

February 22, 2022
 Chief Adrian Diaz
 Seattle Police Department

Via e-mail: Adrian.diaz@seattle.gov

RE: Apparent Violation of RCW 40.16.010

Dear Chief Diaz:

I am writing on behalf of People for the Ethical Treatment of Animals (PETA) to notify you that the University of Washington (UW) appears to be in violation of Washington law. As detailed below, three key personnel from UW's National Primate Research Center (WaNPRC) admitted to the routine destruction of public records while under oath during depositions pursuant to a civil matter (case number 20-2-18442-0). This resulted in the King County Superior Court ruling that the conduct had made it impossible for UW to comply with Washington's Public Records Act (PRA). Consequently, the actions involved appear to violate another Washington law, specifically RCW 40.16.010, which prohibits "injury to a public record," including destruction.

The language of RCW 40.16.010 is straightforward, stating it is a class C felony to "willfully and unlawfully remove, alter, mutilate, destroy, conceal, or obliterate a record, map, book, paper, document, or other thing filed or deposited in a public office, or with any public officer . . ." The conduct at issue is similarly straightforward. On December 30, 2020, PETA sued UW for failing to abide by the PRA, including a failure to turn over videos and photographs of primates used in experiments conducted at the WaNPRC.¹ The PRA mandates disclosure of public records to preserve transparency and accountability by public officials and institutions.² During the litigation, three key WaNPRC personnel, Elizabeth Buffalo, Eberhard Fetz, and Sally Thompson-Iritani, were deposed under oath. As discussed below, all three admitted that it was the policy of UW/WaNPRC to destroy videos and/or photographs of primates used for experimentation, and Thompson-Iritani subsequently admitted in a sworn affidavit that, under a WaNPRC policy, all such videos and

¹ Attachment A (Compl., *People for the Ethical Treatment of Animals v. Univ. of Wash.*, Civ. No. 20-2-18442-0 (King County, Wash., Super. Ct. Dec. 30, 2020)).

² See Chapter 42.65 RCW.

PEOPLE FOR
 THE ETHICAL
 TREATMENT
 OF ANIMALS
 FOUNDATION

Washington
 1536 16th St. N.W.
 Washington, DC 20036
 202-483-PETA

Los Angeles
 2154 W. Sunset Blvd.
 Los Angeles, CA 90026
 323-644-PETA

Norfolk
 501 Front St.
 Norfolk, VA 23510
 757-622-PETA

PETA FOUNDATION IS AN OPERATING
 NAME OF THE FOUNDATION TO
 SUPPORT ANIMAL PROTECTION.

ENTITIES:

- PETA U.S.
- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Switzerland
- PETA Netherlands
- PETA Foundation (U.K.)

photographs were records subject to Washington law governing preservation and destruction of public records.³ Elizabeth Buffalo is a Professor of Physiology and Biophysics at the UW School of Medicine and Chief of the Neuroscience Division and Interim Associate Director of Research at WaNPRC. While under oath during her deposition, Dr. Buffalo admitted that UW/WaNPRC did not maintain all videos and photographs produced as part of her research,⁴ and specifically that videographic data collected under one of her research grants were destroyed.⁵

Eberhard Fetz is a Professor of Physiology and Biophysics at the UW School of Medicine and has been a Core Staff at WaNPRC since 1969. During his deposition, Dr. Fetz admitted that he deleted research data, including videos referenced in recent publications.⁶

Sally Thompson-Iritani was the WaNPRC's interim director from October 2019 to October 2021 and currently serves as UW's Institutional Official and Assistant Vice Provost for Animal Care. Dr. Thompson-Iritani stated under oath that the ultimate decision regarding which videos and/or photographs WaNPRC experimenters, including Dr. Buffalo and Dr. Fetz, were allowed to preserve was hers to make.⁷ When asked whether a log of the records that she destroyed or caused to be destroyed had been maintained, she replied that no such log existed and acknowledged that videos and photographs of nonhuman primates taken in connection with research at the public university were no longer available for review because they had been deleted.⁸ Dr. Thompson-Iritani stated that she personally had authorized the deletion of photographs taken in connection with university research on nonhuman primates.⁹ She further stated that videos and photographs collected by the WaNPRC Behavioral Management Service (BMS) were routinely destroyed.¹⁰ Later, in an affidavit signed under penalty of perjury, she admitted that, under the WaNPRC policy for photography and videography in place at the time of PETA's public records requests, all such videos and photographs "are

⁴ Transcript of Elizabeth Buffalo Deposition at 91:7-21, Oct. 12, 2021, *People for the Ethical Treatment of Animals v. Univ. of Wash.*, Civ. No. 20-2-18442-0 (King County, Wash., Super. Ct.); *see also id.* at 90:7-9 ("[W]e kept the ones that were most useful in terms of communicating our science. Those are the ones that get stored."); *id.* at 92:6-9 ("[T]here were some [videos] that were most relevant for communicating our science and those are the ones that we asked for approval to store those as—as final videos."); *id.* at 104:18-19 (stating "I make decisions about which of the videos are best in communicating the science").

⁵ *See id.* at 97:4-98:4, 129:16-130:15, 233:7-234:10.

⁶ Transcript of Eberhard Fetz Deposition at 103:23-104:21, 115:3-121:10.

⁷ Transcript of Sally Ann Thompson-Iritani Deposition at 122:23-123:2, 125:21-126:8, Oct. 26, 2021, *People for the Ethical Treatment of Animals v. Univ. of Wash.*, Civ. No. 20-2-18442-0 (King County, Wash., Super. Ct.).

⁸ *See id.* at 126:15-128:2.

⁹ *See id.* at 125:12-126:8; 130:10-13.

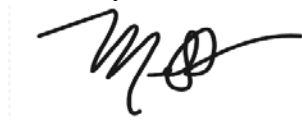
¹⁰ *See id.* at 215:8-219:4. As Dr. Thompson-Iritani explained, the choice of what BMS photos would be preserved for the public to see was based on what images BMS "like[s] to show . . . on our website" because they depict favorable images such as "gingerbread houses or pumpkins for Halloween." *Id.*

considered records subject to Washington State Law: RCW 40.14 for records retention; and RCW 42.56 for public records requests.”¹¹

For a violation of RCW 40.16.010 to occur, the conduct must involve a public record, as well as willful and unlawful injury to such a record. As a result of admissions made during these depositions, on December 23, 2021, the King County Superior Court ruled that this policy of destroying videos and photographs of primates made it impossible for UW to comply with the PRA.¹² Since the PRA necessarily applies to public records, the Court’s ruling further supports a conclusion that deleted videos and photographs included public records, the destruction of which would have been unlawful. Furthermore, the admissions referenced above of all three WaNPRC personnel regarding knowing destruction of these videos and photographs, which under a WaNPRC policy were understood to be public records, constituted willfulness.¹³ Thus, destruction of the videos and photographs at issue would fall within the prohibition set forth in RCW 40.16.010.

