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STATE OF WASHINGTON

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**COURT OF APPEALS DIVISION II
OF THE STATE OF WASHINGTON**

JEFFREY PAYNE,

Appellant,

v.

JAMIE JANSSEN,

Respondent.

**APPELLANT'S REPLY BRIEF TO
DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

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I. RESPONSE TO DSHS's COUNTERSTATEMENT OF THE ISSUES PRESENTED

As DSHS concedes too in their II. Counter-statement of the Issues Presented, that they appeared as respondents at the trial. But they only did so in a way to place extreme prejudice upon the fellow respondent Mr. Payne.

DSHS, as a respondent, if they did not have any argument against the sought injunction by the petitioner Ms. Janssen, then their only position should have been uncontested and then remain silent. Not to place extreme prejudice against a co-defendant and play co-counsel to Ms. Janssen by raising a legal argument against respondent Mr. Payne and divulging legal material to the petitioner when they had not been and were not aware of it, and Ms. Janssen never included it anywhere in the first place when she filed for the TRO and subsequent motions.

Now, DSHS has not only filed a Notice of Appearance on behalf of the petitioner Ms. Janssen, counsel for DSHS, Mr. Mingay, is now attempting to respond to (now petitioner) Mr. Payne's brief on behalf of the respondent DSHS and still in favor of the now respondent Ms. Janssen.

DSHS at the trial did not play co-counsel to Mr. Payne, but made sure to severely diminished Mr. Payne's position and defense and failed to bolster Mr. Payne's position by playing co-counsel to Mr. Payne. DSHS has, from the beginning, been positioning themselves in favor of Ms. Janssen and against Mr. Payne. Obvious government misconduct.

As due to the legal standing of DSHS and their counsel Assistant Attorney General Craig Mingay, DSHS could not and were legally barred from, representing the petitioner Ms. Janssen in her legal proceedings. This is why Ms. Janssen had to hire a private attorney, Saphronia Young.

Even after Ms. Janssen's attorney wrote a letter to SCC management in regards to Ms. Janssen's expressed concerns of Mr. Payne possibly assaulting her, DSHS did nothing. That in itself says that DSHS and SCC were not concerned that Ms. Janssen would be assaulted by Mr. Payne. Nor does Dr. Lopez express that there was any safety concerns in her declaration.

Furthermore, any divulging that DSHS did with regards to RCW 71.09.120, was done so capriciously and arbitrarily and should not have been allowed by the trial judge as it was never raised or presented by the petitioner Ms. Janssen. DSHS, more likely than not, believed that Ms. Janssen was not going to prevail without the RCW 71.09.120 that DSHS presented.

As Ms. Janssen's exhibit 3 shows, the AG was not backing or supporting DSHS's and SCC's attempt in wanting to prevent Mr. Payne from doing public disclosure requests for security footage. Motion for Order to Show Cause - Exhibit 3, first email.

The answer to DSHS's part II. of their reply brief are as follows:

1. Did the trial court properly enter the injunction after a single proceeding without holding a separate preliminary injunction hearing? **ANSWER: NO**
2. Was there sufficient evidence for the trial court to find that Mr. Payne was making public record requests to harass or intimidate Ms. Janssen an employee of DSHS? **ANSWER: NO**
3. Did the Court sufficiently tailor the injunctive relief to address the harm alleged and within the limitations of RCW 42.56.565? **ANSWER: NO**

II. RESPONSE TO DSHS COUNTERSTATEMENT OF THE CASE

For Mr. Payne being in the only yard during the times he is allowed and enjoying his yard time as all other resident do, is not inappropriate behavior. Neither is his walking around in the yard when Ms. Janssen is out in the yard herself.

Mr. Payne was only temporarily removed for two weeks in December of 2015 from the kitchen over the only incident. To which Mr. Payne was then reinstated to his original job position and hours working with and alongside Ms. Janssen on January 9,2016. As Ms. Janssen has acknowledge within her exhibits and made no argument otherwise. Motion for Order to Show Cause Exhibit 9

It was Mr. Payne's therapist at the time, Dr. Elena Lopez, who wanted and got Mr. Payne reinstated back to his original job working with and alongside Ms. Janssen. Dr. Lopez had full knowledge then that Ms. Janssen was not in any danger from Mr. Payne as Dr. Lopez knows Mr. Payne's criminal background history. Even in Dr. Lopez's declaration, she does not make any statement or claims to Ms. Janssen ever having been in any danger from Mr. Payne.

If at anytime Dr. Lopez thought Ms. Janssen would ever be in any danger from Mr. Payne, Dr. Lopez could have placed Mr. Payne on severe restrictions and under escort by security staff. This was never done.

In DSHS's counter-statement of the case in their response at II, page 3, they deceitfully elude to Mr. Payne's employment in the cafeteria as Mr. Payne being removed from his employment in April 2016 for his alleged inappropriate behavior towards Ms. Janssen. DSHS fails to be specific to the date and to what the alleged inappropriate behavior was alleged to be.

Mr. Payne did however at the hearing, (CP @ 24) state that he was summarily terminated on April 19,2016 immediately after he turned over incriminating evidence about Ms. Janssen on April 18,2016. Then immediately after Mr. Payne's termination on April 19,2016, Ms. Janssen

made an allegation of Mr. Payne stalking her. Then Dr. Lopez assisted in the retaliation by placing a contact restriction on Mr. Payne on April 20,2018. All too convenient? This is where all of Ms. Janssen's allegation towards Mr. Payne started from.

In reference too Mr. Payne's second termination from the kitchen on April 19,2016, it was done out of retaliation by Ms. Janssen's supervisor Mr. Applin, due to Mr. Payne complaining about how he was being treated by certain kitchen staff. Ms. Janssen's Motion for Order to Show Cause Exhibit 4, page 2-3. Rather than properly address the situation, Mr. Applin chose to claim inappropriate behavior and terminate Mr. Payne.

As Mr. Payne stated in court, he submitted to doing public disclosure requests as permitted by the law, and as Mr. Payne not only being a resident involuntarily committed at the SCC, Mr. Payne is also a “patient” at SCC doing treatment, not for punishment.

And due to Ms. Janssen continuously lying too and using Mr. Payne's therapists as conduits to cause him direct harm, Mr. Payne had to resort to his only means possible at the time to gather evidence to support his allegations towards Ms. Janssen and to prove what Ms. Janssen was saying about Mr. Payne was all lies. And that Ms. Janssen herself was continuously violating the contact restriction knowing full well Mr. Payne was present. CP @ 16

III. ARGUMENT

Nowhere does Ms. Janssen ever make any statement or produce any evidence that Mr. Payne was or had used the public disclosure act to cause any harm, harassment or intimidation towards her. No where does Ms. Janssen or can Ms. Janssen show any evidence that Mr. Payne has used the public disclosure act to interfere with or jeopardize any vital government function.

