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(3) The court in its decision (CP 497-99/755-57) dismissing Van's action: (a) abused its discretion & misapplied RCW 42.17.340 (now RCW 42.56.550) by refusing to perform an in camera review of each contested document (line item by line item averments in CP 1-187, m.p. p 6-16 & App A1, A2, B1, & B2; CP 209-47, m.p. p 4-7; & CP 322-61, App G) needed to verify if the exemptions claimed by Pierce County were proper; (b) further misapplied with counsel RCW

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42.56.550 by not factoring in case law that supports the redaction of exempt portions of documents & the production of documents after redaction; & (c) misapplied with counsel the work product doctrine, which was compounded by the trial court errors in "a" & "b" above. The plaintiff Van, per CR 26(b)(4), would have obtained the records through pretrial discovery and thus should have been able to obtain them through the PDA requests also. And he has shown a substantial need for the records (although RCW 42.56.080 doesn't require Van to give a reason for needing the records) and that he could not obtain them from another source--both of which under CR 26 support disclosure via the PDA of records to Van (CP 497-99/755-57),.....15

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REPLY BRIEF-(v)

A. ISSUES PERTAINING TO ASSIGNMENT OF ERROR

(1) Is the Dept of Assigned Counsel (DAC) a Pierce County (PC) "agency" that owns, uses, & retain "public records", and as such, must the DAC comply with RCW 42.56.520 or be subject to monetary sanctions under RCW 42.56.550? Also, would this mean the DAC has been in violation of .520 on Van's (Vannausdle) 2 PDA requests since 10/20/05 because the DAC chose "silent withholding" by never aswering them within 5 days? Lastly, are Van's 2 PDA requests to the DAC valid in that they met the 2 prong test in Wood v Lowe because each requested (a) specific records & (a) stated they were PDA request under RCW 42.56 (former 42.17)?

(2) Has Van, as required by RCW 4.28.080, served 2 copies of all necessary process (per CR 4(d)(4)) on Pierce County through the PC Auditor as of April 3, 2007 (factoring in the GR 3.1 Mailbox Rule), despite the government misconduct of mail delay & tampering by CBCC Prison Mailroom Staff? Does the Court of Appeals have jurisdiction over his case & as such should reverse the court's dismissal desision (CP 497-99 same as CP 755-57) which misapplied the law in regards to process of service under RCW 4.28.080 & CR 4(d)(4)? Should this court also grant this due to the government misconduct regarding his process of service mailings being delayed 8 days by CBCC mailroom staff that violated 18 U.S.C. §1701-03 & 1708-09? Also, should the service of process defense be struck by this court per CR 12(f) due to it being untimely & the averments in 3 pleadings not being answered timely (before April 3, 2007 which was when Pierce County was served per RCW 4.28.080 under GR 3.1) or not at all as required by CR 8(d)? Should this Court grant Van all he asks for in summary/default judgment under CR 54-56 which the trial court failed to do?

(3) Did the court in its decision (CP 497-99/755-57) dismissing Van's action: (a) abuse its discretion & misapply RCW 42.17.340 (now RCW 42.56.550) by refusing to perform an in camera review of each contested document (line item by line item averments in CP 1-187, m.p p 6-16 & App A1, A2, B1, & B2; CP 209-247, m.p. p 4-7; & CP 322-361, App G) needed to verify if the exemptions claimed by Pierce County were proper?; (b) Did the court further misapply .550 by not factoring in case law that supports the redaction of exempt parts of documents and production of documents after redaction?; & (c) Did this court and counsel misapply the Work Product Doctrine, which was compounded by the court errors in "a" & "b" above? Wouldn't have the plaintiff, per CR 26(b)(4) have obtained the records through pretrial discovery & thus would have got them also through his PDA requests? And, hasn't Van demonstrated a substantial need for all records (especially the 911 tape/transcripts) & couldn't get them elsewhere?

B. STATEMENT OF THE CASE

Counsel raised an issue that wasn't previously raised, thus it cannot be raised as a defense, citing John Doe v. Pudget Sound Blood Center, 117 Wn.2d 772, 780 (1991):

"Issue not previously raised in trial court cannot be used as a defense."

Specifically, at the Show Cause Hearing (Verb @ 1-38) & in its prior pleadings (CP 393-98/414-438) counsel never raised as a defense or issue (per ROB @ 3-4)--that Van filed on 5/17/07 a reconsideration (CP 601-628) before the court issued an Order of Dismissal on the 5/10/07 decision (CP 755-57/497-99) & before the court had ruled on the Reconsideration Van filed a Notice of Appeal (NOA--CP 641-648) on 6/7/07 for the 5/10/07 Decision & that Van didn't appeal the order denying Reconsideration (CP 758). The true facts are that Van Appealed both the 5/10/07 Decision & the Reconsideration together (CP 641-42).

Then counsel states (ROB @ 6) that "a party may appeal from only a final judgment..." per RAP 2.2(a)(1), but under RAP 2.2 there's 13 things one can appeal. Van actually fulfilled RAP 2.2(a)(3) by appealing the written 5/10/07 Decision that affects his substantial 1st Amendment Rights to request & to obtain public records via the PDA per RCW 42.56.520.

What may have happened is the court issued a final order (CP 758--App A Atth) on Van's Reconsideration instead of his Show Cause Motion (CP 1-20), its Supplement (CP 209-247), Verified Complaint (CP 322-361, App G) & Show Cause Hearing (Verb @ 1-38). The

judge didn't say the 5/10/07 Decision was only a memorandum & not a final order/entry (per CP 499/757):

"I will enter an order of dismissal within a week or so to allow either side to comment on my Decision." (Note word "Decision")

Mindful of the 10 day time limit to file a Reconsideration (FNL) & because he didn't trust the judge (CP 188-192) for not taking care of court business timely (e.g., Court sat 24 days, until May 16th, on his 4/23/07 "Motion for Production of Documents By Defendant" in App #11 to CP 500-552 before filing it), he mailed a timely Reconsideration on 5/17/07 (per GR 3.1) at the law library (CP 601-627 & Atth B for the 5/17 Proof of Service & CBCC Law Library Legal Mail Log) otherwise it would have been time barred (CP 649-653 & Atth C for 6/7/07 Proof of Service & Mail Log). Van did the only rational course of action to protect his right to timely file his Reconsideration & NOA. Van isn't penalized for being proactive by filing the NOA early on June 7th between the 5/10/07 Decision & the 6/15/07 Order because RAP 5.2(g) states:

"The NOA...filed after announcement of a decision but before entry of the decision will be treated as filed on the day following the entry of decision...premature notice will not be penalized."

The court should have treated it as timely filed on June 16th (the day after the Decision) although the filing was premature. RAP 5.2(g) (citing Washington v Rundquist, 79 Wn. App 786 (1995) &

FNL CR 59: "A Reconsideration shall be filed NOT 10 days after entry of judgment, order, or decision ."

(When the judge referred to it (CP 499/757) as "my decision" it gave Van the direct impression this was his final judgment & that the comments ment to do a "Reconsideration" within 10 days.)

Tacoma Northpark LLC v N.W. LLC, No. 39767-1-II (2008).

The court & counsel violated CR 54(f)(2), (e) & CR 52(c)-(d) by not giving him 5 days' notice of presentation nor was he served with a copy of the proposed order or judgment. CR 54(f)(2) & (e) states:

"(f)(2) Notice of Presentation. No order or judgment shall be signed or entered until opposing counsel has been given 5 days' notice of presentation & served a copy of the proposed order or judgment...".

"(e) Preparation of Order or Judgment. The attorney for the prevailing party shall prepare & present a proposed form or order or judgment NOT 15 days after the entry of verdict or decision...".

