles Instagram account. The video starts with Defendant
22 commenting that it is around 2:00 a.m. Defendant is then seen driving the Charger while loudly
23 revving the engine, and he appears to race another vehicle. Two additional videos were posted to the

1 @srt.miles Instagram account in February 2024, both of which show the Charger revving loudly and
2 backfiring in downtown Seattle.

3 During the months of February and March 2024, complaints increased from residents and
4 workers in downtown Seattle regarding the Charger's loud engine. On or about February 24, 2024,
5 SPD stopped the Charger which was being driven by Defendant. SPD gave Defendant a verbal
6 warning for a moving violation. On or about February 26, 2024, SPD received a call from Defendant's
7 neighbor, who complained about the loudness of Defendant's vehicle, and for what sounded like three
8 gunshots fired. On or about February 26, 2024, at approximately 12:43 a.m., SPD observed loud
9 backfiring that sounded like gunshots and saw the Charger speeding off in an unknown direction.

10 On or about March 1, 2024, at just after midnight, SPD heard loud exhaust from several blocks
11 away. SPD caught up to the motor vehicle and observed Defendant revving the engine, which caused
12 the exhaust to 'pop,' sounding like a gunshot. SPD stopped Defendant and informed him that SPD
13 had received several complaints about his vehicle. SPD then cited Defendant for an unlawful muffler
14 and/or exhaust modification.

15 On or about March 7, 2024, at approximately 7:23 a.m., SPD received a complaint of a motor
16 vehicle driving around revving a loud engine. On or about March 9, 2024, at approximately 4:36 a.m.,
17 SPD received a complaint of a motor vehicle loudly revving and backfiring. On or about March 14,
18 2024, at approximately 2:53 a.m., SPD received a call about a Charger backfiring and revving. The
19 complainant provided the license plate number, which matched that of Defendant's Charger. A
20 responding officer who heard loud exhaust and backfiring, saw the Charger as he approached the area,
21 but it was not visible when he arrived at the intersection. SPD spoke to a nearby witness who said that
22 Defendant was seen nightly driving the Charger – speeding, revving the engine, and running red lights,
23 sometimes for hours at a time. The witness showed SPD a video they had taken of the Charger on

1 Second Avenue in downtown Seattle, accelerating and running a red light. On or about March 14,
2 2024, at approximately 2:51 a.m., SPD received a call about a male revving the engine while driving
3 the vehicle into the garage at/around the West Edge Apartments. On or about March 14, 2024, a video
4 was posted on the @srt.miles Instagram account. The video appears to be late at night and shows
5 Defendant remotely starting his Charger, which is parked on Second Avenue, and remotely revving it
6 from his balcony. In the video, the Charger's loud engine can be heard from the balcony, which is
7 many stories up from the street. Defendant comments on the loud sound of the engine. The video then
8 shows the Defendant driving, revving, and backfiring the Charger. On or about March 18, 2024, a
9 video was posted to the @srt.miles Instagram account showing Defendant doing donuts after receiving
10 driving tips from a friend and revving and backfiring the Charger. On or about March 20, 2024, SPD
11 prepared an incident report and referred Defendant for reckless driving based on an Instagram video
12 from February 2024. The video showed the Charger driving in Seattle and the speedometer is seen
13 reaching over 100 MPH while racing another vehicle.

14 On or about March 20, 2024, an SPD Officer on the Yesler overpass measured the Charger
15 travelling 38 MPH in a 25 MPH zone using a Lidar Speed Measurement instrument. SPD initiated a
16 traffic stop. Defendant, who was driving, stated he was going to keep driving in this manner because
17 of his social media following and that it was lucrative. Defendant stated, "I'm going to keep doing
18 what I'm doing. I'm going to make a career out of this." Defendant showed the officer his Instagram
19 page, which was an administrator account. SPD confirmed Defendant's social media identity as that
20 of the @srt.miles handle and observed that his voice was similar to the voice on all the videos. The
21 officer recognized the sound of the Charger from several other incidents in which he was working
22 downtown, heard the Charger from several blocks away, and then saw it. The officer has considerable
23 experience with racing engines and recognizes the unique tune of the Charger and its modifications.

1 On or about March 22, 2024, the City of Seattle charged Defendant with two counts of Reckless
2 Driving in Seattle Municipal Court Case Number 4240000362. On or about April 9, 2024, the Seattle
3 Municipal Court imposed conditions of release in that case, including that Defendant was not to drive
4 the Charger.

5 On or about March 27, 2024, at approximately 1:25 a.m., SPD stopped the Charger for a noise
6 violation at the intersection of Second Avenue and Pike Street. Defendant, who was driving, again
7 confirmed that the @srt.miles Instagram account was his social media page and that “the city doesn’t
8 like me cause I’m pretty loud.” SPD had a decibel meter and standing directly behind the vehicle
9 while it was in park and idling, read the decibel meter between 84-87 decibels. SPD gave Defendant
10 a verbal warning.

11 On or about March 29, 2024, the Seattle Department of Construction and Inspections (SDCI)
12 issued a civil Notice of Violation (NOV) in Case No. 1057987-VI due to creating a public nuisance
13 noise, for unlawful modification of a motor vehicle resulting in amplifying or increasing noise, and
14 operating a motor vehicle in a manner that the exhaust noise or engine noise can be heard more than
15 75 feet away. The NOV required that the Defendant restore the vehicle to a condition that complies
16 with the Seattle Municipal Code (SMC) and pass an inspection with the Police Department. The NOV
17 also required that Defendant not operate any motor vehicle that causes sound in violation of the SMC.
18 SDCI gave Defendant until April 15, 2024, to correct the violation or be subject to civil penalties of
19 up to \$1,300 per day after the deadline. Defendant did not request a review of the NOV and it became
20 a final order.

