99648-2

Supreme Court Case No. 99648
Court of Appeals Case No. 37505-6-III
Yakima County Superior Court Case No. 19-2-02284-1

THE SUPREME COURT
STATE OF WASHINGTON

YAKIMA SCHOOL DISTRICT NO. 7, Respondent,

v.

ANDREW L. MAGEE, Petitioner.

REVISED PETITION FOR DISCRETIONARY REVIEW

Andrew L. Magee, Esq.
WSBA # 31281
44th Floor
1001 Fourth Avenue Plaza
Seattle, Washington 98154
(206) 389-1675
amagee@mageelegal.com

TABLE OF CONTENTS

TABLE OF AUTHORITIES

I
IDENTITY OF PETITIONER

1. The Petitioner in this matter is Andrew L. Magee (WSBA #31281,) also the Defendant before the Yakima County Superior Court, and Appellant before the Court of Appeals, Division III.

II
CITATION TO COURT OF APPEALS DECISION

2. In good-faith, Mr. Magee respectfully submits this/his Petition for Discretionary Review seeking review by this Court of the Court of Appeals Decision, (Dec.) Case No. 37505-6-III filed on or about March 18, 2021; (attached hereto as Appendix, Ex 1)

III
INTRODUCTION/BACKGROUND/SPECIAL SECTIONS

3. Mr. Magee - in good-faith to state matters concisely - and to be consistent with RAP 13.4(c)/RAP Title 14/18, respectfully submits this Introduction/Background/Special Sections as part of Mr. Magee's Petition for Discretionary Review and that; Review be granted, the Court of Appeals reversed, or in the alternative, this matter remanded for further proceedings, and that Petitioner be granted his costs, attorney's fees as pled as well as in this matter.

4. The Court of Appeals re-writes the law regarding the Public Records Act (PRA/RCW Chapter 42.56) creating an allowance for Yakima School District No. 7 (YSD) to release documents that are self-admittedly exempt, and then later claim an *exemption*, conjure-up a dispute, and seek and receive relief under the Uniform Declaratory Judgment Act (UDJA) against a PRA requestor (Mr. Magee) to receive an order from the Superior Court stating the fiction that YSD had released no documents and faced no liability/peril for having released documents.

5. With prior notice to - and given permission by - counsel for YSD (See RPC 4.2,) Mr. Magee directly made a PRA request to YSD. After clarifying the request and without YSD claiming any exemption, YSD then invited/authorized Mr. Magee to inspect, copy and pay for/obtain, and did release, "several hundred pages," (See Dec. p.3, 4). Only afterwards, YSD claimed as (judicially admitted) fact, that the "several hundreds [of] pages," (*Id.*) released in fact to Mr. Magee were exempt employee records under the PRA (Dec. p.14).

6. Mr. Magee has pointed out that:

A. Sanctions: Mr. Magee, in good-faith, on appeal, without exceeding any page limit, included an Introduction section that lasted many pages. It is respectfully submitted that the Court of Appeals erred and that the sanction be reversed, and;

B. Standing: With no dispute between YSD and Mr. Magee, YSD had no standing to bring suit against Mr. Magee, and;

C. Waiver: That YSD, under the common law doctrine of waiver, and as a matter of fact and law, waived claiming an exemption and, it is respectfully submitted for the foregoing/forthcoming reasons, that: Review be granted, the decision of the trial court be reversed and/or this matter be remanded for further proceedings, and that Petitioner be granted his attorney's fees/costs as pled before the trial court, court of appeals, and this Court.

SPECIAL SECTIONS

7. IIa. Standard of Review: that upon *de novo review* (herein the standard of review reviewing summary judgment,) (See Br. of Appellant, p.13-14) that the trial Court's granting of summary judgment be denied, and this matter be remanded to the trial Court for further proceedings:

8. IIb. RAP Title 9 - Record on Review: Mr. Magee, in good-faith, and pursuant to RAP Title 9, furthermore, respectfully requests that the entire record, and the briefing before the Court of Appeals and its Decision be incorporated herein by reference as the record on review;

9. IIc. Special Section Pursuant to RAP 18.1(b): Included in Mr. Magee's request that review be granted, reversed, and the relief requested in Petitioner's Appellant's Brief and Reply Brief pled before the Court of

Appeals (to include awarding costs and attorney's fees) be granted, Mr. Magee respectfully requests that he be awarded his attorney's fees and costs consistent with RAP Title 14/18, *et al.*.

IV
ISSUES PRESENTED FOR REVIEW

10. A. Did the Court of Appeals err in imposing a sanction against Mr. Magee? - YES:

Under the Rules of Appellate Procedure, to be liberally construed, Mr. Magee was/is in compliance with the rules regarding content, and length in preparing his Brief.

11. B. Did the Court of Appeals err in determining that YSD had standing to bring a Uniform Declaratory Judgment Act (UDJA) action against Mr. Magee? – YES.

Mr. Magee never disputed any assertion of any claim or claim of exemption to the release of the documents. As pled, this whole matter could have been avoided if YSD had either claimed an exemption when Mr. Magee made/and or clarified his PRA request, or just stopped producing the documents.

12. C. Did the Court of Appeals err in determining that YSD did not waive claiming an exemption? – YES.

As pled (*infra*) the Court of Appeals own decision simplifies, and provides that YSD acknowledged and agreed in writing that YSD; (a) did have constructive knowledge of a claim of exemption, and; (b) chose, voluntarily to continue to release the documents thereby - as a matter of law - waived claiming an exemption.

V
STATEMENT OF CASE

13. A. Sanctions: Application of the RAP's reveals that Mr. Magee's briefing before the Court of Appeals was proper and that sanctions should not have been imposed.

14. B. Standing: The Decision reveals that YSD requested from Mr. Magee whether he agreed, *i.e.,* disputed YSD's claim for an exemption and that Mr. Magee, "did not respond," a.k.a., did (or said) nothing. (Dec., p.5) *I.e.,* Not then, or ever, did Mr. Magee dispute YSD's position(s) - removing from any equation that Mr. Magee was involved in any dispute with YSD that could produce standing against Mr. Magee under the UDJA.

15. C. Waiver: The Court of Appeals errs when it declares that YSD did not waive claiming an exemption and that Mr. Magee relies, as a whole, on *Bainbridge Island Police Guild v. City of Puyallup,* 172 Wn.2d 389 (2011) (Decision, p.16.) Mr. Magee relied on *Bainbridge,* only to first establish, as this Court already had, that the standard of waiver under the PRA, is the common law doctrine/standard, and that thereby, YSD clearly waived claiming an exemption thereunder.

