

THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

JOINT LABOR COMMITTEE OF TACOMA,
a coalition of labor organizations representing
employees of the City of Tacoma,

No. 10-2-10516-1

Plaintiff,

AMENDED COMPLAINT FOR
INJUNCTIVE RELIEF UNDER RCW
42.56 (PUBLIC RECORDS ACT)

v.

CITY OF TACOMA, and CITY CLERK
DORIS SORUM,

Defendants,

v.

ROBERT J. HILL, an individual,

Defendant.

COMES NOW Plaintiff Joint Labor Committee of Tacoma, on behalf of its members, to request that the Court issue an order enjoining the City of Tacoma and the City Clerk from disclosing personal information of City employees requested by an unstable convicted felon facing stalking charges and who is currently under an anti-harassment order and in violation of his probation.

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I. PARTIES

1.1 Plaintiff Joint Labor Committee of Tacoma (“Tacoma Joint Labor” or “TJL”) is a coalition of seven (7) labor unions, each of which is a certified bargaining representative, as defined by the Public Employees’ Collective Bargaining Act, RCW 41.56 et seq., of employees of the City of Tacoma (“City”). Tacoma Joint Labor represents its member unions acting in coalition regarding issues of common interest. TJL and the City are signatories to a labor contract. The coalition members are: International Federation of Professional & Technical Engineers, Local 17; International Brotherhood of Electrical Workers, Local 483; International Brotherhood of Teamsters, Local 117; International Brotherhood of Teamsters, Local 313; Washington State Council of County and City Employees, Local 120; International Association of Machinists and Aerospace Workers, District Lodge 160; and Tacoma Fire Fighters, Local 31, IAFF.

1.2 Defendant City of Tacoma (“City”) is an employer under the Public Employees’ Collective Bargaining Act, and is signatory to collective bargaining agreements with TJL and with each of TJL’s member unions.

1.3 Defendant Robert J. Hill is a resident of Tacoma, WA and subject to the jurisdiction of this Court. Mr. Hill filed the public records act request at issue in this matter while incarcerated in the Pierce County jail.

II. JURISDICTION AND VENUE

2. The Superior Court of Pierce County has jurisdiction in this matter, and venue in Pierce County is appropriate, pursuant to RCW 42.56.540, and 42.56.565(1)(b).

1 **III. STATEMENT OF FACTS**

2 3.1 The City employs approximately 3,640 employees. The JLC represents in
3 aggregate approximately 2,201 City employees covered by collective bargaining
4 agreements (CBA) with the City. Approximately 37 of the City's employees represented
5 by the TJJ work for a criminal justice agency as defined in RCW 10.97.030(5).
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7 3.2 On April 27, 2010, the City Clerk's office received a public disclosure
8 request from Robert Hill seeking in electronic format "photographs of all city employees"
9 and "complete personnel files of all city employees, including full name and disciplinary
10 actions." The City docketed this public disclosure request as No. 10-2201.

11 3.3 At the time Mr. Hill sent his public records request he was incarcerated in
12 the Pierce County jail.
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14 3.4 In response, City Clerk Doris Sorum emailed all City employees on May 27,
15 2010, announcing the City's intent to begin disclosing records pursuant to Mr. Hill's
16 request. The City announced that it planned to have Human Resources and public
17 disclosure staff prepare ten personnel files each week for release. The City estimates there
18 are 4,000 personnel files.

19 3.5 Two of TJJ's member unions, IFPTE Local 17 and Teamsters Local 117,
20 contacted Ms. Sorum on May 28, 2010 and notified her of their intent to pursue an
21 injunction against the City to prevent disclosure of employee personnel files and
22 photographs.
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24 3.6 Ms. Sorum issued a second all-city employees email on June 1 announcing
25 the decision of the Clerk's office to refrain from releasing any records based upon notice
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1 received from the two City unions that they would seek a court injunction to block
2 disclosure of City employee personnel files and photographs to Mr. Hill.

3 3.7 Mr. Hill is a Tacoma resident with an extensive criminal background, which
4 includes evidence of mental health issues. He is a convicted felon, and is well known to
5 Pierce County law enforcement and mental health officials.

6 3.8 He has been arrested numerous times and has been booked into the Pierce
7 County jail eleven different times since November 2009.

8 3.9 Mr. Hill was convicted for forgery in 2008 for attempting to forge the
9 signature of Judge David Kenworthy. For this offense Mr. Hill was sentenced on June 24,
10 2008 to 23 days time served. (Cause No. 08-1-02113-2).

11 3.10 According to the declaration for probable cause in the forgery case, on May
12 1, 2008, Mr. Hill attempted to purchase a firearm at a gun store but was turned away for
13 mental health reasons.

14 3.11 In February 2008, Mr. Hill showed up at a Tacoma Human Services
15 Commission meeting with a mock .38 caliber gun strapped to an ankle holster on the
16 outside of his pants. He was arrested in Nevada on February 17, 2008, after being seen in a
17 casino showing two replica handguns and wearing two holsters. On March 4, 2008, Mr. Hill
18 attended a City Council meeting with two plastic gun holsters and two metal briefcases with
19 combination locks.

20 3.12 In 2009, Mr. Hill was convicted of 4th degree assault and for unlawful
21 display of a weapon (Pierce Co. Cause No. 8YC005266); he was sentenced to jail time.
22 The conviction was based on Mr. Hill pointing a replica of a handgun at a security guard's
23 midsection at close range while entering the County City Building on November 20, 2008.