UW/WaNPRC’s admitted destruction of public records indicates overt violations of Washington law, which necessitate prompt action. I am available to answer any additional questions you may have and can be reached by telephone at 360-961-1050 or email at melissas@petaf.org. Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink, appearing to read 'MS', is written over a light blue horizontal line.

Melissa Stone
Counsel

cc: Dan Satterberg
King County Prosecuting Attorney
Prosecuting.Attorney@kingcounty.gov

¹¹ See Declaration of Sally Thompson-Iritani, Jan. 3, 2022, *People for the Ethical Treatment of Animals v. Univ. of Wash.*, Civ. No. 20-2-18442-0 (King County, Wash., Super. Ct.), at 1-4.

¹² Attachment B, Order Granting in Part Pl.’s Mot. for Summ. J., *People for the Ethical Treatment of Animals v. Univ. of Wash.*, Civ. No. 20-2-18442-0 (King County, Wash., Super. Ct. Dec. 23, 2021).

¹³ RCW 9A.08.010(4) (“A requirement that an offense be committed wilfully [sic] is satisfied if a person acts knowingly with respect to the material elements of the offense . . .”).

Attachment A

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

PEOPLE FOR THE ETHICAL TREATMENT
OF ANIMALS,

Plaintiff,

v.

UNIVERSITY OF WASHINGTON,

Defendant

Case No.

COMPLAINT - FOR PUBLIC RECORDS
ACT VIOLATIONS

COMES NOW Plaintiff, People for the Ethical Treatment of Animals (“PETA”), and
for its cause of action against Defendant, The University of Washington (“UW”), alleges as
follows:

I. INTRODUCTION

1. UW has a long history of violating laws intended to protect the welfare of animals
used for research at its Washington National Primate Center (“WaNPRC”). Violations of the
federal Animal Welfare Act include monkeys who have died from strangulation, dehydration,
starvation, injuries by psychologically-impaired monkeys, and substandard veterinary care.
Recent video also documents monkeys, who are highly social animals, housed alone in small,
barren metal cages, and exhibiting stereotypical behaviors indicative of extreme stress. Many of
these monkeys have been confined in such conditions for years and subjected to painful

1 **III. JURISDICTION AND VENUE**

2 9. This Court has jurisdiction over this action and power to grant the requested relief
3 pursuant to RCW 42.56.550.

4 10. Venue is proper in King County pursuant to RCW 42.56.550(2).

5 **IV. STATEMENT OF FACTS**

6 **A. First Request: December 19, 2019.**

7 11. On December 19, 2019, PETA submitted a request for four categories of public
8 records pertaining to internal communications about the WaNPRC’s Arizona breeding colony,
9 census data, specified breeding grant applications, and the National Institutes of Health (NIH)
10 base grant awarded to WaNPRC. (“First Request,” UW reference number PR-2019-00970,
11 Exhibit A hereto).

12 12. On or about July 20, 2020 and December 7, 2020, UW provided records it
13 characterized as “partially responsive” to the First Request.

14 13. To date, UW has not provided a complete response to the First Request nor a
15 reasonable estimate of when such response will be completed, in violation of the PRA. Although
16 UW has provided estimated response dates, the estimates were not reasonable and UW has
17 repeatedly extended and failed to comply with its own estimates. Further, UW has not identified
18 any exemption that it contends applies to any records responsive to the First Request.

19 **B. Second Request: June 3, 2020.**

20 14. On June 3, 2020, PETA submitted a public records request for two organizational
21 charts, a single record that provides the name and title of the UW official responsible for the
22 proper functioning of the institution’s Program of Animal Care and Use required by the NIH,
23 and communications pertaining to the removal of an experimenter as the Principal Investigator
24

1 for a particular WaNPRC grant. (“Second Request,” UW reference number PR-2020-00409,
2 Exhibit B hereto).

3 15. On or about October 9, 2020, UW provided records it characterized as “partially
4 responsive” to the Second Request. On or about December 8, 2020, UW provided records it
5 characterized as a final response to the Second Request. UW has advised that the Second
6 Request is “closed”.

7 16. Upon information and belief, to date, UW failed to conduct an adequate search
8 and failed to provide all records responsive to the Second Request, in violation of the PRA, and
9 UW has not identified any exemption that it contends applies to any records responsive to the
10 Second Request.

11 **C. Third Request: August 11, 2020.**

12 17. On August 11, 2020, PETA submitted a public records request for photographs
13 and videos generated pursuant to three identified NIH grants (“Third Request,” UW reference
14 number PR-2020-00558, Exhibit C hereto).

15 18. On or about December 22, 2020, UW provided some videos responsive to the
16 Third Request. UW has advised that the Third Request is “closed”.

17 19. Upon information and belief, to date, UW failed to conduct an adequate search
18 and failed to provide all records responsive to the Third Request in violation of the PRA, and
19 UW has not identified any exemption that it contends applies to any records responsive to the
20 Third Request.

21 **D. Fourth Request: September 2, 2020.**

22 20. On September 2, 2020, PETA submitted a public records request for progress
23 reports and quarterly reports submitted by the WaNPRC to the NIH, a single document prepared
24 by the NIH in response to the removal of restrictions on a Notice of Award to WaNPRC, and an

1 email and letter sent by the NIH in which concerns were expressed about institutional support
2 for the WaNPRC. (“Fourth Request,” UW reference number PR-2020-00607, Exhibit D hereto).

3 21. On or about December 22, 2020, UW provided some documents responsive to
4 the Fourth Request. UW has advised that the Fourth Request is “closed”.

5 22. Upon information and belief, to date, UW failed to conduct an adequate search
6 and failed to provide all records responsive to the Fourth Request in violation of the PRA, and
7 UW has not identified any exemption that it contends applies to any records responsive to the
8 Fourth Request.

9 **E. Fifth Request: September 3, 2020.**

10 23. On September 3, 2020, PETA submitted a public records request for a single
11 document that identifies by name each of the UW’s Institutional Animal Care and Use
12 Committee members each month during a 4-year period, their position, title, and NIH Public
13 Health Service Policy membership role. (“Fifth Request,” UW reference number PR-2020-
14 00621, Exhibit E hereto).

15 24. On September 9, 2020, UW provided one document purportedly responsive to
16 the Fifth Request. The document UW provided, however, was not responsive. On or about
17 December 17, 2020, UW provided a second document that also was not responsive. UW has
18 advised that the Fifth Request is “closed.”

19 25. Upon information and belief, to date, UW failed to conduct an adequate search
20 and failed to provide all records responsive to the Fifth Request, in violation of the PRA, and
21 UW has not identified any exemption that it contends applies to any records responsive to the
22 Fifth Request.

1 31. UW violated the PRA by failing to promptly identify and provide all records
2 responsive to the First Request.

3 32. UW’s pattern and course of conduct, particularly when considered in its totality
4 and in the context of its ongoing further disregard of PETA’s other six Requests, indicates that
5 UW deliberately stifled PETA’s prompt and complete access to information and was in bad faith.

