

FILED

FEB 16 2018

Superior Court
Linda Myhre Enlow
Thurston County Clerk

SUPERIOR COURT OF WASHINGTON
FOR THURSTON COUNTY

Plaintiff/Petitioner,

vs.

Defendant/Respondent.

NO. 18-2-00943-34

NOTICE OF ASSIGNMENT/ (NTAS)
NOTICE OF SCHEDULING CONFERENCE
(PUBLIC RECORDS ACT CASE)

TO: THURSTON COUNTY CLERK
ATTORNEYS/LITIGANTS

PLEASE TAKE NOTICE:

1. That the above-noted case is assigned to:

The Honorable Christine Schaller

2. That the Scheduling Conference is scheduled for 9:00 a.m. March 09, 2018.

This is a Public Records Act case. Court procedures require:

1. The plaintiff shall provide this notice to all parties when the complaint or motion is served. If service of the complaint or motion is completed before the case is filed, plaintiff shall provide the notice by delivery, mail, facsimile, or e-mail within five days after filing the case.
2. If a defendant or intervenor has not been served by the time of the scheduling conference, the scheduling conference may be continued up to 21 days.
3. The scheduling conference will be held before the assigned judge and will be used to:
 - a. Identify issues in dispute;
 - b. Set a hearing date and briefing schedule for resolution of issues;
 - c. Determine whether in camera review is likely to be needed and, if necessary, order the protocol for submission of the records to be reviewed;
 - d. Refer to mediation if appropriate.
4. Nothing in these procedures affects the right of any party to schedule a hearing to show cause or enjoin, or any other hearing authorized by law or rule.

Dated this 16th day of February, 2018.

THURSTON COUNTY SUPERIOR COURT
2000 Lakeridge Drive SW
Olympia WA 98502
(360) 786 - 5560 Fax: (360) 754-4060

NOTICE OF ASSIGNMENT/
NOTICE OF SCHEDULING CONFERENCE (PRA CASE)-1

FILED

FEB 16 2018

Superior Court
Linda Myhre Enlow
Thurston County Clerk

CIVIL
THURSTON COUNTY SUPERIOR COURT
Case Information Cover Sheet (CICS)

Case Number 18-2-00943-34 **Case Title: Johnson v. Washington State University**

Attorney Name: Shawn Timothy Newman **Bar Membership Number 14193**

Please check one category that best describes this case for indexing purposes. Accurate case indexing not only saves time in docketing new cases, but helps in forecasting needed judicial resources. Cause of action definitions are listed on the back of this form. Thank you for your cooperation.