CR 52(c)-(d) (State v Napier, 49 Wn App. 783, 788 (1987)) states:

"...The court shall not sign finds of fact or or conclusions of law until the defeated party has received 5 days' notice of the time & place of submission, & has been served with copies of the proposed findings and conclusions ...A judgment entered in a case to the court where findings are required, without findings of fact having been made, is subject to a motion to vacate within the time of taking an appeal." Stella Sales, Inc. v Johnson, 97 Wn. App 11 (1999) & Burton v ASCOL, 105 Wn.2d 344, 352 (1986).

Judge Munson's comments in Dept of Labor & Industries v City of Kennewick, apply to Vannausde:

"As a practical matter...follow CR 54..the prevailing party should submit a proposed judgment, decree or order with appropriate notice & service upon the opposing party. All parties are then aware of the state of the proceedings & can consider the applicability of of post judgment motions such as a motion for reconsideration, CR 59(c), appeals under RAP 2.2, & other time limited procedures hinging upon entry of judgment."

Conclusion: Although Van's appeal should be on solid grounds as he explained citing RAP 5.2(g), RAP 2.2, & the fact the defendant cannot use an issue not previously raised at trial, if this Court believes J. Culpepper didn't issue an order/final entry on Van's Show Cause Motion/Supplement/Hearing & Complaint (CP 1-20/209-247/322-361 & Veb @ 1-38) and that the CP 758 Order on the Reconsideration & Supplement wasn't enough, then it should be apparent J. Culpepper was either sleeping at the helm or was judicially biased using every ounce of connively to undermine his appeal by not taking

care of court business timely in violation of CANON 3(a)(5), (6). If necessary, in judicial fairness, this Court should per RAP 1.2/7.3 either (1) Stay NOA until the trial court files an actual final judgment that matches the May 10, 2007 Decision (CP 497/755); (2) Vacate, per CR 52(c)-(d) this 5/10/07 Decision & require the court to issue a final entry that mirrors it or simply to write the word "Order" across the top and to change the date on it so it becomes the so-called final order for expediency since there certainly won't be any word changes anyhow so Van's appeal is determined on the merits in this Constitutional Court. Van suffered prejudice for he was unaware of the exact status of the proceedings because counsel violated CR 52(c)-(d) & CR 54(f)(2)-(e) by not serving him within 5 days the notice of presentation & a copy of the proposed order/findings of fact, conclusions of law, & judgment. Counsel cannot show anything in the record that Van had notice of presentation or that he was served with any proposed order & Findings of fact, conclusions of law or judgment. The trial court permitted this to happen. This lack of notice prejudiced his right to due process to defend himself under USCA 6 because counsel tried to argue there's only a memorandum opinion & not a final entry & that he had no appeal on his issues. If counsel and the lower court had done its duty and job it would have alerted him to his appeal status, that is, whether to respond to any notice of presentation & proposed order (if one was sent) along with findings of fact & conclusions of law or to instead to submit a Reconsideration in 10 days by May 20th per CR 59 or to simply to file a NOA by June 10th which is 30 days from the May 10, 2007 Decision.

C. ARGUMENTS.

1. Dept of Assigned Counsel (DAC) is a Pierce County (PC) "agency" that owns, uses, & retains "public records" & as such, must comply with RCW 42.56.520 or be subject to monetary sanctions under RCW 42.56.550. Consequently, the DAC has been in violation of 42.520 on Van's 2 PDA request since Oct. 20, 2005 because it chose "silent withholding", that is, never answered them within 5 days. Also, Van's 2 PDA requests to the DAC were valid for they met the 2 prong test of Wood v Lowe because each requested (A) specific records & (B) stated they were PDA requests under RCW 42.56 (former RCW 42.17).

Van submitted 2 legitimate PDA requests to the DAC, which it received on 10/20/05 (CP 657-664--Boyd Swingley witness statement & PS Form 3811 signed by DAC). The DAC violated .520 by never answering PDA requests (CP 21-187, App B1 & B2), which

must be done within 5 days. RCW 42.56.520 states:

"Responses to requests for public records shall be made promptly by agencies,...within 5 business days of receiving a public record request...either by (1) providing the record, (2) acknowledge that the agency...has received the request & providing a reasonable estimate of the time the agency will require to respond to the request, or (3) deny the public record request." These cases support this:

PAWS v University of Washington, 125 Wn.2d 243, 270, (1994) (PDA clearly & emphatically prohibits silent withholding by agencies of records relevant to PDA requests...).

Citizens For Fair Share v Washington D.O.C., 117 Wn. App. 411 (Failing to state reason for denying disclosure is PDA violation).

Counsel admits DAC is an agency (ROB @ 9): "...the DAC is a 'public agency'...". RCW 42.17.020(1) also supports that the DAC is an agency for it is a department (CP 601-627, m.p. p 9):

"An agency includes all states and local agencies. 'State Agency' includes every state office, DEPARTMENT, division, bureau, board, commission, or other state agency. 'Local Agency' includes every County, City, Town, Municipal corporation, quasi-municipal corporation, division, bureau, DEPARTMENT, board, commission, or agency or local public public agency." Dawson v Daly 120 Wn.2d 788 (1993).

Now, with this foundation set, opposing counsel wrongfully states Van's 2 PDA were invalid and didn't seek 'public records' (ROB @ 9-11). Both statements are untrue because counsel misstates case-law, feeling if he states falsehoods repeatedly like a political ad they will develop verisimilitude.

A. Lets start first with the former contention by referring to the 2 prong test that must be met for a PDA request to be valid:

Wood v Lowe, 102 Wn. App 782 (2000)(Valid PDA request must (1) state it's a PDA request--per RCW 42.17 (Now RCW 42.56) & (2) must request specific records.)

The PDA requests to the DAC & PC Pros Atty's Ofc (CP 21-187, App

A1-B2) meet both Wood prongs by stating they are PDA requests under RCW 42.17 & they requested specific records. There's no magical 3rd prong stating if someone asked if he could have the records at no cost it is not a valid PDA request nor does any case law anywhere state this. For instance, counsel (ROB @ 10-11 & CP 471-94 & Exh #1, p 6-7) grossly misstated Hangartner v City of Seattle, 151 Wn.2d 439, 449 (2004) as did the trial court in its misapplication of .520 in its decision (CP498/756) referencing this case. What this case truly says is:

"PDA request dismissed because city not required to respond to request that failed to describe 'identifiable records'".

In Hangartner case stated the PDA request was overbroad & not specific enough which was why the PDA request was dismissed. Hangartner states nothing whatsoever about the DAC or xerox costs. No Washington State or higher court case law or PDA provision does it require emphatically for a PDA request to be valid one cannot ask for the xerox copies free. Putting costs aside, per .520 counsel is still under obligation to let Van "view" the records, which he dances past. Counsel also misquotes RCW 52.56.120 (FN2) (ROB @ 10-11; CP 414-438, p 9; CP 500-552, p 3) inferring this provision states a fee must be charged when in fact the actual wording of .120 used the words "MAY" and FN2 RCW 42.56.120 (CP 471-94, Exh #1, p 7) states:

"No fee shall be charged for inspection of public records. No fee shall be charged for locating public records & making them available for copying. a reasonable fee "MAY" be imposed for providing public records...". CP 500-552, m.p. p 3.

"authorize" which leaves it totally discretionary if an agency charges a fee on a case by case basis. Also, counsel's statement Van knew about the obscure PCC 2.04.070(A) local policy of charging a fee is a blatant lie for the DAC never wrote Van (by not responding to Van's 2 PDA request in 5 days per .520) asking for zerox cost (like the PC Pros Atty's Ofc did) prior to mailing copies nor did the DAC write a separate ltr explaining this policy nor is this local reg mentioned in any law books or the computer Lexis system at the prison law library. Furthermore, a mere local reg/policy is subordinate to any PDA provision as Brouillet v Cowles Publishing, 114 Wn.2d 788 (1990) states:

"An agency regulation cannot service as a basis to withhold Public Records." CP 471-94. & #xh #1, p 6-7.