6 33. PETA seeks a declaratory judgment in favor of PETA and against UW,
7 determining and declaring that UW has violated the PRA; ordering UW to promptly provide
8 PETA all records responsive to the First Request; award PETA all costs, including reasonable
9 attorney’s fees, incurred in connection with its efforts to obtain the records responsive to the
10 First Request, as provided in RCW 42.56.550(4); and award PETA monetary penalties pursuant
11 to RCW 42.56.550(4) of \$100 per page per day from the date of the request until the date UW
12 provides all the records responsive to the First Request.

13 **B. COUNT TWO**

14 34. PETA repeats the allegations of the preceding paragraphs as if fully set forth
15 herein.

16 35. UW violated the PRA by failing to promptly identify and provide all records
17 responsive to the Second Request. UW’s pattern and course of conduct, particularly when
18 considered in its totality and in the context of its ongoing further disregard of PETA’s other six
19 Requests, indicates that UW deliberately stifled PETA’s prompt and complete access to
20 information and was in bad faith.

21 36. PETA seeks a declaratory judgment in favor of PETA and against UW,
22 determining and declaring that UW has violated the PRA; ordering UW to promptly provide
23 PETA all records responsive to the Second Request; award PETA all costs, including reasonable
24 attorney’s fees, incurred in connection with its efforts to obtain the records responsive to the

1 Second Request, as provided in RCW 42.56.550(4); and award PETA monetary penalties
2 pursuant to RCW 42.56.550(4) of \$100 per page per day from the date of the request until the
3 date UW provides all records responsive to the Second Request.

4 **C. COUNT THREE**

5 37. PETA repeats the allegations of the preceding paragraphs as if fully set forth
6 herein.

7 38. UW violated the PRA by failing to promptly identify and provide all records
8 responsive to the Third Request.

9 39. UW's pattern and course of conduct, particularly when considered in its totality
10 and in the context of its ongoing further disregard of PETA's other six Requests, indicates that
11 UW deliberately stifled PETA's prompt and complete access to information and was in bad faith.

12 40. PETA seeks a declaratory judgment in favor of PETA and against UW,
13 determining and declaring that UW has violated the PRA; ordering UW to promptly provide
14 PETA all records responsive to the Third Request; award PETA all costs, including reasonable
15 attorney's fees, incurred in connection with its efforts to obtain the records responsive to the
16 Third Request, as provided in RCW 42.56.550(4); and award PETA monetary penalties pursuant
17 to RCW 42.56.550(4) of \$100 per page or image per day from the date of the request until the
18 date UW provides all records responsive to the Third Request.

19 **D. COUNT FOUR**

20 41. PETA repeats the allegations of the preceding paragraphs as if fully set forth
21 herein.

22 42. UW violated the PRA by failing to promptly identify and provide all records
23 responsive to the Fourth Request.

1 43. UW’s pattern and course of conduct, particularly when considered in its totality
2 and in the context of its ongoing further disregard of PETA’s other six Requests, indicates that
3 UW deliberately stifled PETA’s prompt and complete access to information and was in bad faith.

4 44. PETA seeks a declaratory judgment in favor of PETA and against UW,
5 determining and declaring that UW has violated the PRA; ordering UW to promptly provide
6 PETA all records responsive to the Fourth Request; award PETA all costs, including reasonable
7 attorney’s fees, incurred in connection with its efforts to obtain the records responsive to the
8 Fourth Request, as provided in RCW 42.56.550(4); and award PETA monetary penalties
9 pursuant to RCW 42.56.550(4) of \$100 per page per day from the date of the request until the
10 date UW provides all the records responsive to the Fourth Request.

11 **E. COUNT FIVE**

12 45. PETA repeats the allegations of the preceding paragraphs as if fully set forth
13 herein.

14 46. UW violated the PRA by failing to promptly identify and provide all records
15 responsive to the Fifth Request.

16 47. UW’s pattern and course of conduct, particularly when considered in its totality
17 and in the context of its ongoing further disregard of PETA’s other six Requests, indicates that
18 UW deliberately stifled PETA’s prompt and complete access to information and was in bad faith.

19 48. PETA seeks a declaratory judgment in favor of PETA and against UW,
20 determining and declaring that UW has violated the PRA; ordering UW to promptly provide
21 PETA all records responsive to the Fifth Request; award PETA all costs, including reasonable
22 attorney’s fees, incurred in connection with its efforts to obtain the records responsive to the
23 Fifth Request, as provided in RCW 42.56.550(4); and award PETA monetary penalties pursuant
24

1 to RCW 42.56.550(4) of \$100 per page per day from the date of the request until the date UW
2 provides all the records responsive to the Fifth Request.

3 **F. COUNT SIX**

4 49. PETA repeats the allegations of the preceding paragraphs above as if fully set
5 forth herein.

6 50. UW violated the PRA by failing to promptly identify and provide all records
7 responsive to the Sixth Request.

8 51. UW's pattern and course of conduct, particularly when considered in its totality
9 and in the context of its ongoing further disregard of PETA's other six Requests, indicates that
10 UW deliberately stifled PETA's prompt and complete access to information and was in bad faith.

11 52. PETA seeks a declaratory judgment in favor of PETA and against UW,
12 determining and declaring that UW has violated the PRA; ordering UW to promptly provide
13 PETA all records responsive to the Sixth Request; award PETA all costs, including reasonable
14 attorney's fees, incurred in connection with its efforts to obtain the records responsive to the
15 Sixth Request, as provided in RCW 42.56.550(4); and award PETA monetary penalties pursuant
16 to RCW 42.56.550(4) of \$100 per page or image per day from the date of the request until the
17 date UW provides all the records responsive to the Sixth Request.

18 **G. COUNT SEVEN**

19 53. PETA repeats the allegations of the preceding paragraphs as if fully set forth
20 herein.

21 54. UW violated the PRA by failing to promptly identify and provide all records
22 responsive to the Seventh Request.

1 D. Award Plaintiff monetary penalties pursuant to RCW 42.56.550(4) of \$100 per
2 page per day from the date of the request until the date Defendant provides all the records
3 responsive to the Requests.

4 E. For such other relief as the Court deems just.

5 Dated: December 30, 2020

6 ALLIED LAW GROUP LLC

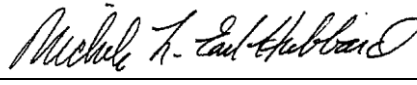
7
8 By 
9 Michele Earl-Hubbard, WSBA No. 26454
10 Attorneys for Plaintiff People for the Ethical
11 Treatment of Animals
12 P.O. Box 33744
13 Seattle, WA 98133
14 (206) 443-0200 – Telephone
15 (206) 428-7169 – Facsimile
16 michele@alliedlawgroup.com
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24

EXHIBIT A

Dr. Lisa Jones-Engel

From: Dr. Alka Chandna
Sent: Thursday, December 19, 2019 12:38 PM
To: PUBLIC RECORDS OFFICE
Subject: Public records request from PETA re WaNPRC:

December 19, 2019

Eliza A. Saunders, Director
Public Records and Open Meetings
University of Washington
4311 11th Ave NE Suite 360
Box 354997
Seattle, WA 98105

Via email: pubrec@uw.edu

Dear Ms. Saunders,

I hope this correspondence finds you well. This request is made on behalf of People for the Ethical Treatment of Animal (PETA), pursuant to Washington's Public Records Act, Wash. Rev. Code Secs. 42.56.001 to 42.56.904.