- | | | | |
|---|--|------------------------------|---|
| <input type="checkbox"/> ABJ | Abstract of Judgment | <input type="checkbox"/> PRG | Property Damage – Gangs |
| <input type="checkbox"/> ALR | Administrative Law Review | <input type="checkbox"/> PRP | Property Damages |
| <input type="checkbox"/> ALRJT | Administrative Law Review-Jury Trial (L&I) | <input type="checkbox"/> QTI | Quiet Title |
| <input type="checkbox"/> CRP | Petition for Certificate of Restoration of Opportunity | <input type="checkbox"/> RDR | Relief from Duty to Register |
| <input type="checkbox"/> CHN | Non-Confidential Change of Name | <input type="checkbox"/> RFR | Restoration of Firearm Rights |
| <input type="checkbox"/> COL | Collection | <input type="checkbox"/> SDR | School District-Required Action Plan |
| <input type="checkbox"/> CON | Condemnation | <input type="checkbox"/> SPC | Seizure of Property-Commission of Crime |
| <input type="checkbox"/> COM | Commercial | <input type="checkbox"/> SPR | Seizure of Property-Resulting from Crime |
| <input type="checkbox"/> DOL | Appeal Licensing Revocation | <input type="checkbox"/> STK | Stalking Petition |
| <input type="checkbox"/> DVP | Domestic Violence | <input type="checkbox"/> SXP | Sexual Assault Protection |
| <input type="checkbox"/> EOM | Emancipation of Minor | <input type="checkbox"/> TAX | Employment Security Tax Warrant |
| <input type="checkbox"/> FJU | Foreign Judgment | <input type="checkbox"/> TAX | L & I Tax Warrant |
| <input type="checkbox"/> FOR | Foreclosure | <input type="checkbox"/> TAX | Licensing Tax Warrant |
| <input type="checkbox"/> FPO | Foreign Protection Order | <input type="checkbox"/> TAX | Revenue Tax Warrant |
| <input type="checkbox"/> HAR | Unlawful Harassment | <input type="checkbox"/> TMV | Tort – Motor Vehicle |
| <input type="checkbox"/> INJ | Injunction | <input type="checkbox"/> TRJ | Transcript of Judgment |
| <input type="checkbox"/> INT | Interpleader | <input type="checkbox"/> TTO | Tort – Other |
| <input type="checkbox"/> LCA | Lower Court Appeal – Civil | <input type="checkbox"/> TXF | Tax Foreclosure |
| <input type="checkbox"/> LCI | Lower Court Appeal – Infractions | <input type="checkbox"/> UND | Unlawful Detainer – Commercial |
| <input type="checkbox"/> LUPA | Land Use Petition Act | <input type="checkbox"/> UND | Unlawful Detainer – Residential |
| <input type="checkbox"/> MAL | Other Malpractice | <input type="checkbox"/> VAP | Vulnerable Adult Protection Order |
| <input type="checkbox"/> MED | Medical Malpractice | <input type="checkbox"/> VVT | Victims of Motor Vehicle Theft-Civil Action |
| <input type="checkbox"/> MHA | Malicious Harassment | <input type="checkbox"/> WDE | Wrongful Death |
| <input type="checkbox"/> MSC2 | Miscellaneous – Civil | <input type="checkbox"/> WHC | Writ of Habeas Corpus |
| <input type="checkbox"/> MST2 | Minor Settlement – Civil (No Guardianship) | <input type="checkbox"/> WMW | Miscellaneous Writs |
| <input type="checkbox"/> PCC | Petition for Civil Commitment (Sexual Predator) | <input type="checkbox"/> WRM | Writ of Mandamus |
| <input type="checkbox"/> PFA | Property Fairness Act | <input type="checkbox"/> WRR | Writ of Restitution |
| <input type="checkbox"/> PIN | Personal Injury | <input type="checkbox"/> WRV | Writ of Review |
| <input checked="" type="checkbox"/> PRA | Public Records Act | <input type="checkbox"/> XRP | Extreme Risk Protection Order |

IF YOU CANNOT DETERMINE THE APPROPRIATE CATEGORY, PLEASE DESCRIBE THE CAUSE OF ACTION BELOW.

Please Note: Public information in court files and pleadings may be posted on a public Web site.

FILED

FEB 16 2018

Superior Court
Linda Myhre Enlow
Thurston County Clerk

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

Eric Johnson,

Plaintiff,

No. 18-2-00943-34

vs.

DECLARATION OF SERVICE

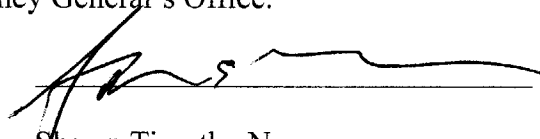
Washington State University (WSU)

Energy Program Office.

Defendant.

I hereby certify under penalty of perjury under the laws of the State of Washington that on this 16th day of February, 2018, I personally served the summons and complaint on the defendant and the Washington State Attorney General's Office.

DATED: 2/16/18 in Olympia



Shawn Timothy Newman
Attorney at Law, P.S.
WSBA #14193
2507 Crestline Drive, N.W.
Olympia, WA 98502
PH: (360) 866-2322
Newmanlaw@comcast.net

DECLARATION OF SERVICE

Shawn Timothy Newman
Attorney at Law, Inc., P.S.
WSBA 14193
2507 Crestline Dr. NW
Olympia, WA 98502-4327
(P) 360-866-2322

RECEIVED
H.L.B.

2018 FEB 16 AM 11:12

ATTORNEY GENERAL
OF WASHINGTON

FILED

FEB 16 2018

Superior Court
Linda Myhre Enlow
Thurston County Clerk

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

Eric Johnson,

Plaintiff,

vs.

No.

18-2-00943-34

SUMMONS

Washington State University (WSU)

(20 DAYS)

Energy Program Office.

Defendant.

