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COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

No. 53289-1-II

BRIAN GREEN, Plaintiff/Appellee,

v.

PIERCE COUNTY, Defendant/Appellant.

BRIEF OF *AMICUS CURIAE* PIERCE COUNTY CORRECTIONS GUILD IN SUPPORT OF APPELLANT'S ARGUMENT FOR REVERSAL

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I. INTEREST OF *AMICUS CURIAE*

The Pierce County Corrections Guild is a labor organization that represents members directly impacted by this request for personal records. The interests of amicus are detailed in the motion to file amicus curiae brief.

II. INTRODUCTION

Law and legislation often involve attempts to balance competing fully valid interests. That is particularly true here. On the one hand, the Public Records Act (PRA) promotes transparent government. On the other hand, the public interest supports public safety, including the protection of public safety workers. The Legislature properly balanced those interests. In amending the PRA, it allowed bona fide journalists access to sensitive personal identity information so they could responsibly inform the public but denied random individuals access to information that could be abused or even used for harm.

The trial court got it wrong when it deviated from that legislated balance. It created a new rule that will essentially force the Legislature to reconsider its previously crafted balancing, perhaps to reduce all employee identification records access. The court failed to consider the *history and purpose* of the PRA legislative compromise. The historical context is important.

In 2009, four Officers of the Lakewood Police Department were shot and killed. This was a direct result of the killer's "associates" uncovering identifying information about these officers. In *direct response*, the Legislature amended RCW 42.56.250. It did so for a singular purpose: *to protect sensitive, identifying information of those individuals who answer the call to work for our state's criminal justice agencies.* In short, and as expressed in the Senate Report, this PRA amendment is legislation that is "all about officer safety."[1]

The amendment is embedded in RCW 42.56.250. The amendment created an exception to the Public Records Act, and then there is *an exception to that exception*. The amendment requires that the photographs and dates of birth of criminal justice employees be disclosed to members of the "news media." But the "exception to the exception" means journalists do not carry this shield with them all the time *without regard to their purpose*. They can only claim it *when they are engaged in bona fide news gathering*.

Appellee Brian Green, the Plaintiff in the trial court PRA action, did not enter the Pierce County arena as a journalist; he entered it through the booking entrance of the Pierce County jail. A few years following his incarceration, Green requested photographs and dates of birth of his jailers.

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[1] Wash. S. Rep. E2SHB 1317 61st Sess. (2010).

But in pursuing the personal information of these public employees, he signed this request "investigative journalist." His "journalist" demand for this personal information was rejected, and this lawsuit followed.

Pierce County sought to undertake discovery into the bona fides of Green's claimed "journalist" status, trying to ascertain how someone with a "YouTube" social media account could be considered a "journalist." But before the County completed that discovery, the trial court found Green to be a journalist. The Amicus Guild joins the County in challenging Green's elevated status arguing that Green was an aggrieved individual with an ax to grind, not a "journalist" engaged in bona fide news gathering.

The PRA amendment incorporated by reference the "reporter's privilege in RCW 5.68.010. The trial court committed error when in interpreting RCW 5.68.010 by ignoring the legislative intent evinced by including of the phrase "*bona fide* newsgathering" in the statute. By so doing, it effectively extended this statutory term so far as to render it meaningless.

Invocation of the reporter's privilege requires a *journalistic* purpose. The trial court erred when it failed to examine Green's motivation for making the request.[2] In this context, intent matters. Consideration of that intent would resolve the issue in this litigation but would also compel the *opposite* legal

[2] ("[A]dditional discovery or development of the record is not necessary to resolve this issue." CP 415.)

conclusion: Brian Green did not make this PRA request as a journalist but as an aggrieved jail inmate.

III. ARGUMENT

A. Appellant Pierce County Correctly States That The Standard of Review Is De Novo.

As Pierce County noted in its brief, "[j]udicial review of all agency actions taken under RCW 42.56.030 through RCW 42.56.520 shall be de novo."[3] The trial court addressed a question of law on summary judgment (though before discovery had been completed) and rendered a ruling on the law. Therefore, this Court properly engages in a de novo review.

B. Green Bears the Burden of Proof to Show his YouTube Channel is Subject to the Narrow "News Media" Exemption to the Public Records Act.

