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SUPREME COURT  
STATE OF WASHINGTON  
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SUPREME COURT  
OF THE STATE OF WASHINGTON

GLEND A NISSEN, an individual,

Respondent

vs.

PIERCE COUNTY, a public agency;  
PIERCE COUNTY PROSECUTOR'S  
OFFICE, a public agency,

Petitioners,

and

PROSECUTOR MARK LINDQUIST,

Petitioner.

NO. 90875-3

PETITIONER LINDQUIST'S  
STATEMENT OF ADDITIONAL  
AUTHORITIES

Come now Petitioner Prosecutor Lindquist and submits the following  
statement of additional authority pursuant to RAP 10.8.

**I. ISSUE FOR WHICH AUTHORITY IS OFFERED.**

Whether Petitioners have "refused to allow inspection or copying" in



ORIGINAL

violation of RCW 42.56.550 by not producing private telephone records that had not been provided to Petitioner Lindquist by his private service provider, despite his request.

## II. ADDITIONAL AUTHORITY

Where a government agency had requested an official's telephone records and "[t]he request has been refused," the agency "cannot be said to have had possession or control of the documents at the time the requests were received" and thus "did not, therefore, withhold any agency records, an indispensable prerequisite to liability in a suit under the FOIA."

*Kissinger v. Reporters Comm. for Freedom of the Press*, 445 U.S. 136, 154-55, 100 S. Ct. 960, 970-71, 63 L. Ed. 2d 267 (1980).

RESPECTFULLY SUBMITTED this 7<sup>th</sup> day of August, 2015.

By Stewart Estes WSPA 40173  
POV STEWART ESTES  
Keating, Bucklin & McCormack,  
Inc., P.S.  
Attorneys for Petitioner Lindquist  
Ph: (206)623-8861/WSB#15535

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing document was delivered this 7<sup>th</sup> day of August, 2015, by electronic mail pursuant to the agreement of the parties as follows:

- Michele Earl-Hubbard: michele@alliedlawgroup.com
- Stewart A. Estes: sestest@kbmlawyers.com
- Peter B. Gonick: peterg@atg.wa.gov; wendyo@atg.wa.gov
- Judith A. Endejan: jendejan@gsblaw.com
- Anita Hunter: anitah@wfse.org
- Martin S. Garfinkel: garfinkel@sbg-law.com
- Jared E. Ausserer: sirliveson@gmail.com
- Pamela Loginski: pamloginsky@waprosecutors.org
- Ramsey E. Ramerman: RRamerman@ci.Everett.wa.us
- Aimee Strand Iverson: aiverson@washingtonea.org
- Jeffrey Julius: jeffj@vjmlaw.com
- Philip A. Talmadge: phil@tal-fitzlaw.com
- Nancy L. Talner: talner@aclu-wa.org
- Douglas B. Klunder: klunder@comcast.net
- William J. Crittenden: wjcrittenden@comcast.net
- Patrick D. Brown: brownp@seattleu.edu
- Mark E. Lindquist: mark.lindquist@co.pierce.wa.us
- Scott R. Peters: speter3@co.pierce.wa.us

s/ CHRISTINE JENSEN LINDER  
CHRISTINE JENSEN LINDER  
Legal Assistant  
Keating Bucklin & McCormack Inc.  
PS  
800 Fifth Avenue, Suite 4141  
Seattle, WA 98104  
Ph: 206-623-8861 / Fax:  
206-223-9423

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**To:** Christine Linder  
**Cc:** michele@alliedlawgroup.com; Stewart A. Estes; peterg@atg.wa.gov; wendyo@atg.wa.gov; jendejan@gsblaw.com; anitah@wfse.org; garkinkel@sgb-law.com; sirliveson@gmail.com; pamloginsky@waprosecutors.org; RRamerman@ci.Everett.wa.us; aiverson@washingtonea.org; jeffj@vjmlaw.com; phil@tal-fitzlaw.com; talner@aclu-wa.org; klunder@comcast.net; wjcrittenden@comcast.net; brownp@seattleu.edu; mark.lindquist@co.pierce.wa.us; speter3@co.pierce.wa.us  
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**Cc:** michele@alliedlawgroup.com; Stewart A. Estes; peterg@atg.wa.gov; wendyo@atg.wa.gov; jendejan@gsblaw.com; anitah@wfse.org; garkinkel@sgb-law.com; sirliveson@gmail.com; pamloginsky@waprosecutors.org; RRamerman@ci.Everett.wa.us; aiverson@washingtonea.org; jeffj@vjmlaw.com; phil@tal-fitzlaw.com; talner@aclu-wa.org; klunder@comcast.net; wjcrittenden@comcast.net; brownp@seattleu.edu; mark.lindquist@co.pierce.wa.us; speter3@co.pierce.wa.us  
**Subject:** Nissen v. Pierce County, et al - Supreme Court Case No. 90875-3

Nissen v. Pierce County, et al  
Case No. 90875-3  
Stewart Estes  
(206) 623-8861  
WSB#15535  
[sestes@kbmlawyers.com](mailto:sestes@kbmlawyers.com)

Christine Jensen Linder  
Legal Assistant  
Keating, Bucklin & McCormack, Inc., P.S.  
800 5th Avenue, Suite 4141  
Seattle, WA 98104

Office 206.623.8861  
Fax 206.223.9423  
[Clinder@kbmlawyers.com](mailto:Clinder@kbmlawyers.com)  
[www.kbmlawyers.com](http://www.kbmlawyers.com)



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