TO THE DEFENDANT: A lawsuit has been started against you in the above entitled court by Eric Johnson, plaintiff. 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

SUMMONS

Shawn Timothy Newmar
Attorney at Law, Inc., P.S.
WSBA 14193
2507 Crestline Dr. NW
Olympia, WA 98502-4327
(P) 360-866-2322

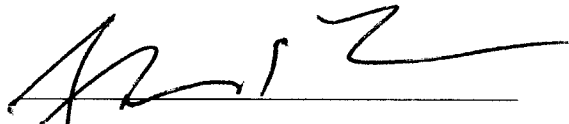
1 may be entered.

2 You may demand that the plaintiff file this lawsuit with the court. If you do so, the
3 demand must be in writing and must be served upon the person signing this summons. Within 14
4 days after you serve the demand, the plaintiff must file this lawsuit with the court, or the service
5 on you of this summons and complaint will be void.
6

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

9 This summons is issued pursuant to rule 4 of the Superior Court Civil Rules of the State
10 of Washington.
11

12 DATED: 2/16/18



13 Shawn Timothy Newman
14 Attorney at Law, P.S.
15 WSBA #14193
16 2507 Crestline Drive, N.W.
17 Olympia, WA 98502
18 PH: (360) 866-2322
19 Newmanlaw@comcast.net
20
21
22
23
24
25
26
27

28 SUMMONS

RECEIVED
H.L.B.

FILED

2018 FEB 16 AM 11:12

FEB 16 2018

ATTORNEY GENERAL
OF WASHINGTON

Superior Court
Linda Myhre Enlow
Thurston County Clerk

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

Eric Johnson,

Plaintiff,

No.

**18-2-00943-34
Complaint for Violation of the**

vs.

Public Records Act [PRA]

Washington State University (WSU)

Energy Program Office.

Defendant.

I. INTRODUCTION:

Jeremy Bentham, jurist and philosopher, wrote that "Secrecy, being an instrument of conspiracy, ought never to be the system of a regular government." Eric Johnson seeks review of the defendants' refusal to provide public records retained in its Olympia Office for the Thurston County Conservation District (TCD). RCW 42.56.001(2) defines "public record" to include any record "retained by any state or local agency regardless of physical form or characteristics." Johnson is Chairman of the TCD Board of Supervisors and seeks records retained by WSU Energy Program for TCD to determine if TCD staff engaged in

COMPLAINT FOR PRA VIOLATIONS

Shawn Timothy Newman
Attorney at Law, Inc., P.S.
WSBA 14193
2507 Crestline Dr. NW
Olympia, WA 98502-4327
(P) 360-866-2322

wrongdoing. Rather than provide the records, WSU employees directed Johnson to work thru the TCD staff acting Executive Director, Sarah Moorehead.

II. JURISDICTION & VENUE:

2.1 This court has jurisdiction pursuant to RCW 2.08.010 and RCW 42.56.550(1)

2.2 Venue is proper pursuant to RCW 4.12.020.

III. PARTIES:

3.1 Eric Johnson is a private citizen residing in Thurston County. He is Chairman of the Thurston Conservation District Board of Supervisors.

3.2 Washington State University is a state agency that operates the WSU Energy Program at 905 Plum Street, S.E., Olympia. The WSU Energy Program retains TCD records.

IV. FACTS:

4.1 Eric Johnson is a Thurston County Conservation District (TCD)¹ Supervisor and Chairman. He is a farmer and was appointed by the Washington State Conservation Commission.

4.2 Johnson and another Supervisor, Richard Mankamy, began to question the lack of accountability and conflicts of interests by staff. This includes, but not limited to:

4.2.1 Payment (including pre-payment) for staff travel and use of private vehicles. For example, Johnson and Mankamy learned that former TCD Executive Director Kathleen Whalen charged the District approximately \$500/month to use her own vehicle vs. driving one of the District vehicles. Ms. Whalen subsequently resigned in November, 2017.