Just because Mr. Payne has a criminal conviction, does not mean that Mr. Payne had or has any intent to commit a criminal act just because he is doing public disclosure requests with regards to Mr. Payne's investigation into Ms. Janssen's constant allegations and abuse of authority and harassment of Mr. Payne and Mr. Payne making every attempt that he can to obtain evidence in order to protect his RCW 71.09 civil commitment proceedings. CP @ 16

In order for RCW 42.56.565 (2) and/or RCW 71.09.120 to apply, the petitioner must show that the person to be restrained has actually used the PRA in a malicious manner. Ms. Janssen has not shown that Mr. Payne ever has, even in the history of him doing public disclosures. Ms. Janssen has not shown any patterns to Mr. Payne's public disclosure requests to indicate that Mr. Payne had any intent of using the information gathered to cause her any form of criminal harm, harassment, or intimidation. Ms. Janssen openly declared that she just recently found out that Mr. Payne had been doing public disclosure requests. CP @ 4

In the case of Parmelee, it cannot be used to justify denying Mr. Payne's requests just because it is a good scare tactic and believing Mr. Payne is like Mr. Parmelee. And then to suggest so is every one else that is locked up in some form or another, regardless if they are making every attempt they can to protect themselves from hostile government agents.

Especially when the agency themselves has absolutely no protection avenues that a civilly detained patient can utilize in order to get some protection from rogue hostile staff that can and do abuse their positions of authority with immunity. Nor have they offered any protection to Mr. Payne after he had made multiple complaints and claims against Ms. Janssen's actions towards him.

In fact, the record clearly shows that other DSHS agents and DSHS itself enjoined with Ms. Janssen in her quest to cause Mr. Payne harm in some form or another. Furthered by DSHS

acting in-concert with Ms. Janssen's counsel as co-counsel and against any of Mr. Payne's interests and rights.

SCC, Ms. Janssen nor DSHS have shown that any attempts were ever made to investigate this matter and Mr. Payne's complaints and concerns that Ms. Janssen herself was causing Mr. Payne to have.

Ms. Janssen nor DSHS have provided any evidence that Mr. Payne was seeking or had any intent of having any "improper" motives for doing the public disclosure requests. Mr. Payne did provide testimony as to why and what his intent was for doing the requests. CP @ 15-17 None of which had any malicious intentions.

The good majority of Ms. Janssen's argument was to cast a perverted light upon Mr. Payne by using nothing more than pure and utter conjectured speculation, by and through slanderous allegations with absolutely nothing to support her allegations. CP @ 4, lines 23,24; CP @ 5, lines 16,17; CP @ 6, lines 6-9; CP @ 7, lines 4,5,12-14,19,20.

Just because RCW 42.56.565 allows for a consideration, does not mean it should be granted simply because someone sheds a negative prejudicial picture of someones situation in an attempt to show that that is justification enough and nothing more is required except pure speculation. All of Dr. Lopez's comments are based on nothing more than conjecture, speculation and assumptions because they chose not to even consider Mr. Payne's pleas for protection and help.

Under RCW 42.56.565 (2)(a) Other requests by the requester. and (b) The type of records being sought. Every record and/or documentation requests Mr. Payne was doing in regards to Ms. Janssen, had to do with Observation Reports and emails being written by Ms. Janssen about Mr. Payne and all the times Ms. Janssen herself had violated the contact restriction.

Mr. Payne never did any requests that were personal too the petitioner Ms. Janssen. Her time sheets are not personal to Ms. Janssen as Mr. Payne was only seeking them for evidentiary purposes to support his side of the story that would show the truth against the story that was being created by Ms. Janssen and others.

“An injunction is an extraordinary equitable remedy designed to prevent serious harm. Its purpose is not to protect the plaintiff from mere inconveniences or “speculative” and “insubstantial” injury.” Kucera v. State Dept. of Trans., 140 Wn.2d 200, 995 P.3d 63,74 (2000); See Tyler Pipe Industries, Inc. v. State Dept. of Revenue, 96 Wn.2d 785, 638 P.2d 1213,1219 (1982)

The court completely ignored Mr. Payne's statements in regards to the observation reports that he was seeking that Ms. Janssen had been continuously writing about Mr. Payne that constantly placed Mr. Payne on some form of punitive restriction without any due process.

RCW 42.56.565 (2)(c) Statements offered by the requester concerning the purpose for the request. It is obvious that the court completely ignored Mr. Payne's statements offered as to why he was doing the public disclosure requests. CP @ 15-17

Neither Ms. Janssen or DSHS provided any evidence that Mr. Payne has ever used the public disclosure law for any other purpose other than its intended purpose. And RCW 42.56.565 (2)(d) is not something Ms. Janssen can argue as the records she is seeking to be restrained cannot be proved that any harm can become her beyond pure speculation and assumptions as Ms. Janssen failed to show that she would ever at anytime, actually be alone in the kitchen. Which Ms. Janssen would not be able to, as in any kitchen within an institution, there's always plenty of other people around. An institution kitchen is nothing like a persons personal home kitchen.

Furthermore, RCW 42.56.565 (2)(e), (f) & (g) are not for Ms. Janssen to argue for in her

favor, and it is not something DSHS as respondents can plead for in Ms. Janssen's favor. As this section of the RCW only applies if the agency itself was seeking restraint under a proper motion. Ms. Janssen cannot argue in respect to the security of the facility like she did (CP @ 12) as this has nothing to do with the various reasons that she can use to request a restraint. DSHS was not the petitioner seeking restraint, so any furtherance of Ms. Janssen's complaint based off of DSHS's prejudicial intervention was improper, and must be dismissed with prejudice.

Ms. Janssen can only ask for restraint as to records that pertain specifically to her personal information, not her employment records. Thus Ms. Janssen would have to show and prove that Mr. Payne had used the public disclosure act law in a malicious manner in the past and towards her specifically. To which she was not be able to as Mr. Payne has never, past or present, ever used the public disclosure act law in a malicious manner or outside of its intended purpose.

As Ms. Janssen had fraudulently pointed out to the court in her various briefs; In King County Department of Adult and Juvenile Detention v. Parmelee, 162 Wn.App. 337, 254 P.3d 927 (Wash.App.Div. 1 2011) The court noted that the inmate, Parmelee, had a "long history of harassing and threatening government employees with personal information obtained through various avenues, including the PRA. Motion for Order to Show Cause at page 8, and referred too in oral argument. CP @ 6,7,8.

Ms. Janssen has not proven or shown that Mr. Payne has done PRA request for any malicious purpose anywhere in her various briefs and exhibits she had submitted to the court.

