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No. 92198-9

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

(COURT OF APPEALS, DIVISION II, NO. 47359-3)

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**NORBERT SCHLECHT,**

Petitioner,

v.

**CLARK COUNTY WASHINGTON,**

Respondent.

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**REPLY TO ANSWER TO PETITION FOR REVIEW**

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Norbert Schlecht, Pro Se  
Petitioner  
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## A. ARGUMENT

Pursuant to RAP 13.4(d), petitioner Norbert Schlecht limits his reply to the new issue raised in the respondent's answer.

As a recap of the issue at hand, petitioner Schlecht reminds all parties that this appeal primarily centers around the question of whether or not the trial court properly granted summary judgment in favor of respondent Clark County.

In its response, Clark County raises the issue of public interest, in that subject petition for review should be denied because "*the evidence on the record (does not) support, that the dismissal of his lawsuit raises ... an issue of substantial public interest*".

However, the evidence clearly supports the fact that this Public Records Act (PRA) case is of substantial public interest.

In determining whether a case presents issues of continuing and substantial public interest, the supreme court considers three factors: (1) the public or private nature of the question presented, (2) the desirability of an authoritative determination for the future guidance of public officers, and (3) the likelihood of future recurrence of the question, quoting *Sorenson v. City of Bellingham*, 80 Wash.2d 547, 558 496 P.2d 512 (1972).

By definition, PRA issues are of a public nature. Further, at the core of any

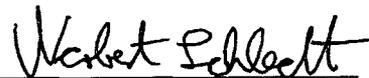
mechanism or system is the credibility of such. In this regards, how requests for public records are handled reflects on the whole mechanism or system. If public agencies (not limited to the County of Clark) can (with impunity) backdate public records requests in order to skirt its obligations vis-à-vis the five day rule as stipulated in RCW 42.56, then this scenario is undoubtedly likely to recur. An authoritative determination for the future guidance of public records officers, prosecutors (civil division) and trial court judges is therefore beneficial.

CP 68 (USPS tracking) clearly shows that subject public records request was delivered/received on November 12, 2013 and **NOT** on November 20, 2013.

## **B. CONCLUSION**

This court should grant review of petitioner Norbert Schlecht's issues and the substantial public interest issue as brought up by respondent Clark County, reverse the trial court and remand for further proceedings.

RESPECTFULLY SUBMITTED October 8, 2015.



Norbert Schlecht, Pro Se  
Petitioner

**CERTIFICATE OF SERVICE**

I, the petitioner Norbert Schlecht, hereby certify that on October 8, 2015, I forwarded Reply to Answer to Petition for Review to include this Certificate of Service as shown below:

Via email to: supreme@courts.wa.gov

Via U.S. mail to:

Jane Vetto

Clark County Prosecuting Attorney, Civil Division

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PO Box 5000, Vancouver, WA 98666-5000

Dated October 8, 2015.



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Please file attached Reply.

Norbert Schlecht, Petitioner