VI
ARGUMENT.
A.
Sanctions

16. Under RAP 1.2, it states:

(a) Interpretation. These rules will be liberally interpreted to promote justice and facilitate the decision of cases on the merits. Cases and issues will not be determined on the basis of compliance or noncompliance with these rules except in compelling circumstances where justice demands, subject to the restrictions in rule 18.8(b).
(b) Words of Command. Unless the context of the rule indicates otherwise: "Should" is used when referring to an act a party or counsel for a party is under an obligation to perform. The court will ordinarily impose sanctions if the act is not done within the time or in the manner specified. The word "must" is used in place of "should" if extending the time within which the act must be done is subject to the severe test under rule 18.8(b) or to emphasize failure to perform the act in a timely way may result in more severe than usual sanctions. The word "will" or "may" is used when referring to an act of the appellate court. The word "shall" is used when referring to an act that is to be done by an entity other than the appellate court, a party, or counsel for a party.

RAP 1.2

17. The Court of Appeals states:

Addressing YSD's request that we strike his brief, [Mr.] Magee replies, "RAP 10.3(a) does not outline the sections of an appellate brief that are required to include, but rather, those that 'should'" Reply Br. of Appellant at 22 (emphasis in original). He then cites RAP 1.2(b), apparently without reading it. The rule provides: "Unless the context of the rule indicates otherwise: 'Should' is used when referring to an act or party or counsel for a party is *under an obligation to perform.* The court will ordinarily impose sanctions if the act is not done within the time or in the manner specified." RAP 1.2(b) (emphasis added.) In this context, "should" means "shall." [Mr.] Magee's argument that he was not *required* to follow RAP 10.3(a) fails.

Decision, p. 10-11

18. The Court of Appeals, furthermore, states that;

[Mr.] Magee also included a section entitled, "COUNTER-MOTION FOR SUMMARY JUDGMENT," which reiterated the reasons he opposed YSD's motion. CP at 140. [Mr.] Magee did not request a hearing for his countermotion.

Dec. p.6

By the same token, YSD's Br. of Respondent lists in its table

of contents:

II. COUNTER-STATEMENT OF THE ISSUES ON APPEAL,
III. COUNTER-STATEMENT OF THE CASE.

Br. of Respondent - table of contents and p.1 and p.2

19. Mr. Magee's Reply Br. pleaded that;

Mr. Magee's AB [App. Brief] includes all that it "should," RAP 10.3(a).

RAP 10.3(b) states that the brief of respondent (YSD) should conform to

section (a). YSD has not filed a notice of appeal as would be required to

then make a "Counter-Statement of Appeal (See RAP 5.1(d).)

YSD's Counter-Statement of the Case, (RB, p.2) furthermore, and following "IV. Argument" at best, is/are an improper attempt to enact a Cross-Review and/or bring a motion(s) without having to comply with RAP 5.2(c)/RAP Title 17 – Motions – and avoid/evade Mr. Magee's AB in this matter and the timely and proper arguments based on the record and law therein so that Mr. Magee's brief, and arguments and relief requested therein should be granted.

Supp. Rep. Br. of Appellant, p.15-16

20. The Court of Appeals forcefully applies one standard to Mr. Magee's

Counter-Motion titling of a section of his documents, and the Court of

Appeals applies another standard to YSD's. As a matter of fundamental

fairness and justice, if Mr. Magee's pleadings are to be overlooked, *misapprehended*, ignored because of their titling, then so should YSD's.

21. The Court of Appeals Analysis states:

> We agree [Mr.] Magee's brief violates RAP 10.3, but we decline to strike it and instead impose sanctions. . . . The court, on its own initiative or motion of a party, may order a brief that fails to comply with title 10 returned and corrected, struck and replaced, or it may accept the brief. RAP 10.7. In addition, the court will ordinarily impose sanctions on a party or counsel who files an improper brief. RAP 10.7

Decision pp.7-8

22. It is respectfully submitted that when the Court of Appeals states, "we decline to strike it," (Decision p.8) the Court of Appeals, then, is stating that it is accepting the brief (See RAP 10.7) while at the same time imposing sanctions?

23. The Court of Appeals construes RAP 1.2 to say "In this context, "should" means "shall." [Mr.] Magee's argument that he was not required to follow RAP 10.3(a) fails." (Decision, p. 11)

24. In contradiction to RAP 1.2(a), and while in compliance with RAP 10.4(a)(2) and, RAP 10.4(b) the Court does not liberally construe, nor apply RAP 1.2(b) "to promote justice and facilitate the decision of cases on the merits, and that cases and <u>issues</u> will not be determined on the basis of compliance or noncompliance with these rules . . ." (RAP 1.2(a))

25. Mr. Magee is both a party to this matter and is acting as counsel; as to the word, 'shall,' RAP 1.2 actually reads to say, "The word "shall" is used when referring to an act that is to be done by an entity other than the appellate court, a party, or counsel for a party. (RAP 1.2) Accordingly, The Court of Appeals errs in application of RAP 1.2 in applying the word 'shall,' instead of 'should' to Mr. Magee's brief. It is respectfully submitted, therefore, that Mr. Magee's Brief, as a matter of fact and law, is in compliance with RAP 10.3 and does contain, as it should, each section called for thereunder, and was proper and properly used 14 size/Times New Roman font – and also was complient with RAP 10.4(a)(2) and, RAP 10.4(b) as to length; *i.e.*, Mr. Magee's argument that he is in compliance with RAP 10.3, therefore, succeeds, rather than "fails," and Mr. Magee respectfully submits that the sanction imposed (and already paid) be reversed and be ordered returned. (See Decision, p. 11.)

B.
Standing

26. YSD did not have standing to bring its lawsuit, pursuant to the UDJA, Chapter 7.24 RCW against Mr. Magee. The Court of Appeals, however, disagreed, stating;

> Accordingly, [Mr.] Magee's argument is contrary to precedent. We conclude the trial court correctly determined that YSD had standing to pursue its declaratory judgment action."

