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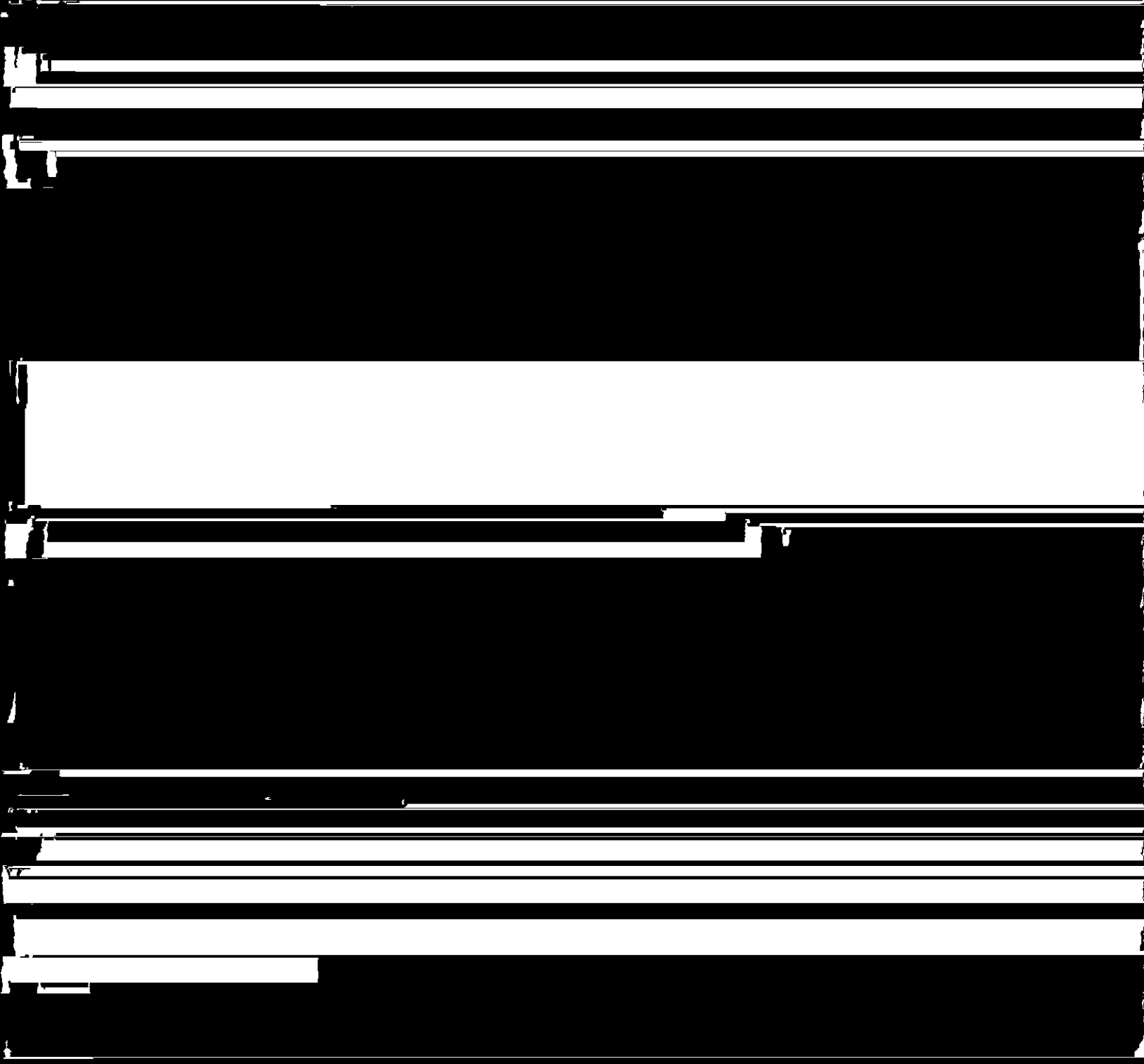
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FILED
IN COUNTY CLERK'S OFFICE

A.M. APR 23 2003 P.M.

PIERCE COUNTY, WASHINGTON
BY KEVIN STOCK, County Clerk
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON



1
2 **FIRST CAUSE OF ACTION**
3 **VIOLATION OF PUBLIC DISCLOSURE ACT**

4 Incorporating all other allegations, the Plaintiff further alleges:

5 1. The Defendants are governed by the Public Disclosure Act.

