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**IN THE SUPREME COURT OF  
THE STATE OF WASHINGTON**

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ERIC HOOD,

Appellant,

v.

CITY OF LANGLEY,

Appellee.

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**RESPONDENT'S OPPOSITION TO  
APPELLANT'S MOTION TO STAY**

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Jessica L. Goldman, WSBA #21856  
SUMMIT LAW GROUP, PLLC  
315 Fifth Avenue South, Suite 1000  
Seattle, WA 98104-2682  
(206) 676-7000  
*jessicag@summitlaw.com*  
*Attorneys for City of Langley*

## I. INTRODUCTION

Following his untimely petition for discretionary review, Eric Hood now asks this Court to both accept his petition and stay conclusion of this nine-year-old Public Records Act (“PRA”) case so that this Court can later explore “stratagems” of “City’s insurer-appointed attorneys[.]” Stay Mot. at 2. As described in the City of Langley’s concurrently filed opposition to Hood’s proposed petition, discretionary review is not warranted to review trial court decisions and findings Hood never appealed, issues he never presented to Division I, and Division I’s unremarkable rejection of Hood’s narrow appeal.

His request to stay is equally without merit as Hood’s other “unresolved lawsuits against City of Langley” have nothing at all to do with even the issues Hood improperly raises in his proposed petition for discretionary review. They concern independent public records requests (“PRRs”) made by Hood and challenged in two separate lawsuits, one he filed in 2019 and one he filed in 2021. The stay too should be denied.

## **II. PROCEDURAL HISTORY**

### **A. The 2016 Hood Lawsuit.**

Hood filed the lawsuit in the case at bar in 2016 challenging the City's response to his 2016 PRR for records associated with a long-departed former mayor. He has litigated this case for nine years, making two trips to the Court of Appeals. After all this litigation, the only record at issue is a 2015 calendar. And the only trial court decision Hood appealed is the order setting the PRA penalty. Following Division I's rejection of Hood's appeal, Hood abandoned his regular PRA lawyer to proceed *pro se* with his improper request for discretionary review. *See* City of Langley's Resp. to Am. Proposed Pet'n for Review.

### **B. The 2019 Hood Lawsuit.**

Hood filed another lawsuit in 2019 challenging the City's response to his 2018 PRR for records associated with the City's termination of a former police chief. The trial court, acting as the fact finder under the PRA, issued a 12-page, single spaced

ruling affirming the adequacy of the City’s search for responsive records as required by the PRA and dismissing Hood’s lawsuit. CP 1612-1623.<sup>1</sup>

Still represented by his lawyer, Hood filed a narrow appeal of the 2018 lawsuit. Abandoning the arguments he made to the trial court, Hood asserts two new arguments in that appeal. He contends that records obtained and reviewed solely by the City’s independent consultant are public records. He also contends that that the City “narrow[ed]” Hood’s 2018 PRR by searching for and producing records “related to the City’s decision to terminate Dave Marks” – as Hood requested – and not any other records Hood did not request. 6/13/24 Brf. of Respondent, No. 862090.

Hood’s appeal of the 2019 case awaits oral argument and decision by the Court of Appeals. No argument has yet been scheduled.

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<sup>1</sup> *Hood v. Langley*, No. 862090 (Div. I).

### C. The 2021 Hood Lawsuit.

Hood filed a third lawsuit in 2021 challenging the City's response to his 2020 PRR for records associated with discovery conducted in the 2019 lawsuit. That lawsuit was litigated by his PRA lawyer. On February 13, 2023, the trial court, acting as the fact finder under the PRA, issued an 11-page, single spaced ruling affirming the adequacy of the City's search for responsive records as required by the PRA and dismissing Hood's lawsuit. Hood did not appeal that decision.

Instead, a year later his lawyer filed a Notice of Withdrawal simultaneously with Hood filing a *pro se* CR 60(b) motion. Hood moved for an order vacating the judgment based on his claim that he did not receive a May 7, 2020 email from the City. Following briefing and oral argument, the trial court denied Hood's motion.

