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SUPREME COURT  
STATE OF WASHINGTON  
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NO. 101093-1

IN THE SUPREME COURT OF THE STATE OF  
WASHINGTON

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FREEDOM FOUNDATION,

Petitioner,

v.

WASHINGTON FEDERATION OF STATE EMPLOYEES,  
et al.,

Respondents.

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RESPONDENT KITSAP COUNTY'S ANSWER TO  
PETITION FOR DISCRETIONARY REVIEW

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## I. IDENTITY OF RESPONDENT

Kitsap County (the County) is a Washington political subdivision and municipal corporation of the State of Washington. The County employs persons who are represented by one of the Respondent Unions in this case.

On January 16, 2020, the County received a public records request from Maxford Nelson of the Freedom Foundation, the Petitioner in this case. The public records request sought the following information of each current employee of Kitsap County, who is a member of a union-represented bargaining unit:

1. First name
2. Middle name
3. Last name
4. Work email address
5. Day and month of birth (excluding year). If the employee is a criminal justice employee pursuant to RCW 42.56.250, please produce the day and withhold the employee's year and month of birth.
6. Bargaining unit indicator, including any or all of the following:
  - a. Name of the entity recognized as the exclusive bargaining representative

- b. The Public Employment Relations Commission decision number defining the bargaining unit
- c. Other descriptor used to identify the bargaining unit

On January 29, 2020, the County was served with a Summons and Third Amended Complaint for Declaratory and Injunctive Relief in Thurston County Superior Court Cause Number 19-2-06100-34, in which Kitsap County was named as a Defendant. The County has been a party to this litigation since that date.

## **II. RESPONSE TO PETITION**

The County takes no position on the merits of the Freedom Foundation's Petition for Discretionary Review and will comply with the Court's Orders and Decisions.

Additionally, unless the Court directs otherwise, the County does not intend to participate in any oral argument in this matter.

### **III. CERTIFICATE OF COMPLIANCE**

We hereby state that this brief complies with the word limit of RAP 18.17(c)(10). This brief contains 270 words, excluding the items exempted by RAP 18.17(c).

RESPECTFULLY SUBMITTED this 26th day of August, 2022.

CHAD M. ENRIGHT  
Kitsap County Prosecuting Attorney

*/s/ Jacquelyn M. Aufderheide*  
JACQUELYN M. AUFDERHEIDE  
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## CERTIFICATE OF SERVICE

I, Laurie Hughes, declare, under penalty of perjury under the laws of the State of Washington, that I am now and at all times herein mentioned, a resident of the state of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the above document in the manner noted upon the following:

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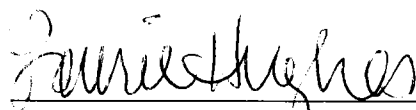
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SIGNED in Port Orchard, Washington this 26<sup>th</sup> day of August, 2022.



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August 26, 2022 - 2:33 PM

## Transmittal Information

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 101,093-1  
**Appellate Court Case Title:** WA Federation of State Employees, et al. v. Freedom Foundation  
**Superior Court Case Number:** 19-2-06100-3

### The following documents have been uploaded:

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