¹ TCD is a political subdivision of the state. RCW 89.08

1 4.2.2 In February 2016, Deputy Director Amy Hatch-Winecka was terminated from the
2 Water Resource Inventory Area [WRIA] 14 Lead Entity program by Mason Conservation
3 District for insubordination, falsifying district records and violating federal, state or local laws or
4 district polices. This included conflicts of interest, unauthorized use of the district credit card
5 and reimbursement requests for herself and subcontracts. Given this history and the fact Hatch-
6 Winecka also worked at TCD [WRIA 13], Johnson and Mankamyer were concerned with her
7 role as the TCD contact for contracts between the TCD and South Puget Sound Salmon
8 Enhancement Group [SPSSEG] where her husband, Lance Winecka, is the executive director.
9

10 4.3 The concerns expressed by Johnson and Mankamyer were met with a campaign by TCD
11 staff, including the acting director (Sarah Moorehead), and their sycophants to demonize them.
12
13 This included:

14 4.3.1 A memorandum dated February 25, 2017, from TCD staff challenging decisions
15 made by the Board of Supervisors and questioning their “responsible use of public funds.” Staff
16 took issue with how the board would address the 2018 budget deficit, suggesting that any
17 reduction in compensation, staffing or hours would be illegal and discriminatory, as well as,
18 create a hostile work environment. The acting director, Sarah Moorehead, previously sent a
19 letter broadcast to “Community Members” seeking their support and noting that “the District will
20 face an entire year without nearly 1/3 of our overall budget.” The proposed 2018 budget
21 included significant salary increases for staff, including Moorehead and Hatch-Winecka.
22

23
24 4.3.2 In a letter to the TCD Board of Supervisors dated November 1, 2017, Shana Joy,
25 Conservation Commission Puget Sound Regional Manager, complained about TCD “operations
26
27
28

1 and behavior”. Her letter singles out two board members (presumably Johnson and Mankamyner)
2 for “openly complaining about district staff.”

3 4.3.2 A memorandum dated November 29, 2017, from supervisor Samantha Fleischner
4 to the Washington State Conservation Commission Executive Director requested the “immediate
5 removal” of Johnson and Mankamyner. Based on information and belief, Fleischner used her
6 personal and/or work e-mails and computer for TCD business. This includes
7 SamanthaH@WasteConnections.com. Based on metadata, the memorandum was finalized on a
8 TCD accounting computer. Amy Franks is the TCD accountant and, like Moorehead and Hatch-
9 Winecka, anticipated a significant salary increase in 2018.

10 4.5 Johnson and Mankamyner learned that TCD records were stored and maintained by
11 WSU’s Energy Program located at 905 Plum Street S.E., Olympia (aka “the vault”). They made
12 an appointment with Michael Pierson, WSU IT Support Specialist, for 3 pm on January 25,
13 2018.

14 4.6 However, when Johnson and Mankamyner went to inspect the records, they were met by
15 Mr. Pierson, his boss, James Colombo (Information Systems Department Manager) and TCD
16 acting director, Sarah Moorehead. Johnson and Mankamyner did not inform Moorehead of the
17 appointment. Colombo told Johnson and Mankamyner that they would have to make their PRA
18 requests through Moorehead based on an MOU [Memorandum of Understanding]. Johnson and
19 Mankamyner told him that they were her boss and wanted the records from WSU because they
20 were investigating wrongdoing by TCD staff.

21 4.7 On January 31, 2018, Johnson went back to the WSU Energy Office to ask some
22 additional questions. He met with Colombo and discussed the MOU and access to TCD
23
24

1 computers. He inspected the MOU between TCD and WSU IT and noted it ran from 2011 to
2 2014 and had been signed by the former TCD Executive Director Kathleen Whalen. There
3 apparently is no current MOU between TCD and WSU IT in place.
4

5 4.7.1 Johnson asked about a specific document (i.e. memorandum dated November 29,
6 2017, from supervisor Samantha Fleischner). According to metadata, it was created at the TCD
7 in the accounting department using an ID associated with the TCD accountant, Amy Franks.

8 4.7.2 Colombo asked Johnson why he did not want Moorehead involved. Johnson
9 reiterated that he was investigating her and others for possible wrongdoing. Colombo said he
10 could get Johnson the information in a couple of days. When Johnson did not hear back, he
11 emailed Colombo and received an email back with a cc to Moorehead. Colombo explained he
12 had been advised to redirect Johnson to Moorehead.
13

14 4.8 On January 31, Mr. Johnson submitted the following public records request to WSU's
15 Energy Office:

16 To: James L. Colombo Energy.wsu.edu

17 First Request:

18 I Eric Johnson, Chair, Thurston Conservation District (TCD), request, specify, looking at an e-
19 mail created at TCD on 11-29-17 at 3:33pm and modified on 11-30-17 at 9:47 am. What
20 computer was this created on, who created this and where was it sent? A copy of this e-mail
21 and meta data send to: ericjohnsontcd@gmail.com.