Ms. Janssen is trying to implying that Mr. Payne has used the PRA for the alleged purpose of harassment on other people besides Ms. Janssen and that Mr. Payne is now doing the same thing to Ms. Janssen. Ms. Janssen goes on to making vagrantly preposterous, capricious and arbitrarily slanderous allegations by claiming, with absolutely no proof, that Mr. Payne was

using the PRA specifically to satisfy his own sexual needs, and to harass, threaten, intimidate and retaliate against those who, in his mind, have slighted him. Motion for Order to Show Cause at page 8 (19-21)

Ms. Janssen's had resorted to constant and repeated slanderous references too, alleging without any proof whatsoever and attempting to state as evidence with nothing more than unfounded hearsay, referring to Mr. Payne as having an obsession and fueling his sexual desires and/or fantasies. CP @ 4-7. This is nothing more than fear-mongering the court.

There was never, anywhere in any of Ms. Janssen's motions or exhibits, that even remotely shows or begins to prove that Mr. Payne was ever using the PRA to harass, threaten or intimidate Ms. Janssen or anyone else, or use the PRA for any form of perversion. Simply claiming that someone is using the PRA for this purpose without even the remoteness of proof is not proof in of itself. Nor is it even remotely close to being sufficient evidence for the trial court to find that Mr. Payne was using the PRA for any form of illicit acts or perversion, as DSHS further attempts to claim on page 2 at 2 in their appeal response brief. Mr. Payne clearly stated his reason for doing the public disclosure requests CP @ 15-24.

Mr. Payne has every right to receive any Observation Reports that have been written by any government agent regardless of who or any situation, as it has been written specifically about Mr. Payne himself and is impossible for anyone to use such records/documentation to harass, threaten or cause any form of harm to the writer of the records or any vital government entity. So for Mr. Payne to have been enjoined preventing him from obtaining any records specific to him that are written by Ms. Janssen at anytime and in the future, is in violation of the law.

Without Mr. Payne being afforded a preliminary injunction hearing, or informed that he was not going to get a preliminary injunction hearing, he was deprived a sufficient opportunity to address the authenticity and admissibility of the documents submitted by Ms. Janssen as her

alleged evidence. Mr. Payne does not address the authenticity or admissibility of the documents Ms. Janssen submitted at trial as her alleged evidence, as this court is not the place to do so. But given the proper opportunity, Mr. Payne would have addressed it in the lower court.

Mr. Payne was not arguing against the authenticity or admissibility, he was arguing that the Temporary Restraining Order was improper and brought and obtained through the use of fraudulently stated claims under false pretenses and allegations, and bolstered by assumptions and speculations at best. Further laced with slanderous accusations having no merit or proof of having any evidentiary merit.

And Mr. Payne not being served with notice when Ms. Janssen and her private attorney, Saphronia Young, knew full well where Mr. Payne was at all times prior to fraudulently obtaining the Temporary Restraining Order. As supported by Ms. Janssen and Saphronia Young's own signed DECLARATION OF SERVICE that Mr. Payne just received a copy of on May 9, 2018 by asking his civil attorney Andrew Morrison to copy on a disk along with all court documents that were submitted by Ms. Janssen. **Attachment A-1**

Mr. Payne has been enduring a constant retaliation by government agents simply because he was trying to defend himself by making every attempt to clear his name from the false allegations and constant harassment by a government agent in a position of authority over him.

All Ms. Janssen has done, and referred to, was to prejudicially cast Mr. Payne into a light of disfavor due to his standing in being civilly detained and its purpose. Ms. Janssen has pleaded to the court, due to Mr. Payne being civilly committed as a sexually violent predator and all the alleged horrific things other people have said about Mr. Payne, and that I'm saying about him is all I need to show the court and that is good enough for the court to find in my favor and against Mr. Payne's and for the court to completely ignore anything Mr. Payne states or claims.

Furthered by the fact that society itself looks at Mr. Payne as a scumbag and in disfavor, so the court should further ignore any rights Mr. Payne has as a citizen. Even though Mr. Payne's detainment is "Civil" in nature and he does not lose any of his rights as any other citizen when it comes to the laws and purpose of the public disclosure act. Even when Mr. Payne has the exact same right as any other free citizen to hold the government, its agencies, and its agents accountable for their actions and/or inaction's, regardless of Mr. Payne's current situation.

All because she doesn't want the truth of the evidence to show that she herself has violated government policy and caused direct harm to a "patient" of the SCC, that is only being detained for Treatment Purposes not punishment. Ms. Janssen knows this full well, as is the primary reason she weighed so heavily in her TRO and at the trial on stressing that Mr. Payne is nothing more than a common criminal and being detained for punitive reasons as a prisoner and an inmate and a sexually violent predator so the court must decide in her favor.

The court completely ignored the fact that Mr. Payne had raised and it was collaborated by DSHS that Mr. Payne was not a prisoner or an inmate as Ms. Janssen repeatedly referred to Mr. Payne as. 95% Ms. Janssen's argument was based on stressing too and convincing the court that Mr. Payne is an inmate, as she continuously stressed throughout her motions and reliefs sought and at trial and all of the case law that she cited and referred too.

Ms. Janssen never provided any proof that SCC clinical staff regularly reviewed Mr. Payne's situation. Nor did Dr. Lopez make any reference of having done so in her declaration. So DSHS's reference to this in their response brief (on page 4) is without merit and unsubstantiated, and they never raised or argued this point at the hearing either. Thus rendering this point moot.

Mr. Payne admits that he had made several attempts to have a conflict resolution with Ms. Janssen before everything got completely out of hand, but as Ms. Janssen has made it quite clear,

she preferred to create and have a conflict with Mr. Payne and culminate a hostile environment rather than work through things in a therapeutic manner as SCC claims to having to be one of their missions and DSHS saying in open court that they have to provide to the residents; We have to provide them with a Therapeutic Environment CP @ 14

To have had a conflict resolution meeting, would clearly be a vital government interest, and if the issue at hand had been properly addressed, would have lead to a positive resolution for "ALL" parties.

Furthermore, the PRA does not allow non-disclosure based on a persons emotional integrity. Nor does it allow any government entity (DSHS) in any form to plead counter-therapeutic to a persons treatment. If this was allowed, then DSHS could say the same thing about Mr. Payne exercising his right to petition a court for any reason. Or anything else they could imagine.

If the cased is that at anytime the state wishes to prevent disclosure to any resident, regardless of what agency their being detained under or for whatever reason, all they would have to say is, it's counter-therapeutic to the resident. By this standard, it would open the door for the government to make a claim that anything that exposes the truth about the governments deceitfulness, is and would be damaging to a vital government interest.

Attempting to declare that Mr. Payne's public disclosures requests is detrimental to his treatment and his treatment being a vital government interest, is absurd. The use of a vital government interest means causing actual damages to the government. Not speculated upon assumptions and someone's allegations of making them allegedly feel uncomfortable in some way or another. If that was the case, all the government would have to do is plea, regardless of who is doing the public disclosure requests, will be damaging to vital government interests.