Hood, *pro se*, filed an inherently narrow appeal challenging only the denial of his CR 60(b) motion. CP 2329-

2332.<sup>2</sup> The trial court’s ruling will “not be overturned on appeal unless the [trial] court manifestly abused its discretion.” *Coogan v. Borg-Warner Morse Tec Inc.*, 197 Wn.2d 790, 820, 490 P.3d 200 (2021) (quotation marks & citation omitted). Vacation of a judgment is an extraordinary remedy, *Dalton v. State*, 130 Wn. App. 653, 655, 124 P.3d 305 (2005), and CR 60(b) is a limited procedural tool. *Fireside Bank v. Askins*, 195 Wn.2d 365, 375, 460 P.3d 157 (2020). “A CR 60(b) motion is not a substitute for appeal and does not allow a litigant to challenge the underlying judgment.” *Winter v. Dep’t of Social & Health Servs.*, 12 Wn. App. 2d 815, 830, 460 P.3d 667 (2020).

Hood, *pro se*, asked Division I to stay the appeal from his 2021 lawsuit pending that court’s eventual resolution of the appeal from his 2019 lawsuit. That motion was denied. 9/30/24 Ltr. Ruling, No. 866869 (Div. I).

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<sup>2</sup> *Hood v. Langley*, No. 86686-9 (Div. I).

When Division I, *sua sponte*, consolidated the appeals from the 2019 and 2021 cases, Hood's lawyer opposed the consolidation and requested that they be separated. 10/7/24 Mot. to Separate or Un-Consolidate Cases, Nos. 862090 & 866869 (Div. I). He advised the Court of Appeals that "there is no direct legal or factual link between the cases that would warrant consolidation[.]" *Id.* at 4. Consequently, the Court of Appeals unconsolidated the two appeals which now proceed independently. 11/19/24 Order Granting Mot. for Reconsideration, Nos. 862090 & 866869 (Div. I).

Briefing in Hood's appeal of the 2021 lawsuit has not been completed nor argument scheduled.

### III. ARGUMENT

Hood's three lawsuits against the City of Langley concern three independent PRRs submitted years apart, litigated separately, appealed separately, and raising wholly distinct issues on appeal. Other than the fact that Hood is the plaintiff and the City is the defendant in these lawsuits, there is nothing

“similar” about these three cases which would justify further delaying conclusion of his oldest lawsuit, the one at bar.

Discretionary review is reserved for a limited set of cases pursuant to RAP 13.4(b). As the City has explained in its concurrently filed opposition brief, Hood has failed to satisfy RAP 13.4(b) in his untimely request for discretionary review of the 2016 lawsuit. Nothing justifies such review of the independent 2019 and 2021 cases.

“Judicial economy, efficiency and justice” are most definitely *not* “best served considering all pending cases together.” Stay Mot. at 3.

#### IV. CONCLUSION

Hood has proven time and again that he will not take “no” for an answer. That means that over and over again, the City of Langley must respond to baseless motions before the trial court, the Court of Appeals, and now, before this Court.

He offers no authority whatsoever for his request that this Court stay resolution of an untimely petition for discretionary



review which cannot stand on its own weight based on ongoing appeals of other cases that, according to Hood's lawyer, have nothing to do with one another.

The City of Langley respectfully requests that this Court deny Hood's Motion to Stay and promptly deny the untimely petition for discretionary review.

This document contains 1,145 words, excluding the parts of the document exempted from the word count by RAP 18.17.

DATED this 15<sup>th</sup> day of January, 2025.

Respectfully submitted,

SUMMIT LAW GROUP, PLLC

By s/ Jessica L. Goldman

Jessica L. Goldman, WSBA #21856

*jessicag@summitlaw.com*

***Attorneys for City of Langley***

## CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury according to the laws of the State of Washington that on this date she caused to be served a copy of the foregoing *via electronic service* on the following:

William John Crittenden, WSBA #22033  
12345 Lake City Way NE, #306  
Seattle, WA 98125  
[bill@billcrittenden.com](mailto:bill@billcrittenden.com)

Eric Hood, *pro se*  
[ericfence@yahoo.com](mailto:ericfence@yahoo.com)  
PO Box 1547  
Langley, WA 98260

DATED this 15<sup>th</sup> day of January, 2025.

s/ Lisa Britton

Lisa Britton, Legal Assistant  
[lisab@summitlaw.com](mailto:lisab@summitlaw.com)

# SUMMIT LAW GROUP

**January 15, 2025 - 10:28 AM**

## Transmittal Information

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 103,520-9  
**Appellate Court Case Title:** Eric Hood v. City of Langley  
**Superior Court Case Number:** 16-2-00107-1

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**Filing on Behalf of:** Jessica L. Goldman - Email: jessicag@summitlaw.com (Alternate Email: sharonz@summitlaw.com)

Address:  
315 Fifth Avenue So.  
Suite 1000  
Seattle, WA, 98104  
Phone: (206) 676-7000

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