When an exemption to the Public Records Act applies, "the burden shifts to the party seeking disclosure."[4] While much of the PRA and its underlying public policy favors transparency and open records, the Guild urges this Court to consider that the fundamental purpose of the specific PRA provision at issue in *this* litigation (RCW 42.56.250(9)) is to *safeguard the privacy of government employees from individual targeting and harassment*.

Despite the complexity (and possible ambiguity) of definitional language at issue here, the ultimate issue is narrow: the treatment of sensitive

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[3] RCW 42.56.550 (3)

[4] *Resident Action Council v. Seattle Housing Authority*, 177 Wn.2d 417, 433, 327 P.3d 600 (2013

government records containing the identity of public safety employees. The Guild would be remiss if it did not briefly explain how the interests of its members would be harmed by the release of the records in question.

In its traditional context—the criminal or civil courtroom—the reporter's privilege involves the balancing of interests that derive from constitutional protections: speech of the journalist and due process rights of the accused.[5] Competing interests are similarly at stake in the present case. Washington courts will routinely *weigh and balance* the public's interest in a given record against the privacy rights of government employees under the PRA.[6].

In the case before this court, both RCW 5.68.010 and RCW 42.56.250(9) are statutes anchored in *competing* values identified in our State Constitution. On the one hand, journalists are entitled to assert that "Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right."[7] But on the other hand, public employees, as citizens, likewise have a right not be "disturbed in [their] private affairs."[8] These competing values can be balanced and the language can be thereby harmonized.

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[5] *Rinaldo*, 102 Wn.2d at 10.
[6] *See, e.g.*, *Bainbridge Island Police Guild v. City of Puyallup*, 172 Wn.2d 398, 413-415, 259 P.3d 190 (2011)
[7] Const. art. I, § 5.
[8]Const. art. I, § 7.

The PRA's central purpose — that the people "maintain control over the instruments" of their government — is *not* diminished by declining disclosure of *personal* identifying information of government employees. Conversely, and related to the certified question before this Court is the fact that the privacy rights of Guild members under Article I, Section 7 of the Washington Constitution are, in fact, implicated by Green's request.

The records that Green seeks implicate fundamental rights to privacy of Guild members because they would allow the public to associate an individual employee's name with their date of birth. As the State Supreme Court has indicated: "The PDA seeks to provide people with full access to public records while remaining mindful of the right of individuals to privacy […]"[9] The Supreme Court has also recently held that Washington State general government employees do not have a privacy interest in their *name* associated with their date of birth, under RCW 42.56.250(4) and RCW 42.56.230(7).[10] Critically, however, the Court *explicitly distinguished* between the statutes at issue in *WPEA* and RCW 42.56.250(8), the public safety worker exception provision at issue in *this case*:

> The Unions' reliance on RCW 42.56.250(9) (recodified as 42.56.250(8 (2019)) is also misplaced as to most of the affected employees. This provision exempts from disclosure certain

[9] *Bellevue John Does 1-11 v. Bellevue Sch. Dist. No. 405*, 164 Wn.2d 199, 224, 189 P.3d 139 (2008)
[10] *Wash. Pub. Emps. Ass'n, UFCW Local 365 v. Wash. State Ctr. for Childhood Deafness & Hearing Loss*, No. 95262-1 (Wn. Oct. 24, 2019 (Slip Opinion)

> employees' month and year of birth from their personnel files, namely employees and workers of criminal justice agencies as defined in RCW 10.97.030 […] DSHS *correctly* regarded RCW 42.56.250(9) as applicable only to those SEIU 1199NW-represented employees working at the JRA facilities but not applicable to employees in other departments with missions involving therapeutic evaluation and treatment of individuals facing criminal charges.[11]

Put differently, 42.56.250(8 demonstrates a clear legislative intent to balance competing public interests by expressly providing heightened protection for the criminal justice agency employees. As the Supreme Court indicated, such an intent is in keeping with "a valid concern that PRA requests may be used to circumvent express statutory privacy protections."[12] The Guild would strongly contend that "circumvention" of that privacy protection is *exactly* what former inmate Green seeks.

While this Court has accepted review of a question concerning the scope of RCW 5.68.010, that statute's incorporation into the Public Records Act does not render what was intended to be a narrowly construed privilege into a broad invitation to compel disclosure of private facts to which Legislature has afforded specific protection. On the contrary, the privacy interests protected by RCW 42.56.250(9) bolster the argument for a reasonable and balanced

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[11] *Id.* at 21. (Emphasis added)
[12] *Id.* at 17-18

construal of the reporter's privilege in Washington, a construction that protects real journalists, but not everyone with a social media account.