For the period from January 1, 2009 through December 31, 2012 we are requesting copies of the following items:

1. Any and all communications, including but not limited to letters, memoranda, notes of conversations, reports, lease agreements, business plans, site inspections, spreadsheets, emails and text messages between Dr. David M. Anderson, Director of the Washington National Primate Research Center (WaNPRC), Dr. D. Rick Lee, Associate Director of Primate Resources, WaNPRC, Gail Ellingson, Assistant Director, Facilities and Planning, WaNPRC, Peggy Smith, Assistant Director, Center Programs, WaNPRC, Joseph Delaney Associate Director Finance & Administration, WaNPRC and Dr. James Ha, WaNPRC that pertain to the acquisition, leasing and/or management of the WaNPRC's Arizona Breeding Colony (ABC), located in Mesa, Arizona. This facility was formally known as the Primate Foundation of Arizona.

Also, for the period from January 1, 2009, to the date of fulfillment, we are requesting copies of the following items:

1. Monthly primate colony census data including demographic data (e.g. age class, sex), number of pregnancies, live births and deaths for each of the WaNPRC *Macaca nemestrina* breeding colonies including:
 - a. the colony maintained at the Tulane National Primate Research Center (TNPRC) in Covington, LA
 - b. the colony maintained at the New Iberia Research Center (NIRC) in New Iberia, LA
 - c. the colony maintained at SNBL USA Scientific Research Center (SRC), now known as Orient BioResource Center in Alice, Texas
 - d. the colony maintained at the Arizona Breeding Colony (ABC) in Mesa, AZ

Additionally, we are requesting copies of the most recent 5-year renewal application, summary statement and responses for WaNPRC's P51 base grant:

1. A copy of the complete 2016 P51OD010425-56 renewal application, entitled "WASHINGTON NATIONAL PRIMATE RESEARCH CENTER" Principal Investigator David M. Anderson
2. A copy of the complete P51OD010425-56 Summary Statement prepared by the ZRG1 Special Emphasis Panel and provided to WaNPRC
3. A copy of the complete WaNPRC response to the Summary Statement prepared for P51OD010425-56

And finally, for the period 2002 to present, we are requesting copies of the following items:

1. Complete copies of U42RR018114 "WANPRC MACACA NEMESTRINA SPF BREEDING COLONY" applications, including all supplemental applications, for the years 2002-2011
2. Complete copies of U42OD011123 "WANPRC MACACA NEMESTRINA SPF BREEDING COLONY" applications including all supplemental applications for the years 2012 to present.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

PETA is prepared to pay a reasonable search and duplication fee for the fulfillment of this request up to the amount of \$50.00, but kindly asks that such fees be waived in light of our non-profit status and the fact that the records in question are of considerable public interest. If the aforementioned request for a waiver or reduction of fees is denied and fees are expected to exceed \$50.00, please notify me to this effect by phone (757-803-6447) or via email before this request is processed.

Thank you for your attention. I look forward to your response.

Sincerely,

Alka Chandna, Ph.D.
Vice President
Laboratory Investigations Cases
People for the Ethical Treatment of Animals
1536 16th Street NW, Washington, DC 20036
(757) 803-6447 | AlkaC@peta.org

EXHIBIT B

Dr. Lisa Jones-Engel

From: Dr. Lisa Jones-Engel
Sent: Wednesday, June 3, 2020 1:23 PM
To: pubrec@uw.edu
Subject: PRR PETA
Attachments: PRR UW HSA 20200602.pdf

June 2, 2020

Eliza A. Saunders, Director
Public Records and Open Meetings
University of Washington
4311 11th Ave NE Suite 360
Box 354997
Seattle, WA 98105

Via email: pubrec@uw.edu

Dear Ms. Saunders,

I hope this correspondence finds you well. This request is made on behalf of People for the Ethical Treatment of Animal (PETA), pursuant to Washington's Public Records Act, Wash. Rev. Code Secs. 42.56.001 to 42.56.904.

- 1) Please provide us with an up to date copy of the:
 - a. Health Sciences and Medical Affairs Organizational Chart
 - b. Health Sciences Administration Organizational Charteach of which includes the names and titles of personnel and divisions/departments.
- 2) Please provide a single record that indicates the name and title of the Institutional Official who as of May 26, 2020 has the authority to speak for and legally commit the institution to compliance with the requirements of the federal regulations regarding the involvement of animal subjects in research. This Institutional Official is responsible for the proper functioning of the University's animal care and use program.
- 3) Please provide us any and all communications, including but not limited to letters, memoranda, notes of conversations, reports, emails and text messages associated with the removal of David M. Anderson as the Principal Investigator for the Washington National Primate Research Center grant P51OD010425

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

PETA is prepared to pay a reasonable search and duplication fee for the fulfillment of this request up to the amount of \$50.00, but kindly asks that such fees be waived in light of our non-profit status and the fact that the records in question are of considerable public interest. If the aforementioned request for a waiver or reduction of fees is denied and fees are expected to exceed \$50.00, please notify me to this effect by phone (757-803-6447) or via email before this request is processed.

Thank you for your attention. I look forward to your response.

Sincerely,

Lisa Jones-Engel, PhD

Senior Science Advisor, Primate Experimentation

Laboratory Investigations Department

People for the Ethical Treatment of Animals

LisaJE@peta.org

206.372.6190

EXHIBIT E

Dr. Lisa Jones-Engel

From: Dr. Lisa Jones-Engel
Sent: Tuesday, August 11, 2020 5:12 PM
To: PUBLIC RECORDS OFFICE
Subject: 20200811 PRR Elizabeth Buffalo Videographic and Photographic Records

August 11, 2020

Eliza A. Saunders, Director
Public Records and Open Meetings
University of Washington
4311 11th Ave NE Suite 360
Box 354997
Seattle, WA 98105

Via email: pubrec@uw.edu

Dear Ms. Saunders,

I hope this correspondence finds you well. This request for public records is made on behalf of People for the Ethical Treatment of Animal (PETA), pursuant to Washington's Public Records Act, Wash. Rev. Code Secs. 42.56.001 to 42.56.904.