It's pertinent the 2 identical PDA requests (CP 21-187, App A1-A2) sent to the PC Pros Atty's Ofc (DAC's counterpart) asking for the records at no cost were responded to timely (CP 21-187, App K, & App I.) as required by .520 and requested \$1.65 for 11 pages of records. The DAC was under the very same obligation by .520 to respond to Van within 5 days but chose in bad faith the stall tactics of "silent withholding". The DAC could have wrote Van stating it had "x" number of disclosable documents each costing "y" per pages & to kindly remit "z" amount but chose connively. It's also interesting for 2 totally separate PDA requests Van made to the Lakewood & Dupont Police Depts (CP 209-247, m.p. p 3 & App 6-10; CP 471-94, & Exh #1, p 7; CP 500-552, m.p. p 6 & App

7-9)that both agencies gave Van the records at absolutely no cost which was their choice. Thus, counsel's contention is false, that is, Van sent out 4 valid PDA requests that met the 2 prong test of Wood.

B. Now lets answer the latter contention where counsel misquotes (akin to something out of Dean Koontz's "How To Write The Best Selling Fiction") Brentwood & Polk County (ROB @ 9-11 & CP 414-438, m.p. p 5) stating that these cases say the DAC as an agency doesn't have to comply with .520 because the records Van seeks aren't public records since the DAC's purpose is the defense of its clients in court as an adversary to the state & that these records don't relate to the conduct of govt or performance of any govt proprietary function. The trial court (CP 498/756) committed judicial bias & a misapplication of .520 by blindly accepting in its decision counsel's misstatement of this case law as it applies to .520 (CP 601-627, m.p. p 1; CP 471-94) (FN3). Brentwood Acad. v Tenn. Secondary School Ath. Ass'n, 531 U.S. 288, 303 (2001) (citing Polk County v Dodson, 454 U.S. 312, 322 n.13 (1981) really states that an indigent inmate named Dodson sued his court appointed lawyer for ineffective assistance of counsel for refusing to write a lawsuit & for withdrawing from his case (CP 628-640, m.p. p 5-6; CP 641-648, m.p. p 7; CP 471-94 & Exh #1, p 5-6).

FN3 Van had trouble with the Pierce County Superior Court's bias early & continually since October 6, 2006 per the Canon violations cited in CP 188-192.

In fact, neither mention the PDA or the DAC. There's no case law in Washington State or elsewhere that states the DAC isn't an agency, that the records the DAC holds aren't public records, & that the DAC doesn't have to comply with .520. Since the DAC is by definition an agency, it must comply with .520 which mandates all agencies must respond to PDA requests within 5 days of receipt or be subject to sanctions under .550. Short of some magic exclusion, which the DAC doesn't have, it must comply.

Also, keep in mind the 3 agencies (e.g., DAC, PC Pros Atty's Ofc & PD IESA), especially the DAC--uses, owns, & retains/collects records containing info relating to the conduct of govt & these records do directly relate to the function of these agencies. What the DAC does concerning the conduct of govt is to ensure indigent citizens get adequate representation of counsel in court (being mindful for PDA .520 purpose it doesn't matter what an agency does for it still must comply with .520). It doesn't matter where a record originates for it is defined as a public record (FN4) for the info it contains & what that info relates to. Besides these 3 agencies, Van obtained some police crime lab/forensics/ballistics records from other agencies (CP 500-552, App 1-10 lists these records) that were also

FN4 RCW 42.17.020(41): "A 'public record' can be a writing containing info relating to the conduct of government or the performance of a government or proprietary function, prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." Note: this "owned, used, & retained" certainly fits the DAC & Pierce County.

requested in the PDA requests to the DAC. Thus it's completely assinine for the DAC and trial court (CP 498/756) to state these very same records the DAC possesses aren't public records when other agencies treat them properly as such & when the DAC fits the defination of an agency.

CONCLUSION: Per RCW 42.17.020(1) the DAC is legally defined as an agency and per RCW 42.17.020(41) this agency owns, uses, & retains 'public records' from other sources, thus it must comply with .520 which it hasn't on both PDA request since Oct 20, 2005 because it never responded to these requests within 5 days. Thus, it must pay sanctions to Van since this date under .550. Also, Van's 2 PDA requests to the DAC were valid for they met the 2 prong test of Wood v Lowe because each requested (a) specific records & (b) stated they were PDA requests under RCW 42.56 (former RCW 42.17). The trial court in its decision (497-99/755-57) misapplied RCW 42.17.020(1) & (41) by not ruling the DAC is an agency which holds disclosable records and consequently misapplied .520 by not fuling the DAC was obligated to respond to Van's 2 PDA requests on Oct 20, 2005, which it didn't and as a consequence should have paid Van daily sanctions under .550 since this date on both PDA requests.

2. As required by RCW 4.28.080 Van served 2 copies of all necessary process (per CR 4(d)(d)) on Pierce County through the PC Auditor on April 3, 2007 (factoring in the GR 3.1 Mailbox Rule), despite the govt misconduct of mail delay/tampering per 18 USC §1701-09 by CBCC prison mailroom staff (CP 471-94/601-640). Consequently, the Court of Appeals (COA) has jurisdiction and should reverse the trial court's dismissal decision (CP 497-99/755-757) which misapplied the law in regards to process of service (CP 500-552/553-600/322-361/6570664). Lastly, this Court should grant this due to the govt misconduct affecting his process of service mailings being delayed 8 days & other mail crimes (CP 471-94/601-640). Under CR 12(f) defense of service of process should be struck because it was untimely & the averments in 3 pleadings (CP 322-361, app G, p 1-8; CP 5-16; CP 21-187, App A1, A2, B1, B2; CP 209-247, M.p. p 4-7) weren't answered timely (before 4/3/07) or not answered at all, as required by CR 8(d). This Court should grant Van all he asked for in summary/default judgment under CR 54-56, which the trial court failed to do.

This Court has jurisdiction over Van's case because he served timely/completely all necessary process documents in dupli-

cate (CP 500-552, m.p. p 1-2/CP 553-600, m.p. p 5-7) on Pierce County via the PC Auditor as required by RCW 4.28.080, that says:

"Summons shall be served by delivering a copy...if the action be against the County...to the County Auditor."

CR 4(d)(4) further states:

Counsel untruthfully says Van mailed just the Complaint (ROB @ 7) & never served Pierce County with service on the Auditor.

However, Van fully complied with 4.28.080 & went above & beyond what was required by serving Pierce County thru the PC Auditor 2 copies of all necessary process (Summons & Complaint) plus all other documents listed below (FN5)(One set of process was sent Certified w/return receipt & the other was sent first class to the PC Auditor's Ofc thus serving twice Pierce County on 4/3/07):

1. Summons by Mail (CP 3220361, App H, p 1-6).
2. Complaint filed 3/8/07. CP 322-361, App G, p 1-8.
3. Show Cause Motion filed 9/8/06. CP 1-20 & CP 21-187, fapp A1, A2, B1, B2, Z2 for 5 PDA requests to DAC, PC Pros Atty's Ofc, & PC LeSA & App A-Z2.
4. Show Cause Motion Supplements filed on:
 - A. Nov 5, 2007 (CP 193-207)
 - B. NOV 9, 2006 (CP 657-664)
 - C. Nov 12, 2006 (CP 209-247)
5. Admissions of Service (CP 322-361, App E, p 1-6).
(Note: In Van's Mar 22, 2007 ltr to the PC Auditor & to the court, Van indicates #1-5 above was sent in duplicate to the PC Auditor along with 5 other items (CP 362-392, m.p p 1-2 & Enc #1).