22 Second Request:

23 I Eric Johnson, Chair, Thurston Conservation District (TCD), request any and all e-mails sent
24 to and from TCD, containing the names Eric Johnson, Richard Mankamy, Samantha
25 Fleischner, Doug Rushton, Sarah Moorehead, Shana Joy, Mark Clark, Amy Franks, Amy
26 Hatch-Winecka, between the dates 112017 to 120517, send information
27 to: ericjohnsontcd@gmail.com

28 Eric Johnson
29 [360.701.4322](tel:360.701.4322)

1 4.9 Moorehead responded on February 8 stating: "Eric, if you have a public records request,
2 please feel free to send it along and I can get you the information you'd like." She copied the
3 district's private insurance defense counsel, Michelle Fossum [michelle@sayrelaw.com].

4 4.10 WSU has not responded despite its positive duty to do so by specific deadlines. RCW
5 42.56.510; .520.
6

7 **V. CAUSE OF ACTION**

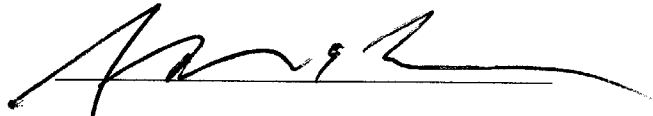
8 5.1 The PRA is to be liberally construed in favor of disclosure and production of public
9 records. RCW 42.56.030. The PRA is a strongly worded mandate for disclosure of public
10 records. *Neighborhood Alliance of Spokane County v. County of Spokane*, 172 Wn.2d 702
11 (2011). RCW 42.56.520 requires a prompt response to requests under the Public Records Act
12 (PRA) and provides in relevant part that the Agency can seek clarification from the requester if
13 the request is unclear. RCW 42.56.520(4). The PRA does not allow silent withholding of entire
14 documents or records, any more than it allows silent editing of documents or records. Here,
15 WSU did not respond, object, or seek clarification. Rather it relied on an outdated MOU to
16 direct Johnson to the work with the TCD staff he told them he was investigating.
17
18

19 **VI. CLAIM FOR RELIEF**

20 According to RCW 42.56.550(4) Any person who prevails against an agency in any
21 action in the courts seeking the right to inspect or copy any public record or the right to
22 receive a response to a public record request within a reasonable amount of time shall be
23 awarded all costs, including reasonable attorney fees, incurred in connection with such legal
24 action. In addition, it shall be within the discretion of the court to award such person an
25
26
27
28

1 amount not to exceed one hundred dollars for each day that he or she was denied the right to
2 inspect or copy said public record.

3 DATED: 2/16/18



5 Shawn Timothy Newman
6 Attorney at Law, P.S.
7 WSBA #14193
8 2507 Crestline Drive, N.W.
9 Olympia, WA 98502
10 PH: (360) 866-2322
11 Newmanlaw@comcast.net

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THURSTON COUNTY SUPERIOR COURT OF THE

Eric Johnson,

Plaintiff,

vs.

Washington State University (WSU)
Energy Program Office

Defendant.

NO. 18-2-00943-34

PLAINTIFF'S FIRST REQUESTS FOR
PRODUCTION TO DEFENDANT

Pursuant to Court Rules of Civil Procedure 26 and 34, Plaintiff requests Defendant identify and produce for inspection and copying all documents, papers, books, accounts, letters, objects, and tangible things identified herein, to the extent such documents are in the possession, or custody, or control of Defendant, including its agents, employees, and attorneys. All documents shall be **number stamped**, and categorized by request number to which it is responsive. All documents responsive to these requests shall be produced at 10:00 a.m., 40 days from service upon you, or at another mutually agreeable time, at the Law Office of Shawn Timothy Newman, 2507 Crestline Dr., N.W., Olympia, WA 98502.

INSTRUCTIONS FOR ANSWERING

1. In responding to this request, you are required to obtain and furnish all information available to you and any of your representatives, employees, agents, brokers, servants, or attorneys and to obtain and furnish all information that is in your possession or under your control, or in the possession or under the control of any of your representatives, employees, agents, servants, or attorneys.