For the period from Jan 1, 2013, to the present, I am requesting copies of all videographic and photographic records of nonhuman primates generated as part of research projects,

- a. **R01MH080007** NEURONAL SYNCHRONIZATION IN THE MEDIAL TEMPORAL LOBE AND MEMORY FORMATION
- b. **R01MH093807** THE NEURAL BASIS OF RELATIONAL MEMORY
- c. **P51OD010425** WASHINGTON NATIONAL PRIMATE RESEARCH CENTER

conducted by Elizabeth A Buffalo. Dr. Buffalo is Professor of Physiology and Biophysics at the University of Washington School of Medicine and Chief of the Neuroscience Division at the Washington National Primate Research Center.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

PETA is prepared to pay a reasonable search and duplication fee for the fulfillment of this request up to the amount of \$50.00, but kindly asks that such fees be waived in light of our non-profit status and the fact that the records in question are of considerable public interest. If the aforementioned request for a waiver or reduction of fees is denied and fees are expected to exceed \$50.00, please notify me to this effect by phone (206-372-6190) or via email before this request is processed.

Thank you for your attention. I look forward to your response.

Sincerely,



Lisa Jones-Engel, PhD
Senior Science Advisor, Primate Experimentation
Laboratory Investigations Department
People for the Ethical Treatment of Animals
1536 16th Street NW, Washington, DC 20036
(206) 372-6190 | LisaJE@peta.org

EXHIBIT F

Dr. Lisa Jones-Engel

From: Dr. Lisa Jones-Engel
Sent: Wednesday, September 2, 2020 9:56 AM
To: pubrec@uw.edu
Cc: Dr. Lisa Jones-Engel
Subject: PRR WaNPRC Reports to and from ORIP

September 2, 2020

Eliza A. Saunders, Director
Public Records and Open Meetings
University of Washington
4311 11th Ave NE Suite 360
Box 354997
Seattle, WA 98105

Via email: pubrec@uw.edu

Dear Ms. Saunders,

This request for public records is made on behalf of People for the Ethical Treatment of Animal (PETA), pursuant to Washington's Public Records Act, Wash. Rev. Code Secs. 42.56.001 to 42.56.904.

For the period from Jan 1, 2018, to the present, I am requesting copies of the following:

- a. Progress reports from the University of Washington, Washington National Primate Research Center (WaNPRC) submitted to the Office of Research Infrastructure Programs (ORIP), National Institutes of Health (NIH);
- b. The Development Action Plan prepared by ORIP and sent to WaNPRC in response to the removal of restrictions on WaNPRC's Notice of Award issued on 07/25/2018;
- c. Quarterly reports prepared by WaNPRC and delivered to the National Scientific Advisory Board, or the Principal Investigator for the WaNPRC P51 base grant or ORIP;
- d. Copy of the email and letter from Sheri Hild (NIH/OD) sent to David M. Anderson, on Tuesday May 29, 2018 in which she expressed the concerns that the Office of Research Infrastructure Programs (ORIP), NIH has regarding the institutional support for the Washington National Primate Research Center (WaNPRC).

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

PETA is prepared to pay a reasonable search and duplication fee for the fulfillment of this request up to the amount of \$50.00, but kindly asks that such fees be waived in light of our non-profit status and the fact that the records in question are of considerable public interest. If the aforementioned request for a waiver or reduction of fees is denied and fees are expected to exceed \$50.00, please notify me to this effect by phone (757-803-6447) or via email before this request is processed.

Thank you for your attention. I look forward to your response.

Sincerely,

Lisa Jones-Engel, PhD

Senior Science Advisor, Primate Experimentation

Laboratory Investigations Department

People for the Ethical Treatment of Animals

LisajE@peta.org

206.372.6190

EXHIBIT G

Dr. Lisa Jones-Engel

From: Dr. Lisa Jones-Engel
Sent: Thursday, September 3, 2020 1:21 PM
To: pubrec@uw.edu
Subject: PRR UW IACUC Composition
Attachments: Example UW IACUC monthly composition.pdf

September 3, 2020

Eliza A. Saunders, Director
Public Records and Open Meetings
University of Washington
4311 11th Ave NE Suite 360
Box 354997
Seattle, WA 98105

Via email: pubrec@uw.edu

Dear Ms. Saunders,

This request for public records is made on behalf of People for the Ethical Treatment of Animal (PETA), pursuant to Washington's Public Records Act, Wash. Rev. Code Secs. 42.56.001 to 42.56.904.

For the period from January 1, 2017 to the present, please provide a single document that indicates, for each month, the name of each of the University of Washington's Institutional Animal Care and Use Committee members, their position title and Public Health Service (PHS) Policy Membership Role.

Attached is a sample document from February 2020 although we believe that the format has changed over the years. If you have any questions about exactly what information is responsive to the request please contact me at the number below.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

PETA is prepared to pay a reasonable search and duplication fee for the fulfillment of this request up to the amount of \$50.00, but kindly asks that such fees be waived in light of our non-profit status and the fact that the records in question are of considerable public interest. If the aforementioned request for a waiver or reduction of fees is denied and fees are expected to exceed \$50.00, please notify me to this effect by phone (206-372-6190/907-855-1767) or via email before this request is processed.

Thank you for your attention. I look forward to your response.

Lisa Jones-Engel, PhD
Senior Science Advisor, Primate Experimentation
Laboratory Investigations Department
People for the Ethical Treatment of Animals
LisaJE@peta.org
206.372.6190

EXHIBIT H

Dr. Lisa Jones-Engel

From: Dr. Lisa Jones-Engel
Sent: Thursday, September 10, 2020 3:15 PM
To: PUBLIC RECORDS OFFICE
Subject: PRR Eberhard Fetz videographic/photographic images

September 10, 2020

Eliza A. Saunders, Director
Public Records and Open Meetings
University of Washington
4311 11th Ave NE Suite 360
Box 354997
Seattle, WA 98105

Via email: pubrec@uw.edu

Dear Ms. Saunders,

This request for public records is made on behalf of People for the Ethical Treatment of Animal (PETA), pursuant to Washington's Public Records Act, Wash. Rev. Code Secs. 42.56.001 to 42.56.904.

For the period from Jan 1, 2007, to the present, I am requesting copies of all videographic and photographic records, excluding neural recordings, electrophysiological or brain imaging data, of nonhuman primates generated as part of research projects,

- a. P51 RR000166 BRAIN COMPUTER INTERFACE FOR PRIMATES
- b. R01 NS012542 NEURAL CONTROL OF MUSCLE ACTIVITY

conducted by Eberhard E Fetz. Dr. Fetz is Professor of Physiology and Biophysics at the University of Washington (UW) School of Medicine and an Adjunct Professor, Department of Bioengineering in the UW College of Engineering and UW Medicine and a Core Staff Scientist in the Washington National Primate Research Center.

To be precise, I am interested in photos or videos that show the nonhuman primates *themselves*, and not photos or videos of neurons or other cellular, electrophysiological, or brain imaging data. I would be interested in a photo or a video *of* a nonhuman primate that was taken *during* such recordings, but not the recordings themselves. I am happy to discuss the matter via phone if the request is unclear.

Prior to the collection and copying of these videographic and photographic records please contact and advise me on how many videos/photos would be generated as part of this public records request.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

PETA is prepared to pay a reasonable search and duplication fee for the fulfillment of this request up to the amount of \$50.00, but kindly asks that such fees be waived in light of our non-profit status and the fact that the records in question are of considerable public interest. If the aforementioned request for a waiver or reduction of fees is denied and fees

are expected to exceed \$50.00, please notify me to this effect by phone (206-372-6190/907-855-1767) or via email before this request is processed.