(Dec. p. 14)

27. Mr. Magee's argument both at trial/summary judgment and on appeal is simply that Mr. Magee never disputed with YSD whether the documents were exempt or whether YSD could not release the documents. Mr. Magee did call into question YSD's initial response, but, simultaneously, clarified his request, and YSD, having never claimed any PRA exemption, nor indicating that the documents would be withheld, (thereby, resolving any real or imagined *threat of litigation,*) then (as judicially admitted) began to produce the documents to Mr. Magee in installments. (CP 25-26, lines 1-15) As to his records request, Mr. Magee had already achieved his requests' goal. As the Court of Appeals points out, "Andrew Magee, an attorney, filed a public records request with YSD." (Dec. p. 1) and YSD points out that in their Br. of Respondent:

> Mr. Magee is a lawyer from Seattle. CP 44. He represents Elizabeth Andrews in a lawsuit filed against YSD in 2017. CP 31, 36-44. On November 27, 2018, YSD received a public records request from Mr. Magee. CP 32, 46-50

Br. of Respondent, p.2

28. Under the PRA, how whether Mr. Magee is an attorney from Seattle could be relevant to the matter at hand, much less proper to include in briefing (See RAP 10.3, *et al.*) is beyond Mr. Magee.

29. Mr. Magee, however, would and does explain to this Court that the lawsuit identified by YSD (*supra*) is a suit whereby Mr. Magee represents(ed) an individual, (Ms. Andrews) who was hired and then wrongfully fired by YSD for not submitting to and paying for an illegal, unannounced/secret, suspicion-less, pre-employment drug screening test.

30. In that matter, it was/is argued that such a testing scheme, run by a State agency (YSD,) is unlawful as held under *Robinson v. City of Seattle,* 102 Wn.App. 795 (2000), *aff'd sub nom, Blomstrom v. Tripp,* 189 Wn.2d 379 (2017)

31. An at best, "arguable" exception under *Robinson* to those applicants for employment at a state agency who could be subject to YSD's illegal drug-testing operation, are those who would be applying for *safety-sensitive* positions (*e.g.,* heavy machinery operators, police officers who carry weapons.)

32. In anticipation to YSD's attempts to defend itself and claim that Mr. Magee's client was applying for such a position, Mr. Magee sought knowledge of what applications and positions YSD was subjecting to their illegal drug testing program and realized that that information - *i.e.,* the position(s) applied for is identified on the drug screening form - (the Court of Appeals only refers to this form as, "a form completed by all applicants for employment with YSD, entitled "Acknowledgment and Understanding

of Drug Screen and/or Physical," (Dec. p.4)) - Mr. Magee requested under his PRA request. Mr. Magee really had no interest whatsoever as to whom the people's names or drug-test results were (the information YSD pleaded was not to be released/is exempt, *i.e.,* could have been redacted,) but rather, only what position they were applying for and being told they had to submit to and pay for YSD's illegal drug testing. By the time YSD started throwing around threats of litigation and belatedly claiming *exemptions,* Mr. Magee already knew what he wanted and could show that YSD is/was illegally drug-testing for <u>all</u> positions, not just the one(s) his client had applied for. Accordingly, when YSD supposedly, *claimed* an exemption, Mr. Magee would not and did not have any quarrel/UDJA dispute with YSD, or as Mr. Magee pointed out to the Court of Appeals;

> If YSD had offered to do so [offer to pay Mr. Magee's costs, [or at the very least, the cost of copying] *etc.,* incurred up until the point when YSD wished to, so-to-speak, claim an exemption (*i.e.,* after releasing documents to Mr. Magee) before initiating this baseless, annoying, vexing, action and withheld further production of the documents in question, all of this could have been avoided.

Supp. Rep. Br. p.2

33. It is/was YSD alone who threatened and insisted on initiating this litigation. As to why YSD was motivated to seek a UDJA order, the Court of Appeals points out that:

> . . . an agency [*e.g.,* YSD] that releases exempt employee records exposes itself to potential liability.

Dec. p.14

34. YSD admittedly did release what it claims/judicially admits are legally exempt employee records and the Court of Appeals has given YSD on exposure to liability:

Or, as put by the trial Court:

"THE COURT: . . . But there's another consideration that is potentially the school district, if the school district released documents that it should have claimed as exempt, [but in fact did not] potentially it [YSD] might have liability to the people named in those documents. It certainly may, theoretically at least, prejudice somehow those applicants. And here's why the exemption – the waiver of the exemption shouldn't apply **because the people who would be harmed by that are the people who should have had the benefit of the exemption. . . .**" (CP 33) (emphasis added)
"THE COURT: . . . And, again, the people who would be hurt if somehow disclosure was forced, **would be the innocent people** who had applied for work and had the drug testing . . . they're – they're **innocent people**. . . ." (CP 34) (emphasis added)
THE COURT: I – I understand what you're [Mr. Magee] saying, you're saying that they [YSD] may have violated the rights of the other people [those whose documents and identities YSD already released] and they [YSD] may have legal obligations at this point. Fine. But I don't think you have standing to raise those issues on behalf of the people who may have **been harmed**. . . ." (CP 43 (emphasis added)
"THE COURT: -- what the affect of the release that has occurred is something that's between YSD and the people **whose information was released**." (CP 45 (emphasis added)

Br. of App., footnote 4, p.10

35. Mr. Magee had no existing dispute, or any kind of dispute with YSD about the release of the documents he requested, nor with any, so-to-speak, exemption. YSD had a different motivation in seeking its order,

and it is reasonable to conclude, as did the trial Court, that it is/was concerned it had real or potential liability exposure to those people whose documents YSD (judicially) admits to having released. Mr. Magee pointed out/pled to the Court of Appeals that YSD's action against Mr. Magee was not only unfounded, but amounted to YSD:

> Self-Reporting/a confession of a violation of the law requiring YSD to give Notice of Security Breaches of Personal Information, which exposes YSD to liability from those whose information YSD had already released, *et al.,* (See RCW 42.56.590/WAC 44-14-04003, *et al.*) (CP 133/27,)

Br. of Appellant, p. 6, 20-21, 27-28

36. Despite these facts and/conclusions being before it, the Court of Appeals, as did the Trial Court, merely serves to give YSD a pass on its wrongdoing and exposure to liability it created for itself at Mr. Magee's expense.

37. The Court of Appeals states that, "A justiciable controversy must exist before a trial court may grant declaratory relief under the UDJA. *To-Ro Trade Shows v. Collins,* 144 Wn.2d 403, 411, 27 P.3d 1149 (2001)"

(Decision, p.12) And that;

> A justiciable controversy requires '(1) . . . an actual, present and existing dispute, or the mature seeds of one, as distinguished from a possible, dormant, hypothetical, speculative, or moot disagreement, (2) between parties having genuine and opposing interests, (3) which involves interests that must be direct and substantial, rather than potential, theoretical, abstract or academic, and (4) a judicial determination of which will be final and conclusive." *Zink,* 191 Wn.App. at 278 (internal quotation marks omitted) (quoting *To-Ro Trade Shows,* 144 Wn.2d at 411).

