DEC 2 3 2016

Superior Court Linda Myhre Enlow Thurston County Clerk

2	M No Hearing Set ☐Hearing is Set: Date:	•	
3	Time:	•	
4	The Honorable Carol Murphy	•	
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7	STATE OF WASHINGTON THURSTON COUNTY SUPERIOR COURT		
8	SANTIAGO RODRIGUEZ,	NO. 16-2-02199-34	
9	Plaintiff,	ORDER DENYING PLAINTIFF	
10	v.	SANTIAGO RODRIGUEZ'S MOTION FOR PERMANENT INJUNCTION	
11	WASHINGTON STATE		
12	DEPARTMENT OF CORRECTIONS,		
13	Defendant,		
14	v.		
15	DAVID PIERCY,		
16	Defendant.	·	
17			
18	THIS MATTER came before the co	urt on Plaintiff Santiago Rodriguez's Motion for	
19	Permanent Injunction on November 18, 2	2016 and December 9, 2016. In reaching its	
20	decision, the court considered argument of	Santiago Rodriguez through his counsel Carson	
21	Cooper and the Washington State Departr	ment of Corrections through its counsel Cassie	
22	vanRoojen. Mr. Piercy was provided not	ice of this hearing but did not participate. The	
23	court also considered the following pleading	gs:	

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1 ∥ ☐ EXPEDITE

Complaint for Temporary Restraining Order and Injunction;

Plaintiff Santiago Rodriguez's Motion for Temporary Restraining Order;

1	3.	Declaration of Santiago Rodriguez re Motion for Temporary Restraining	
2	Order and the attached exhibits;		
3	4.	First Amended Complaint for Injunctive Relief;	
4	5.	Motion for Preliminary Injunction;	
5	6.	Declaration of Santiago Rodriguez re Motion for Preliminary Injunction and	
6	the attached exhibits;		
7	7.	Defendant Department of Corrections' Response to Plaintiff's Motion for	
8	Preliminary Injunction;		
9	8.	Declaration of Denise Vaughan and the attached exhibits;	
10	9.	Reply Brief in Support of Plaintiff's Motion for Preliminary Injunction;	
11	10.	Supplemental Declaration of Carson Cooper in Support of Reply to Motion	
12	For Preliminary Injunction;		
13	11.	Supplemental Declaration of Santiago Rodriguez in Support of Reply to	
14	Motion for Preliminary Injunction and the attached exhibits;		
15	12.	Order Granting Preliminary Injunction;	
16	13.	Proof of Service of Summons;	
۱7	14.	Order Setting Permanent Injunction Hearing Date;	
١8	15.	Plaintiff Santiago Rodriguez's Motion for In Camera Review;	
19	16.	Declaration of Richard Lubetzky;	
20	17.	Washington State Department of Corrections' Response to Motion for In	
21	Camera Review;		
22	18.	Order Denying In Camera Review;	
23	19.	Plaintiff Santiago Rodriguez's Motion to Allow Testimony by Telephonic	
24	Appearance or by Video Appearance;		
25	20.	Defendant Department of Corrections' Response to Plaintiff's Motion to	
6	Allow Testimony by Telephonic Appearance or by Video Conference;		

1	21. Reply In Support of Plaintiff's Motion to Allow Testimony by Telephonic		
2	Appearance or by Video Conference;		
3	22. Plaintiff Santiago Rodriguez's Motion for Permanent Injunction;		
4	23. Defendant Department of Corrections' Response to Plaintiff's Motion for		
5	Permanent Injunction;		
6	24. Reply Brief in Support of Plaintiff's Motion for Permanent Injunction;		
7	25. Declaration of David Piercy in Opposition to Request for Permanent		
8	Injunction;		
9	26. Defendant Department of Corrections' Supplemental Response to Plaintiff's		
10	Motion for Permanent Injunction;		
11	27. Supplemental Reply in Support of Rodriguez's Motion for Permanent		
12	Injunction;		
13	28. Declaration of Jane Brown in Support of Motion for Permanent Injunction		
14	and the attached Exhibits;		
15	29. Praecipe; and		
16	30. Supplemental Authority for Rodriguez's Motion for Permanent Injunction		
17	(raising a Constitutional basis for exemption).		
18	I. FINDINGS OF FACT		
19	In reaching its decision, the Court finds that it is unnecessary to resolve any factual		
20	disputes between the parties, and as such, the Court makes no findings of fact in issuing this		
21	ruling.		
22			
23	II. CONCLUSIONS OF LAW		
24	1. This is an action under the Public Records Act, RCW Ch. 42.56. RCW		
25	42.56.540 provides a procedural mechanism for enjoining the production of records under the		
26	Public Records Act.		

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- 2. Because this is an action under the Public Records Act, RCW 42.56.540 is the appropriate standard for this Court to consider in enjoining the release of records under the Public Records Act. Relying on the generalized injunction standard and this court's inherent authority to enjoin release of the records is inappropriate in this action because RCW 42.56.540 is specifically designed for actions such as this. As such, this court applied the more specific injunction standard found in RCW 42.56.540 in making its ruling.
- 3. RCW 42.56.540 is only a procedural mechanism and requires a separate statutory exemption under the Public Records Act for enjoining the release of the records.
- 4. There is no statutory basis justifying the withholding or enjoining release of the records at issue in this case. The records are not exempt under the Public Records Act.

III. ORDER

Based on the above conclusions of law, it is hereby ORDERED:

1. This action is hereby **DISMISSED**;

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1	2. The Department shall produce the req	uested records to Piercy as required under	
2	II a	ot occur before December 16, 2016.	
3	DATED this 23 day of December, 2016.		
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5	The Ho	orable Carol Murphy	
6	Thurston	n County Superior Court Judge	
7	Presented by: ROBERT W. FERGUSON		
8	Attomory Compusi		
9	O Priorition ?	inhelia	
10	CASSIE vanROOJEN, WSBA #44049	DATE	
11	Assistant Attorney General Attorney for Department of Corrections		
12	Approved as to form:		
13			
14	Jane E. Brown, WSBA #48763 Carson Cooper, WSBA #44252	DATE	
15			
16		•	
17	David Piercy Pro Se Defendant or Interested Party	DATE	
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1	CERTIFICATE OF SERVICE	
2	I hereby certify that the date below, I caused the ORDER DENYING PLAINTIFF	
3	SANTIAGO RODRIGUEZ'S MOTION FOR PERMANENT INJUNCTION to be filed with	
4	the Clerk of the Court and I further certify that I served a copy of the foregoing document on	
5	all parties or their counsel of record as follows:	
6	☐ U.S. Mail and courtesy copy via e-mail:	
7 8 9 10	CARSON COOPER JANE E. BROWN LANE POWELL PC 1420 FIFTH AVENUE, SUITE 4200 PO BOX 91302 SEATTLE WA 98111-9402 cooperc@lanepowell.com brownje@lanepowell.com	
12	☑ U.S. Mail and courtesy copy via e-mail:	
13 14 15	DAVID PIERCY PO BOX 3513 CLOVIS, CA 93613 dnpiercy@gmail.com	
16	I declare under penalty of perjury under the laws of the State of Washington that the	
17	foregoing is true and correct.	
18	EXECUTED this 23rd day of December, 2016, at Olympia, Washington.	
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20	AMY JONES	
21	Legal Assistant AmyJ@atg.wa.gov	
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