

FILED
NOV 18 2019
WHITMAN COUNTY CLERK

19-2-00215-38
CWP
Complaint
7/20/2019



**SUPERIOR COURT OF WASHINGTON
FOR WHITMAN COUNTY**

ERIC HOOD,

Plaintiff,

vs.

CITY OF PULLMAN,

Defendant.

No.

19 2 00215 38

**COMPLAINT FOR VIOLATIONS OF
THE PUBLIC RECORDS ACT**

Plaintiff, Eric Hood brings this Complaint against City of Pullman and in support thereof avers the following:

I. JURISDICTION

- 1.1 This court has jurisdiction pursuant to RCW 42.56.550(1).
- 1.2 Venue is appropriate in Whitman County pursuant to RCW 42.56.550(1).

II. PARTIES

2.1 Plaintiff Eric Hood ("Hood"), an individual, resides primarily in Island County, Washington State.

2.2 Defendant, City of Pullman ("City") was at all material times herein, an agency as defined in RCW 42.56.010, subject to the PRA, and responsible for the actions of its employees in responding to requests for records pursuant to RCW 42.56.550.

**COMPLAINT FOR VIOLATIONS OF
THE PUBLIC RECORDS ACT**
Page 1 of 4

ERIC HOOD, PRO SE
PO Box 1547, 5256 Foxglove Lane
Langley, WA 98260
360.632.9134
ericfence@yahoo.com

III. FACTS

3.1 The City is subject to the Public Records Act, Chap. 42.56 RCW.

3.2 On November 20, 2018 Hood submitted a request for records to the City Clerk on the City's web portal. His request stated in relevant part:

Public records officer, Please send me, in electronic format by email or dropbox, all records you received from the State Auditor regarding its most recent financial audit of the City. Also please send all records of any response to the audit or to the auditor's report.

3.3 The same day Hood received an email with a 93-page attachment from the Clerk at dee.stiles@pullman-wa.gov.

3.4 On November 21, 2018 Hood sent an email to the Clerk stating, "Thanks Dee. I haven't had a chance yet to look at what you sent but will you be sending anything else or is that it?"

3.5 The same day, the clerk emailed Hood, stating in relevant part,

I emailed you the same documents that were uploaded to GovQA, which is the auditor's report. Also you can locate all City of Pullman audits on the City of Pullman website located at www.pullman-wa.gov under the finance department. If you have any questions, please don't hesitate to contact me.

3.6 On June 26, 2019 Hood emailed the clerk, stating, "I am still unable to sign in to the website after multiple tries, so I don't know what all records you sent."

3.7 The same day, the clerk emailed Hood an attachment that was identical to the one he received on November 20, 2018

3.8 The City provided no exemption log or written explanation of exemptions.

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

IV. CAUSE OF ACTION

4.1 Plaintiff realleges and incorporates by reference each allegation of paragraphs 1.1 through 3.9, inclusive, as if alleged herein.

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

2 4.3 Mr. Hood's request described in paragraph 3.1 is a request for identifiable classes
3 of public records, made pursuant to the Public Records Act.

4 4.4 As an agency, the City has a statutory duty to "honor requests received in person
5 during an agency's normal office hours, or by mail or email, for identifiable public records unless
6 exempted by provisions of [the Public Records Act." RCW 42.56.080(2).

7 4.5 For any record it withholds, the City has a statutory duty to provide "a statement of
8 the specific exemption authorizing the withholding of the record...and a brief explanation of how
9 the exemption applies to the record withheld." RCW 42.56.210(3).

10 4.6 The City has a duty to conduct an adequate search for responsive records.

11 4.7 The City has a statutory duty to "adopt and enforce reasonable rules and regulations
12 ... consonant with the intent of this chapter to provide full public access to public records [and] to
13 protect public records from damage or disorganization ... Such rules and regulations shall provide
14 for the fullest assistance to inquirers and the most timely possible action on requests for
15 information." RCW 42.56.100.

16 4.8 The City has a statutory duty to adequately train its employees pursuant to RCW
17 42.56.150.

18 4.9 Upon information and belief, the City, at a minimum, breached its duties referenced
19 in paragraphs 4.4 through 4.8.

20 4.10 Mr. Hood is entitled to an award of reasonable attorneys' fees and costs pursuant
21 to RCW 42.56.550(4).

1 **V. RESERVATION OF RIGHTS**

2 5.1 Mr. Hood reserves the right to amend this complaint regarding the factual allegations
3 contained herein, and to add any and all other claims that have or may arise from the facts
4 underlying this lawsuit.