The whole point of the public disclosure act is for “the people” to have an avenue to obtain documentation that can show whether the government is being honest or dishonest. In Mr. Payne's case, the government has proven over and over again, that the government agency that has control over Mr. Payne has not been dishonest and not being fair and impartial to Mr. Payne, one of SCC's clients, patients and residents.

So even an elderly person living in a state facility as a resident that is seeking documentation that would reveal the truth about a government agents harassment of that elderly person, would technically be damaging to a vital government interest and counter-therapeutic to the persons care. This would also be absurd.

Furthermore, Mr. Payne's treatment and whether or not what Mr. Payne is doing outside of his treatment is irrelevant to the public disclosure act law. The complaint brought by Ms. Janssen was not brought to consider Mr. Payne's treatment and how anything may or may not effect it. Nor did she make any arguments around Mr. Payne's treatment. DSHS has muddied the water around the main issue complained of in order to further prejudicially sway the trial court against Mr. Payne.

A vital government interest is also to make sure that they do not have any employees that are causing harm to any of their patients or clients that they are charged with and must protect from all forms of abuse, regardless of that abuse being physical, psychological, or abuse of authority from any of their employees or other patient residents.

Ms. Janssen and DSHS have failed to demonstrate how an exemption applies or how it or a vital government function would be substantially and irreparably damaged. See RCW 42.56.540. Moreover, Ms. Janssen nor DSHS has produced any authority or evidence to prove that the public (including Mr. Payne) lacks a legitimate interest in monitoring agency

investigations. There is case law directly to the contrary. See Bainbridge, 172 Wash.2d at 416, 259 P.3d 190 () (the public has a legitimate interest to know how a law enforcement agency conducts investigations). The public has the right to know how any state agency conducts investigations and to see if they are actually actively conducting an investigation and not being bias to either party. And to see if the agency is conducting an investigation when one should be being done. And if an investigation is not being done when warranted, the public and Mr. Payne has the right to hold the agency accountable for their action and/or inactions.

DSHS and SCC failed to investigate and protect Mr. Payne from abuse and did enjoin with their rogue agent by completely and negligently ignoring Mr. Payne's pleas for help, even if it meant having a conflict resolution in one form or another with Ms. Janssen. As Mr. Payne has stated over and over again, he never did have an obsession with Ms. Janssen, he just wanted the conflict to stop.

It was Ms. Janssen who would not stop or make any attempt to end the conflict through mediation and in a therapeutic treatment manner. The very mediation that Mr. Payne was trying to have happen. Even if it meant doing so with his therapists present.

All those against Mr. Payne have failed to show that they made any attempts to resolve the issue through the use of a therapeutic manner which is also a vital government interest and supposed to be part of Mr. Payne's treatment.

What Ms. Janssen and DSHS are trying to claim, imply, suggest, or state as a fact, is that Mr. Payne is not entitled to gather evidence to use in order to defend himself and to hold the government agency that is holding him responsible for their inaction's to protect a resident patient from being harmed by a staff member.

Mr. Payne's requests for the security footage Ms. Janssen refers too is only retained for a short period of time, so Mr. Payne had to obtain this evidence in order to preserve it for two

reasons, (1) to show proof of his claims that Ms. Janssen had violated the contact restriction on multiple occasions in the kitchen, and (2) to preserve his standing of innocence in his civil detainment under RCW 71.09.

Mr. Payne had been doing the public disclosure requests for legitimate reasons and no one has shown or proved that Mr. Payne has abused the purpose of the public disclosure act law.

Nor has anyone shown or proved that Mr. Payne was or had ever used the public disclosures he has done in order to harass, threaten, or intimidate Ms. Janssen. Hearsay, assumptive and speculative allegations are not enough to overcome the substantial evidence standard of proof.

DSHS should not be the one defending Ms. Janssen in an appeal process when they were not directly acting as Ms. Janssen's counsel in the initial proceedings. Ms. Janssen herself nor her attorney of record, Sophronia Young, who did file a notice of appearance with the Court of Appeals, have failed to file a response brief in opposition to Mr. Payne's appeal brief and argument. DSHS has shown once again in their acting on the behalf of Ms. Janssen in this appeal when they have clearly not been acting as Ms. Janssen's attorney from the beginning, that their agenda is to continue acting "against" Mr. Payne, as opposed to helping protect Mr. Payne's rights and his interests. Just as everyone at SCC has been doing and continues to do.

Mr. Payne was never at anytime prior to this appeal, let aware that he would be having to defend himself and his position from a fellow respondent that has and continues to act like the petitioners counsel and co-counsel at the same time, as shown in the trial hearing transcripts. CP @ 12.

To which has severely diminished and critically damaged any position Mr. Payne had before and at the trial process. Thus DSHS has shown severe prejudicial negligence and bias against Mr. Payne. Thus on this factor, does require and warrant reversal and dismissal with prejudice.

DSHS's, enjoined with its agents in the hostility towards Mr. Payne, by making up false and unsupported allegations in order to bolster their position and make Mr. Payne look disfavored to the court. They furthered their position by supplying a declaration from the recent SCC clinical director Dr. Elena Lopez. All Dr, Lopez did was parrot unfounded and speculative allegations with no evidence to support her statements, no showing that an investigation had been done in order to attempt to clarify the truth of the allegations or Mr. Payne's assertions, and failed to inform the court of the whole truth in regards to Mr. Payne's employment status in working with Ms. Janssen. Dr. Lopez also completely neglects to mention what this alleged inappropriate behavior was alleged to be. Dr. Lopez fails to mention that Mr. Payne was not placed on any restrictions until April 20,2016. Motion for Order to Show Cause Exhibit 6.

Instead, Dr. Lopez in her declaration at 6 and 7, deceitfully led the court to believe that Mr. Payne had been on a contact restriction since sometime in 2015. Dr. Lopez also refers to the temporary behavior restrictions are (alleged to be) regularly reviewed. Decl. @ 7. But Dr. Lopez failed to supply any documentation that would support that any reviews had ever been done in regards to Mr. Payne's situation.

It's real easy for a government agency to produce a paper trail to cover their tracks and to create smoking mirror evidence to use against a citizen, but all the citizen has, is to do public disclosure requests in order to gather the evidence they need in order to support their claims and build a defense. That is all Mr. Payne had been doing and Mr. Payne had never kept that a secret from his therapists either. CP @ 15

A. Standard Of Review

Mr. Payne concedes that the standard of review is de novo. But, when there is an outrageous and grievous misapplication of the laws and disregards for the standards of application at any stage, the reviewing court has the authority to correct that standard regardless of what was or was not argued by the adverse party (Mr. Payne) in a lower court. The TRO was improperly sought, issued/granted in the first place by and through fraudulent misrepresentation, thus making all further proceedings null and void.

