

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
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BY ERIN L. LENNON  
CLERK

**WASHINGTON STATE SUPREME COURT**

ERIC HOOD,

Appellant, v.

CITY OF LANGLEY,

Respondent.

No. 1035209

**REPLY TO MOTION**

**TO STAY**

**I. INTRODUCTION**

While factually and legally separate, three lower court decisions for which Hood requests holistic review share a common theme: City's insurer-appointed attorneys obtain favorable rulings through lies and misrepresentations. City's current attorney continues that dishonesty in her opposition, thus supporting Hood's motion to stay this case pending lower court decisions of Hood's other two cases.

## II. ARGUMENT

City ignored Hood's arguments that 1) this Court is authorized to administer justice regardless of decisions below and, 2) staying this case will facilitate this Court's holistic review of whether lower courts undermined the PRA by ignoring the dishonesty of City's insurer-appointed attorneys. 12/2/24 *Motion to Stay*. Rather than address these issues, City again uses dishonest means to try to obtain a favorable ruling. 1/15/25 "*Respondents Opposition To Appellants Motion To Stay*" ("Opp.").

### A. CITY'S CURRENT DISHONEST LITIGATION

"[Attorneys have] a duty of candor toward the court." *State v. Jackson*, No. 58095-7-1 (Wash. Ct. App. July 23, 2007).\

"RPC3.3 states: "(a) A lawyer shall not knowingly: (1) Make a false statement of material fact or law to a tribunal.'" *State v. Talley*, 134 Wn. 2d 176, 183 n.6 (Wash. 1998).

Despite these prohibitions, City's insurer-appointed attorney Jessica Goldman ("Goldman") lied repeatedly to this Court. For example, Goldman included unsupported and false

arguments in the so called “procedural history” of her briefs, misrepresented case law, contradicted herself, and blatantly lied to this Court that Hood “always” seeks continuance of his opening brief. 12/2/24 *Reply to Motion For Extensions of Time to File Petition For Review*, p. 3-12. *Reply to Appellee’s Motion for Continuance*, p. 3-6.

Goldman continues such dishonesty in her latest brief.

For example, she misrepresented that after “nine years” of litigation, “the only record at issue is a 2015 calendar.” *Id.*, p. 2. In fact, the calendars have been the “only record at issue” for six years, *as Goldman previously admitted*:

On remand from the Court of Appeals, [January 28, 2019] there remain two issues to be resolved by this Court: whether Mr. Hood narrowed his January 5, 2016 records request and whether the City performed an adequate search for electronic records [i.e., the calendars].

CP 814:8.

For another example, Goldman previously, repeatedly, falsely claimed that “Hood is represented by a PRA lawyer.” 10/25/24 “*Respondent's Opposition To Appellant's Latest Motion For Extension Of Time To File Petition For Review*”, p.

2. In hopes that this Court will forget that lie, Goldman now blithely admits that “Following Division I’s rejection of Hood’s appeal, Hood abandoned his regular PRA lawyer to proceed *pro se*.” 1/15/25 *Opp.*, p 2.

Goldman’s dishonest litigation is intended to prejudice this Court and prevent its proper review of City’s PRA violations. Rather than tolerate her dishonesty, this Court should view it as an example of why this Court should review Hood’s petition and grant his motion to stay.

**B. STAYING THIS CASE WILL ENABLE A  
HOLISTIC DETERMINATION OF WHETHER  
CITY’S ATTORNEYS DISHONESTLY  
PERSUADED LOWER COURTS TO RULE IN  
CITY’S FAVOR**

This Court has *multiple* grounds on which it may deny or ignore Hood’s petition for review, e.g., it involves nine years of litigation in two courts under at least five separate judges, four attorneys and a *pro se* litigant, references thousands of pages of documents, and involves determination of procedural issues.

Staying this case will require this Court's review of two *more* voluminous and complicated cases.

This Court should accept review and grant Hood's motion to stay precisely *because* the complexity in these cases arises from the dishonesty of City's insurer-appointed attorneys.

Hood's litigation with attorneys appointed by the Association of Washington Cities – Risk Management Service Agency (AWC-RMSA), the risk pool that previously insured municipalities under a reservation of rights policy until Hood exposed its illegality, shows a familiar pattern. CP 850.

In response to a complaint, they deny any violations of the PRA, withhold relevant facts, fail to provide fullest assistance to Hood's attempts to discover information, and propound irrelevant discovery of Hood. After needlessly protracting litigation, including discovery motions, they will offer to settle. If the offer is rejected, they will, at trial, flood the court with hundreds of irrelevant documents, distinguish Hood in violation of RCW 42.56.080, CP 802, mischaracterize or misrepresent

facts and case law, and blame Hood for the agency's failure to comply with a simple law.

In short, these insurer-appointed defense attorneys act *not* as “officers of the court” (RPC 3.3) and representatives of government who are *required* to uphold the PRA above all other laws (RCW 42.56. 030) to ensure that government does not degenerate to “Farce.” *Gendler v. Batiste*, 274 P.3d 346, 349 (Wash. 2012). Rather, their dishonesty prolongs and unnecessarily complicates litigation, discourages efforts to hold governments accountable, and increases their billable hours, regardless of the damage to the PRA or the cost to taxpayers, who pay their bills.

Because such stratagems were tolerated by lower courts, Hood's cases versus City have grown voluminous and complicated. “[C]ourts have steadily undermined Washington's Public Records Act.” 12/2/24 *Amended Petition for Review*, Appendix 10 (Washington Coalition for Open Government's Special Report), p. 4.

This critical issue requires this Court's holistic review.

#### **IV. CONCLUSION**

By again relying on dishonesty, Goldman's opposition provides additional evidence supporting Hood's motion that this Court stay its decision to allow holistic review of all pending cases below.

This document contains 880 words, excluding the parts of the document exempted from the word count by RAP 18.17

DATED this 20<sup>th</sup> day of January, 2025, by,

s/Eric Hood  
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Pursuant to RCW 9A.72.085, the undersigned hereby certifies under penalty of perjury according to the laws of the State of Washington that on the date below the foregoing was delivered to the following persons via email: Jessica Goldman.

Date: January 20, 2025.

Signed by:

s/Eric Hood  
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**ERIC HOOD**

**January 20, 2025 - 12:25 PM**

**Transmittal Information**

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

**The following documents have been uploaded:**

- 1035209\_Answer\_Reply\_20250120122356SC163306\_1561.pdf  
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