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CITY OF SHORELINE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

ERIC HOOD		NO. 20-2-06547-1 SEA
	Plaintiff(s)	ORDER SETTING CIVIL CASE SCHEDULE
vs		ASSIGNED JUDGE: NORTH, Dept. 30
City of Shoreline		FILED DATE: 03/13/2020
	Defendant(s)	TRIAL DATE: 03/15/2021

A civil case has been filed in the King County Superior Court and will be managed by the Case Schedule on Page 3 as ordered by the King County Superior Court Presiding Judge.

I. NOTICES

NOTICE TO PLAINTIFF: The Plaintiff may serve a copy of this **Order Setting Case Schedule (Schedule)** on the Defendant(s) along with the **Summons and Complaint/Petition**. Otherwise, the Plaintiff shall serve the *Schedule* on the Defendant(s) within 10 days after the later of: (1) the filing of the **Summons and Complaint/Petition** or (2) service of the Defendant's first response to the **Complaint/Petition**, whether that response is a **Notice of Appearance**, a response, or a Civil Rule 12 (CR 12) motion. The *Schedule* may be served by regular mail, with proof of mailing to be filed promptly in the form required by Civil Rule 5 (CR 5).

NOTICE TO ALL PARTIES:

All attorneys and parties should make themselves familiar with the King County Local Rules [KCLCR] – especially those referred to in this **Schedule**. In order to comply with the **Schedule**, it will be necessary for attorneys and parties to pursue their cases vigorously from the day the case is filed. For example, discovery must be undertaken promptly in order to comply with the deadlines for joining additional parties, claims, and defenses, for disclosing possible witnesses [See KCLCR 26], and for meeting the discovery cutoff date [See KCLCR 37(g)].

You are required to give a copy of these documents to all parties in this case.

I. NOTICES (continued)

CROSSCLAIMS, COUNTERCLAIMS AND THIRD PARTY COMPLAINTS:

A filing fee of \$240 must be paid when any answer that includes additional claims is filed in an existing case.

KCLCR 4.2(a)(2)

A Confirmation of Joinder, Claims and Defenses or a Statement of Arbitrability must be filed by the deadline in the schedule. The court will review the confirmation of joinder document to determine if a hearing is required. If a Show Cause order is issued, all parties cited in the order must appear before their Chief Civil Judge.

PENDING DUE DATES CANCELED BY FILING PAPERS THAT RESOLVE THE CASE:

When a final decree, judgment, or order of dismissal of all parties and claims is filed with the Superior Court Clerk's Office, and a courtesy copy delivered to the assigned judge, all pending due dates in this *Schedule* are automatically canceled, including the scheduled Trial Date. It is the responsibility of the parties to 1) file such dispositive documents within 45 days of the resolution of the case, and 2) strike any pending motions by notifying the bailiff to the assigned judge.

Parties may also authorize the Superior Court to strike all pending due dates and the Trial Date by filing a *Notice of Settlement* pursuant to KCLCR 41, and forwarding a courtesy copy to the assigned judge. If a final decree, judgment or order of dismissal of all parties and claims is not filed by 45 days after a *Notice of Settlement*, the case may be dismissed with notice.

If you miss your scheduled Trial Date, the Superior Court Clerk is authorized by KCLCR 41(b)(2)(A) to present an *Order of Dismissal*, without notice, for failure to appear at the scheduled Trial Date.

NOTICES OF APPEARANCE OR WITHDRAWAL AND ADDRESS CHANGES:

All parties to this action must keep the court informed of their addresses. When a Notice of Appearance/Withdrawal or Notice of Change of Address is filed with the Superior Court Clerk's Office, parties must provide the assigned judge with a courtesy copy.

ARBITRATION FILING AND TRIAL DE NOVO POST ARBITRATION FEE:

A Statement of Arbitrability must be filed by the deadline on the schedule **if the case is subject to mandatory arbitration** and service of the original complaint and all answers to claims, counterclaims and cross-claims have been filed. If mandatory arbitration is required after the deadline, parties must obtain an order from the assigned judge transferring the case to arbitration. **Any party filing a Statement must pay a \$250 arbitration fee.** If a party seeks a trial de novo when an arbitration award is appealed, a fee of \$400 and the request for trial de novo must be filed with the Clerk's Office Cashiers.

NOTICE OF NON-COMPLIANCE FEES:

All parties will be assessed a fee authorized by King County Code 4A.630.020 whenever the Superior Court Clerk must send notice of non-compliance of schedule requirements and/or Local Civil Rule 41.