38. The Court of Appeals, however, never identifies what YSD says is the justiciable controversy, the Court does admit that, "On the other hand, an agency [*e.g.,* YSD] that releases exempt employee records exposes itself to potential liability. (Decision p. 13-14) The Court then points out:

On April 11, YSD sent [Mr.] Magee a letter informing him that the requested records were "exempt from production in their entirety pursuant to RCW 42.56.250(2). CP at 90" and that; "[Mr.] Magee did not respond. (Decision, pp. 4-5, emphasis added) And that:

> On May 7, YSD sent another letter to [Mr.] Magee reiterating its position that the records he sought were exempt. YSD again asked [Mr.] Magee if he disagreed and to respond with the basis for his disagreement. The letter also stated, 'While it is YSD's intention to continue to provide you with installments of responsive records, YSD may also pursue a declaratory ruling from the Yakima County Superior court as to whether these records may be withheld in their entirety. CP at 102. [Mr.] Magee did not respond.

Decision, p. 5 (emphasis added)

The Court of Appeals, then also points out as a matter of fact that:

> On June 4, YSD sent another follow-up letter asking for [Mr.] Magee's position on the exemption and informing him of a potential declaratory ruling. [Mr.] Magee still did not respond.

Decision, p. 5

39. In other words, the Court of Appeals acknowledges that on three separate occasions, under the threat of legal action, YSD baited Mr. Magee - but failed to obtain from him - any dispute, *i.e.,* "Mr. Magee did

not respond." (Dec. p.5) Nor did Mr. Magee dispute YSD's *supposed* claim of exemption, *i.e.,* it is respectfully submitted that by the Court of Appeals own reasoning, the Court errs as a matter of law when Mr. Magee in fact never created any actual, present and/or existing dispute as distinguished from a possible, dormant, hypothetical, speculative, or moot disagreement between YSD and Mr. Magee and whether YSD could withhold the documents and that there is/was no justiciable controversy between Mr. Magee and YSD, and, accordingly, no justiciable controversy between Mr. Magee and YSD to seek relief under the UDJA. The Court of Appeals, Mr. Magee never disputed YSD's so-to-speak, *claim of exemption, i.e.,* "[Mr.] Magee did not respond." (*supra*) At the very least, the Court of Appeals identifies a dispute as to a material fact which is a matter for a jury to decide and preclude a finding of summary judgment on the issue.

C.
Waiver

40. Mr. Magee argues(ed) that as a matter of law that an exemption under the PRA if to be legitimately claimed, that the exemption is to be claimed *at the time* the request is made. The Court of Appeals acknowledges in its Decision that YSD, upon its PRA request made by Mr. Magee that:

YSD's initial response to the records request *mentioned* that the documents *might* be exempt <u>but [YSD] did not properly identify the</u>

exemption on which it was relying. We agree that YSD should have more promptly identified the exemption.

(Dec. p.15 (emphasis added))

41. Citing our Supreme Court under *Gipson v. Snohomish County,* 194 Wn.2d 365, 372-74, Mr. Magee argues(ed) that:

With any [PRA] request, the receiving agency [YSD] determines any applicable exemptions ***at the time*** the request is received [*e.g.,* November 27, 2018 (CP 32, 46-50/Resp. Brief 2)/CP 33, 57, 70, 72, *et al.*]

And that;

Thus, we hold that a records request is satisfied when an agency [YSD] [a] receives a public records request, [b] identifies a legitimate exemption under the PRA *at that time,* and [c] clearly notifies the requestor [Mr. Magee] that the request will be treated in accordance with that exemption.

Gipson v. Snohomish County, 194 Wn.2d 365, 372, 374 (2019) (emphasis added, italics included by Court)

(Supp. Rep. Brief, p. 20)

42. The Court of Appeals acknowledges that YSD's response *at the/that time* the request was made and YSD (initial) response, *at the/that time,* neither promptly, nor properly identified the exemption. YSD's so-to-speak, asserted exemption made beyond *at the time/at that time,* only - and not in accordance, but in direct contradiction to and/or with any legitimate claim for an exemption – and after releasing hundreds of documents later asserted, thereby not clearly notifying Mr. Magee that the request would

be treated in accordance with any exemption renders as a matter of law the claim of the exemption waived. (See *Gipson v. Snohomish County, supra*)

43. The Court of Appeals' Decision also states, "[Mr.] Magee relies on *Bainbridge Island Police Guild* [*v. City of Puyallup* 172 Wn.2d 389 (2011)] to support his argument that YSD waived its right to claim exemptions." (Decision, p. 16) This is incorrect and the Court of Appeals discussion of *Bainbridge* is moot. Mr. Magee cites *Bainbridge* for the purpose of establishing what standard of waiver applies under the PRA. Our Supreme Court addressed this issue in *Bainbridge* and presented that the common law doctrine of waiver applies when applied to the PRA. Mr. Magee pled:

> . . .The PRA itself does not provide for waiver of a claim exemption, instead the PRA mandates that state and local agencies produce all public records upon request, unless the record falls within a specific PRA exemption or other statutory exception. RCW 42.56.070(1) . . . finding no statutory authority for appellants' waiver argument, we turn to the common law doctrine of waiver.
> . . . A waiver is the intentional and voluntary relinquishment of a known right, or such conduct as warrants an inference of the relinquishment of such right. It may result from an express agreement or be inferred from circumstances indicating an intent to waive. It is a voluntary act which implies a choice, by the party, to dispense with something of value or to forego [*sic*] some advantage. The right, advantage, or benefit must exist at the time of the alleged waiver. The one against whom waiver is claimed must have acted on constructive knowledge of the existence of the right. He musts intend to relinquish such right, advantage, or benefit; and his actions must be consistent with any other intention than to waive them. The failure to object to a single public records request is only a relinquishment of the right to prevent that specific production.

Bainbridge Island Police Guild v. City of Puyallup, 172 Wn.2d 389, 409-10 (2011) (emphasis added)

CP 135-36/Supp. Rep. Brief, pp. 9-10

44. As such, and correcting the Court of Appeals error in denying waiver took place is simplified by the Court of Appeals statement of fact, as cited, *supra.* The Court of Appeals tells us both that: "

On May 7, YSD sent another letter to [Mr.] Magee reiterating its position that the records he sought were exempt.