C. Green Has failed to Carry his Burden of Proof that his YouTube Channel Qualifies for the Claimed Exemption as He and his Account are Neither an "Entity in the Regular Business of News Gathering" or a "Bona Fide" Outlet of the "News Media."

1. Green's YouTube Account Does Not Fit the Definition of "News Media."

a. The Legislature intended a narrow and targeted definition of "news media" limited to "bona fide" journalists.

The Legislature intended RCW 5.68.010 to codify the common law reporter's privilege.[13] The statute was intended to "establish a privilege from compelled testimony…for members of the news media."[14] This statutory privilege was *not* created not to elevate a separate class of citizens from civic responsibilities, but simply to protect *bona fide* news gathering. It creates a very narrow exception from the general duty all citizens otherwise have to testify to relevant information in our courts of law. As the Washington Supreme Court indicated in *State v. Burden*: "Privileges are narrowly construed to serve their purpose so as to exclude the least amount of relevant evidence."[15]

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[13] *Republic of Kazakhstan v. Does 1-100*, 192 Wn. App. 774, 782, 368 P.3d 524 (2016 ("In 2007, the legislature codified this privilege in RCW 5.68.010"); H.R. Rep. , HB 1366, 60th Legislature, (2007). ("Washington has not enacted a statutory reporter privilege, but the Washington Supreme Court has recognized a common law qualified privilege for reporters.")
[14] *Id.*
[15] *State v. Burden,*120 Wn.2d 371, 376, 841 P.2d 758 (1992

In RCW 5.68.010(5)(a), the general word "entity" in the context of *that legislation* derives its meaning *from* the specific terms that *immediately precede it*: "Newspaper, magazine […] wire service, radio or television station or network," et cetera. Addition of the phrase "or any entity in the regular business of newsgathering" evinces a legislative intent for this list not to be exhaustive. It is logical to infer that the legislature may intend the privilege to apply to new, alternative means of dissemination, like blogs and streaming video— but only from legitimate, *bona fide* journalists.

Green essentially argues that *the mere act of publication* makes his YouTube channel a "news media entity" for the purposes of RCW 5.68.010. *All* citizens of Washington may "freely publish" in accordance with Article I, Section 5 of the Washington Constitution.[16] But this does *not* entitle every citizen who "publishes"—especially in a day and age where such publication online is both easy and common—to claim the statutory reporter's privilege. The failure of Green's logic is that he simply extends the exemption it so far that it would reach every citizen allowing virtually anyone with a social media account an ability to claim testimonial immunity.

Put differently, it is not Green's chosen medium that exempts him from RCW 5.68.010(5's definition of "news media:" It is the fact that he is not engaged in "*bona fide*" news gathering as specifically required by RCW

[16] Const. art. I, § 5

5.68.010(5)(b. Use of this phrase by the legislature invites and indeed demands a court's inquiry into the good faith of an individual who asserts a privilege under RCW 5.68.010. That is simply what the term "bona fide" means.

The Superior Court committed error when it cut short discovery and then concluded that the Green was a member of the news media without inquiring into the Green's bona fide intent, and then summarily finding that Green was per se engaged in news gathering.[17] It likewise committed error when it opined, "It does not appear that the statute envisions splitting the hair of intent any finer than that in situations *where news gathering may potentially be motivated by personal agendas and a desire to gather and disseminate news.*"[18] In short, the Superior Court erred because *it did not give the statutory term "bona fide," weight*[19]

Legislation may not be construed so that it leads to unlikely or absurd results.[20] The legislative inclusion of the phrase "bona fide" was necessary to compel a common-sense distinction: *not all of the millions of Washingtonians who publish their varied individual thoughts and opinions, even on "newsworthy" topics, on Facebook, Twitter or YouTube may claim the reporter's privilege*. An interpretation to

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[17]"The Court finds that any analysis under RCW 5.68.010(5)(b is unnecessary in these circumstances due to the identity between Green and Liberty's Champion." CP 426
[18] CP 427. (Emphasis added.)
[19] *Whatcom County v. City of Bellingham*, 128 Wn.2d 537, 546, 909 P.2d 1303 (1996
[20] *State v. Stannard*, 109 Wn.2d 29, 36, 742 P.2d 1244 (1987

the contrary would lead to an unlikely and absurd consequence. The court's action to write the term "bona fide" out of the statute should be reversed.

b. Green's YouTube Account Does Not Meet That Narrow And Targeted Definition Of Bona Fide Journalism.