5 **VI. PRAYER FOR RELIEF**

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

7 6.1 That this Court order the City to promptly and properly respond to Mr. Hood's
8 public records request, including producing all non-exempt records, disclosing all exempt records
9 and providing a proper explanation for any withholding;

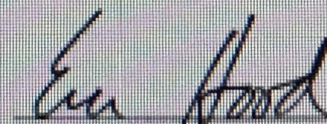
10 6.2 That this Court award all costs, including reasonable fees incurred in connection
11 with this legal action, to Mr. Hood pursuant to RCW 42.56.550(4);

12 6.4 That this Court award a monetary penalty for each day that Mr. Hood was denied
13 the right to inspect and copy each record requested pursuant to RCW 42.56.550(4);

14 6.5 That this Court order the City to promptly and properly "adopt and enforce
15 reasonable rules and regulations, [...that] shall provide for the fullest assistance to inquirers and
16 the most timely possible action on requests for information" pursuant to RCW 42.56.100;

17 6.5 Any such other relief as this Court may deem just, equitable, and proper under the
18 circumstances.
19

20 RESPECTFULLY SUBMITTED this 14th day of November, 2019 by

21
22 

23 Eric Hood, pro se
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ericfence@yahoo.com

FILED
DEC 09 2019
JILL E. WHELCHER
WHITMAN COUNTY CLERK

19-2-00215-38
AMCPT
Amended Complaint
TJG/MSB



**SUPERIOR COURT OF WASHINGTON
FOR WHITMAN COUNTY**

ERIC HOOD,

No. 19-2-00215-38

Plaintiff,

vs.

**AMENDED COMPLAINT FOR
VIOLATIONS OF THE PUBLIC
RECORDS ACT**

CITY OF PULLMAN,

Defendant.

Plaintiff, Eric Hood brings this Complaint against City of Pullman and in support thereof avers the following:

I. JURISDICTION

- 1.1 This court has jurisdiction pursuant to RCW 42.56.550(1).
- 1.2 Venue is appropriate in Whitman County pursuant to RCW 42.56.550(1).

II. PARTIES

2.1 Plaintiff Eric Hood ("Hood"), an individual, resides primarily in Island County, Washington State.

2.2 Defendant, City of Pullman ("City") was at all material times herein, an agency as defined in RCW 42.56.010, subject to the PRA, and responsible for the actions of its employees in responding to requests for records pursuant to RCW 42.56.550.

III. FACTS

3.1 The City is subject to the Public Records Act, Chap. 42.56 RCW.

3.2 On November 20, 2018 Hood submitted a request for records to the City Clerk on the City's web portal. His request stated in relevant part:

Public records officer, Please send me, in electronic format by email or dropbox, all records you received from the State Auditor regarding its most recent financial audit of the City. Also please send all records of any response to the audit or to the auditor's report.

3.3 The same day Hood received an email with a 93-page attachment from the Clerk at dee.stiles@pullman-wa.gov.

3.4 On November 21, 2018 Hood sent an email to the Clerk stating, "Thanks Dec. I haven't had a chance yet to look at what you sent but will you be sending anything else or is that it?"

3.5 The same day, the clerk emailed Hood, stating in relevant part,

I emailed you the same documents that were uploaded to GovQA, which is the auditor's report. Also you can locate all City of Pullman audits on the City of Pullman website located at www.pullman-wa.gov under the finance department. If you have any questions, please don't hesitate to contact me.

3.6 On June 26, 2019 Hood emailed the clerk, stating, "I am still unable to sign in to the website after multiple tries, so I don't know what all records you sent."

3.7 The same day, the clerk emailed Hood an attachment that was identical to the one he received on November 20, 2018

3.8 The City provided no exemption log or written explanation of exemptions.

3.9 As of the date Hood filed his initial complaint, the City had not further communicated with Hood.

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

1 3.11 Upon information and belief, if the City considered Hood's request to be unclear
2 prior to his filing this lawsuit, then it was capable of requesting clarification.
3

4 IV. CAUSE OF ACTION

5 4.1 Plaintiff realleges and incorporates by reference each allegation of paragraphs 1.1
6 through 3.11, inclusive, as if alleged herein.
7

8 4.2 The City is an agency. See RCW 42.56.010(1).

9 4.3 Mr. Hood's request described in paragraph 3.1 is a request for identifiable classes
10 of public records, made pursuant to the Public Records Act.