FN5 Per RCW 4.28.080, Van didn't need a separate order to serve process on Pierce County via the PC Auditor upon learning the 1/7/07 Order (CP 260) was insufficient to serve the County. Van took the initiative to make process of service correct by serving 2 process of service sets (CP 362-392, m.p. p 1-2 & Enc #1 lists all 10 process of service items Van sent in duplicate to PC Auditor on 4/3/07). A 4/3/07 ltr sent to the PC Auditor & the court (CP 601-627, App B) explains the two mailings. If the judge knew originally Van's request to serve the DAC, PC Pros Atty's Ofc & PD LESA wasn't sufficient to serve PC, he would be unethical granting it or incompetent not knowing the requirement.

Postage transfer forms show that the CBCC Law Librarian received both process mailings on 4/3/07 (FN6)(CP 553-600, m.p. p 5-8, 11-12 & App D, p 1-3; CP 601-627, m.p. p 2-5 & App B) & the PS Form 3800, Certified Return Receipt shows CBCC mailroom staff sat on the mailing 8 days between April 3rd to the 10th (because the PS Form 3800 had a USPS stamp dated "Apr 10, 2007" on it). Consequently, the PC auditor signed for it 4/11/07 on 4/11/07, 9 days later, per the signed PS Form 3811, Domestic Return Receipt. Mail staff did this in the hopes of making Van's process of service on Pierce County not timely. However, even with this intentional delay by CBCC's finest, legally under GR 3.1, Pierce County was served on 4/3/07 when Van gave it to the Law Librarian for mailing despite this govt misconduct (FN7) (CP 628-40, m.p. p 1 & Ath "Mail Theft & Vandalism Com-

FN6 The CBCC Law Library Legal Mail Log dated 4/3/07 also shows both process of service mailings for the PC Auditor were give to the CBCC Law Librarian for mailing on this date. CP 399-413, m.p. p 1-2 & App. B.

FN7 Pierce County was so intent on "not being served" that they returned both process document sets to Van in disingenious ways in the hopes of finagling out of it. The PC Auditor's Office returned one set to plaintiff writing on the attached PC Auditor's Office memo "This Document is (already) on file at the auditor's office...". CP 553-600, App D, p 4. The second process of service set was returned to plaintiff, not by the Auditor's Office where it was mailed to, but by the Pierce County Superior Court Clerk (Kevin Stock) stating on his letterhead, "Our office does not accept copies." This was not sent to him but to the PC Auditor and it was an original, so it was a real lame attempt with smoke and mirrors to try to weasel out of process of service being made on Pierce County through the PC Auditor--and shows to what great lengths Pierce County sent to play dirty. CP 553-600, App D, p 5.

plaint, CP 500-552 m.p. p 1-2; See CP 471-94/601-627 for other mail crimes by counsel & CBCC mail staff under 18 USC §1701-09) (FN8).

Now, the court conceded at the April 27, 2007 Show Cause Hearing that Pierce County was validly served:

"THE COURT: Mr Vannausdle, the jurisdictional issue isn't important; Mr Hamilton (opposing counsel) more or less conceded his arguments would be the same if the County was validly served--so I'm going to act as though they were validly served." Verbatim @ 31-38 & CP 601-627, m.p. p 2-4.

The judge through his May 10, 2007 dismissal decision (CP 497/755) contradicted himself stating "The County wan't made a party" which is bogus for the evidence above supports that the County was validly served on 4/3/07 (per GR 3.1) fulfilling RCW 4.28.080. Thus this Court has jurisdiction (CP 362-392, m.p. p 1 & Enc #1 for 3/22 letter to PC Auditor and the court) and the dismissal decision should be reversed because the court misapplied RCW 4.28.080 due to its judicial bias (CP 471-94) towards Van.

Lastly, even if the defense of lack of service/jurisdiction were true, which it isn't, it's not available to the defendant since it was given late after Pierce Count was served 4/3/07. It

FN8 On 3/25/07 Van originally tried to serve both process sets on the PC Auditor at the wrong address (CP 399-413, m.p. p 1-2 & App A-F & CP 553-600, m.p. p 5-6) due to the fact the CBCC Law Library & regular library listed the wrong address for the PC Auditor. When both certified process sets were returned to Van on April 2nd as undeliverable, he in good faith found the correct address (with the help of the librarian searching the internet) & reailed both process sets on April 3rd. The Court & defendant were notified in a 4/3/07 ltr of the mistake & re-mailing to complete process of service (CP 601-627, p 3-4 & App B & CP 362-392, m.p. p 1 & Enc #1.

should have been struck under CR 12(f) by the court. Specifically, counsel violated CR 8(d) (CP 601-627, m.p. p 4-6; CP 553-600, m.p. p 1-7) by responding late to the averments in the (a) Mar 8, 2007 Complaint (CP 322-361, App G) on 4/6/2007 in CP 393-98; & (b) the Show Cause Motion (CP 6-16) along with the 4 PDA request (CP 21-187, Ap A1-B2) on 4/18/07 in CP 414-438. Counsel never answered the averments in the Show Cause Motion Supplement (CP 209-247, m.p. p 4-7). The court violated CR 8(d) & CR 54-56 by not granting him summary/default judgment which would have awarded him monetary sanctions under .550 & contested documents in the above referenced pleadings.

CONCLUSION: As required by RCW 4.28.080 Van served 2 copies of all necessary process (per CR 4(d)(4)) on Pierce County thru the PC Auditor on April 3, 2007 (factoring in the GR 3.1 Mail-box Rule), despite the govt misconduct of mail delay/tampering per 18 USC §1701-09 by CBCC prison mailroom staff (CP 471-94/601-640). Consequently, the Court of Appeals has jurisdiction and should reverse the court's dismissal decision (CP 497-99/755-57) which misapplied the law in regards to process of service (CP 500-552/553-600/322-361/657-664). Lastly, this Court should grant this due to the govt misconduct affecting his process of service mailings being delayed 8 days & other committed mail crimes (CP 471-94/601-640). Under CR 12(f) defense of service of process should be struck because it was untimely & the averments in 3 pleadings (CP 322-61, App B, P 1-8; CP 6-16; CP 21-187, App A1, A2, B1, B2; CP 209-247, m.p. p 4-7) weren't answered timely (before 4/3/07) or not answered at all, as required by CR 8(d). This Court should also grant Van all he asked for (documents and monetary sanctions under .550) in summary/default judgment under CR 54-56, which this court failed to do.

3. The court in its decision (CP 497-99/755-57 dismissing Van's action: (a) abused its discretion & misapplied RCW 42.17.340 (now 42.56.550) by refusing to perform an in camera review of each contested PDA document (line item by line item averments in CP 1-187, m.p. p 6-16 & App A1, A2, B1, B2;

CP 209-47, m.p. p 4-7; CP 322-361, App G) in order to verify if the exemptions claimed by Pierce County were proper; (b) further misapplied .550 by not factoring in case law that supports redaction of exempt portions of documents & and the production of documents after redaction; & (c) the misapplication by counsel & the court of the work product doctrine, which was compounded by the court errors in "a" & "b" above. Van, per CR 26(b)(4), would have obtained the records through pretrial discovery & thus should have been able to obtain them through his PDA requests too. And he has shown "substantial need" for the records & that he could not obtain them from another source--both which support disclosure via the PDA to Van.