(Decision, p.5)

That-is-to-say, YSD acknowledges, and the Court of Appeals confirms that YSD had "constructive knowledge of the existence of the right." *Id.* YSD - as acknowledged by the Court of Appeals - then goes on and then admits that;

" . . . it is YSD's **intention to continue to provide you with installments of responsive records**, ...

(Decision, p.5) (emphasis added)

45. YSD then expressly states that it intends to relinquish the right it was asserting/acknowledged existed and was conduct as warrants an inference of the relinquishment of such right. The waiver also results from YSD's express agreement (*e.g.,* YSD's voluntarily drafted and sent letter (CP 102)) and most certainly could be inferred from circumstances indicating an intent to waive, (*i.e.,*"it is YSD's intention to continue to provide you

with installments of responsive records" (Decision, p. 5) (CP 102) (emphasis added,)

46. The Court of Appeals Decision errs, undermining its own analysis's conclusion that "YSD's production of three installments of records did not waive its right to later rely on an exemption." (Decision, p.17) (emphasis added). Accordingly, and it is so respectfully submitted, the Court of Appeals decision should be reversed.

VII
CONCLUSION

47. The Court of Appeals' Decision errs and fundamentally alters the law - as a matter of law. It is in the interests of justice and fundamental fairness, therefore, that it is respectfully requested that Mr. Magee's Petition for Discretionary Review/review of the Decision of the Court of Appeals, Case No. 37505-6-III should be granted, (and oral argument ordered,) and; the relief requested in Petitioners Brief before the Court of Appeals - reversal and/or reversal and remand with instructions – of the favorable ruling of the trial Court on YSD's Motion for Declaratory Ruling and Summary Judgment and supporting affidavits (CP 16-122) and resulting order(s) (CP 207-21) and Judgments (CP 230-31,) *et al.,* be favorably granted and also that all Sanctions, Costs, and Attorney's Fees (CP 123-25/126-7) be granted in favor of Mr. Magee.

DATED this 2nd day of June, 2021

Respectfully Submitted:

Ecce Signum: 

Andrew L. Magee
Attorney for Petitioner
Andrew L. Magee
WSBA# 31281

CERTIFICATE OF ELECTRONIC SERVICE

I, Andrew L. Magee, attorney of record for Petitioner, Andrew L. Magee, and pursuant to the laws and penalties of perjury in the State of Washington do hereby certify that upon filing this document on June 2, 2021 via the Supreme Court electronic filing Portal this document was electronically served/delivered to Sean Michael Mumford, and Quinn N. Plant, Menke Jackson Beyer, LLP 807 N 39th Avenue, Yakima, Washington 98902-6389 and smumford@mjbe.com qplant@mjbe.com

Ecce Signum: 

Andrew L. Magee, WSBA #31281
44th Floor
1001 Fourth Avenue Plaza
Seattle, Washington 98154

IX

APPENDIX

EX 1

Renee S. Townsley
Clerk/Administrator

(509) 456-3082
TDD #1-800-833-6388

The Court of Appeals of the State of Washington Division III

500 N Cedar ST
Spokane, WA 99201-1905

Fax (509) 456-4288
http://www.courts.wa.gov/courts

March 18, 2021

E-mail
Seann Michael Mumford
Menke Jackson Beyer, LLP
807 N 39th Ave
Yakima, WA 98902-6389
smumford@mjbe.com

E-mail
Andrew Luke Magee
Attorney at Law
1001 4th Ave Ste 4400
Seattle, WA 98154-1192
amagee@mageelegal.com

E-mail
Quinn N Plant
Menke Jackson Beyer, LLP
807 N 39th Ave
Yakima, WA 98902-6389
qplant@mjbe.com

CASE # 375056
Yakima School District No. 7 v. Andrew L. Magee
YAKIMA COUNTY SUPERIOR COURT No. 192022841

Counsel:

Enclosed please find a copy of the opinion filed by the Court today. A party need not file a motion for reconsideration as a prerequisite to discretionary review by the Supreme Court. RAP 13.3(b); 13.4(a). If a motion for reconsideration is filed, it should state with particularity the points of law or fact which the moving party contends the court has overlooked or misapprehended, together with a brief argument on the points raised. RAP 12.4(c). Motions for reconsideration which merely reargue the case should not be filed.

Motions for reconsideration, if any, must be filed within twenty (20) days after the filing of the opinion. Please file the motion electronically through the court's e-filing portal or, if in paper format, only the original motion need be filed. If no motion for reconsideration is filed, any petition for review to the Supreme Court must be filed in this court within thirty (30) days after the filing of this opinion. The motion for reconsideration and petition for review must be received (not mailed) on or before the dates they are due. RAP 18.5(c).

Sincerely,

Renee S. Townsley

Renee S. Townsley
Clerk/Administrator

RST:pb
Enc.

c: **E-mail** Hon. Blaine Gibson

FILED
MARCH 18, 2021
In the Office of the Clerk of Court
WA State Court of Appeals, Division III

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION THREE

YAKIMA SCHOOL DISTRICT NO. 7, Respondent, v. ANDREW L. MAGEE, an individual, Appellant.	)	No. 37505-6-III UNPUBLISHED OPINION

LAWRENCE-BERREY, J. — Andrew Magee appeals the trial court's ruling that the records he sought from Yakima School District No. 7 (YSD) were exempt under the Washington Public Records Act (PRA), chapter 42.56 RCW. We affirm and impose sanctions.

FACTS

On November 27, 2018, Andrew Magee, an attorney, filed a public records request with YSD. The request, made pursuant to the PRA, read as follows:

> I am requesting an opportunity to inspect or obtain copies of absolutely any/all public records/recordings/video tapes, or records of any kind whatsoever associated with or related to the and/or any/all drug testing program(s) imposed upon and/or any other prospective and/or employee of YSD, and that/those made upon such persons—to include/but not limited to—in conjunction with Yakima Worker Care.

Clerk's Papers (CP) at 49. YSD responded the next day, indicating it would provide Magee with responsive records on an installment basis. The letter stated, "The District's initial estimate is that records, if existing and not exempt, may be available as soon as 02/28/19." CP at 54. The letter went on: "[W]e invite you to narrow the request or to prioritize particular items in the request, though you are not required to do so. We will make every reasonable effort to respond as promptly as possible to your request." CP at 54. The final paragraph noted that the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. § 1232g, prevents school districts from disclosing personal identifying information without consent.