When Mr. Payne and DSHS had pointed out and it was determined that Mr. Payne was not being detained in any way as an inmate or prisoner or for a punitive reason, the court should have reviewed the initial TRO request in order to determine if it had been properly issued. It had not been properly issued, due to the fact that it was based on a presumption of truth. When in fact, the court was fraudulently lead to believe that Mr. Payne was being held in a prison for punishment as a criminal and using the public disclosures for perverse reasons. The court had no other indication that Mr. Payne was actually being detained under a civil law as opposed to a criminal law. As shown in the ORDER GRANTING MOTION FOR TEMPORARY RESTRAINING ORDER TO PREVENT RELEASE OF DOCUMENTS UNDER P.R.A. dated April 4,2017, the judge refers too Mr. Payne as an inmate.

The TRO was improperly granted for not just being fraudulently presented, but also due to the fact that the petitioner Ms. Janssen and her attorney did have without any doubt, full knowledge of Mr. Payne's whereabouts at all times, so service was attainable prior too a TRO being issued. Ms. Janssen's attorney did notify respondent DSHS's attorney Craig Mingay on March 30,2017 prior to the TRO hearing. **Attachment A-2**

(Mr. Payne was not provided with Attachment A-2 prior to or after any hearings or any other court proceedings. Mr. Payne did not receive the full scope of documents in this case until

after he requested his civil attorney Andrew Morrison to provide them on a disk, which took until May 9, 2018 for Mr. Morrison to provide to Mr. Payne. Ms. Janssen failed to provide Mr. Payne with “all” documentation that she had submitted to the court)

No attempts to notify Mr. Payne were ever made and nothing was submitted by Ms. Janssen indicating that any attempts were made or stating any reason as to why notice had not been attempted or made, prior to the TRO hearing date. CR 65(b)(2)

Motion for Summary Judgment @ 5

B. The Trial Court Did Not Properly Issue The Final Order

Mr. Payne made it quite plainly and significantly clear at the hearing, that Mr. Payne was doing the public disclosures for legitimate means and purposes and has never used the public disclosure law improperly. Nor did he ever use the public disclosures that he did do to harass, intimidate, threaten or make any attempts to damage a vital government interest. CP @ 15-18

It is unheard of for a fellow respondent to act as co-counsel to a petitioner. That is exactly what DSHS did as they were bound by law against being allowed to act directly as Ms. Janssen's counsel. That is why Ms. Janssen had to obtain a private attorney, Saphronia Young.

DSHS, an agency of the state, has enjoined with its agency SCC and its agents, against Mr. Payne and his rights as a civilian. And completely with the utmost of and with absolutely no consideration for Mr. Payne's rights, and has bullied Mr. Payne by abusing their various positions of authority, as Mr. Payne has been having to endure at SCC by its agents at all levels.

DSHS's interpretation of RCW 42.56.565 of allegedly allowing a summary proceeding, ... shall be a summary proceeding based on affidavits or declarations, unless the court orders otherwise, is misplaced.

RCW 42.56.565 would be proper if used in the TRO process in the beginning and only if the petitioner can show and prove that service of the notice was unattainable, after that, a preliminary hearing prior to a permanent injunction hearing is required or else it is reversible error. RCW 42.56.565 (4) The motion proceeding described in this section shall be a summary proceeding based on affidavits or declarations, unless the court orders otherwise. Upon a showing by the preponderance of the evidence, the court may enjoin all or any part of a request or requests. Based on the evidence, the court may also enjoin, for a period of time the court deems reasonable, future requests by: (a) the same requester;

RCW 42.56.565 does not state that it further grants a permanent injunction hearing without there being an opportunity for an initial preliminary injunction hearing first or a hearing on the merits. The summary proceeding that DSHS refers to, applies only if the hearing was done by and through affidavits or declarations for obtaining a TRO only, and only if, there was an effort made of some kind to notify the adverse party prior to the hearing and it is on record of the efforts made. There is absolutely no showing on records that any efforts were made to contact Mr. Payne prior to the TRO hearing or the order obtained from that hearing.

As in the instant case, Mr. Payne was not notified prior to the TRO hearing, nor did Mr. Payne attend the TRO hearing, even though the petitioner had full and unequivocal knowledge of Mr. Payne's whereabouts and residents at all times prior to seeking and obtaining the TRO.

Mr. Payne was never informed or notified that the alleged summary proceeding was going to be his only chance to defend himself against the malicious allegations. And, the only hearing that Mr. Payne was notified of and attended, was not done by way of affidavits and declarations alone. As to what DSHS is trying to imply RCW 42.56.565 allows or is, is in complete contradiction to what happened and civil procedures that take precedence over statute.

Rule 65(2)(b) A temporary restraining order may be granted without written or oral notice to the adverse party or the adverse party's attorney **only if** (2) the applicant's attorney certifies to the court in writing the efforts, if any, which have been made to give the notice and the reasons supporting the applicant's claim that notice should not be required. Every temporary restraining order granted without notice shall define the injury and state why it is irreparable **and why** **the order was granted without notice; In case a temporary restraining order is granted without notice, the motion for a preliminary injunction shall be set down for hearing**; **and when the case comes on for hearing the party who obtained the temporary restraining order shall proceed with the application for a preliminary injunction and, if the party does not do so, the court shall dissolve the temporary restraining order.**

The Superior Court had no other choice but to proceed with a preliminary hearing and nothing else as CR 65(2)(b) controls over RCW 42.56.565.

The first sentence in CR 65(b) sets forth the prerequisites for issuance of a TRO without notice to wit, the showing of immediate need and “inability” to give timely notice.

An ex parte TRO issued absent necessity and without provision for notice and opportunity to be heard is therefore void. In re Estates of Smaldino, 151 Wn.App. 336, 212 P.3d 579,583,584 (2009).

As explained in Neighborhood Alliance of Spokane County v. Spokane County, 172 Wn.2d 702, 261 P.3d 119,125-126 (2011) The policy of the PRA that free and open examination of public records is in the public's interest, even if examination may cause inconvenience or embarrassment. State v. Kintz, 169 Wash.2d 537,545, 238 P.3d 470 (2010) (quoting State v. Engel, 166 Wash.2d 572,576, 210 P.3d 1007 (2009)). @ 125

Unless expressed procedural rules have been adopted by statute or otherwise, the general civil rules control. In *Spokane Research & Def. Fund v. City of Spokane*, 155 Wash.2d 89,105, 117 P.3d 1117 (2005), we consider whether intervention was allowed in a PRA action. @ 126 Relying on CR 81, which provides that civil rules govern except where those rules are inconsistent with rules or statutes applicable to special proceedings.