At the April 27, 2007 Show Cause Hearing (Verb @ 31-38) the judge stated he would examine all contested documents in camera, needed to gather them up, & asked Van specifically which ones he wanted him to review. Van verbally provided him a list, although these records were already averments mentioned in in Show Cause Motion, Supplement, & Complaint (CP 5-16; CP 21-187, App A1, A2, B1, B2; CP 209-247; CP 322-361, App G) (FN9).

However, the court in fact reneged on its word in its May 10, 2007 decision (CP 497/755):

"I'm denying Vannausdle's request for an order directing production (CP 500-552, App #11) of documents (for an in camera review) & dismissing his action."

By not holding an in camera review (FN10), the court abused its

FN9 Although no in camera review was done by the court, & the record supports this, Counsel doesn't tell the truth saying:

"Appellate presents no evidence the court failed to conduct an in camera review & simply assumes such a review didn't occur." (ROB @ 14).

FN10 RCW 42.17.340(3) states:

"(3)...the court may examine copy of the record in chambers in any proceeding under this section."

discretion & misapplied the law, which casts serious doubt on its impartiality. The court disregarded Justice Justice

Alexander:

"We remand to the trial court for an in camera review of the documents...which are claimed to be work product. In our view, the only way that a court may accurately determine what portions, if any, of the files are exempt from disclosure is by an IN CAMERA REVIEW OF THE FILE." Limstrom, 136 Wn.2d @ 615 (1998). See also Newland v King County, 133 Wn.2d 583 (1997). (FN11)

Overlake Fund v Bellevue, 60 Wn. App 788 (1991) supports this:

"...a determination as to whether the documents were exempt in or in part could not be made from the record, & that the trial court abused its discretion by not conducting an in camera review of the documents, the court reversed its judgment & remands for further proceedings."

There's no way for the Vannausdle court, like Overlake, to truly know what had work product in it, if any, by self-serving affidavits (CP 439-56)--especially from counsel that consistently misquoted caselaw, RCWs, & facts on the record--without physically reviewing the records which the court didn't do. Bottom-line is the court abused its discretion & misapplied the law (.340) by not conducting an in camera review, thus violating Van's 1st Amendment Right to public disclosure under .520. And the court disregarded the case law of Limstrom, Newland (FN12),

FN11 Van wasn't permitted at show cause hearing to argue each contested PDA violation, line item by line item averments, which should have been permitted (verbatim # 31-38).

FN12 The cases of Limstrom & Newland are more current caselaw than Harris (ROB @14) thus take precedent over this latter case. What differentiates Vannausdle from Harris is that Van has demonstrated a substantial need for the documents which would have been available to him through pretrial CR 26 discovery.

Amren, & especially Overlake that supports in camera reviews.

Overlake Fund, 60 Wn. App @ 780, 797 requires a factor review

or it abuses its discretion:

"Factors such as (1) judicial economy, (2) the conclusory nature of agency affidavits, (3) bad faith on the part of the agency, (4) disputes concerning the contents of documents, (5) whether and agency requests an in camera inspection, & (6) the strong public interest in disclosure should be considered by a court in determining whether to conduct an in camera inspection of documents claimed to be exempt from disclosure under RCW 42.17...In Camera reviews may be necessary when the court cannot evaluate the asserted exemptions without more info than is contained in the affidavits." (citing Allen v CIA, 636 F.2d 1298-99 (D. C. Cir 1980)):

"...an in camera review has been found (especially) appropriate when a small number of documents are to be examined."

Donovan V FBI, 806 F.2d 59 (2nd Cir 1986)(citing Church of Scientology v IRS, 792 F.2d 146, 153 (D.C. Cir 1986) states:

"In the exercise of its discretion, after considering all relevant factors (6 per Overlake), the court may deem an in camera review to be appropriate."

Punchline: Like Overlake, the Vannausdle court didn't consider nor document these 6 factors in its decision not to conduct an in camera review, thus the court abused its discretion & misapplied .340. For instance, the court didn't consider the "bad faith on part of the DAC/Pierce County" in not answering 2 PDA

FN13 Counsel misstates Yakima Newspaper v Yakima, 77 Wn App 319 329 (1995) (ROB @14) stating:

"The (Yakima) court held no error occurred when a trial court denied plaintiff's request to conduct an in camera review..."

This case doesn't say this nor does it say the court denied the request for an in camera review. What is factual is that the court held an in camera review and ruled that the contested document was a public record and that the RCW 42.17.310(1)(j) exemption did not apply.

Requests Van sent them (CP 1-20/500-552/553-600/471-94), both process of service sets Van sent to the PC Auditor to serve Pierce County were returned to him under questionable means in the desperate hopes of hindering process of service per RCW 4.28.080 (CP 553-600, m.p. p 12 & App D, p 4-5), & the 8 day delay by CBCC prison staff of both process of service sets to the PC Auditor and other mail crimes by prison staff & counsel (CP 500-552, m.p. p 1-2; CP 553-600, m.p. p 5-7 & App D, p 1-3; and CP 471-94/601-640). These alone warrant an in camera inspection. Then there's a strong public interest in disclosure, especially what Van seeks through the PDA is exculpatory info that could grant him a new trial & the less than ethical withholding of this evidence from him prior to trial by his lawyer (especially the 911 tapes/transcripts per App M, p 1-8 to CP 21-187). And the affidavits of counsel & agency cronies are self-serving, take away the burden on the defendant of proving an exemption does apply & verifying the veracity of agency exemption claims, & were made to stifle & hinder obtaining info through the PDA. These affidavits (CP 439-456) are orchestrated fiction and insufficient basis to deny an in camera review. Concerning Judicial Economy, there aren't that many pages (50-100) for the court to review, thus an in camera review would save alot of time & expensive, time consuming appeals. Allen, 636 F.2d @ 1298-99.

Concerning Work product & redaction, opposing counsel, the

masterful semantic fibster, kabuki steps around the truth of the matter that work product (if any) in a document should be redacted so the vast majority of the document can be disclosed. Counsel purposely misstates the case law of Dever & Limstrom (FN14), RCW 42.56.290 (former RCW 42.17.310(1)(j)), & CR 26, implying if even the littlest amount of work product is contained in a given document, then the whole document isn't disclosable under the PDA or discoverable under CR 26--which is untrue. Dever doesn't states "Prosecutor files protected from civil discovery" (ROB @ 12). Dever & Limstrom in fact support Van's contention (FN14) to redact the mental impressions, opinions, & legal theories & to disclose the rest of a given record to Van, which is in compliance with CR 26(b)(4) & .520. The gist is since the PC Court did no in camera review, how can it perform redactions so documents could be disclosed. Answer: it couldn't. The Dever court ruled concerning in camera reviews & redaction:

"On remand, the trial court should be instructed to reexamine (in camera) the documents to determine whether discovery should be permitted. If the courts orders discovery of documents, then the mental impressions, opinions, & legal theories that aren't vital to proving Dever's case shall be expurged from the discoverable documents."

The court, in its 5/10/07 (497/755) decision bought into counsel's misstatements of caselaw concerning work product (thus misapplying

FN14 Limstrom, 136 Wn.2d @ 612 (quoting Heidebrink v Moriwaki, 104 Wn.2d 392 (1982) actually states:

"Mental impressions of...attorney embedded in factual statements should be redacted."

.310(1)(j))) & made no mention in its decision about redaction & then disclosing documents, as the above case law supports.

Hearst Corp v Hoppe, 90 Wn.2d 23 (1978) further supports in camera reviews & redaction for any exemption, be it RCW 42.17.

