



# Washington State Court of Appeals Division Two

950 Broadway, Suite 300, Tacoma, Washington 98402-4454

David Ponzoha, Clerk/Administrator (253) 593-2970 (253) 593-2806 (Fax)

General Orders, Calendar Dates, and General Information at <http://www.courts.wa.gov/courts> **OFFICE HOURS:** 9-12, 1-4.

---

August 16, 2016

Greg Overstreet  
Freedom Foundation  
PO Box 552  
Olympia, WA 98507-0552  
goverstreet@myfreedomfoundation.com

Morgan B Damerow  
Atty General Ofc/L&P Division  
PO Box 40145  
Olympia, WA 98504-0145  
morgand@atg.wa.gov

Stephanie Diane Olson  
Freedom Foundation  
PO Box 552  
Olympia, WA 98507-0552  
solson@myFreedomFoundation.com

David Morgan Steven Dewhirst  
Attorney at Law  
PO Box 552  
Olympia, WA 98507-0552  
ddewhirst@myfreedomfoundation.com

Laura Elizabeth Ewan  
Schwerin Campbell Barnard Iglitzin & Lav  
18 W Mercer St Ste 400  
Seattle, WA 98119-3971  
ewan@workerlaw.com

Dmitri L. Iglitzin  
Schwerin Campbell Barnard Iglitzin & La  
18 W Mercer St Ste 400  
Seattle, WA 98119-3971  
iglitzin@workerlaw.com

**CASE #: 49234-2-II/Teamsters Local Union No. 117 v. State of Washington, et al**

Counsel:

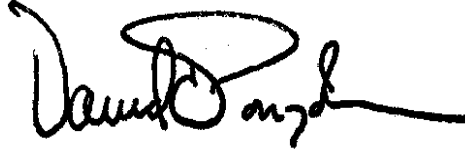
On the above date, this court entered the following notation ruling:

### **A RULING BY COMMISSIONER SCHMIDT:**

The Union's emergency motion for injunctive relief pending appeal is granted in part and denied in part. To obtain relief pending appeal, the moving party must first show a debatable issue on appeal. RAP 8.1(b)(3). The Union demonstrates a debatable issue as to whether the employees' dates of birth are exempt from disclosure under the privacy exemption, RCW 42.56.230(3), particularly in this era of cybercrime and the use of dates of birth as identity verification. And not enjoining the release of the dates of birth pending appeal would destroy the fruits of the Union's appeal, making an injunction appropriate. *Boeing Co. v. Sierracin Corp.* 43 Wn. App. 288, 291-92, 716 P.2d 956 (1986). However, as to the employees' work e-mail addresses, the Union fails to demonstrate a debatable issue that those addresses are exempt from disclosure under the privacy exemption, RCW 42.56.230(3), the commercial purposes exemption, RCW 42.56.070(9), or the other statute exemption, RCW 42.56.070(1). The employees' work e-mail addresses are no more private than their physical work and mail addresses. Thus, enjoining the releases of work e-mail addresses is not appropriate under RAP 8.1(b)(3).

Accordingly, pending further order or ruling of this court, the Department of Enterprise Services and the Department of Corrections are enjoined from releasing the employees' dates of birth as part of its compliance with Freedom Foundation's PRA requests. The Departments are not enjoined, however, from releasing the employees' work e-mail addresses.

Very truly yours,

A handwritten signature in black ink, appearing to read "David C. Ponzoha". The signature is stylized with a large, looped initial "D" and a long horizontal flourish extending to the right.

David C. Ponzoha  
Court Clerk

DCP:s