On December 5, Magee sent YSD's records coordinator an e-mail that read, in part:

> It is our position that your response is wholly insufficient and not in compliance with the law, and, as I believe was mentioned, will be the basis for taking legal action seeking sanctions imposed for your/YSD's lack of response in providing access to the documents described. On the other hand, and while narrowing our request in no-way-shape-or-form in any way whatsoever, I have attached a copy of a form that is used, that among others, is that which we request access to in the capacity described in our

> request, that is to say, but not limited to, we need to be provided access to these documents (the "Acknowledgmenet [sic] and Understanding of Drug Screen and/or Physical Process forms) for the entirety of their use (and/or any other form) related, but not limited to, the drug testing program indicated therein. . . . I, or another person from my office will be available to come to the YSD office [any day but Wednesday the week of December 10]. Will you please confirm . . . so that I may make the necessary arrangements to be there to inspect the documents and so that we may avoid any further unnecessary/unlawful delay and action taken accordingly.

CP at 56-57. YSD responded on December 7: "Due to a high volume of public records requests and many that came in prior to yours, the Yakima School District is unable to meet your requested timeframe. We will do our best to process your request as quickly as possible." CP at 56.

On January 29, 2019, YSD e-mailed Magee with attached records it considered responsive to Magee's request. The e-mail requested confirmation that the records were those Magee sought.

On February 3, Magee e-mailed YSD to clarify which records he sought. The e-mail read, in part:

> As I understand it, when a person is processed to become an employee, they are given a form with their named filled out on it—the same form I sent to you and the same form you sent back to me (in other words, what has happened already and accomplished nothing towards my request.) What I am requesting and have already requested is to review the copy of every single person's form that was subjected to this drug testing program that documents (a) that they were subject to the test, and; (b) any disposition,

> (or not) taken against any persons whatsoever who has been subject to this test.

CP at 67.

YSD understood Magee's request to encompass two specific records: a form, completed by all applicants for employment with YSD, entitled "Acknowledgment and Understanding of Drug Screen and/or Physical," and records containing results of preemployment drug screening. CP at 61. YSD's counsel described those records as "HIPAA [Health Insurance Portability and Accountability Act of 1996] files" that contain confidential information on YSD employees and applicants.

On February 15, YSD informed Magee that the first installment of records was ready for his inspection. The e-mail explained the time it takes to review personnel files meant records had to be released in installments. On March 1, YSD followed up to tell Magee that the records would be divided into 33 installments. On March 5, Magee inspected the first installment and made copies of several hundred pages.

On April 11, YSD sent Magee a letter informing him that the requested records were "exempt from production in their entirety pursuant to RCW 42.56.250(2)." CP at 90. That exemption applies to employment applications, including materials submitted with respect to an applicant. The records sought "were prepared by applicants for employment with the district as part of the employment application process. It is fair

to categorize drug screening results as containing sensitive personal information of applicants for employment." CP at 90. The letter requested Magee to let YSD know if he disagreed with its position and, if so, the basis for his disagreement. Magee did not respond.

On April 19, Magee inspected the second installment of records and made copies of several hundred pages. On May 7, YSD sent another letter to Magee reiterating its position that the records he sought were exempt. YSD again asked Magee if he disagreed and to respond with the basis for his disagreement. The letter also stated, "While it is YSD's intention to continue to provide you with installments of responsive records, YSD may also pursue a declaratory ruling from the Yakima County Superior Court as to whether these records may be withheld in their entirety." CP at 102. Magee did not respond.

On June 4, YSD sent another follow-up letter asking for Magee's position on the exemption and informing him of a potential declaratory ruling. Magee still did not respond.

Trial court proceedings

On July 18, 2019, YSD filed a complaint for declaratory relief in the Yakima County Superior Court. YSD requested that the court rule the records

Magee sought from YSD were exempt from disclosure pursuant to RCW 42.56.250(2). Magee answered, admitting most of the factual allegations but asserting that YSD was not entitled to relief because its complaint was "improper, untimely, waived, and failing to state a claim for which relief may be granted." CP at 11.

On August 28, YSD filed a motion for declaratory ruling and summary judgment. Magee opposed the motion for several reasons.[1] He challenged YSD's standing and argued YSD had waived any right to seek relief by releasing some of the records. Magee also included a section entitled, "COUNTER-MOTION FOR SUMMARY JUDGMENT," which reiterated the reasons he opposed YSD's motion. CP at 140. Magee did not request a hearing for his countermotion.

On October 23, the trial court conducted a hearing on YSD's motion. The court found that the records sought were part of an application for public employment and were, therefore, exempt under the PRA. On November 22, the trial court entered its written order, which read in part:

---

[1] Magee also challenged the trial court's jurisdiction, both subject matter and personal, CP 126-44, and argued YSD committed security breaches of personal information by releasing records. Those issues are not on appeal.

> An actual, present and existing dispute exists between plaintiff YSD and defendant Andrew Magee as to whether the following pre-employment drug screening records may be withheld in their entirety. . . . The interests of plaintiff YSD and defendant Magee with respect to this issue are genuine, direct, substantial and opposite. Defendant Magee has threatened litigation against YSD. A judicial determination whether the PRA authorizes the pre-employment drug screening records at issue to be withheld in their entirety or produced with redactions will be final and conclusive with respect to the present dispute between the parties as to these records.

CP at 208-09. Finding no genuine issue of material fact precluding summary judgment in YSD's favor, the court granted the motion and ruled YSD could withhold the records pursuant to RCW 42.56.250(2). The court did not rule on Magee's motions.

Magee filed a notice of direct appeal to the Washington Supreme Court. The Supreme Court transferred the appeal to this court.

ANALYSIS

RAP 10.3 VIOLATIONS

YSD contends Magee's opening brief violates RAP 10.3 in several ways and asks this court to strike it in its entirety. We agree Magee's brief violates RAP 10.3, but we decline to strike it and instead impose sanctions.

The Rules of Appellate Procedure "enable the court and opposing counsel efficiently and expeditiously to review the accuracy of the factual statements made in the briefs and efficiently and expeditiously to review the relevant legal authority." *Litho*

Color, Inc. v. Pac. Emp'rs Ins. Co., 98 Wn. App. 286, 305-06, 991 P.2d 638 (1999). The court, on its own initiative or motion of a party, may order a brief that fails to comply with Title 10 returned and corrected, struck and replaced, or it may accept the brief. RAP 10.7. In addition, the court will ordinarily impose sanctions on a party or counsel who files an improper brief. RAP 10.7.

We address each alleged violation below.