Thank you for your attention. I look forward to your response.

Sincerely,

Lisa Jones-Engel, PhD

Senior Science Advisor, Primate Experimentation

Laboratory Investigations Department

People for the Ethical Treatment of Animals

LisaJE@peta.org

206.372.6190

EXHIBIT I

Dr. Lisa Jones-Engel

From: Dr. Lisa Jones-Engel
Sent: Wednesday, September 16, 2020 4:49 PM
To: PUBLIC RECORDS OFFICE
Subject: PRR for veterinary clinical records and PP presentations

September 16, 2020

Eliza A. Saunders, Director
Public Records and Open Meetings
University of Washington
4311 11th Ave NE Suite 360
Box 354997
Seattle, WA 98105

Via email: pubrec@uw.edu

Dear Ms. Saunders,

I hope this correspondence finds you well. This request for public records is made on behalf of People for the Ethical Treatment of Animal (PETA), pursuant to Washington's Public Records Act, Wash. Rev. Code Secs. 42.56.001 to 42.56.904.

I am requesting copies of the following:

1. The complete veterinary clinical record and pathology and/or necropsy record/report from the University of Washington, Washington National Primate Research Center (WaNPRC) for the following macaques:
 - a. Z07023
 - b. Z16358
 - c. Z14141
 - d. Z13022
2. PowerPoint presentations given by WaNPRC personnel at the Breeding Colony Management Consortium in 2019 and/or 2020. Note that I am specifically requesting that you provide the PowerPoint presentations, not PDF copies of the presentations.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

PETA is prepared to pay a reasonable search and duplication fee for the fulfillment of this request up to the amount of \$50.00, but kindly asks that such fees be waived in light of our non-profit status and the fact that the records in question are of considerable public interest. If the aforementioned request for a waiver or reduction of fees is denied and fees are expected to exceed \$50.00, please notify me to this effect by phone (907-855-1767/ 206-372-6190) or via email before this request is processed.

Thank you for your attention. I look forward to your response.

Lisa Jones-Engel, PhD

Senior Science Advisor, Primate Experimentation

Laboratory Investigations Department

People for the Ethical Treatment of Animals

LisaJE@peta.org

206.372.6190

Attachment B

The Honorable Suzanne R. Parisien
Noted for hearing with oral argument:
Friday, December 10, 2021, 10:30 a.m.

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

PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS,

Plaintiff/Petitioner,

v.

UNIVERSITY OF WASHINGTON,

Defendant/Respondent.

No. Case No.: 20-2-18442-0

ORDER GRANTING ^{IN PART} PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT
AND MOTIONS TO STRIKE ~~AND~~

~~DENYING DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT~~

~~DENYING~~

The Matter came before the Court on Plaintiff's Motion for Summary Judgment and
Defendant's Motion for Summary Judgment.

The Court has reviewed the following:

1. Plaintiff's Motion for Summary Judgment (Dkt. 49);
2. Declaration of Asher Smith (Dkt. 48);
3. Declaration of Kathy Guillermo (Dkt. 46);
4. Defendant's Motion for Summary Judgment (Dkt. 39);
5. Declaration of Tisa Escobar (Dkt. 41);
6. Declaration of Jade McNallan (Dkt. 42);
7. Declaration of Jessica Kerr (Dkt. 40)

ORDER GRANTING PETA'S MOTION FOR
SUMMARY JUDGMENT AND DENYING
DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT-1

ALLIED
LAW GROUP
P.O. Box 33744
Seattle, WA 98133
(206) 443-0200

8. Plaintiff's Opposition to Defendant's Motion for Summary Judgment and Plaintiff's Motion to Strike Improper Declaration Testimony and Exhibits Submitted by Defendant with Motion for Summary Judgment, filed 11/29/2021 (Dkt. 54);
9. Declaration of Caitlin Zittkowski, filed 11/29/2021 (Dkt. 55);
10. Defendant's Response to Plaintiff's Motion for Summary Judgment, filed 11/29/2021 (Dkt. 57);
11. Declaration of Sally Thompson-Iritani, filed 11/29/2021 (Dkt. 59);
12. Declaration of Eric Lansverk, filed 11/29/2021 (Dkt. 58);
13. Plaintiff's Reply in Support of Plaintiff's Motion for Summary Judgment and Plaintiff's Motion to Strike Improper Declaration Testimony and Exhibits Submitted by Defendant with its Response to Plaintiff's Motion for Summary Judgment, filed 12/3/2021 (Dkt. 63);
14. Declaration of Michele Earl-Hubbard, filed 12/3/2021 (Dkt. 64);
15. Defendant's Reply re: Defendant's Motion (Dkt. 69);

16. _____; and
 17. _____

And the records and pleadings in the court file, and otherwise being fully apprised on the matter, the Court hereby rules and finds as follows:

The Court ~~GRANTS~~ ^{IN PART} Plaintiff's Motion for Summary Judgment ~~and DENIES~~ ^{as follows:}

~~Defendant's Motion for Summary Judgment.~~

The Court ~~GRANTS~~ ^{DENIES} Plaintiff's Motions to Strike contained within its Opposition to Defendant's Motion for Summary Judgment ~~and disregards the following paragraphs and exhibits filed by Defendant:~~ ^{but has not considered the exhibits attached to the Declaration of Eric Lansverk to the extent they are offered to prove the truth of the matter asserted.}

- 1 • Exhibits B, D, F, G, H, M, N, O, R, and S to the Declaration of Jessica Kerr (Dkt. 40),
- 2 to the extent such exhibits are offered to prove the truth of the matters stated therein;
- 3 • Paragraphs 6, 7, 9, 10, 11, 13, 20, 24, 45, 50, and 53 of the Declaration of Tisa Escobar
- 4 (Dkt. 41);
- 5 • Paragraphs 4, 7, 9, 18, 20, 24, 31, 38, 43, 45, and 49 of the Declaration of Jade
- 6 McNallan (Dkt. 42);
- 7 • Exhibits J, L, P, Q, S, and T to the Declaration of Eric Lansverk (Dkt. 58) to the extent
- 8 such exhibits are offered to prove the truth of the matters stated therein; and
- 9 • Exhibit B to the Declaration of Eric Lansverk, for lack of foundation regarding its
- 10 application to any record at issue in this case.
- 11

12 The Court hereby FINDS that the University of Washington has not met its burden of
13 proof under the Public Records Act, as follows:

14 1. First Request (Count I)

15 (a) Defendant failed to prove it performed an adequate search for responsive records
16 beyond a reasonable doubt,

17 (b) Defendant failed to prove its estimates for responding to the First Request were
18 "reasonable."