Green failed to show a journalistic intent at the inception of his request. And he has demonstrated a complete lack of journalistic intent through his subsequent actions.

Green was briefly incarcerated at the Pierce County Jail on November 26 and 27, 2014.[21] Three years later, he made a public records request for information regarding individual corrections deputies on the dates he was incarcerated.[22] There is *no indication* Green's interest in this information relates to anything *besides the facts of his own arrest and incarceration*. There is no indication that this information is truly "newsworthy" *to anyone save Green*.

When the County withheld the records, Green responded that he was "working on a story about the Pierce County Jail."[23] When the County continued to deny his request, Green alluded to the existence of his YouTube channel and simply parroted the language of the relevant statute: "I am a journalist that primarily covers local court cases on my Youtube channel […]

[21] CP 234
[22] CP 15
[23] CP 20

my Youtube channel meets the definition of RCW 5.68.010(5) because it is a news agency […]"[24]

Under the prevailing case law on the reporter's privilege, the foregoing parroting constitutes Green's only evidence of his intent to disseminate the information to the public "at the inception of the newsgathering process."[25] It falls well short of the standard of "competent evidence." *Id.* Like the self-proclaiming journalist/Appellant in *von Bulow*, Mr. Green's interest is these records is both murky and undeniably personal.[26]

The number of subscribers to Green's YouTube channel and the frequency with which he publishes videos do not resolve the issue. It would be ill-advised to adopt a rule that a specific "frequency" of uploading YouTube videos demonstrates a journalistic intent. As the Ninth Circuit stated simply, "What makes journalism journalism is not its format, but its content."[27]

The evidence present at the inception of Green's would-be newsgathering *of this information* makes clear that his intent *was entirely personal and potentially vindictive*. That lack of bona fides is evidenced by Green's *shifting* semantic arguments in litigation regarding the "entity" he has variously defined as an

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[24] CP 27
[25] *Von Bulow*, 811 F.2d at 144
[26] *Id.* at 138 cf. *Shoen*, 5 F.3d at 1290 ("Watkins [had] secured a contract with a major book publisher to write about the Shoen family.")
[27] *Shoen*, 5 F.3d at 1293

unincorporated nonprofit,[28] or a "structureless volunteer organization,"[29] But the point is truly driven home by the fact that Green has made several PRA requests identical to the one at issue here with respect to opposing counsel in the current litigation.[30] It should not escape this Court's notice that if Green is a member of the news media with regard to his PRA request, he would logically be permitted to assert the reporter's privilege *in the courtrooms of the present case*: an absurd result, if ever a court was asked to consider one.

It is likely that further inquiry into his intent and the content of his YouTube channel—erroneously foreclosed by the trial court—would likely demonstrate that such histrionics are Green's *modus operandi*. As a citizen, he may publish on his YouTube channel if he wishes. But he is not entitled to the *privileges* statutorily extended *only* to bona fide journalists.

2. Green Is Not An "Entity" Engaged in the "Regular Business of News Gathering."

Pierce County properly argues that an entity must be a "juridical being."[31] The Guild also approaches these issues, though, through the alternative perspective of examining looking at the language in this section "as a whole," focusing less on the individual words in isolation. The Guild asserts that the trial court properly went down this path by invoking the relevant rules of

[28] CP 12
[29] CP 89
[30] CP 418-419; Appellant's Brief at 12-13
[31] Appellant's Brief at 25

construction "noscitur a sociis" but respectfully submits the court reached the wrong conclusion in is the application of that principle.

Taking RCW 5.68.010(5) *as a whole*, it is clear that the legislature was only intending to codify the reporter's privilege for those who had it at common law — "bona fide" journalists. As discussed earlier, whether a journalist was "bona fide" necessarily includes the *intent* of the actor. That standard, in turn, necessarily requires the assessment of a multitude of factors. And the Guild argues that among the factors that could and should be considered is *the extent to which the claimed journalist is working for a functional organization*. Combining the "bona fide" element with the "entity" and "business of news gathering" elements, though in different subsections, would allow the Court to harmonize *all the terms* of the statute in a commonsensical manner.

