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8 SUPERIOR COURT OF WASHINGTON
FOR THE COUNTY OF THURSTON

9 ENERGY POLICY ADVOCATES,
10 a Washington Nonprofit Corporation,
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12 Plaintiff.

13 vs.

14 OFFICE OF THE ATTORNEY GENERAL,
15
16 Defendant.
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No. 20-2-00570-34

**ORDER RE *IN CAMERA* REVIEW AND
CONTINUING MERITS HEARING**

**(PERMITTING DOCUMENTS TO BE
FILED UNDER SEAL)**

**Clerk's Action Required
Session: Price Dispositive Motions**

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20 THIS MATER has come before the Court upon Plaintiff's Complaint for violations of the
21 Public Records Act and briefing provided by the parties regarding the Hearing on Affidavits.
22 Defendant Office of the Attorney General responded that certain information in the requested
23 documents are exempt from disclosure under the Public Records Act. The Court having reviewed
24 the materials, and deeming itself fully advised; now therefore, the Court makes the following
findings:

25 1. The Court has determined that conducting *in camera* review of Defendant's records
26 is necessary for resolution of the action. Accordingly, there is a need to seal records claimed as
exempt from disclosure during the pendency of the Court's determination of this action. Such

1 sealing is necessary to protect information during the Court's determination of whether such
2 information is appropriately exempt from public disclosure under the Public Records Act;

3 2. In consideration of the plaintiff's request for *in camera* review and the necessity to
4 seal materials to effectuate that review, the Court provided an opportunity for anyone present to
5 object to the suggested restriction and no such objections were made;

6 3. The requested method for curtailing access to the unredacted documents, namely
7 by filing them under seal to permit *in camera* review, would be both the least restrictive means
8 available and effective in protecting the interests of the parties and the public;

9 4. The Court has weighed the competing interests of the parties and the public and
10 finds that the interests of the Defendant in protecting its information claimed to be exempt from
11 disclosure during the pendency of court proceedings herein support sealing of records during the
12 pendency of this action;

13 5. This sealing order during consideration of this matter and during any appellate
14 review sought herein is no broader in its application or duration than necessary to serve its purpose.

15 Based upon these findings, it is hereby:

16 ORDERED that Plaintiff's request *in camera* review is hereby GRANTED; and it is further

17 ORDERED that Plaintiff shall file under seal, and the Clerk shall accept under seal, the
18 70+- pages described in the Declaration of Christina Beusch containing no redactions of material
19 claimed by Defendant as exempt from Public Records Act disclosure as set forth in LCR 16(c)(2)
20 to permit *in camera* review. Defendant shall follow as close as possible the structure of LCR
21 16(c)(2), except that no "electronic" bench copies shall be provided to the Court. Defendant shall
22 also file with the Clerk a narrowly-redacted version of the same documents which shall remain
23 open to the public in the court file. If deemed necessary, either party may file an additional
24 pleading related to the filing of the sealed documents (and redacted version) at or near the time of
25 the filing, but such pleading shall be limited to no more than five (5) pages; and it is further

26 ORDERED that the Merits Hearing (Hearing on Affidavits) will be continued to August
14, 2020, at 9:00 a.m. Prior to such hearing, the Court will conduct *in camera* review. Prior to
the hearing, the Court will notify the parties whether additional oral argument will be required or
whether the Court will issue a decision based on the pleadings already filed. Unless otherwise

1 ordered by the Court, the records filed under seal shall remain sealed until completion of this case,
2 including any appellate review.

3 DATED this 19th day of June, 2020.

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6 Judge Erik D. Price

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