

JANUARY 2012

PIERCE COUNTY

AMBER WRIGHT v. STATE OF WASHINGTON, DSHS

Number: 10-2-08114-9

Trial Date: 11/18/11 (2-day non-jury trial)

Plff Atty: David Moody & Marty McLean of Hagens Berman Sobol
Shapiro (Seattle); Carter Hick of Connolly Tacon
& Meserve (Olympia)

Def. Atty: Robert McKenna, Attorney General & John Clark,
Assistant Attorney General, Office of the Attorney
General (Tumwater)

Plff Exp.: Katherine Kent JD (Attorney/Liability) Seattle

Def. Exp.: none

Judge: Hon. Frederick Fleming

PUBLIC RECORDS ACT VIOLATION

ECONOMIC DAMAGES; EMOTIONAL DISTRESS

In 2004, DSHS received the first of many warnings that Plff was the victim of physical and sexual abuse. Despite many warnings received from multiple sources, including local law enforcement, DSHS did nothing to protect her. Instead, Plff was returned to the same abusive home where she endured an additional year of abuse before escaping, on foot, with nothing more than the clothes on her back. After her escape, Plff sought answers from DSHS for its failure to protect her. In March 2007 and May 2008, Plff submitted two separate Public Records Act requests seeking her DSHS records. DSHS delayed multiple times before assuring Plff, in late November 2008, that it had disclosed all of her files. During a separate civil lawsuit related to DSHS' child abuse investigation, it was discovered that several critical pieces of evidence were hidden from Plff's two public records requests. Consequently, a lawsuit was filed pursuant to RCW 42.56 *et seq.*, the Public Records Act.

Injuries: Economic damages; emotional distress.

Result: PLAINTIFF AWARD for \$649,897. (Following a two day bench trial, Pierce County Superior Court Judge Frederick Fleming held that DSHS violated the Public Records Act in responding to Amber's records requests. Judge Fleming found that DSHS' conduct was an "unbelievable obstruction of justice" and that "it insults the citizens of this country for a government entity to proceed as DSHS proceeded in this matter." Judge Fleming imposed a \$100 per day penalty for DSHS' Public Records Act violations - the maximum allowable under the law. The total judgment of \$649,897 is believed to be the largest Public Records Act judgment in the history of the State of Washington.)