2. Each request which seeks information relating in any way to communications to, from, or within a business or corporate entity, is hereby designated to demand, and should be construed to include, all communications by and between representatives, employees, agents, brokers or servants of the business or corporate entity.

3. Each request should be responded to separately. However, a document which is the response to more than one request may, if the relevant portion is marked or indexed, be produced and referred to in a later response. All documents produced shall be segregated and

1 identified by the paragraph(s) or request to which they are primarily responsive. Where
2 required by a particular request, documents produced shall be further segregated and identified
3 as indicated.

4 4. For any documents that are stored or maintained in files in the normal course of
5 business, such documents shall be produced in such files, or in such a manner as to preserve and
6 identify the file from which such documents were taken, including by producing a copy of the
7 index tabs and any other information contained on the file or storage medium itself, and by the
8 use of document numbering which maintains the identity of the source of the document.

9 5. If you object to part of any request, furnish documents responsive to the
10 remainder of the request.

11 6. Each request refers to all documents that are either known by Defendant to exist
12 or that can be located or discovered by reasonably diligent efforts of employees and agents of
13 Defendant.

14 7. The documents produced in response to this Request shall include all
15 attachments and enclosures.

16 8. These requests should be construed broadly. Towards that end, for example,
17 references to the singular include the plural, and the use of any tense of any verb shall be
18 considered also to include within its meaning all other tenses of the verb so used.

19 9. Pursuant to Rule 26(e), you are under a continuing duty to seasonably
20 supplement the production with documents obtained subsequent to the preparation and filing of
21 a response to each request. In addition, this instruction imposes upon you a continuous
22 obligation to supplement your answers to this production request.

23 10. For each document encompassed by these requests which Defendant claims to be
24 privileged from or otherwise protected against discovery on any ground, including work product
25 protection, attorney/client or other privilege, or any statutory authority, Defendant shall
26 expressly make the claim, fully setting forth all grounds for the privilege or protection and shall
27 expressly describe the document with a degree of specificity that will enable counsel for
28 Plaintiffs to assess the applicability of the claimed privilege or protection.

Each request to produce a document or documents shall be deemed to call for the
production of the original document or such copies as are in the possession, or subject to the
control of, the party to whom this request is addressed. In addition, each request should be
considered as including a request for separate production of all copies and preliminary drafts of
documents that differ in any respect from the original or final draft or from each other (e.g., by
reason of differences in form or content or by reason of handwritten notes or comments having
been added to one copy of a document but not on the original or other copies thereof).

1 12. All documents produced in response to this Request shall be produced
2 notwithstanding the fact that portions thereof may contain information not requested.

3 13. If any documents requested herein have been lost or destroyed, the documents so
4 lost or destroyed shall be identified by author, date, and subject matter. Further, you shall state
5 who lost or destroyed said document and at whose direction it was destroyed; the approximate
6 date of the destruction or loss.

7 14. Where exact information cannot be furnished, estimated information is to be
8 supplied to the extent possible. Where estimation is used, it should be so indicated, and an
9 explanation should be given as to the basis on which the estimate was made and the exact
10 reason information cannot be furnished.

11 15. With respect to any document requested which was once in possession, custody
12 or control of Defendant, but no longer is, please indicate the date the document ceased to be in
13 possession, custody, or control, the manner in which it ceased to be in possession, custody or
14 control, and the name and address of its present custodian.

15 16. Unless otherwise indicated, each request is to be construed as encompassing all
16 documents which relate to the stated subject matter and to events which transpired since January
17 1, 2016, until the present. However, unless otherwise specified, each request also requires a full
18 answer for every period of time with respect to which Defendant intends to offer evidence.

19 DEFINITIONS

20 1. "You," "your" and "yourself" refer to WSU – Energy Program or the party to
21 whom the following requests are addressed, and its agents, representatives, officers, directors,
22 affiliates, predecessors and successors in interest, parents, departments, divisions, subsidiaries,
23 area and regional offices and employees, including persons or entities outside of the United
24 States, and where applicable, your attorneys.

25 2. "Person" means natural persons, firms, proprietorships, associations,
26 partnerships, corporations and every other type of organization or entity.