21 On or about April 16, 2024, a video was posted to the @srt.miles Instagram account. The video
22 shows an unknown woman driving the Charger with Defendant riding in the front passenger seat. At
23 the beginning of the video, Defendant gives her the keys and she revs the engine loudly.

1 The video shows the Charger running several yellow or red lights in downtown Seattle, and the engine
2 is heard revving throughout most of the video. On or about May 5, 2024, a video was posted to the
3 @srt.miles Instagram account. The video shows Defendant giving the Charger keys to a woman who
4 then revs the Charger engine at 2:15 a.m. The video then shows the woman driving the Charger,
5 revving the engine in downtown Seattle with Defendant.

6 On or about May 14, 2024, Rebecca Hudson, Defendant's mother, emailed the Seattle
7 Municipal Court and the City Attorney's Office, claiming that she was in possession of the Charger
8 and that she was working to bring it into compliance. *See* Exhibit C to Williams Decl. On May 30,
9 2024, Hudson sent an email to the undersigned Assistant City Attorneys giving them an update on the
10 vehicle. *See* Exhibit D to Williams Decl.

11 To date, Defendant remains out of compliance with SDCI's NOV 1057987-VI and has not
12 answered the City's Complaint.

13 **III. ISSUE**

14 Should the Court grant the City's Motion for a Default Judgment and award civil penalties,
15 service costs and statutory attorneys' fees where the Defendant has failed to answer the complaint or
16 appear on the case and there is proof of service on file with the court?

17 **IV. EVIDENCE RELIED UPON**

18 This motion is based on the Motion and Order for Default filed in this case, along with the
19 supporting Declaration of Assistant City Attorney Cindi Williams, and the associated pleadings and
20 records already on file with the Court.

21 **V. LEGAL AUTHORITY AND ARGUMENT**

22 This motion is made pursuant to Civil Rule for Courts of Limited Jurisdiction (CRLJ) 55(b)
23 which provides in part:

1 **(b) Entry of Default Judgment.** As limited in rule 54(c), judgment after default
2 may be entered as follows, if proof of service is on file as required by subsection
3 (b)(4):

4 (1) *When Amount Certain.* When the claim against a party, whose default has been
5 entered under section CRLJ 55 (a) is for a sum certain or for a sum which can by
6 computation be made certain, the court upon motion and affidavit of the amount due
7 shall enter judgment for that amount and costs against the party in default, if he is
8 not an infant or incompetent person.

9 Proof of service must be on file with the Court. CRLJ 55(b)(4). A defendant shall serve its
10 answer within 20 days after service of the summons and complaint pursuant to rule 4. CRLJ 12(a)(1).
11 Personal service is a method of service under CRLJ 4 (Process).

12 Seattle Municipal Code 25.08.800.A provides that a person is subject to cumulative civil penalties
13 in the amount of up to \$1,300.00 per day for each day that the failure to comply continues. SMC
14 25.08.765.C authorizes the City Attorney to take legal action in Seattle Municipal Court to enforce SMC
15 Title 25.

16 The amount requested by the City as due and owing by Defendant is an amount certain. The
17 City requests that this Court enter an Order of Default Judgment awarding unpaid civil penalties,
18 service costs, and statutory attorneys' fees which are allowed under SMC Title 25 and RCW 4.84.080.
19 The total civil penalty that the City could request for violations of SMC 25.08.490 is \$1300.00 per day
20 from the due date for compliance in the NOV. Based on the compliance date of April 15, 2024, the
21 total to the date of this hearing is \$83,200.00 for 64 days of noncompliance (64 x \$1,300 = \$83,200).
22 The civil penalties requested by the City are **\$83,200.00**. The City's costs for service are **\$219.97**.
23 The City also requests an award of statutory attorneys' fees in the amount of **\$200.00**. The total
24 amount for which the City requests this Court enter and Order of Default Judgment is **\$83,619.97**.

25 The City also requests this Court to enter an Order that orders Defendant to comply with SDCI
26 NOV 1057987-VI and SMC Title 25.

1 **IV. CONCLUSION**

2 For the reasons stated above, the City requests this Court enter total judgment of \$83,619.97.
3 The City further requests that the Court order the Defendant to comply with SDCI NOV 1057987-VI
4 and SMC Title 25 by restoring the Charger to a condition that complies with the requirements of the
5 Seattle Municipal Code and pass an inspection by the Seattle Police Department. The City requests
6 that this Court retain jurisdiction over this matter for purposes of ensuring compliance with these
7 conditions. A proposed order is submitted with this motion.

8 DATED this 31st day of May, 2024.

9 ANN DAVISON
10 Seattle City Attorney

11 By: /s/ Cindi Williams
12 **CINDI WILLIAMS, WSBA #27654**
13 **MAGDALENA PRATT, WSBA # 39616**
14 Assistant City Attorneys
15 Seattle City Attorney's Office
16 701 Fifth Avenue, Suite 2050
17 Seattle, WA 98104-7095
18 Phone: 206-727-8441
19 Email: cindi.williams@seattle.gov
20 Magdalena.pratt@seattle.gov
21 *Attorneys for Plaintiff, The City of Seattle*
22
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