It would also allow the statute to be interpreted consistent with apparent Legislative intent. When the Legislature tied the PRA to the reporter's privilege, it certainly did *not* intend that every random individual choosing to publish or post would be considered a "journalist." While such random individuals may be protected by the First Amendment, *that is not the question posed here*. The question before the Court is only a statutory question, not a constitutional one. The Legislature *could*, and the Guild believes *did*, choose to restrict access to only those individuals operating as part of a functional news gathering process. The terms "bona fide," "regular business, and "entity"

should be seen as *linked together*, all with the intent of foreclosing random individuals from asserting the privilege. So, though it may be conceivable that an individual journalist *could* establish an entity, normally the reporter's privilege is best understood as requiring some type of structure (i.e. "regular business") as to the news gathering.

D. In the Alternative, The Trial Court Erred By Denying Pierce County A Fair Opportunity To Conduct Discovery Into Green's Claim That His YouTube Channel is a Bona Fide Member of the News Media.

The Guild presents this only as an alternative argument and does not join in Pierce County's concession that discovery is necessary. The Guild believes that Green has failed on the face of his demand to establish his right to the reporter's privilege and his complaint should be dismissed on that record. It does address what discovery could add.

The definition of "news media" present in RCW 5.68.010(5) had not been analyzed by Washington Courts until 2016 in *Republic of Kazakhstan v. Does 1-100.*[32] While the question before this Court chiefly concerns statutory interpretation of RCW 5.68.010, the reporter's privilege arises from the common law. A common-law privilege for reporters in both civil and criminal trials has been recognized by the Washington Supreme Court.[33] This privilege is "not absolute," and involves *balancing* the rights of reporters and (in the

[32] 192 Wn. App. 774, 368 P.3d 524 (2016.
[33] *Senar v. Daily Journal-American*, 97 Wn.2d 148, 641 P.2d 1180 (1982) and *State v. Rinaldo*, 102 Wn.2d 749, 689 P.2d 392 (1984).

criminal context) the constitutional right to a fair trial.[34] RCW 5.68.010 codifies the reporter's privilege.[35]

When analyzing legislation, Courts will "presume that the legislature knows the existing state of the case law in the areas in which it legislates."[36] This can be inferred when legislative history materials here explicitly note that "most federal circuit courts, including the Ninth Circuit, have recognized some form of qualified reporter privilege, either deriving from the common law or the First Amendment."[37] Furthermore, "a statute will not be construed in derogation of the common law unless the Legislature has clearly expressed its intention to vary it."[38] No such legislative intent exists here.

The "who is a journalist" question does not appear to have been asked nor answered by the common-law reporter's existent privilege cases in Washington. However, the Washington Supreme Court has recognized an analogy to the federal reporter's privilege.[39] Further, the Washington Supreme Court has cited to Federal case law with approval in outlining the contours of Washington's shield law.[40]

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[34] See *Rinaldo*, 102 Wn.2d at 10
[35] H.R. Rep., HB 1366, 60th Legislature (2007)
[36] *Sheehan v. Cent. Puget Sound Reg'l Transit Auth.*, 155 Wn.2d 790, 811, 123 P.3d 88 (2005
[37] H.R. Rep. HB 1366, 60th Legislature (2007)
[38] *Price v. Kitsap Transit*, 125 Wn.2d 456, 465, 886 P.2d 556 (1994)
[39] *Rinaldo*, 102 Wn.2d at 752
[40] *See, e.g.*, *Senear*, 97 Wn.2d at 154 (citing cases from the First, Second, Third, Tenth and District of Columbia Circuits.)

These federal common law cases make clear that inquiry into the intent of an individual claiming the privilege is proper and necessary. The seminal case as to the certified question before this Court is *Von Bulow v. Von Bulow.*[41] In *Von Bulow*, the Second Circuit held that an unpublished author writing about his friend's trial was *not* entitled to the privilege:

> [W]hether a person is a journalist, and thus protected by the privilege, must be determined by the person's intent at the inception of the information-gathering process. [… A]n individual successfully may assert the journalist's privilege if he is involved in activities traditionally associated with the gathering and dissemination of news, even though he may not ordinarily be a member of the institutionalized press.[42]

The Ninth Circuit has adopted the *Von Bulow* test, finding that an investigative author with a book publishing contract in place is entitled to claim the reporter's privilege.[43] So too have other circuits. The inquiry into intent is critical to determining whether the individual or entity asserting the privilege is truly a journalist or a wolf in sheep's clothing pursuing a self-interested and self-serving "journalism."[44]