11 4.4 As an agency, the City has a statutory duty to "honor requests received in person
12 during an agency's normal office hours, or by mail or email, for identifiable public records
13 unless exempted by provisions of [the Public Records Act]." RCW 42.56.080(2).

14 4.5 As an agency, the City has a statutory duty to respond within five business days of
15 receiving a public records request by

16 (a) [p]roviding the record[s]; (b) [p]roviding an internet address and link on the agency's
17 web site to the specific records requested...; (c) [a]cknowledging that the agency...has
18 received the request and providing a reasonable estimate of the time the agency...will
19 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.

20 RCW 42.56.520(1).

21 4.6 As an agency, the City has a statutory duty to "adopt and enforce reasonable rules
22 and regulations ... consonant with the intent of this chapter to provide full public access to public
23 records [and] to protect public records from damage or disorganizationSuch rules and
24

1 regulations shall provide for the fullest assistance to inquirers and the most timely possible action
2 on requests for information." RCW 42.56.100.

3 4.7 As an agency, the City has a statutory duty to adequately train its officials
4 pursuant to RCW 42.56.150 and its records officers pursuant to RCW 42.56.152.

5 4.8 For any record it withholds, the City has a statutory duty to provide "a statement
6 of the specific exemption authorizing the withholding of the record...and a brief explanation of
7 how the exemption applies to the record withheld." RCW 42.56.210(3).

8 4.9 Upon information and belief, the City, at a minimum, breached its statutory duties
9 referenced in paragraphs 4.4 through 4.8.

10 4.10 Hood is entitled to an award of reasonable attorneys' fees and costs pursuant to
11 RCW 42.56.550(4).

12 13 14 V. RESERVATION OF RIGHTS

15 5.1 Hood reserves the right to amend this complaint regarding the factual allegations
16 contained herein, and to add any and all other claims that have or may arise from the facts
17 underlying this lawsuit.

18 19 VI. PRAYER FOR RELIEF

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

21 6.1 That this Court order the City to promptly and properly respond to Mr. Hood's public
22 records request, including producing all non-exempt records, and disclosing all exempt records
23 and providing a brief explanation for any withholding.

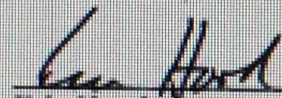
1 6.2 That this Court award all costs, including reasonable fees incurred in connection with
2 this legal action, to Mr. Hood pursuant to RCW 42.56.550(4);

3 6.4 That this Court award a monetary penalty for each day that Mr. Hood was denied
4 the right to inspect and copy each record requested pursuant to RCW 42.56.550(4);

5 6.5 That this Court order the City to promptly and properly "adopt and enforce
6 reasonable rules and regulations, [...that] shall provide for the fullest assistance to inquirers and
7 the most timely possible action on requests for information" pursuant to RCW 42.56.100.

8 6.6. Any such other relief as this Court may deem just, equitable, and proper under the
9 circumstances.
10

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12 RESPECTFULLY SUBMITTED this 5th day of December, 2019, by

13
14 

15 Eric Hood, pro se
16 PO Box 1547, 5256 Foxglove Lane
17 Langley, WA 98260
18 360.632.9134
19 ericfence@yahoo.com

20 CERTIFICATE OF SERVICE

21 The undersigned certifies under penalty of perjury according to the laws of the State of
22 Washington that on this date I caused to be served in the manner noted below a copy of Plaintiff's
23 AMENDED COMPLAINT FOR VIOLATIONS OF THE PUBLIC RECORDS ACT
24 on Laura D. McAloon and Kendel L. Froese, attorneys for the Defendant in this case via mail at
25 421 W. Riverside Ave., Ste., 515, Spokane, WA 99201 on December 5, 2019.

26 Signed by:

27 

28 Eric Hood

29 Date: December 5, 2019

19-2-00215-38
Summons
700000



FILED
NOV 16 2019
WHITMAN COUNTY CLERK

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE
COUNTY OF WHITMAN**

ERIC HOOD,

Plaintiff,

vs.

CITY OF PULLMAN,

Defendant.

NO 19 2 00215 38

SUMMONS

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.

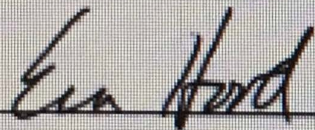
You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the person signing this summons. Within

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 14th day of November, 2019.

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9 
10 _____

11 Eric Hood, pro se

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13 Langley, WA 98260
14 360.632.9134
15 ericfence@yahoo.com