RAP 10.3(a)(3): Introduction

YSD first argues Magee improperly included a preamble to his brief and further failed to follow the rules outlined in RAP 10.3(a)(3) in his introduction. An appellant's brief may include an optional concise introduction, which need not contain citations to the record or authority. RAP 10.3(a)(3). No provision in the RAP mentions a preamble, and we agree that it was improper to include. Not only is it impermissible for formatting reasons, Magee's "preamble" is a confusing jumble of words referencing the procedural posture of the case, standards of review, and a request for attorney fees and oral argument. It does not help the court or opposing counsel "expeditiously review" the issues in the case.

The remainder of Magee's introduction also violates RAP 10.3(a)(3). The introduction, far from concise, is nine pages long. It contains numerous forceful and frankly unprofessional arguments against YSD and is distractingly peppered with citations and parenthetical comments. Much of this language appears again in the statement of the case, which we turn to now.

Rule 10.3(a)(5): Statement of the case

The statement of the case is defined as: "A fair statement of the facts and procedure relevant to the issues presented for review, without argument. Reference to the record must be included for each factual statement." RAP 10.3(a)(5).

Magee's statement of the case is entitled "Frivolous Lawsuit/Action" and reads in part: "In a scurrilous attempt to escape that truth and legal responsibility to the victims of its wrongdoings, from whole cloth, YSD fabricated and brought a frivolous/vexing/ annoying, and without a basis in law or fact, lawsuit against Mr. Magee!" Br. of Appellant at 15.

Magee continues with similar prose:

> Instead of confessing their sins(s), and taking responsibility for their wrongdoing, YSD sought to attempt recruiting a court of law to provide YSD with a declaratory order that only could at best, *pretend* to shield/cover-up YSD/the State, from their legal responsibilities/liabilities (which remain in existence) by conjuring-up an otherwise

> frivolous/vexing/annoying/scurrilous *lawsuit* with no basis in fact or law . . . .[2]

Br. of Appellant at 17.

In contrast, Magee says he has acted with "an overt abundance of caution/professional and ethical practice . . . ." Br. of Appellant at 15-16. This section is not "[a] fair statement of the facts . . . without argument" and does little to introduce the actual issues on appeal. Finally, many assertions of fact are not supported by citations to the record. This makes it difficult for us to verify the accuracy of Magee's many assertions.

Addressing YSD's request that we strike his brief, Magee replies, "RAP 10.3(a) does not outline the sections of an appellate brief that are required to include, but rather, those that 'should.'" Reply Br. of Appellant at 22 (emphasis in original). He then cites RAP 1.2(b), apparently without reading it. The rule provides: "Unless the context of the rule indicates otherwise: 'Should' is used when referring to an act a party or counsel for a party is *under an obligation to perform*. The court will ordinarily impose sanctions if the act is not done within the time or in the manner specified." RAP 1.2(b) (emphasis

---

[2] We note that Magee does not challenge the applicability of the exemption on appeal.

added). In this context, "should" means "shall." Magee's argument that he was not *required* to follow RAP 10.3(a) fails.

We agree with YSD that Magee's statement of the case violates RAP 10.3(a)(5) and is wholly unhelpful to the court or opposing counsel. We nevertheless decline to strike his brief. Instead, we impose sanctions of $1,000 against Magee, with one-half payable to this court and the other half payable to YSD. Magee's violations required this court, and we presume YSD also, to spend unnecessary time determining what arguments to address and how to best address them. Payment of these sanctions must be made within 20 days of the filing of this opinion, with verification of compliance filed with this court.

STANDING

Magee contends YSD lacked standing to seek declaratory relief from the trial court. Because the court determined YSD had standing at the summary judgment stage, we view the evidence on this issue in the light most favorable to Magee and review the trial court's conclusions of law de novo. *Benton County v. Zink*, 191 Wn. App. 269, 277-78, 361 P.3d 801 (2015).

The Uniform Declaratory Judgments Act (UDJA), chapter 7.24 RCW, provides, "[a] person . . . whose rights, status or other legal relations are affected by a statute . . . may have determined any question of construction or validity . . . and obtain a declaration of rights, status or other legal relations thereunder." RCW 7.24.020. A justiciable controversy must exist before a trial court may grant declaratory relief under the UDJA. *To-Ro Trade Shows v. Collins*, 144 Wn.2d 403, 411, 27 P.3d 1149 (2001). A justiciable controversy requires

> "(1) . . . an actual, present and existing dispute, or the mature seeds of one, as distinguished from a possible, dormant, hypothetical, speculative, or moot disagreement, (2) between parties having genuine and opposing interests, (3) which involves interests that must be direct and substantial, rather than potential, theoretical, abstract or academic, and (4) a judicial determination of which will be final and conclusive."

Zink, 191 Wn. App. at 278 (internal quotation marks omitted) (quoting *To-Ro Trade Shows*, 144 Wn.2d at 411).

"Th[e] third justiciability requirement of a direct, substantial interest in the dispute encompasses the doctrine of standing." *To-Ro Trade Shows*, 144 Wn.2d at 414; *see also Amalg. Transit Union Local 587 v. State*, 142 Wn.2d 183, 203, 11 P.3d 762, 27 P.3d 608 (2000) ("[U]nder the Uniform Declaratory Judgments Act, the requirement of standing tends to overlap justiciability requirements."). Our Supreme Court has established a two-prong standing test for purposes of the UDJA. *Wash. State Hous. Fin. Comm'n v. Nat'l*

Homebuyers Fund, Inc., 193 Wn.2d 704, 711, 445 P.3d 533 (2019). First, we ask whether the party is within the "zone of interests" protected or regulated by the statute, and if so, whether the challenged action has caused an "injury in fact." *Id.* at 711-12. The UDJA is to be liberally construed, and the test for standing "is not intended to be a particularly high bar." *Id.* at 712. "Instead, the doctrine serves to prevent a litigant from raising another's legal right." *Id.*

We first determine whether YSD falls into the "zone of interests" of the PRA. "The PRA requires state and local agencies to produce all public records upon request, unless the record falls within a PRA exemption or other statutory exemption." *Bainbridge Island Police Guild v. City of Puyallup*, 172 Wn.2d 398, 407, 259 P.3d 190 (2011). The PRA aims "to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency . . . ." RCW 42.56.100. The statute balances the need for public access while providing some protection to state agencies; thus, the school district falls within the zone of interests. *See Zink*, 191 Wn. App. at 279.