What constitutes a “special proceeding” is mostly governed by statute, and the PRA statutes do not create a special proceeding subject to special rules, such as those that apply in proceedings involving garnishment, unlawful detainer, and sexually violent predators. Since the statutes are silent, the normal civil rules are appropriate for prosecuting a PRA claim. More specifically, since the PRA statute is silent concerning intervention, intervention is allowed in a PRA case. *Spokane Research*, 155 Wash.2d at 104-05, 117 P.3d 1117. Similarly, because the PRA is silent about discovery, no reason exists to treat discovery any differently than intervention, especially given the PRA's policy of broad disclosure. Therefore, civil rules control discovery in a PRA action. @ 126

CR 81 (a) provides: “Except where inconsistent with rules or statutes applicable to special proceedings, these rules shall govern all civil proceedings. Where statutes relating to special proceedings provide for procedure under former statutes applicable generally to civil actions, the procedure shall be governed by these rules.”

(b) Subject to the provisions of section (a) of this rule, these rules supersede all procedural statutes and other rules that may be in conflict.

In order to comply with CR 65 (a)(2), the trial court must expressly state at the preliminary injunction hearing that it is consolidating that hearing with a trial on the merits. *Ameriquet Mortg. Co. v. Att'y Gen. Wash. (Ameriquet I)*, 148 Wash.App. 145,155, 199 P.3d 468,472 (2009) In 193 Wn.App. 395 *Northwest Gas Ass'n*, this court reversed a trial court's

denial of a preliminary injunction under the PRA because the trial court failed to expressly inform the parties that it was consolidating the preliminary injunction hearing with a permanent injunction trial on the merits. *Northwest Gas Association v. Wash. Utilities and Trans. Comm.*, 141 Wn.App. 98,114-15,168 P.3d 443,451-452 (2007) This court made the same holding in *Ameriquet I* based on similar facts. *Ameriquet Mortgage Company v. State Attorney General*, 148 Wn.App. 145,148, 199 P.3d 468,471-472 (2009)

Ms. Janssen's attorney and DSHS deliberately expedited and ramrodded this case through the court as fast as they could and not leaving Mr. Payne anytime to gather and develop his evidence in order to fully mount a proper defense, knowing he was severally restrain in order to properly obtain discovery or seek out an attorney for representation.

Ms. Janssen on the other-hand, seems to have been able to gather her evidence in record time. Thus showing that someone, or a collaboration of persons illegally handed Ms. Janssen all the prejudicial evidence she needed to obtain her objective. Which is called collusion.

Mr. Payne did not ask for more time as he was under the impression and understanding that the hearing he attended was going to be a preliminary hearing by plaintiff's motion, not a permanent injunctive hearing.

As DSHS's argument in their response brief, clearly shows the court, they were and are bound and determined to protect Ms. Janssen's interests, but completely ignore and act against and not defend Mr. Payne's rights and interests to clear his name from all of the unfounded allegations that all have caused him direct harm in his annual reviews with no due process of being heard or an investigation being done. By all appearances, DSHS, its agency, and its agents, have not been providing Mr. Payne with a safe and therapeutic environment to live in as he is entitled too.

C. The Trial Court Improperly Issued The Injunctive Relief Without Any Proof That Mr. Payne Was Utilizing The Public Disclosure Act To Harass An Employee Of DSHS

The trial court did not find that Mr. Payne was using the public disclosure act to harass, threaten or intimidate Ms. Janssen. Even if the court did make reference to this alleged fact, there was never any proof or evidence provided or presented to substantiate such claims. Nor could anyone provide such documentation as none exists. As for RCW 71.09.120, this was not properly presented to the court because it was not presented or argued by the petitioner herself at any time. RCW 42.56.565 and RCW 71.09.120 only apply if the petitioning party can provide actual proof that a resident has been using the public disclosure act for an illicit purpose.

Ms. Janssen and DSHS had both weighed heavily on stressing that Mr. Payne is nothing more than a sexually violent predator and should not be allowed to do public disclosures because he is a resident at a place for alleged sexual violent predators. Any of DSHS's references to using Mr. Payne's treatment as a vital government interest for justification for the judge to impose a permanent injunction order is without merit or significance to the governing laws.

The Judge completely neglected to take into account that Mr. Payne had stated his intended purpose for doing public disclosure requests and the petitioner never providing any proof to contradict Mr. Payne. Furthered by the fact that when Mr. Payne stated that he was not, nor had any intent on using the public disclosure to harass, threaten or intimidate Ms. Janssen, Ms. Janssen never had anything to refute Mr. Payne on or with this either.

And the initial records sought to be restrained (Ms. Janssen's time sheets) and that are the center of this dispute, in no way threaten the security of the institution or Ms. Janssen. Mr. Payne already knew Ms. Janssen's time/work schedule as he had been working with her during her schedule work times prior to being removed from working with her. Ms. Janssen clearly said as much in her various declarations and motions.

Furthermore, Mr. Payne is a civilian being detained for treatment purposes and cannot be looked at as anything less. He is not at SCC for punitive reasons, thus cannot be looked at or treated like he is a criminal in a prison. *Bell v. Wolfish*, 99 S.Ct. 1861, 60 L.Ed. 447, 441 U.S. 520 (1979); *Jones v. Blanas*, 393 F.3d 918 (2004); *Turner v. Safely*, 107 S.Ct. 2254, 96 L.Ed.2d 64, 482 U.S. 78 (1987); *Youngberg v. Romeo*, 102 S.Ct. 2452, 73 L.Ed.2d 28, 457 U.S. 307 (1982).

Nowhere did Ms. Janssen or DSHS show any proof that Mr. Payne harassed, threatened or intimidated Ms. Janssen by doing public disclosure requests prior too or after Ms. Janssen was let aware Mr. Payne had made a request. Ms. Janssen had made it perfectly clear that she had just recently became aware that Mr. Payne had been doing public disclosure requests, and did not find out Mr. Payne was doing them until he had requested Ms. Janssen's time sheets and was notified by DSHS. Motion to Show Cause, Exhibit 12

By this time, Mr. Payne had been doing his own investigation into this matter of Ms. Janssen's constant harassment for almost one year prior to Ms. Janssen finally being notified.

Nowhere in Dr. Lopez's declaration does she provide any proof or statements that Mr. Payne had been or had used the public disclosure requests to harass, threatened or intimidated Ms. Janssen. And nowhere in any pleadings can they or did they show or prove that Mr. Payne's public disclosure requests were used to harass, threatened, intimidated Ms. Janssen or used them for any perverse manner. If Mr. Payne was using the PRA to harass, threatened or intimidated Ms. Janssen, then she would have been aware of such long before Mr. Payne did the public disclosure requests on her, one other staff member, and one residents time sheets, the main records at issue in the instant case.

By Mr. Payne doing public disclosure requests in regards to Ms. Janssen, he was not violating his no contact order with her as he was not having any contact with her. Nor had he ever attempted to use the PRA to make contact with her. So DSHS's proposed finding allegation in their response brief is wrong and not raise at the hearing thus rendering this point moot.