19 (c) Defendant failed to prove it provided PETA its fullest assistance and most timely
20 possible response;

21 (d) Defendant has failed to prove it had provided PETA all responsive records when it
22 first closed the request or to this day, and

23 (e) _____

1 ~~2. Second Request (Count II)~~

2 (a) Defendant failed to prove it performed an adequate search for responsive records
3 beyond a reasonable doubt,

4 (b) Defendant failed to prove its estimates for responding to the Second Request were
5 "reasonable."

6 (c) Defendant failed to prove it provided PETA its fullest assistance and most timely
7 possible response;

8 (d) Defendant has failed to prove it had provided PETA all responsive records when it
9 first closed the request or to this day, and

10 (e) _____

11 3. Third Request (Count III)

12 (a) Defendant failed to prove it performed an adequate search for responsive records
13 beyond a reasonable doubt,

14 (b) Defendant failed to prove its estimates for responding to the Third Request were
15 "reasonable."

16 (c) Defendant failed to prove it provided PETA its fullest assistance and most timely
17 possible response;

18 (d) Defendant has failed to prove it had provided PETA all responsive records when it
19 first closed the request or to this day, and

20 (e) *The lack of any policy/system which identifies*
videos/photos which are being destroyed prevents
21 4. Fourth Request (Count IV) *Defendant from complying with*
the requirements of the PRA.

22 (a) Defendant failed to prove it performed an adequate search for responsive records
23 beyond a reasonable doubt,

1 ~~(b) Defendant failed to prove its estimates for responding to the Fourth Request were~~
2 ~~“reasonable.”~~

3 (c) Defendant failed to prove it provided PETA its fullest assistance and most timely
4 possible response;

5 (d) Defendant has failed to prove it had provided PETA all responsive records when it
6 first closed the request or to this day, and

7 (e) *The request was closed prematurely.*
8 ~~5. Fifth Request (Count V)~~ *and only after litigation was filed*
were additional records released.

9 ~~(a) Defendant failed to prove it performed an adequate search for responsive records~~
10 ~~beyond a reasonable doubt,~~

11 ~~(b) Defendant failed to prove its estimates for responding to the Fifth Request were~~
12 ~~“reasonable.”~~

13 ~~(c) Defendant failed to prove it provided PETA its fullest assistance and most timely~~
14 ~~possible response;~~

15 ~~(d) Defendant has failed to prove it had provided PETA all responsive records when it~~
16 ~~first closed the request or to this day, and~~

17 (e) _____

18 6. Sixth Request (Count 6)

19 (a) Defendant failed to prove it performed an adequate search for responsive records
20 beyond a reasonable doubt,

21 ~~(b) Defendant failed to prove its estimates for responding to the Sixth Request were~~
22 ~~“reasonable.”~~

1 (c) Defendant failed to prove it provided PETA its fullest assistance and most timely
2 possible response;

3 (d) Defendant has failed to prove it had provided PETA all responsive records when it
4 first closed the request or to this day, and

5 (e) _____; and

6 ~~7. Seventh Request (Count VII)~~

7 (a) Defendant failed to prove it performed an adequate search for responsive records
8 beyond a reasonable doubt,

9 (b) Defendant failed to prove its estimates for responding to the Seventh Request were
10 "reasonable."

11 (c) Defendant failed to prove it provided PETA its fullest assistance and most timely
12 possible response;

13 (d) Defendant has failed to prove it had provided PETA all responsive records when it
14 first closed the request or to this day, and

15 (e) _____.

16 ~~The Court FINDS that PETA is the prevailing party in this action.~~

17 The Court hereby ORDERS that PETA is entitled to ~~an~~ ^{a factual} award of fees and costs and
18 statutory penalty in this matter to be paid by Defendant, ^{consistent with the above rulings,} the amount of which will be determined
19 by the Court after further briefing and argument on a briefing schedule to be determined by the ^{fees, costs and any} ~~the~~ ^{penalties}

20 ~~Court after compliance by Defendant with the remainder of the terms of this Order.~~

21 *after counsel have discussed a timeline*
22 *for briefing that both parties agree*
23 *upon and submit to the Court.*

See below *

1 Within _____ days of this Order, UW shall perform a reasonable search for all
2 responsive records and provide all responsive records to PETA and to the Court and a report of
3 the following:

- 4 • all steps taken to search including the locations searched, search terms and
5 parameters of search, method of searching, and individuals involved in searching
6 and what each individual did and when;
- 7 • all records no longer in existence that would have been responsive to the request
8 and for each (a) a description of the record, (b) date and time of its destruction,
9 (c) efforts to recover the deleted data or record, (c) the person or persons
10 responsible for the destruction, and (d) the legal authority for the destruction.

11 After all responsive records have been produced and the reports mandated above, the
12 Court shall set a briefing or court schedule for determination of the amount of penalties, fees
13 and costs to be paid to PETA by Defendant.

14 DONE this 23rd day of December, 2021.



15
16 The Honorable Suzanne R. Parisien

17 Submitted by:

18 /s/Michele Earl-Hubbard

19 Michele Earl-Hubbard, WSBA #26454

20 Allied Law Group LLC

21 P.O. Box 33744

22 Seattle, WA 98133

23 (206) 443-0200

24 michele@alliedlawgroup.com

Attorney for Plaintiff

* To the extent there are outstanding records that need to be released pursuant to this Order, the parties will meet + confer regarding same. If agreement can't be reached, further briefing can be submitted with a briefing schedule agreed upon by the parties.

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

PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS,

Plaintiff,

v.

UNIVERSITY OF WASHINGTON,

Defendant.

No. 20-2-18442-0 SEA

~~PROPOSED~~ ORDER GRANTING
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT AND
~~DENYING PLAINTIFF'S MOTION~~
~~FOR SUMMARY JUDGMENT~~

IN PART

[CLERK'S ACTION REQUIRED]

THIS MATTER came before the Court on Defendant's Motion for Summary Judgment and Plaintiff's Motion for Summary Judgment. The Court heard oral argument on December 10, 2021. The Court considered the following documents, and did not rely on any inadmissible evidence in reaching its decisions:

1. Defendant's Motion for Summary Judgment;
2. Declaration of Jessica C. Kerr in Support of Defendant's Motion for Summary Judgment;
3. Declaration of Tisa Escobar in Support of Defendant's Motion for Summary Judgment;
4. Declaration of Jade McNallan in Support of Defendant's Motion for Summary Judgment;

*ORDER GRANTING DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT AND DENYING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT
(No. 20-2-18442-0 SEA) - 1*

HILLIS CLARK MARTIN & PETERSON P.S.
999 Third Avenue, Suite 4600
Seattle, WA 98104
Tel: 206.623.1745
Fax: 206.623.7789