310(1)(j), (d), (e), or CR 26—then disclosure of the document:

"Agency has a duty to delete or black out specific info covered by exemptions & to disclose the remainder of the document...". CP 209-47, m.p. p 3 & Verbatim @7. See also Amren v City of Kalama, 131 Wn.2d 25, 32, 929 P.2d 389 (1997):

"If the requested material contains both exempt & non-exempt material, the exempt material may be redacted but the remaining material must be disclosed (citing RCW 42.17.310(2)). The simple fact is the trial court cannot make a fair determination regarding disclosure until it examines the records within the file."

Now, concerning substantial need, Dever, 63 Wn. App @47-8 states:

"Documents protected by the work product rule are never-the-less discoverable if the party seeking discovery shows substantial need for the material & is unable to obtain (them) by other means." CR 26(b)(4) & Limstrom, 136 Wn.2d @ 593 (1998)

What counsel neglected to mention was the disclosure rule and substantial need exception in CR 26(b)(4), which applies to Van.

The court misstated the fact (CP 498/757) regarding substantial need (FN15), Dever, Ollie, & O'Conner support Van's claim that be-

cause his documents were available to him thru CR 26 discovery

they're also available to him through the PDA. In O'Conner v

DSHS, 143 Wn.2d 895, 905 (2002) the court rules:

"PDA may be used as discovery tool & public records from a public agency available to litigants against the agency by discovery under the civil rules are not exempt from the PDA under RCW 42.17.310(1)(j) & CR 26." CP 209-47, m.p. p 3 & Verbatim @ 28-9. Also, Ollie v Highland School Dist., 50 Wn. App 659 (1988).

FN 15 "He (Van) hasn't demonstrated substantial Need for documents".

Van does have a substantial need for all the records he requested (although he doesn't have to give a reason for making a PDA request (FN16))-explained in the Show Cause Motion (CP 1-20), Supplement to this (CP 209-247, m.p. p 4-7), 4 PDA requests (CP 21-187, App A1, A2, B1, B2), & Complaint (App G to CP 322-61). All of these documents (requests for police reports, witness statements, ballistic/forensic/fingerprint reports) listed in his averments would have been available to him through CR 26 discovery, thus the PDA does apply to him. None of these documents contained (work product) the opinions, mental impressions, or legal theories of counsel, but if they had, then simple redaction would permit disclosure of the remainder of the documents (FN17). He needed all of these originally to create his

FN16 RCW 42.56.080 (former RCW 42.17.255) states:

"Agencies shall not distinguish among person requesting records & such person shall not be requested to provide info as to the purpose of the request.."

Counsel lies outright (ROB @ 15-16) stating "the PDA doesn't & shouldn't apply to benefit convicted felons."-which is false. He also wrongfully infers the case of Dawson v Hearing Comm states the PDA isn't available to inmates which isn't true & isn't what this case says. If he had his wish our 1st amendment right to public records would be abolished so we would live in a police state with a thin veneer of democracy over a large slab of corruption/hypocrisy.

FN17 Southern Railroad Co. v Lanham, 403 F.2d 119, 123-26 (5th Cir 1968). "Raw actual transcripts & tape recording of witness isn't work product...CR 26 &..310(1)(j) don't apply." Also State v Strady, 49 Wn.App 537 (1987) & State v Coe, 101 Wn.2d 772 (1984) support Southern Railroad's logic. Also Lindeman v Kelso School Dist. #458, No. 772-53-3 (2007).

defense of misidentification, but what he needs most to prove his innocence & that he was misidentified as the perpetrator of the crime (under case #06-11214-3) is the 911 recording/transcripts (App M, p 1-8 of CP 21-187, CP 1-20, & CP 500-552, m.p. p 7) so under RCW 42.73.100(1) he can file in a PRP the tape/transcripts as new evidence (which his lawyer hid from him & never disclosed prior to trial.) This would have changed the outcome of any trial & his decision to take a plea instead of going to trial. Van cannot obtain these from any other source. Only the DAC (which didn't admit to having them CP 21-187, App M, p 1-8 & CP 209-47, App #5) and the PC Pros Atty's Ofc (CP 21-187, App L & K) has them. He made a good faith effort to get them through normal letters (App A-G to CP 21-187) & his 4 PDA requests. Van has demonstrated a substantial need, that both of these agencies under the umbrella agency Pierce County are the only ones with exclusive control, that the prudent course of action would have been for the court to do an in camera review of these records & all others due to the public interest, Judicial Economy, & Bad Faith on party of the agency (CP 601-47, CP 471-94), but the court abused its discretion & misapplied .520 & .550 in this regard--the Higher Court should reverse this violation of his 1st Amendment & due process rights.

Heidebrink v Morawaki, 104 Wn.2d 392 (1997 applies to Van:

"Clearest case for ordering production is when crucial info is in the exclusive control of opposing party."

PRAYER FOR RELIEF

For all the reasons contained herein, Van motions this Court to: (a) reverse the dismissal (CP 497/755) of Van's action ruling that Pierce County was properly & timely served on April 3, 2007 (per the GR 3.1 Mailbox rule) through the PC Auditor as required by RCW 4.28.080--thus this Court has Jurisdiction; (b) Rule that the trial court abused its discretion & misapplied the Law (RCW 42.17.340 now 42.56.550) by not considering the 6 relevant factors in Overlake Fund for its decision (CP 497-98/755-56) not to conduct an in camera review of all contested documents; (c) Order the court & defendant to gather up all contested documents (listed in Verbatim #33-38, in Show Cause Motion @ CP 6-16, CP 209-47, m.p. p 4-7, & CP 322-61, App G) so an impartial in camera document review can be performed (Van prefers this to be done by the Higher Court to prevent more frustrating appeals due to the trial court's judicial bias/corrupt behavior (e.g. CP 471-94/601-640,553-600 & CP 497-99/755-57); (d) Find that the DAC, which hold public records, violated RCW 42.56.520 since Oct. 20, 2005 by not responding within 5 business days of receipt of 2 PDA requests; (e) Award sanctions of \$5-100 per day per PDA request under RCW 42.56.550 (former 42.17.340) for violation of .520 since Oct 20, 2005, based on the degree of negligence per WPIC 10.01, 10.07, 14.01; (f) Rule that all 4 PDA requests received by the defendant on Oct 20, 2005 were valid PDA requests because they met both prongs required by Wood v Lowe; (g) Rule that the trial court (CP 497-99/755-57) misinterpreted what is work product in its decision & did not factor in redaction so documents could be produced to Van; (h) Rule that Van under CR 26 has demonstrated a substantial need (which the court misapplied in its decision-CP 498-99/756-57) for the contested records (especially the 911 tape/transcripts & that only the DAC & PC Pros Atty's Ofc has exclusive control of these; (i) Grant Van, per CR 54-56, Summary/default judgment (which this court neglected to rule on per CP 553-600) for all he asked for (e.g. all contested documents & sanctions per .550) in 3 pleadings (e.g. Show Cause, Supplement & Complaint-CP 6-16, 209-247, m.p. p 4-7 & CP 322-61, App G & App A1, A2, B1, & B2 for 4 PDA requests) because defendant violated CR 8(d) by either answering averments late or not at all in the 3 pleadings & strike per CR 12(f) service of process defense; and (j) Judge all of these issues on the merits in the interest of justice per RAP 1.2 and 7.3. However, if the Court deems it necessary for judicial fairness, grant Van what he requests (explained in the "conclusion" on p 4-5 of this Reply Brief) regarding final entry because Van may have suffered prejudice because he might not have been aware of the exact status of the proceedings because counsel violated CR 54(f)(2)-(e) & CR 52(c)-(d) (& the court permitted

the misapplication of these 2 court rules & abused its discretion on both too) by not serving Van within 5 business days the Notice of Presentation (per CP 497-99/755-57) & a copy of the proposed order, findings of fact, & conclusions of law-- all of which violated his 1st Amendment right to public disclosure records & due process rights per 6 & 14 USCA. Consequently, he was lead to believe he had a final order by counsel and the court, which was why he filed a NOA within 10 days and a Motion for Reconsideration within 30 days of the May 10, 2007 decision to protect his appeal right so he wasn't time barred-- all compounded by the court not conducting court business timely (due to judicial bias). Lastly, this defense of memorandum v final entry defense should be struck under CR 12(f) because it was not raised at the trial court or previously in pleadings by counsel (citing John Doe, 117 Wn.2d 772, 780).