Under this commonsense standard, "the individual claiming the privilege must demonstrate, through competent evidence, the intent to use

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[41] 811 F.2d 136, 144 (2nd Cir. 1987, *cert. denied* 481 U.S. 1015 (1987).
[42] 811 F.2d at 142. (Emphasis added.)
[43] *Shoen v. Shoen*, 5 F.3d 1289, 1293 (9th Cir. 1993)
[44] See e.g., *In re Fitch, Inc.*, 330 F.3d 104 (2nd Cir. 2003 (No reporter's privilege for rating agency that only writes about its own clients.) *Titan Sports, Inc. v. Turner Broad Sys., Inc.*, 151 F.3d 125, 130 (3rd Cir. 1998 (No reporter's privilege for "hype, not news.")

material — sought, gathered or received — to disseminate information to the public and that such intent existed at the *inception* of the newsgathering process. This requires an intent-based factual inquiry to be made by the district court."[45] Such a process is compatible with RCW 5.68.010(6): "In all matters adjudicated pursuant to this section, a court of competent jurisdiction may exercise its inherent powers to conduct all appropriate proceedings required in order to make necessary findings of fact and enter conclusions of law."

The trial court, therefore, erred when it ruled that "additional discovery or development of the record is not necessary to resolve this issue."[46] To the extent that the court made a factual inquiry, it was limited to Green's initial interrogatory responses.[47] The court only relied on the *past content* of Green's YouTube channel and the "regularity" with which he produced videos.[48] The Court made no substantive inquiry into Green's *intent*, concluding instead that "it does not appear that the statute envisions splitting the hair of intent any finer […] in situations where news gathering may potentially be motivated by both personal agendas and a desire to gather and disseminate news."[49]

Such an effectively intent-irrelevant standard is contrary to case law. Moreover, in the more typical reporter's privilege context of the courtroom,

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[45] *Von Bulow*, 811 F.2d at 144. (Emphasis added.)
[46] CP 415
[47] Order on Merits 3-4
[48] Order on CP 418, 424
[49] CP 427

such a standard would render *inadmissible* potentially valuable testimony based on a speculative showing that a desire to gather news "may" have "in part" been motivated by a desire to gather newsworthy information.

The trial court erred by adopting an analysis that is contrary to the well-settled evidentiary principle that "[p]rivileges are narrowly construed to serve their purpose so as to exclude the least amount of relevant evidence."[50] As with all such privileges, the burden would rest *on Green* to establish that he was entitled to protection as a member of the "news media."[51] By denying the County's ability to engage in further discovery, the trial court extended the reporter's privilege to a broad swath of the citizenry, without a requirement that the entitlement to the privilege *be proven*.

IV. CONCLUSION

To determine whether a so-called journalist is really entitled to a testimonial privilege, an inquiry into their journalistic *intent* related t*o a specific news gathering effort needs to be made*. This would be required in a courtroom, and it is even more necessary in the context of a privacy exception to the Public Records Act. The trial court erred by failing to undertake such an inquiry. Had it done so; it would have found that Green is *not* a journalist.

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[50] *State v. Burden*, 120 Wn.2d 371, 376, 841 P.2d 758 (1992

[51] *Republic of Kazakhstan*, 192 Wn. App. at 781

The Guild respectfully asks that the Court reverse the Thurston County Superior Court's ruling that Green is a member of the news media and find that Green has not made a sufficient showing to qualify as a member of the news media under RCW 5.68.010. Additionally, and in the alternative, the Guild asks this Court to find the Superior Court committed error when it failed to properly consider Green's intent in making a PRA request.

DATED this 6th day of February 2020.

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Certificate of Service

I declare under penalty of perjury under the laws of the State of Washington that on the date specified below, I caused to be served a copy of the foregoing documents via email through the Court of Appeals electronic portal:

To the following:

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Pierce County Civil Deputy Prosecuting Attorney
955 Tacoma Avenue South, Suite 301
Tacoma, WA 98402-2160

Joseph Thomas
Attorney at Law
5991 Rainier Ave S #B
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Dated this 6th day of February, 2020.

/s/ Leigh Tennison
Leigh Tennison, Paralegal

CLINE & ASSOCIATES

February 06, 2020 - 4:46 PM

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