King County Local Rules are available for viewing at www.kingcounty.gov/courts/clerk.

II. CASE SCHEDULE

*	CASE EVENT	EVENT DATE
	Case Filed and Schedule Issued.	03/13/2020
*	Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing [See <i>KCLMAR 2.1(a)</i> and <i>Notices on Page 2</i>]. \$220 arbitration fee must be paid	08/21/2020
*	DEADLINE to file Confirmation of Joinder if not subject to Arbitration [See <i>KCLCR 4.2(a)</i> and <i>Notices on Page 2</i>].	08/21/2020
	DEADLINE for Hearing Motions to Change Case Assignment Area [KCLCR 82(e)].	09/04/2020
	DEADLINE for Disclosure of Possible Primary Witnesses [See <i>KCLCR 26(k)</i>].	10/12/2020
	DEADLINE for Disclosure of Possible Additional Witnesses [See <i>KCLCR 26(k)</i>].	11/23/2020
	DEADLINE for Jury Demand [See <i>KCLCR 38(b)(2)</i>].	12/07/2020
	DEADLINE for a Change in Trial Date [See <i>KCLCR 40(e)(2)</i>].	12/07/2020
	DEADLINE for Discovery Cutoff [See <i>KCLCR 37(g)</i>].	01/25/2021
	DEADLINE for Engaging in Alternative Dispute Resolution [See <i>KCLCR 16(b)</i>].	02/16/2021
	DEADLINE: Exchange Witness & Exhibit Lists & Documentary Exhibits [KCLCR 4(j)].	02/22/2021
*	DEADLINE to file Joint Confirmation of Trial Readiness [See <i>KCLCR 16(a)(1)</i>]	02/22/2021
	DEADLINE for Hearing Dispositive Pretrial Motions [See <i>KCLCR 56; CR 56</i>].	03/01/2021
*	Joint Statement of Evidence [See <i>KCLCR 4 (k)</i>]	03/08/2021
	DEADLINE for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law and Jury Instructions (Do not file proposed Findings of Fact and Conclusions of Law with the Clerk)	03/08/2021
	Trial Date [See <i>KCLCR 40</i>].	03/15/2021

The * indicates a document that must be filed with the Superior Court Clerk's Office by the date shown.

III. ORDER

Pursuant to King County Local Rule 4 [KCLCR 4], IT IS ORDERED that the parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for non-compliance. It is FURTHER ORDERED that the party filing this action **must** serve this *Order Setting Civil Case Schedule* and attachment on all other parties.

DATED: 03/13/2020



PRESIDING JUDGE

IV. ORDER ON CIVIL PROCEEDINGS FOR ASSIGNMENT TO JUDGE

READ THIS ORDER BEFORE CONTACTING YOUR ASSIGNED JUDGE.

This case is assigned to the Superior Court Judge whose name appears in the caption of this case schedule. The assigned Superior Court Judge will preside over and manage this case for all pretrial matters.

COMPLEX LITIGATION: If you anticipate an unusually complex or lengthy trial, please notify the assigned court as soon as possible.

APPLICABLE RULES: Except as specifically modified below, all the provisions of King County Local Civil Rules 4 through 26 shall apply to the processing of civil cases before Superior Court Judges. The local civil rules can be found at www.kingcounty.gov/courts/clerk/rules/Civil.

CASE SCHEDULE AND REQUIREMENTS: Deadlines are set by the case schedule, issued pursuant to Local Civil Rule 4.

THE PARTIES ARE RESPONSIBLE FOR KNOWING AND COMPLYING WITH ALL DEADLINES IMPOSED BY THE COURT'S LOCAL CIVIL RULES.

A. Joint Confirmation regarding Trial Readiness Report

No later than twenty one (21) days before the trial date, parties shall complete and file (with a copy to the assigned judge) a joint confirmation report setting forth whether a jury demand has been filed, the expected duration of the trial, whether a settlement conference has been held, and special problems and needs (e.g., interpreters, equipment).

The Joint Confirmation Regarding Trial Readiness form is available at www.kingcounty.gov/courts/scforms. If parties wish to request a CR 16 conference, they must contact the assigned court. Plaintiff's/petitioner's counsel is responsible for contacting the other parties regarding the report.

B. Settlement/Mediation/ADR

a. Forty five (45) days before the trial date, counsel for plaintiff/petitioner shall submit a written settlement demand. Ten (10) days after receiving plaintiff's/petitioner's written demand, counsel for defendant/respondent shall respond (with a counter offer, if appropriate).

b. Twenty eight (28) days before the trial date, a Settlement/Mediation/ADR conference shall have been held. FAILURE TO COMPLY WITH THIS SETTLEMENT CONFERENCE REQUIREMENT MAY RESULT IN SANCTIONS.