Respectfully Submitted this 20th day of Oct 2008 Mark Vannausdle
Mark Vannausdle, DOC 845800
Clallam Bay Correction Ctr
1830 Eagle Crest Way
Clallam Bay, WA 98326-9724

DECLARATION

I, Mark Vannausdle, state under oath pursuant to RCW 9A.72.085, that the fore-going facts are true to the best of my knowledge, based on personal observations, facts, evidence, experiences, & conclusions, and that the Appendixes A-C so attached are true and correct and are what they are represented to be. Dickerson v Wainwright, 626 F.2d 1184 (1980). Affidavit sworn as true and correct under penalty of perjury has full force of law and does not have to be verified by Notary Public.

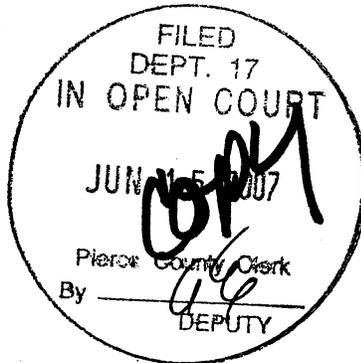
Under Penalty of perjury I swear the above is true Mark Vannausdle
Mark Vannausdle, DOC 845800

Note: 85% of those who signed the Declaration of Independence were Christian who based our rights on the Bible (our HIGHEST case law). The PC Superior Court broke these:

Proverbs 24:23 "...It isn't good to show partiality in judgment."

Deuteromy 16:19 "You shall not pervert justice; you shall not show partiality, nor take a bribe for a bribe blinds the eyes of the wise & twisting the words of the righteous."

Title: This Appendix A is referenced to pg 2 of REPLY BRIEF
and also is already CP 758.



IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF PIERCE

MARK VANNAUSDLE,
Plaintiff(s)

Cause No. 06-2-11214-3

ORDER

vs.

PIERCE COUNTY DEPARTMENT OF ASSIGNED
COUNSEL,
Defendant(s)

THIS MATTER having come on regularly before the above-entitled Court upon the plaintiff's Motion to Reconsider and Motion to Supplement, and the Court having reviewed the records and files herein, and being fully advised, it is hereby

ORDERED, that the plaintiff's Motion for Reconsideration and Amendment of Dept 17's Judgment/Decision to Deny Mr. Vannausdle's Request for an Order directing Production of Documents and Dismissal of his Action and to Support his Claim of Judicial Bias/Prejudice by Judge Culpepper filed May 21, 2007 and plaintiff's Motion to Supplement Motion and Affidavit for Reconsideration and Amendment of Dept 17's Decision to Deny Mr. Vannausdle's Request for an Order Directing Production of Documents filed May 30, 2007 is DENIED.

DONE IN OPEN COURT this 15th day of June, 2007

JUDGE RONALD E. CULPEPPER

Title: This App B is referenced to pg 3 of REPLY BRIEF & is part of CP 601-27 which includes this CBCC Law Library Legal Mail Log, 2 proofs of service to the PC Superior Court and opposing counsel, and 2 postage transfer forms all dated 5/17/2007. There are 4 pages in this appendix B.

CBCC LAW LIBRARY LEGAL MAIL LOG

OFFENDER NAME: Mark Vannausdale DOC# 845800

FILL IN NAMES AND ADDRESSES BELOW:

- Pierce County Superior Court, Dept 17, Judge Culpeper
930 TACOMA AVENUE SOUTH, County-City Bldg.
TACOMA, WA 98402
- Pierce County prosecuting attorneys office, Civil Division
955 TACOMA AVENUE SOUTH, Suite 301
TACOMA, WA 98402
Attn: Daniel Kimmitt, opposing counsel.

The following was sent with a proof of service to the
two above parties:

Motion and Affidavit (under CR 59) For reconsideration and
amendment of Dept 17's judgment/decision to "Deny MR.
Vannausdale's Request for an order Directing Production of
(CPA) Documents and Dismissal of his "Motion" and to
Support his Claim of Judicial Bias/Prejudice by
Judge Culpeper (Dept. 17) with appendices A and B
attached. Appendix A is the May 16, 2007 letter to the Pierce
and Clallam County Postmaster Generals with appendices
1, 2, 4, 5, and 6. Since both parties already have
appendices 4 and 5 with exhibits #1-7 they are not
included here as unnecessary and redundant.

OFFENDER SIGNATURE: Mark Vannausdale DATE May 17, 2007

STAFF SIGNATURE: Ch Wald DATE 5/17/07

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

Mark Vannausde

Plaintiff.

vs.

*Pierce County, Pierce County Dept of assigned
counsel, Pierce County LEA, and Pierce County
Prosecuting Attorney's Office, et al.*
Defendants.

PROOF OF SERVICE

I, Mark Vannausde, pro se, do declare that on this date, the 17th
day of May, 2007. I have served the enclosed, under GR 3.01, My Motion &
affidavit (under CR 59) for reconsideration, amendment of Dept 17's decision to "Deny Mr
Vannausde's request for an order directing production of (PRA) documents and dismissal
of his action" and to support his claim of judicial bias/prejudice by Judge Culpepper, Dept 17,
on every other person required to be served, by presenting an envelope to state prison ^{with}
officials at the Clallam Bay Corrections Center, containing the above documents for ^{copies}
U.S. mailing properly addressed to each of them and with first-class postage prepaid. _{A and B}

The names and addresses of those served are as follows:

Pierce County Superior Court, Dept 17, Judge Culpepper
930 Tacoma Avenue South, Tacoma, WA 98402

and
Pierce County prosecuting attorney's office / Civil Division, Att Daniel
955 Tacoma Avenue South, Suite 301, _{Hamilton}
TACOMA, WA 98402

I declare under penalty of perjury under the laws of the State of Washington,
pursuant to RCW 9A.72.085, and the laws of the United States, pursuant to Title 28
U.S.C. § 1746, that the foregoing is true and correct.

Executed on this 17 day of May, 2007.

Mark Vannausde
Mark Vannausde, DOC 845800, Pro Se
Clallam Bay Corrections Center, CIO3
1830 Eagle Crest Way
Clallam Bay, WA 98326-9723

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

Mark VanNausdke

Plaintiff

vs.

*Pierce County, Pierce County Dept of assigned counsel,
LBSA, and prosecuting attorneys office, et al
Defendants.*

PROOF OF SERVICE

I, Mark VanNausdke, pro se, do declare that on this date, the 17th day of May, 2007, I have served the enclosed, under GR 3.01, a May 16, 2007 letter to Pierce and Clallam Bay County Postmaster General, with affidavits 1, 2, 4, and 5 (with exhibits #1-7 affixed), and 6 attached. These support my request for an investigation regarding mail theft, tampering, diversion & delivery on every other person required to be served, by presenting an envelope to state prison officials at the Clallam Bay Corrections Center, containing the above documents for U.S. mailing properly addressed to each of them and with first-class postage prepaid.

The names and addresses of those served are as follows:

United States Postal Service, Postmaster General for Clallam County
424 East First Street, Port Angeles, WA 98362-9998
and
United States Postal Service, Pierce County Postmaster General
TACOMA, WA 98402

I declare under penalty of perjury under the laws of the State of Washington, pursuant to RCW 9A.72.085, and the laws of the United States, pursuant to Title 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed on this 17 day of May, 2007.