- 1 5. Plaintiff's Opposition to Defendant's Motion for Summary Judgment and
2 Plaintiff's Motion to Strike Improper Declaration Testimony and Exhibits
3 Submitted by Defendant with Motion for Summary Judgment;
- 4 6. Declaration of Caitlin Zittkowski in Support of Plaintiff's Opposition to
5 Defendant's Motion for Summary Judgment;
- 6 7. Defendant's Reply in Support of Motion for Summary Judgment;
- 7 8. Plaintiff's Motion for Summary Judgment;
- 8 9. Declaration of Asher Smith in Support of Plaintiff's Motion for Summary
9 Judgment;
- 10 10. Declaration of Kathy Guillermo in Support of Plaintiff's Motion for Summary
11 Judgment;
- 12 11. Defendant's Opposition to Plaintiff's Motion for Summary Judgment;
- 13 12. Declaration of Eric D. Lansverk in Support of Defendant's Opposition to
14 Plaintiff's Motion for Summary Judgment;
- 15 13. Declaration of Sally Thompson-Iritani in Support of Defendant's Opposition
16 to Plaintiff's Motion for Summary Judgment;
- 17 14. Plaintiff's Reply in Support of Its Motion for Summary Judgment and
18 Plaintiff's Motion to Strike Improper Declaration Testimony and Exhibits
19 Submitted by Defendant with Its Response to Plaintiff's Motion for Summary
20 Judgment;
- 21 15. Declaration of Michele Earl-Hubbard in Support of Plaintiff's Reply in
22 Support of Plaintiff's Motion for Summary Judgment; and
- 23 16. all other documents filed in this proceeding.

1 Having heard oral argument and considered the foregoing and otherwise being fully
2 informed, the Court hereby ORDERS as follows:

3 Count 1: PR-2019-00970 ("First Request")

- 4 1. Plaintiff's Motion for Summary Judgment is denied, and Defendant's Motion
5 for Summary Judgment is granted, for the following reasons:
- 6 a. Defendant provided reasonable estimates of time to respond to this public
7 records request; and
 - 8 b. Defendant conducted reasonable searches, applied appropriate exemptions,
9 released responsive records, and has not unlawfully denied an opportunity
10 to inspect or copy public records.

11 Count 2: PR-2020-00409 ("Second Request")

- 12 2. Plaintiff's Motion for Summary Judgment is denied, and Defendant's Motion
13 for Summary Judgment is granted, for the following reasons:
- 14 a. Defendant provided reasonable estimates of time to respond to this public
15 records request; and
 - 16 b. Defendant conducted reasonable searches, released responsive records, and
17 has not unlawfully denied an opportunity to inspect or copy public records.

18 ~~Count 3: PR-2020-00558 ("Third Request")~~

- 19 ~~3. Plaintiff's Motion for Summary Judgment is denied, and Defendant's Motion
20 for Summary Judgment is granted, for the following reasons:~~
- 21 ~~a. Defendant provided reasonable estimates of time to respond to this public
22 records request; and~~
 - 23 ~~b. Defendant conducted reasonable searches, released responsive records, and
24 has not unlawfully denied an opportunity to inspect or copy public records.~~

25 Count 4: PR-2020-00607 ("Fourth Request")

- 1 4. Plaintiff's Motion for Summary Judgment is denied, and Defendant's Motion
2 for Summary Judgment is granted, for the following reasons:
3 a. Defendant provided reasonable estimates of time to respond to this public
4 records request; and
5 b. Defendant conducted reasonable searches, released responsive records, and
6 has not unlawfully denied an opportunity to inspect or copy public records.

7 Count 5: PR-2020-00621 ("Fifth Request")

- 8 5. Plaintiff's Motion for Summary Judgment is denied, and Defendant's Motion
9 for Summary Judgment is granted, for the following reasons:
10 a. Defendant provided reasonable estimates of time to respond to this public
11 records request; and
12 b. Defendant conducted reasonable searches, released responsive records,
13 and has not unlawfully denied an opportunity to inspect or copy public
14 records.

15 ~~Count 6: PR-2020-00641 ("Sixth Request")~~

- 16 6. ~~Plaintiff's Motion for Summary Judgment is denied, and Defendant's Motion~~
17 ~~for Summary Judgment is granted, for the following reasons:~~
18 ~~a. Defendant provided reasonable estimates of time to respond to this public~~
19 ~~records request; and~~
20 ~~b. Defendant conducted reasonable searches and has not unlawfully denied an~~
21 ~~opportunity to inspect or copy public records.~~
22 7. [ALTERNATIVE GROUND] Plaintiff's Motion for Summary Judgment is
23 denied, and Defendant's Motion for Summary Judgment is granted, for the
24 following reasons:
25
26

1 a. ~~Plaintiff's claims are untimely because Defendant had not yet completed its~~
2 ~~response (and had not yet closed this public records request) when Plaintiff~~
3 ~~initiated this lawsuit.~~

4 Count 7: PR-2020-00660 ("Seventh Request")

5 8. Plaintiff's Motion for Summary Judgment is denied, and Defendant's Motion
6 for Summary Judgment is granted, for the following reasons:

7 a. Defendant provided reasonable estimates of time to respond to this public
8 records request; and

9 b. Defendant conducted reasonable searches, released responsive records, and
10 has not unlawfully denied an opportunity to inspect or copy public records.

11 9. ~~[ALTERNATIVE GROUND] Plaintiff's Motion for Summary Judgment is~~
12 ~~denied, and Defendant's Motion for Summary Judgment is granted, for the~~
13 ~~following reasons:~~

14 a. ~~Plaintiff's claims are untimely because Defendant had not yet completed its~~
15 ~~response (and had not yet closed this public records request) when Plaintiff~~
16 ~~initiated this lawsuit.~~

17 Taken together, it is hereby ORDERED:

18 10. Plaintiff's Motion for Summary Judgment is ^{partially} DENIED;

19 11. Plaintiff's Motions to Strike are DENIED (the Court did not rely on
20 inadmissible evidence in reaching its decisions); ^{partially}

21 12. Defendant's Motion for Summary Judgment is GRANTED; ~~and~~

22 Refer to language in the Order
23 partially granting P11's MSJ for
24 further instructions.
25 -SRV

13. ~~All of Plaintiff's claims are dismissed with prejudice and without costs to any party.~~

Dated this 23rd day of December, 2021.



HON. SUZANNE R. PARI SIEN
KING COUNTY SUPERIOR COURT JUDGE

Presented by:

HILLIS CLARK MARTIN & PETERSON P.S.

By

Eric D. Lansverk, WSBA #17218
Mary Crego Peterson, WSBA # 31593
Jake Ewart, WSBA # 38655
Jessica C. Kerr, WSBA #49866
999 Third Avenue, Suite 4600
Seattle, WA 98104
Telephone: 206.623.1745
Facsimile: 206.623.7789
E-mail: eric.lansverk@hcmp.com
mary.peterson@hcmp.com
jake.ewart@hcmp.com
jessica.kerr@hcmp.com

Special Assistant Attorneys General
Attorneys for Defendant

Notice of Presentation Waived;
Approved as to Form:

By

Michele Earl-Hubbard, WSBA # 26454
Allied Law Group LLC
P.O. Box 33744
Seattle, WA, 98133
(206) 801-7510
michele@alliedlawgroup.com
Attorney for Plaintiff