6 2. The Defendants have in their possession public records which Defendants
7 have refused to disclose pursuant to a public disclosure request, without a lawful
8 exemption, since October 28, 2002.

9
10 3. In 2002, the Defendants gave money to a for-profit corporation called The
11 Washington Firm, which conducted an investigation into allegations of misconduct by
12 one or more employees of Defendants, with Jane Doe and other members of the public
13 being one or more of the named victims.

14
15 4. Jane Doe was interviewed by a representative of The Washington Firm, who
16 stated that a report would be submitted to the Defendants.

17 5. The Plaintiff submitted a written request for public records from the Defendants
18 which were included in the investigation.

19
20 6. On October 28, 2002, Defendants responded by letter from Denise Greer,
21 Deputy Prosecuting Attorney, admitting that it had public records, but that "the
22 investigation concluded that Ms. Sawyers did not engage in any misconduct.
23 Accordingly, your request for the investigation records is denied pursuant to RCW
24 42.17.310(1)(b) and (d) as disclosure would violate the employee's right to privacy,
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2 since the records contain no specific instances of misconduct. Dawson v. Daly, 120
3 Wash. 2d at 782 (1993)."

4 7. On November 22, 2002, the Plaintiff reiterated her demand for access to the
5 public records contained in the investigation, pointing out that the records were not
6 exempt, and including attached published reports from 2002, indicating that disclosure
7 of public records had been ordered in substantially identical circumstances in Thurston
8 County.
9

10 8. The Defendants failed to respond to the Plaintiff's November letter.

11 9. The Defendants have continuously failed to produce public records which are
12 not subject to exemption, since October 28, 2002.

13 10. The Defendants' claimed exemptions of to producing any of the public
14 records are without merit.
15

16 11. To the extent any exempt information (such as social security numbers) is
17 contained in the public records, the Defendants are the only one in a position to identify
18 the exempt information (which they have not) and the Defendants could have redacted
19 any exempt information or seek a clarification of the request, although the request was
20 clearly stated as a request for the public records. The Defendants instead elected to
21 unlawfully refuse to produce any records.
22

23 12. All lawful periods for responding to the Plaintiff have expired without further
24 response by the Defendants.
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2 13. Public disclosure is mandated by the Washington State Legislature, and the
3 Washington State Judiciary is assigned the important role of policing public disclosure
4 violations.

5 14. Defendants knew and were aware of strong guidance against Defendants'
6 withholding public records, including notable recent decisions in which fines, costs and
7 legal fees have been assessed against the State of Washington Department of Labor
8 and Industries (\$13,000), and Thurston County (\$21,000).

9 15. By continuing to deny access to the records, the Defendants are in a
10 continuing violation.
11

12 RELIEF REQUESTED

13
14 1. This court should order the Defendants to appear and, without causing
15 Plaintiff to suffer further delay, fees and costs, answer to the complaint and produce for
16 Plaintiff any and all the requested public records or portions thereof which are subject to
17 public disclosure.
18

19 2. This court should order the Defendants to produce an unredacted
20 version of all the requested records or portions of records which Defendants believe
21 may be exempt or otherwise at issue for identification and in camera inspection by this
22 court.
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24 3. This court should order the Defendants to identify and recover all
25 requested records or portions of records which existed at the time of the Plaintiff's initial

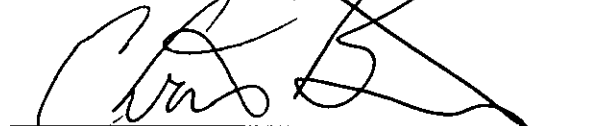
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request, but which may have subsequently been gutted, erased, discarded, archived, diverted to other public offices, or otherwise made difficult for Plaintiff to locate and review.

4. This court should order the Defendants to identify all persons and entities to whom the requested public information has already been given, in its original or redacted form.

5. This court should order Defendants to pay all monetary relief provided by law, including damages for wrongfully denying the request, continuing to delay production of the requested records, fines, costs and attorney fees, and such further relief as may be provided by statute, equity or as the Court may deem appropriate.

Dated this 23rd of April, 2003.



Christopher W. Bawn, WSBA #13417
Attorney for the Plaintiff