C. Trial

Trial is scheduled for 9:00 a.m. on the date on the case schedule or as soon thereafter as convened by the court. The Friday before trial, the parties should access the court's civil standby calendar on the King County Superior Court website www.kingcounty.gov/courts/superiorcourt to confirm the trial judge assignment.

MOTIONS PROCEDURES

A. Noting of Motions

Dispositive Motions: All summary judgment or other dispositive motions will be heard with oral argument before the assigned judge. The moving party must arrange with the hearing judge a date and time for the hearing, consistent with the court rules. Local Civil Rule 7 and Local Civil Rule 56 govern procedures for summary judgment or other motions that dispose of the case in whole or in part. The local civil rules can be found at www.kingcounty.gov/courts/clerk/rules/Civil.

Non-dispositive Motions: These motions, which include discovery motions, will be ruled on by the assigned judge without oral argument, unless otherwise ordered. All such motions must be noted for a date by which the ruling is requested; this date must likewise conform to the applicable notice requirements. Rather than noting a time of day, the Note for Motion should state "Without Oral Argument." Local Civil Rule

7 governs these motions, which include discovery motions. The local civil rules can be found at www.kingcounty.gov/courts/clerk/rules/Civil.

Motions in Family Law Cases not involving children: Discovery motions to compel, motions in limine, motions relating to trial dates and motions to vacate judgments/dismissals shall be brought before the assigned judge. All other motions should be noted and heard on the Family Law Motions calendar. Local Civil Rule 7 and King County Family Law Local Rules govern these procedures. The local rules can be found at www.kingcounty.gov/courts/clerk/rules.

Emergency Motions: Under the court's local civil rules, emergency motions will usually be allowed only upon entry of an Order Shortening Time. However, some emergency motions may be brought in the Ex Parte and Probate Department as expressly authorized by local rule. In addition, discovery disputes may be addressed by telephone call and without written motion, if the judge approves in advance.

B. Original Documents/Working Copies/ Filing of Documents: All original documents must be filed with the Clerk's Office. Please see information on the Clerk's Office website at www.kingcounty.gov/courts/clerk regarding the requirement outlined in LGR 30 that attorneys must e-file documents in King County Superior Court. The exceptions to the e-filing requirement are also available on the Clerk's Office website. The local rules can be found at www.kingcounty.gov/courts/clerk/rules.

The working copies of all documents in support or opposition must be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the assigned judge. The assigned judge's working copies must be delivered to his/her courtroom or the Judges' mailroom. Working copies of motions to be heard on the Family Law Motions Calendar should be filed with the Family Law Motions Coordinator. Working copies can be submitted through the Clerk's office E-Filing application at www.kingcounty.gov/courts/clerk/documents/eWC.

Service of documents: Pursuant to Local General Rule 30(b)(4)(B), e-filed documents shall be electronically served through the e-Service feature within the Clerk's eFiling application. Pre-registration to accept e-service is required. E-Service generates a record of service document that can be e-filed. Please see the Clerk's office website at www.kingcounty.gov/courts/clerk/documents/efiling regarding E-Service.

Original Proposed Order: Each of the parties must include an original proposed order granting requested relief with the working copy materials submitted on any motion. **Do not file the original of the proposed order with the Clerk of the Court.** Should any party desire a copy of the order as signed and filed by the judge, a pre-addressed, stamped envelope shall accompany the proposed order. The court may distribute orders electronically. Review the judge's website for information: www.kingcounty.gov/courts/SuperiorCourt/judges.

Presentation of Orders for Signature: All orders must be presented to the assigned judge or to the Ex Parte and Probate Department, in accordance with Local Civil Rules 40 and 40.1. Such orders, if presented to the Ex Parte and Probate Department, shall be submitted through the E-Filing/Ex Parte via the Clerk application by the attorney(s) of record. E-filing is not required for self-represented parties (non-attorneys). If the assigned judge is absent, contact the assigned court for further instructions. If another judge enters an order on the case, counsel is responsible for providing the assigned judge with a copy.