Mr. Payne's PDR's were never used too or being obtained to make any attempts to threaten the security of the institution or anyone else, as Mr. Payne had made it perfectly clear that he had not reviewed the security footage and that he had been sending them out to his attorney in order to preserve the evidence. And that SCC itself would not allow Mr. Payne to review the security footage anyway. CP @ 16 & 17

So any claims and/or arguments about this issue is also moot and cannot be used for any kind of justification to base a ruling on.

D. The Trial Court Improperly Tailored The Injunction To The Harms Alleged By Ms. Janssen

Mr Payne's civil attorney Andrew Morrison should not have been enjoined or restrained as it severely impinges on his rights and ability to fully and without restraint to represent and defend Mr. Payne under RCW 71.09. The trial court did not tailor the time period of the restraint within or for a reasonable period of time. Indefinitely is not within reason or justifiably reasonable. The trial court did not limit the injunction to anything personally specific to the petitioner herself. Mr. Payne is, by law (RCW 71.09), entitled too any documentation that anyone writes about him in the facility he is restrained in, regardless of any situation or circumstance.

IV. CONSLUSION

This Court should reverse and dismiss the injunction. The procedural requirements of RCW 42.56.565 were not followed as per DSHS's claim in their conclusion in their response.

The statute according to DSHS's theory authorizes a streamlined process based on affidavits and documentary evidence. That may be the case for obtaining a TRO and only if the respondent(s) cannot be located before the TRO hearing date, but it does not apply to any further hearings. This case was not done based off of affidavits and documentary evidence alone, thus a preliminary hearing was warranted prior too a final determination. A hearing on the merits is only to determine if the case should move forward to a permanent injunctive hearing.

The Temporary Restraining Order (TRO) was illegally and maliciously sought and obtained through the commitment of fraud by Ms. Janssen's outright and malicious misrepresentation of the facts and slanderous defamation of character assassination of Mr. Payne.

Ms. Janssen never provided or submitted any declaration in writing that she had made any attempts to serve notice on Mr. Payne informing him of a pending TRO hearing prior too obtaining the Temporary Restraining Order. Yet Ms. Janssen was fully capable of contacting and providsing DSHS with notice prior too the TRO hearing. Thus this in-of-itself is reversible error.

Mr. Payne was not served with any court documents pertaining to this instant case until after Ms. Janssen obtained the TRO even though Ms. Janssen knew of Mr. Payne's exact location 24 hours a day, 7 days a week. Ms. Janssen did have a fellow DSHS/SCC employee Matthew Detty serve Mr. Payne with the after-the-fact TRO Order and subsequent legal proceedings Motions and Declarations. Thus, without a proper showing that any attempts were made to contact Mr. Payne prior to the TRO hearing, and nothing on record to indicate an effort was made, the Court was without jurisdiction to issue a TRO, or extend the hearing date past the prerequisite time period of 14 days.

No one has argued against or disputed any of Mr. Payne's claims of the TRO being wrongfully issued at the hearing on April 27, 2017 or in Mr. Payne's Appeal Brief. Thus on this issue alone, this case must be reversed and dismissed with extreme prejudice.

Mr. Payne has been radically prejudiced by DSHS and Dr. Lopez. Dr. Lopez only provided a declaration at the request of DSHS's attorney Craig Mingay, as Dr. Lopez did not provide a declaration for Ms. Janssen herself. And the provided declaration had no other purpose other than to deface Mr. Payne and assist in Ms. Janssen's agenda through DSHS's help.

DSHS provided Ms. Janssen with legal material that she did not raise in any of her motions or declarations and that she was not aware of, to which diminished Mr. Payne's position and defense, thus causing a severe prejudicial effect.

DSHS has acted and continues to act in a hostile manner towards one of their patients under their care and control, that are being detained for Treatment Purposes in a facility that is alleged by DSHS and SCC to - Have to Provide a Therapeutic Environment for all residents to reside in. To which DSHS and its affiliate agency SCC, has predominantly failed to provide for and too Mr. Payne.

On direct appeal by Mr. Payne, DSHS has gone from being initially a respondent to filing a Notice of Appearance on behalf of Ms. Janssen as direct counsel for Ms. Janssen. DSHS then submits a Response Brief to Mr. Payne's Appeal Brief for DSHS only, but in furtherance of Ms. Janssen but not for Ms. Janssen. DSHS has not filed a response brief for Ms. Janssen herself directly and they cannot do so indirectly.

Ms. Janssen has failed to reply or respond too Mr. Payne's Appeal Brief in any manner and as time permits, thus Ms. Janssen concedes by her failure to respond, that she is not contesting or refuting any of Mr. Payne's statements, facts, claims and supporting evidence.

Mr. Payne has had to suffer from and endure an unprecedented amount of prejudicial tactics by DSHS's attorney Craig Mingay. The trial court ignored all of Mr. Payne's statements as to why he was having to do all the public disclosures he had been doing. The trial court was not presented with any actual proof or evidence that Mr. Payne had ever used the public disclosure act in a malicious manner or to harass, threaten, or intimidate Ms. Janssen. No one provided any proof that Mr. Payne has any kind of a history of misusing the public disclosure act to harass, threaten, or intimidate anyone.

There was and is so many errors that were made, and prejudicial affects that cannot be dismissed, or that this Court can ignore. Thus, this Court has no other choice but to rule in Mr. Payne favor in finding a tantamount of reversible errors that are not harmless. And this court should not only reverse the lower courts decisions, findings, rulings and orders, this court should vehemently dismiss this case with extreme prejudice.

Further finding that Mr. Payne is entitled to cost to dissolve a wrongfully obtained and ordered TRO and damages accrued by the vagrancy of DSHS, its agency SCC, their affiliated agents and Ms. Janssen herself.

DATED this 4th day of June,2018.



Jeffrey Payne
PO Box 88600
Steilacoom, WA 98388
(253)-589-4957
(253)-584-9607

ATTACHMENT A-1

**APPELLANT'S REPLY BRIEF TO
DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

April 10 2017 3:38 PM

KEVIN STOCK
COUNTY CLERK

NO: 17-2-06669-4

Honorable Michael E. Schwartz

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

Jamie Janssen,

No. 17-2-06669-4

Petitioner,

v.

DECLARATION OF SERVICE

Department of Social and Health Services,

And

Jeffrey Payne,

Respondents.

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct: that he is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of plaintiff corporation, neither a party to nor interested in the above entitled action, and is competent to be a witness therein.