1 The guard was unaware that the gun was not an actual firearm and was reduced to tears
2 under the belief that she was about to be killed.

3 3.13 Mr. Hill remains under court supervised probation through February 13,
4 2011. The Court ordered a mental health evaluation of Mr. Hill.

5 3.14 Mr. Hill is currently restrained by an Anti-Harassment Order through
6 December 11, 2010, based on a petition filed by former City Council member Julie L.
7 Anderson. In November 2009, Ms. Anderson petitioned for the protective order after Mr.
8 Hill showed up at her house uninvited at night.

9 3.15 Mr. Hill faces two counts of stalking in a case pending against him in Seattle
10 Municipal Court filed April 11, 2010. This violated his probation stemming from his
11 Assault conviction. Mr. Hill was arrested after stalking an adult film star and showing up
12 uninvited at her Seattle hotel room.

13 3.16 Mr. Hill has a pending case against him in Tacoma Municipal Court for
14 Criminal Trespassing dated April 4, 2010.

15 3.17 Mr. Hill frequently attends public meetings, including City Council
16 meetings. By his comments and conduct Mr. Hill repeatedly disrupts Council meetings
17 and verbally harasses elected officials. He has been frequently thrown out of meetings for
18 being disruptive, and for making comments filled with sexual innuendo.

19 3.18 He was most recently arrested and booked into jail after being ejected from
20 the Tacoma City Council meeting on June 18, 2010. He is serving multiple sentences for
21 two Tacoma Municipal Court convictions (Disturbing Official Public Meeting, no.
22 B235682, and Criminal Trespass, no. B235840) and One Pierce County District Court
23 conviction (Assault-4, Unlawful Display of Weapon, no. 8YC005266).
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1 3.19 Mr. Hill served criminal sentences for ten days from May 12 – May 22,
2 2010. He served another criminal sentence for ten days from April 14 – May 1, 2010. He
3 served a 95 day sentence from January through May 2009.

4 3.20 Mr. Hill makes frequent public records requests, though not all are of the
5 scale of the request at issue here.

6 3.21 Mr. Hill’s request is burdensome in size and intended to facilitate his pattern
7 of harassing or intimidating city employees and public officials.

8 3.22 The release of the requested records, including employees’ surnames,
9 personnel files and photographs, will irreparably and permanently harm City employees’
10 security, safety and right to privacy. Disclosure of the requested records places both
11 employees and their family members at risk.

12 3.23 Employees were hired with the reasonable understanding and expectation
13 that the City would take reasonable steps to safeguard their identity from disclosure to
14 menacing or threatening members of the public.

15 3.24 The release of the requested records will expose employees to unnecessary
16 and heightened risk of harassment, stalking, physical harm, identity theft, fraud, and
17 invasion of privacy.

18 3.25 Providing the requested public records to Mr. Hill may assist criminal
19 activity.

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VII. FOURTH CAUSE OF ACTION
Requester Serving Criminal Sentence
RCW 42.56.565

7.1 Plaintiff realleges every fact set forth above.

7.2 The requested records are exempt from disclosure under RCW 42.56.565 and the City should be enjoined from disclosure because (1) the request was made to harass or intimidate the City or its employees; (2) fulfilling the request would likely threaten the safety or security of City employees and/or their family members; or (3) fulfilling the request may assist criminal activity.

7.3 The records sought are of a personal and private nature.

7.4 Disclosure of the requested records would likely harm City employees or their families by threatening their safety or security, and/or would likely harm vital government functions including the vital government interest of maintaining the safety and security of City employees and their families.

7.5 The request seeks a significant and burdensome number of documents. The requester, Mr. Hill, submits frequent and numerous records requests to the City.

7.6 Disclosure of the requested records would facilitate Mr. Hill's established pattern of criminal conduct which includes harassing and stalking public figures, forgery, and assault and would therefore impact the safety and security of City employees and their families.

7.7 Enjoining disclosure is likely to deter criminal activity.

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VIII. FIFTH CAUSE OF ACTION
Breach of Duty to Maintain Safe Workplace

8.1 Plaintiff realleges every fact set forth above.

8.1 Disclosure of the requested records should be enjoined as disclosure would require the City to breach its duty as an employer to maintain a safe working environment.

V. REQUESTED RELIEF

WHEREFORE Plaintiff hereby prays for the following relief:

5.1 That this Court issue an order pursuant to RCW 42.56.540, 42.56.230, 42.56.050, and/or 42.56.565 permanently enjoining the City from releasing the requested records described herein;

5.2 An order enjoining Mr. Robert Hill, pursuant to RCW 42.56.565(3), from making future public records act requests for a reasonable period of time no less than three years;

5.3 Attorneys' fees and costs; and

5.4 Any and all such further relief as the Court may deem equitable and just.

Respectfully submitted this 7th day of July, 2010.



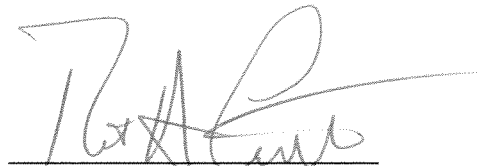
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Attorneys for Plaintiff Tacoma Joint Labor

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of July, 2010, I caused the foregoing Amended
Complaint to be sent via U.S. First Class Mail to:

Martha Lantz
Tacoma City Legal Department
747 Market Street, Room #1120
Tacoma, WA 98402



Robert H. Lavitt

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