Proposed orders finalizing settlement and/or dismissal by agreement of all parties shall be presented to the Ex Parte and Probate Department. Such orders shall be submitted through the E-Filing/Ex Parte via the Clerk application by the attorney(s) of record. E-filing is not required for self-represented parties (non-attorneys). Formal proof in Family Law cases must be scheduled before the assigned judge by contacting the bailiff, or formal proof may be entered in the Ex Parte Department. **If final order and/or formal proof are entered in the Ex Parte and Probate Department, counsel is responsible for providing the assigned judge with a copy.**

C. Form

Pursuant to Local Civil Rule 7(b)(5)(B), the initial motion and opposing memorandum shall not exceed 4,200 words and reply memoranda shall not exceed 1,750 words without authorization of the court. The word count

includes all portions of the document, including headings and footnotes, except 1) the caption; 2) table of contents and/or authorities, if any; and 3): the signature block. Over-length memoranda/briefs and motions supported by such memoranda/briefs may be stricken.

IT IS SO ORDERED. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTIONS. PLAINTIFF/PETITIONER SHALL FORWARD A COPY OF THIS ORDER AS SOON AS PRACTICABLE TO ANY PARTY WHO HAS NOT RECEIVED THIS ORDER.



PRESIDING JUDGE

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING**

Eric Hood

vs

City of Shoreline

No. 20-2-06547-1 SEA

**CASE INFORMATION COVER SHEET AND
AREA DESIGNATION**

(CICS)

CAUSE OF ACTION

PRA - Public Records Act

AREA OF DESIGNATION

SEA

Defined as all King County north of Interstate 90 and including all of Interstate 90 right of way, all of the cities of Seattle, Mercer Island, Issaquah, and North Bend, and all of Vashon and Maury Islands.

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE KING COUNTY

ERIC HOOD,

Plaintiff,

SUMMONS

vs.

CITY OF SHORELINE,

Defendant.

TO THE DEFENDANT: A lawsuit has been started against you in the above entitled court by Eric Hood. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within 20 days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what he asks for because you have not responded. If you serve a notice of appearance on the undersigned person, you are entitled to notice before a default judgment may be entered.

You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the person signing this summons. Within

1 14 days after you serve the demand, the plaintiff must file this lawsuit with the court, or the
2 service on you of this summons and complaint will be void.

3 If you wish to seek the advice of an attorney in this matter, you should do so promptly so
4 that your written response, if any, may be served on time.

5 This summons is issued pursuant to rule 4 of the Superior Court Civil Rules of the State
6 of Washington.

7 RESPECTFULLY SUBMITTED this 13th day of March, 2020, by
8

9
10 /s/Eric Hood
11 Eric Hood
12 PO Box 1547, 5256 Foxglove Lane
13 Langley, WA 98260
14 360.632,9134
15 ericfence@yahoo.com
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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY**

ERIC HOOD,
Plaintiff,
vs.
CITY OF SHORELINE,
Defendant.

NO.
**COMPLAINT FOR VIOLATIONS OF
THE PUBLIC RECORDS ACT**

COMES NOW, the Plaintiff, herein and for claims. against the Defendant complains and alleges as follows:

I. JURISDICTION AND VENUE

1.1 Jurisdiction in this Court is proper under RCW 2.08.010, because jurisdiction has not been exclusively vested in another court by law, and because RCW 42.56.550(1) authorizes “[j]udicial review of all agency actions taken or challenged under RCW42.56.030 through RCW 42.56.520.”

1.2 Venue in this Court is proper pursuant to RCW 42.56.550(1) because, on information and belief, at least one of the requested records is maintained in King County.

//

1 II. PARTIES

2 2.1 Plaintiff Eric Hood (“Hood”) is an individual residing primarily in Island County,
3 Washington State.

4 2.2 Defendant City of Shoreline (City”) was at all material times herein, an agency as
5 defined in RCW 42.56.010, subject to the PRA, and responsible for the actions of its employees
6 pursuant to RCW 42.56.550.

7
8 III. FACTS

9 3.1 On January 25, 2019, Hood emailed <dwittinger@ronaldwastewater.org>. His
10 email stated in relevant part,

11 To the person in charge of public records,

12 I heard the District was recently audited by the state auditor. May I have all records it got
13 from the auditor and all records of its response to the audit or to the audit report? Please
14 send them via email or I can share a dropbox.

15 3.2 On February 4, 2019 Hood received an email from Sara Ziegenbein
16 <sziegenbein@shorelinewa.gov>. It acknowledged and repeated verbatim his request, and stated
17 in relevant part,

18 The City has reviewed your request and has interpreted it to be a request for audit report
19 records received by Ronald Wastewater District from the Office of the Washington State
20 Auditor and any subsequent records provided by Ronald Wastewater District to the Office
21 of the Washington State Auditor in response to the Washington State Auditor Report. If
22 this interpretation is incorrect, please let me know as soon as possible and provide
23 clarification regarding the records you seek.