Declarant states:

That on 10 day of April 2017, at 10⁰⁹ (AM/PM), at the address of McNeil Island
SCC WA, _____, the undersigned duly served the following document(s):

1. MOTION FOR TEMPORARY RESTRAINING ORDER;
2. DECLARATION OF SAPHRONIA YOUNG RE: TEMPORARY RESTRAINING ORDER;
3. EXHIBIT A;
4. SIGNED TEMPORARY RESTRAINING ORDER;
5. MOTION FOR ORDER TO SHOW CAUSE WHY PUBLIC RECORDS REQUEST SHOULD NOT TEMPORARILY RESTRAINED, A PRELIMINARY INJUNCTION ISSUED, AND BE ENJOINED;
6. DECLARATION OF SAPHRONIA YOUNG IN SUPPORT OF MOTION FOR ORDER TO SHOW CAUSE;
7. EXHIBITS 1-14;
8. [PROPOSED] ORDER TO SHOW CAUSE AND GRANTING TEMPORARY RESTRAINING ORDER AND OTHER RELIEF ;
9. CERTIFICATE OF SERVICE; and
10. ORDER RETAINING JURISDICTION;

in the above entitled action upon Jeffrey Payne, by then and there at the current residence and usual place of abode of said person, personally delivering one correct copy of the above document into the hands of and leaving same with Jeffrey Payne.

A description of Jeffrey Payne is as follows:

Age: 54; Ethnicity: C; Gender: M; Weight: 170; Height: 5'9; Hair: Blk;

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct

SIGNED AND DATED this 10th day of April, 2017, at 10⁰⁹ am, Washington.

Matthew Detty

Matthew Detty,
Security Supervisor,
DSHS, McNeil Island, WA

ATTACHMENT A-2

**APPELLANT'S REPLY BRIEF TO
DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

March 30 2017 3:30 PM

KEVIN STOCK
COUNTY CLERK
NO: 17-2-06669-4

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

Jamie Janssen,

Petitioner,

v.

Department of Social and Health Services,

And

Jeffrey Payne,

Respondents.

No.

CERTIFICATE OF SERVICE

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct:

I am a paralegal of the law firm Regeimbal, McDonald & Young, P.L.L.C., and on the below indicated date, I served a copy of the following document(s):

1. MOTION FOR ORDER TO SHOW CAUSE WHY PUBLIC RECORDS REQUEST SHOULD NOT TEMPORARILY RESTRAINED, A PRELIMINARY INJUNCTION ISSUED, AND BE ENJOINED;
2. DECLARATION OF SAPHRONIA YOUNG IN SUPPORT OF MOTION FOR ORDER TO SHOW CAUSE
3. EXHIBITS 1-14
4. [PROPOSED] ORDER TO SHOW CAUSE AND GRANTING TEMPORARY RESTRAINING ORDER AND OTHER RELIEF
5. THIS CERTIFICATE OF SERVICE

to the individual(s) named below in the specific manner indicated:

1
2 Mingay, Craig (ATG)

- Personal Service
- U.S. Mail
- Certified Mail delivery confirmation #
- Hand Delivered
- Overnight Mail
- Courts E-service mechanism, if opted.
- E-Mail CraigM1@ATG.WA.GOV

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11 SIGNED AND DATED this 30th day of March, 2017, at Des Moines, Washington.

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14 Gerald Lowe, Paralegal to Saphronia R. Young,
15 Attorney for Mary King

March 31 2017 9:47 AM

KEVIN STOCK
COUNTY CLERK
NO: 17-2-06669-4

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6 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
7 **IN AND FOR THE COUNTY OF PIERCE**

8 Jamie Janssen,

9 Petitioner,

10 v.

11 Department of Social and Health Services,

12 And

13 Jeffrey Payne,

14 Respondents.

No. 17-2-06669-4

CERTIFICATE OF SERVICE

15
16 The undersigned declares under penalty of perjury, under the laws of the State of
17 Washington, that the following is true and correct:

18 I am a paralegal of the law firm Regeimbal, McDonald & Young, P.L.L.C., and on the
19 below indicated date, I served a copy of the following document(s):

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21 RQUEST SHOULD NOT TEMPORARILY RESTRAINED, A
22 PRELIMINARY INJUNCTION ISSUED, AND BE ENJOINED;
23 2. DECLARATION OF SAPHRONIA YOUNG IN SUPPORT OF
24 MOTION FOR ORDER TO SHOW CAUSE
25 3. EXHIBITS 1-14
4. [PROPOSED] ORDER TO SHOW CAUSE AND GRANTING
TEMPORARY RESTRAINING ORDER AND OTHER RELIEF
5. THIS CERTIFICATE OF SERVICE

to the individual(s) named below in the specific manner indicated:

1 Mingay, Craig (ATG)
2 WSBA# 45106
3 Attorney General's Office
4 40124
5 PO Box 40124
6 7141 Cleanwater Dr SW
7 Olympia, WA 98504-0124

- Personal Service
- U.S. Mail
- Certified Mail delivery confirmation #
- Hand Delivered
- Overnight Mail
- Courts E-service mechanism, if opted.
- E-Mail CraigM1@ATG.WA.GOV

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11 SIGNED AND DATED this 30th day of March, 2017, at Des Moines, Washington.

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14 Gerald Lowe, Paralegal to Saphronia R. Young,
15 Attorney for Mary King

March 31 2017 10:33 AM

KEVIN STOCK
COUNTY CLERK

NO: 17-2-06669-4

Commissioner's Calendar

Motion Date: April 27, 2017

Motion time: 9:00 AM

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

8 Jamie Janssen,

No. 17-2-06669-4

9 Petitioner,

10 v.

CERTIFICATE OF SERVICE

11 Department of Social and Health Services,

12 And

13 Jeffrey Payne,

14 Respondents.

15
16 The undersigned declares under penalty of perjury, under the laws of the State of
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18 I am a paralegal of the law firm Regeimbal, McDonald & Young, P.L.L.C., and on the
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11 SIGNED AND DATED this 30th day of March, 2017, at Des Moines, Washington.

12
13 

14 Gerald Lowe, Paralegal to Saphronia R. Young,
15 Attorney for Mary King

CERTIFICATE OF SERVICE

FILED
COURT OF APPEALS
DIVISION II

2018 JUN -8 AM 11:03

I certify that on the 4th day of June, 2018, I caused a true and correct copy of this APPELLANT'S REPLY BRIEF TO DEPARTMENT OF SOCIAL AND HEALTH SERVICES to be served on the following in the manner indicated below:

STATE OF WASHINGTON
BY _____
DEPUTY

Counsel for Jamie Janssen
Saphronia Young
612 S. 227th St.
Des Moines, WA 98198

(X) U.S. Mail
() Hand Delivery
() _____

Counsel for DSHS
Mr. Craig Mingay
Assistant Attorney General
7141 Cleanwater Dr. S.W.
PO Box 40124
Olympia, WA 98504-0124

(X) U.S. Mail
() Hand Delivery
() _____

Court of Appeals
Div. II
950 Broadway Suite 300
Tacoma, WA 98402-4454

(X) U.S. Mail
() Hand Delivery
() _____

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 4th day of June, 2018.

X 
Jeffrey Payne
PO Box 88600
Steilacoom, WA
98388
(253)-589-4957