27 3. "Communication" shall mean any transmission of information, the information
28 transmitted, and any process by which information is transmitted, and shall include written,
electronic, and oral communications.

4. "Document" or "documents" includes all those within the scope of CR 34 (a)(1)
and without limitation any written, typed, printed, recorded, or graphic matter (however
preserved, produced, or reproduced) of any type or description, regardless of origin or location,
including without limitation any employment application, binder, cover note, folder label,
certificate, letter, correspondence, record, table, chart, analysis, graph, schedule, report, test,
eliminate materials, course materials, study memorandum, note, list, diary, log, files (including
but not limited to official and unofficial personnel records and otherwise), calendar, telex,

1 message (including, but not limited to, inter-office and intra-office communications),
2 computer/electronic data, E-mail, questionnaire, bill, purchase order, shipping order, contract,
3 memorandum of contract, agreement, conciliation or settlement agreement with any municipal,
4 state, federal or governmental entity, assignment, license, certificate, permit, ledger, ledger
5 entry, book of account, check, order, invoice, receipt, statement, financial data,
6 acknowledgment, computer or data processing card, computer or data processing disk,
7 computer-generated matter, photograph, photographic negative, sound recording, transcript or
8 log of an such recording, projection, videotape, film, microfiche, any other data compilations
9 from which information can be obtained or translated, reports or summaries of investigations,
10 drafts and revisions of drafts of any documents and original preliminary notes or sketches, no
11 matter how produced or maintained, in your actual or constructive possession, custody or
12 control, or the existence of which you have knowledge, and whether prepared, published or
13 released by you or by any other person. If a document has been prepared in several copies, or
14 additional copies have been made, or copies are not identical (or which by reason of subsequent
15 modification of a copy by the addition of notations or other modifications, are no longer
16 identical), each non-identical copy as a separate document.

17 5. "Relating to" means consisting of, referring to, regarding describing, discussing,
18 constituting, evidencing, containing, reflecting, mentioning, concerning, relating to, citing,
19 summarizing, analyzing, or bearing any logical or factual connection with the matter discussed.

20 6. "Defendant" means any or all Defendants and any subsidiaries, departments,
21 divisions, officers, employees, agents, representatives, and others known to you to have acted on
22 his, her, or its respective behalf, including attorneys where applicable.

23 7. "During the relevant time period" shall mean any period(s) that the Defendant(s)
24 had direct or indirect contact with Plaintiff. It shall also include any time since January 1, 2016.

25 8. These requests shall be construed as broadly as is reasonable. To this end, "any"
26 shall also mean "all" and vice versa. In addition, "and" shall mean "or" and "or" shall mean
27 "and" as necessary to call for the broadest possible answer.

28 PRODUCE THE FOLLOWING DOCUMENTS:

1. All records responsive to Mr. Johnson's first request sent via email to Mr. Colombo on
1/31/18:

First Request:

I Eric Johnson, Chair, Thurston Conservation District (TCD), request,
specifically, looking at an e-mail created at TCD on 11-29-17 at 3:33pm and
modified on 11-30-17 at 9:47 am. What computer was this created on, who
created this and where was it sent? A copy of this e-mail and meta data send to:
ericjohnsontcd@gmail.com.

1 authorized agent for the said Defendant and that (s)he has read the foregoing Answers to
2 Plaintiff's First Interrogatories, knows the contents thereof, and believes the same to be true.

3
4 _____
5 SUBSCRIBED and SWORN to before me this ____ day of _____, 2003.

6
7 _____
8 NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission expires: _____

9
10 CERTIFICATE OF SERVICE

11 I hereby certify under penalty of perjury under the laws of the State of Washington that
12 on this 16th day of February, 2018, I served the foregoing PLAINTIFF'S FIRST
13 INTERROGATORIES TO DEFENDANT on the following parties at the following addresses
14 (postage prepaid if by mail): Washington State Attorney General's Office.

15 By causing a true and correct copy thereof to be hand delivered to said counsel.

16
17 DATED: 2/16/18

18 _____
Shawn Timothy Newman
19 Attorney at Law, P.S.
WSBA #14193
20 2507 Crestline Drive, N.W.
Olympia, WA 98502
21 PH: (360) 866-2322
Newmanlaw@comcast.net