24 Using the City interpretation, outlined above, the City has completed processing your
25 request, responsive hard copy records have been compiled, and are available for
review. Please let me know if you would like to arrange for inspection of these records at
the Clerk’s office, free of charge, or purchase copies. [...]

1 This completes the City's response to your request, if you have any questions, please feel
2 to call me at (206) 801-2235; Otherwise I will consider this request closed.

3 3.3 On March 13, 2019, Hood received an email from
4 <sziegenbein@shorelinewa.gov>. It attached a receipt of Hood's payment to the City for records,
5 and provided a URL address, user name and password at which he could view and download the
6 scanned hardcopies provided him by the City.

7 3.4 The URL site contained 45 pages of records, which Hood downloaded to his
8 computer.

9 3.5 As of the date of this complaint, the City had not further communicated with Hood.

10 3.6 Upon information and belief, the City understood or was capable of understanding
11 that Hood's request encompassed records in addition to what it produced to him.

12 3.7 Upon information and belief, the City was capable of requesting clarification of
13 Hood's records request, if it needed any.

14 3.8 Upon information and belief, the City withholds records of public importance that
15 are responsive to Hood's request.
16

17
18 IV. CAUSE OF ACTION

19 4.1 Plaintiff realleges and incorporates by reference each allegation of paragraphs 1.1
20 through 3.8, inclusive, as if alleged herein.

21 4.2 The City is a local agency. *See* RCW 42.56.010(1).

22 4.3 Mr. Hood's request described in paragraph 3.1 is a request for identifiable classes
23 of public records, made pursuant to the Public Records Act.
24
25

1 4.4 As an agency, the City has a statutory duty to “honor requests received in person
2 during an agency’s normal office hours, or by mail or email, for identifiable public records unless
3 exempted by provisions of [the Public Records Act.” RCW 42.56.080(2).

4 4.5 As an agency, the City has a statutory duty to respond within five business days of
5 receiving a public records request by

6 (a) [p]roviding the record[s]; (b) [p]roviding an internet address and link on the agency's
7 web site to the specific records requested...; (c) [a]cknowledging that the agency...has
8 received the request and providing a reasonable estimate of the time the agency...will
9 require to respond to the request; (d) Acknowledging that the agency [...] has received the
request and asking the requestor to provide clarification for a request that is unclear [...];
or (e) [d]enying the public record request.

10 RCW 42.56.520(1).

11 4.6 For any record it withholds, the City has a statutory duty to provide “a statement of
12 the specific exemption authorizing the withholding of the record...and a brief explanation of how
13 the exemption applies to the record withheld.” RCW 42.56.210(3).

14 4.6 The City has a duty to conduct an adequate search for responsive records.

15 4.7 The City has a statutory duty to

16 adopt and enforce reasonable rules and regulations ... consonant with the intent of this
17 chapter to provide full public access to public records [and] to protect public records from
18 damage or disorganization [...]. Such rules and regulations shall provide for the fullest
assistance to inquirers and the most timely possible action on requests for information.

19 RCW 42.56.100.

20 4.8 The City has a statutory duty to adequately train its employees pursuant to RCW
21 42.56.150.

22 4.9 Upon information and belief, the City, at a minimum, breached its duties referenced
23 in paragraphs 4.4 through 4.10.

24 //
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1
2 V. RESERVATION OF RIGHTS

3 5.1 Mr. Hood reserves the right to amend this complaint regarding the factual allegations
4 contained herein, and to add any and all other claims. that have or may arise from the facts
5 underlying this lawsuit.
6

7 VI. PRAYER FOR RELIEF

8 WHEREFORE, Plaintiff Eric Hood asks the Court for the following relief:

9 6.1 That this Court order the City to promptly and properly respond to Mr. Hood's public
10 records request, including producing all non-exempt records, and disclosing all exempt records
11 and providing a brief explanation for any withholding.
12

13 6.2 That this Court award all costs, including reasonable attorney fees incurred in
14 connection with this legal action, to Mr. Hood pursuant to RCW 42.56.550(4);

15 6.4 That this Court award a monetary penalty for each day that Mr. Hood was denied
16 the right to inspect and copy each record requested pursuant to RCW 42.56.550(4); and

17 6.5 Any such other relief as this Court may deem just, equitable, and proper under the
18 circumstances.

19 DATED this 13th day of March, 2020
20

21 By /s/Eric Hood
22 Eric Hood
23
24
25