We next determine whether Magee's PRA request caused an injury in fact to YSD. An agency that withholds nonexempt records does so at great peril of paying penalties. *Soter v. Cowles Publ'g Co.*, 162 Wn.2d 716, 751, 174 P.3d 60 (2007) (plurality opinion).

On the other hand, an agency that releases exempt employee records exposes itself to potential liability. YSD, by seeking clarification of its duties under the PRA, was not asserting the rights of some third party. Rather, it was protecting its own financial interests.

Magee argues, or rather asks and answers in a parenthetical query, that YSD cannot bring suit against him, the PRA requester. He reads chapter 42.56 RCW as authorizing only requesters—not agencies—to initiate actions and seek judicial review. His position is incorrect. Washington courts have long held public agencies have standing to seek judicial review of the applicability of the PRA to specific records. *Soter v. Cowles Publ'g Co.*, 131 Wn. App. 882, 907, 130 P.3d 840 (2006), *aff'd*, 162 Wn.2d 716 (2007). "[I]t is clear that either agencies or persons named in the record may seek a determination from the superior court as to whether an exemption applies . . . ." *Soter*, 162 Wn.2d at 752. Accordingly, Magee's argument is contrary to precedent.

We conclude the trial court correctly determined that YSD had standing to pursue its declaratory judgment action.

WAIVER

Magee argues YSD waived its right to claim exemptions under the PRA by releasing the first three installments of the responsive records. We disagree.

We review summary judgment orders de novo, viewing the evidence in the light most favorable to the nonmoving party. *Keck v. Collins*, 184 Wn.2d 358, 370, 357 P.3d 1080 (2015). Here, that party is Magee. The trial court correctly rejected his waiver argument.

"The PRA itself does not provide for waiver of a claimed exemption." *Bainbridge Island Police Guild*, 172 Wn.2d at 409. As such, we analyze Magee's claim under the common law doctrine of waiver:

> A waiver is the intentional and voluntary relinquishment of a known right, or such conduct as warrants an inference of the relinquishment of such right. It may result from an express agreement or be inferred from circumstances indicating an intent to waive. . . . The one against whom waiver is claimed must have actual or constructive knowledge of the existence of the right. He must intend to relinquish such right . . . and his actions must be inconsistent with any other intention than to waive them.

Bowman v. Webster, 44 Wn.2d 667, 669, 269 P.2d 960 (1954).

YSD's initial response to the records request mentioned that the documents might be exempt but did not properly identify the exemption on which it was relying. We agree that YSD should have more promptly identified the exemption. But its failure, in large part, was attributable to the scope of Magee's PRA request that remained unclear until early February 2019.

Beginning on April 11, 2019, YSD asserted that the records were exempt under RCW 42.56.250(2). In response to Magee's threats of litigation, YSD released the records until the parties could come to an agreement or seek a judicial determination on the issue. These circumstances do not support an inference that YSD intended to waive its right to assert the exemption. Although YSD released records to avoid potential penalties, it did so in a manner that expressly preserved its intent to assert the exemption, not waive it.

Magee relies on *Bainbridge Island Police Guild* to support his argument that YSD waived its right to claim exemptions. 172 Wn.2d 398. There, reporters sought two records of an officer's alleged assault. *Id.* at 404-05. One of the records was released to the reporters, while the other would later be released "absent an injunction." *Id.* at 405. The officer then sought an injunction to prevent release of the second record. *Id.* The court found all the records exempt under the PRA. *Id.* Two new requesters then sought the records previously released to the reporters. *Id.* at 406. The officer again moved to enjoin production, but a different county's superior court denied the motion. *Id.* That court later ruled the record fell under a PRA exemption and ordered the requesters to return it. *Id.* On direct appeal, the requesters argued the officer's failure to bring suit

against the first requesters constituted waiver of his right to claim an exemption under the PRA. *Id.* at 409.

Our Supreme Court held the officer did not waive his right to claim a PRA exemption despite failing to object to the initial request. *Id.* at 409-10. It reasoned: "Neither [PRA exemption] expressly requires a person to object to every single public records request that might occur in order to preserve the exemption for future requests." *Id.* at 409. And, the officer's actions were inconsistent with an intentional and voluntary relinquishment of his right, so common law waiver did not apply. *Id.* at 410. The court concluded: "The failure to object to a single public records request is only a relinquishment of the right to prevent that specific production." *Id.*

Contrary to Magee's interpretation, we read *Bainbridge* as supporting YSD's position. That is, YSD's production of three installments of records did not waive its right to later rely on an exemption. Moreover, YSD's election to avoid per diem penalties by producing the first three batches of records and trying to work cooperatively with Magee are not acts wholly inconsistent with its later intent to assert the exemption.[3]

[3] Magee additionally relies on *Gipson v. Snohomish County*, 194 Wn.2d 365, 449 P.3d 1055 (2019), to support his argument that YSD waived its right to assert an exemption. *Gipson* does not discuss the doctrine of waiver and is inapplicable.

We conclude the trial court correctly determined that YSD did not waive its right to claim a PRA exemption.

Affirmed with sanctions imposed.

A majority of the panel has determined this opinion will not be printed in the Washington Appellate Reports, but it will be filed for public record pursuant to RCW 2.06.040.

Lawrence-Berrey, J.

WE CONCUR:

Siddoway, A.C.J.

Staab, J.

June 02, 2021 - 2:52 PM

Transmittal Information

Filed with Court:	Supreme Court
Appellate Court Case Number:	99648-2
Appellate Court Case Title:	Yakima School District No. 7 v. Andrew L. Magee
Superior Court Case Number:	19-2-02284-1

The following documents have been uploaded:

- 996482_Other_20210602144822SC744374_1955.pdf
  This File Contains:
  Other - revised Petition for Discretionary Review
  The Original File Name was Petitioners Revised Petition for Discretionary Review.pdf

A copy of the uploaded files will be sent to:

- andrew@mageelegal.com
- janet@mjbe.com
- julie@mjbe.com
- natalie@mjbe.com
- qplant@mjbe.com
- smumford@mjbe.com

Comments:

Please find attached for your review, and to be compliant with the RAP's, to include, but not limited to, RAP 13/14.4(f), et al., a copy to be filed of Petitioners Petition for Discretionary Review. Thank you very much. Andrew l. Magee

---

Sender Name: Andrew Magee - Email: amagee@mageelegal.com
Address:
1001 4TH AVE STE 4400
SEATTLE, WA, 98154-1192
Phone: 206-389-1675

Note: The Filing Id is 20210602144822SC744374