Mark VanNausdke
Mark VanNausdke, DOC 845800, Pro Se
Clallam Bay Corrections Center, C103
1830 Eagle Crest Way
Clallam Bay, WA 98326-9723

Title: This App C is referenced to pg 3 of REPLY BRIEF & is also part of CP 649-53 which includes this CBCC Law Library Legal Mail Log and 2 Proof of Services to the Court of Appeals, PC Superior Court, and opposing counsel dated 6/7/07 for Vannausde's Notice of Appeal. There are 3 pages in this Appendix C.

CBCC LAW LIBRARY LEGAL MAIL LOG

page 1 of 3

OFFENDER NAME: Mark Vannausde DOC# 845800

FILL IN NAMES AND ADDRESSES BELOW:

1. Pierce County Superior Court, Dept 17, Judge Culpepper
534 County City Building
930 Tacoma Avenue South
TACOMA, WA 98402

2. Court of Appeals, Division II
950 Broadway, Suite 300
TACOMA, WA 98402

3. Pierce County Prosecuting Attorney/Civil Division
955 Tacoma Avenue South, Suite 301
TACOMA, WA 98402-2160
Att: Daniel Hamilton opposing counsel for Pierce County

Mailed to each notice of appeal to Court of Appeals with fixtures A through E; Designation of Clerk's papers; Declaratory in support of motion to proceed in forma pauperis; Motion for order to proceed in forma pauperis, order of indigence, appendix A attached & titled

W/10/2006-4/30/07 PLRA In forma pauperis Status Report and Appendix B also attached which are the same indigence motions, Declaratory, and order granted by Pierce County Judge Stephanie Grend; note: also attached to Designation of Clerk's papers is a 9 page

appendix I which lists all clerk's papers that need to be transferred from Pierce County Superior Court to the Court of Appeals, Division II

Note: Because the Pierce County Superior Court and opposing counsel already have fixtures A-E, these duplicates were not sent to them but only to the Court of Appeals.

OFFENDER
SIGNATURE:

Mark Vannausde

DATE

June 7, 2007

STAFF
SIGNATURE:

Aniller

DATE

6-7-07

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Original

COURT OF APPEALS
DIVISION II
OF THE STATE OF WASHINGTON

MARK VANNAUSDK
plaintiff.

pierce county
Case NO. 06-2-11214-3

vs.

Pierce County, et al.

Defendant.

PROOF OF SERVICE

I, Mark Vannausdk, pro se, do declare that on this date, the 7th
day of June, 2007. I have served the enclosed, according to GR 3.1, Notice of Appeal

Count of appeals with fixtures A-F; Designation of Clerk's papers with appendix F totaling 9 pages; June 7, 2007 motion for order of indigence, order of indigence, and Declaration in support of motion to proceed in forma pauperis with appendices A-B, CBCC Law library legal mail

on every other person required to be served, by presenting an envelope to state prison officials at the Clallam Bay Corrections Center, containing the above documents for

U.S. mailing properly addressed to each of them and with certified return receipt postage

also enclosed are the order denying motion for DUI detention hearing and order denying motion for transcripts and proof of service to Pierce County Superior Court dated June 7, 2007.

The names and addresses of those served are as follows:

Court of appeals, Division II
950 Broadway, suite 300
TACOMA, WA 98402

I declare under penalty of perjury under the laws of the State of Washington, pursuant to RCW 9A.72.085, and the laws of the United States, pursuant to Title 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed on this 7th day of June, 2007.

Mark Vannausdk
Mark Vannausdk, DOC 845800
Clallam Bay Correction Center, C103
1830 Eagle Crest Way
Clallam Bay, WA 98326-9724

ORIGINAL
Judge Calpepe

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

Mark Vannausde

Plaintiff Pierce County case no. 06-2-11214-

vs.

Pierce County et al.
Defendant.

PROOF OF SERVICE

I, Mark Vannausde, pro se, do declare that on this date, the 7th day of June, 2007. I have served the enclosed, according to GR 3.1, the notice of appeal to court of appeals; Designation of Check papers in 1th appendix & totaling 9 pages June 7, 2007 motion for order of Indigence, order of indigence, and Declaration in support of motion to proceed in former purposes, appendix A PLRA in former purposes status report on every other person required to be served, by presenting an envelope to state prison officials at the Clallam Bay Corrections Center, containing the above documents for U.S. mailing properly addressed to each of them and with first-class postage prepaid.

Proof of Service
Court of Appeals
Dated
6/7/07

The names and addresses of those served are as follows:

Pierce County Superior Court, Dept 17, Judge Calpepe
930 Tacoma Avenue South, 534 County-Entry Bldg.
TACOMA, WA 98402 and;
Pierce County Prosecuting Attorney, Civil Division,
955 Tacoma Avenue South, Suite 301,
TACOMA, WA 98402, attn: ~~appellate division~~ Daniel Hamilton
Pl. Defendant Pierce County

I declare under penalty of perjury under the laws of the State of Washington, pursuant to RCW 9A.72.085, and the laws of the United States, pursuant to Title 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed on this 7th day of June, 2007.

Mark Vannausde
Mark Vannausde, POC 845300, Pro Se
Clallam Bay Corrections Center, CPO3
1830 Eagle Crest Way
Clallam Bay, WA 98326-9723

IN THE COURT OF APPEALS
FOR THE STATE OF WASHINGTON
AT DIVISION II

FILED
COURT OF APPEALS
DIVISION II

08 OCT 22 PM 12:16

STATE OF WASHINGTON

Mark Vannausde
Plaintiff
vs.

~~Court of Appeals~~
Cause No.
36440-9-II.

Pierce County
Defendant

PROOF OF SERVICE

I, Mark Vannausde, pro se, do declare that on the 20th day of October, 2008. I have served the enclosed, per the GR 3.1 mailbox Rule, 2 copies of the "Reply Brief" with appendices A-C so attached which are referenced to the Reply Brief and are already existing Clerk Papers (CPS)

on ever other person required to be served, by presenting an envelope to state prison officials at the Clallam Bay Corrections Center, containing the above documents for U.S. mailing properly addressed to each of them and with first-class postage prepaid.

The names and addresses of those served are as follows:

Court of Appeals, DIV II, 950 Broadway, Ste 300, Tacoma, WA 98402
(sent certified with receipt tracking # 7007-1490-0003-8917-0910)
Pierce County Prosecutors Office, Civil Div,
955 Tacoma Ave South, Ste 301, Tacoma, WA 98402

I declare under penalty of perjury under the laws of the State of Washington, pursuant to RCW 9A.72.085, and the laws of the United States, pursuant to Title 28 U.S.C. § 1746, that the forgoing is true and correct.

Executed on this 20th day of October, 2008

Mark Vannausde
Mark Vannausde, DOC 845800, Pro se
Clallam Bay Corrections Center
1830 Eagle Crest Way
Clallam Bay, WA 98326-9723

MARK VANDERBEEK, PRES
Challenger Bank
1930 Bank Building
Challenger Bank Building

RECEIVED
BY 11:10 AM

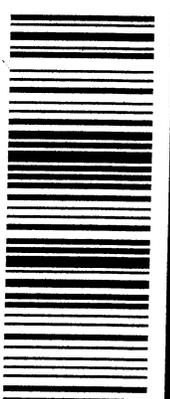
Court of Appeals, 110 W
950 Broadway, Suite 500
TACOMA, WA 98402

RETURN RECEIPT
REQUESTED

Legal mail

Legal mail

7007 1490 0003 8917 09



CERTIFIED MAIL™



02 14
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10/20/01

Legal mail