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November 29, 2010
VIA E-MAIL

Justices of the Washington Supreme Court
Temple of Justice
Olympia, Washington
E-mail Address: supreme@courts.wa.gov

Re: *Bainbridge Island Police Guild, et al. v. City of Puyallup, et al.*
Supreme Court No. 82374-0
BIPG/Cain Oral Argument Comments re: Copy of Puyallup File; Cain, Sustained
Complaint

Dear Justices of the Supreme Court:

This letter addresses comments made by respondents BIPG/Cain at oral argument on Tuesday, November 16, 2010.

A. *Media Possession of Puyallup Records*

During oral argument, counsel for respondents Bainbridge Island Police Guild (hereinafter "BIPG") and Steven Cain (hereinafter "Cain") was asked about the release of the Puyallup files to the media. Mr. Christie replied a copy was "reviewed", but he asserted that there was "not a copy out floating around".

Regarding this issue, appellants-requestors invite the Court's attention to the following portions of the record:

(1) The *Kitsap Sun* newspaper requested the Puyallup police department's records regarding the Cain criminal investigation from the City of Puyallup. The City of Puyallup released their 117-page investigation to the newspaper. CP 38-39, 102, 108-110, 247.

(2) Josh Farley, a reporter with the *Kitsap Sun* newspaper, wrote an article discussing the Puyallup records the *Sun* received, which was published on May 11, 2008. See CP 130, CP 203-205 (web version), CP 207 (duplicate of CP 130).

B. *Cain's Sustained Complaint*

Counsel for the BIPG/Cain was asked during oral argument about Cain's sustained complaint. Counsel stated that the complaint is not part of the record. He objected to discussion of it.

Regarding this issue, appellants-requestors invite the Court's attention to the following portions of the record:

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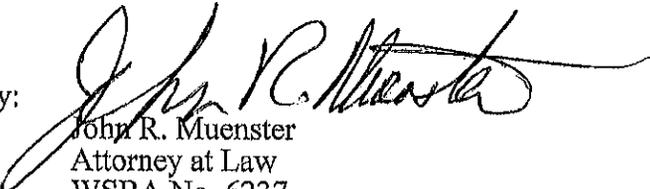
- (1) The Josh Farley article about the Puyallup investigation, Column 3. Exhibit E, CP 130; Exhibit N-9, CP 207; CP 204-205 (internet version of the Farley article).
- (2) Declaration of Althea L. Paulson, CP 134-135, ¶¶ 8-9.
- (3) Article by Althea Paulson: "*BI Blue Line: Protect and serve or shred and forget?*", March 11, 2008, CP 168.
- (4) Declaration of Respondent Kim Koenig in Opposition to Petitioners' Motion for Injunctive Relief, CP 242-243, ¶¶ 16-17.
- (5) The copy of the Puyallup investigative files, provided to the Court November 16, 2010 by stipulation of the parties (re: Lt. Jensen comments re: Cain sustained complaint).

Thank you for your attention.

Very truly yours,

MUENSTER & KOENIG

By:


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Of Attorneys for Appellant-Requestors Kim Koenig,
Lawrence Koss and Althea Paulson

JRM:aa

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Steve Kirkelie (via e-mail)
Michele Earl-Hubbard (via e-mail)
Bill Crittenden (via e-mail)
Douglas Klunder (via e-mail)
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