

CIVIL
WHATCOM COUNTY SUPERIOR COURT
 Case Information Cover Sheet (CICS)

Case Number _____ **Case Title** Baxter v. Western
Attorney Name William Crittenden **Bar Membership Number** 22033

Please check one category that best describes this case for indexing purposes. Accurate case indexing not only saves time in docketing new cases, but helps in forecasting needed judicial resources. Cause of action definitions are listed on the back of this form. Thank you for your cooperation.

- | | |
|--|--|
| <input type="checkbox"/> ABJ Abstract of Judgment | <input type="checkbox"/> PRG Property Damage – Gangs |
| <input type="checkbox"/> ALR Administrative Law Review | <input type="checkbox"/> PRP Property Damages |
| <input type="checkbox"/> ALRJT Administrative Law Review-Jury Trial (L&I) | <input type="checkbox"/> QTI Quiet Title |
| <input type="checkbox"/> CHN Non-Confidential Change of Name | <input type="checkbox"/> RDR Relief from Duty to Register |
| <input type="checkbox"/> COL Collection | <input type="checkbox"/> RFR Restoration of Firearm Rights |
| <input type="checkbox"/> CON Condemnation | <input type="checkbox"/> SDR School District-Required Action Plan |
| <input type="checkbox"/> COM Commercial | <input type="checkbox"/> SPC Seizure of Property-Commission of Crime |
| <input type="checkbox"/> DOL Appeal Licensing Revocation | <input type="checkbox"/> SPR Seizure of Property-Resulting from Crime |
| <input type="checkbox"/> DVP Domestic Violence | <input type="checkbox"/> STK Stalking Petition |
| <input type="checkbox"/> EOM Emancipation of Minor | <input type="checkbox"/> SXP Sexual Assault Protection |
| <input type="checkbox"/> FJU Foreign Judgment | <input type="checkbox"/> TAX Employment Security Tax Warrant |
| <input type="checkbox"/> FOR Foreclosure | <input type="checkbox"/> TAX L & I Tax Warrant |
| <input type="checkbox"/> FPO Foreign Protection Order | <input type="checkbox"/> TAX Licensing Tax Warrant |
| <input type="checkbox"/> HAR Unlawful Harassment | <input type="checkbox"/> TAX Revenue Tax Warrant |
| <input type="checkbox"/> INJ Injunction | <input type="checkbox"/> TMV Tort – Motor Vehicle |
| <input type="checkbox"/> INT Interpleader | <input type="checkbox"/> TRJ Transcript of Judgment |
| <input type="checkbox"/> LCA Lower Court Appeal – Civil | <input type="checkbox"/> TTO Tort – Other |
| <input type="checkbox"/> LCI Lower Court Appeal – Infractions | <input type="checkbox"/> TXF Tax Foreclosure |
| <input type="checkbox"/> LUPA Land Use Petition Act | <input type="checkbox"/> UND Unlawful Detainer – Commercial |
| <input type="checkbox"/> MAL Other Malpractice | <input type="checkbox"/> UND Unlawful Detainer – Residential |
| <input type="checkbox"/> MED Medical Malpractice | <input type="checkbox"/> VAP Vulnerable Adult Protection Order |
| <input type="checkbox"/> MHA Malicious Harassment | <input type="checkbox"/> VVT Victims of Motor Vehicle Theft-Civil Action |
| <input type="checkbox"/> MSC2 Miscellaneous – Civil | <input type="checkbox"/> WDE Wrongful Death |
| <input type="checkbox"/> MST2 Minor Settlement – Civil (No Guardianship) | <input type="checkbox"/> WHC Writ of Habeas Corpus |
| <input type="checkbox"/> PCC Petition for Civil Commitment (Sexual Predator) | <input type="checkbox"/> WMW Miscellaneous Writs |
| <input type="checkbox"/> PFA Property Fairness Act | <input type="checkbox"/> WRM Writ of Mandamus |
| <input type="checkbox"/> PIN Personal Injury | <input type="checkbox"/> WRR Writ of Restitution |
| <input checked="" type="checkbox"/> PRA Public Records Act | <input type="checkbox"/> WRV Writ of Review |

IF YOU CANNOT DETERMINE THE APPROPRIATE CATEGORY, PLEASE DESCRIBE THE CAUSE OF ACTION BELOW.

Please Note: Public information in court files and pleadings may be posted on a public Web site.

WILLIAM JOHN CRITTENDEN

ATTORNEY AT LAW

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May 1, 2019

Clerk of the Court
Whatcom County Superior Court
311 Grand Avenue, Ste 301
Bellingham, WA 98225-4038

Re: New Civil Case Filing

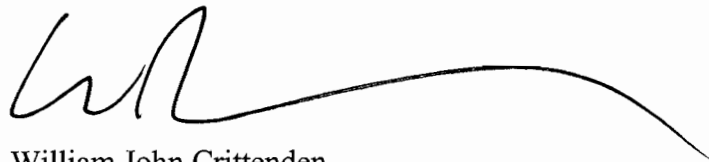
Dear Clerk:

Enclosed please find the following items for a new civil case to be filed in Whatcom County Superior Court: (i) Complaint, (ii) Summons, (iii) Civil Case Information Cover Sheet, (iv) check for the filing fee of \$240, (v) copies of the first pages of the Summons and Complaint (marked "COPY" in red ink), and (vi) a postage-paid return envelope.

Please file the Summons and Complaint, stamp the case number on the copies, and return them in the envelope.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, consisting of a stylized 'WJ' followed by a long, sweeping horizontal line that curves slightly upwards at the end.

William John Crittenden

Enclosures:

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**SUPERIOR COURT OF WASHINGTON
FOR WHATCOM COUNTY**

ERASMUS BAXTER, ASIA FIELDS, and
JULIA FURUKAWA,

Plaintiffs,

vs.

WESTERN WASHINGTON UNIVERSITY,
an agency of the State of Washington,

Defendant.

No.

**COMPLAINT FOR VIOLATIONS OF
THE PUBLIC RECORDS ACT**

Plaintiffs Erasmus Baxter, Asia Fields and Julia Furukawa, by and through their attorney, William John Crittenden, bring this Complaint against Western Washington University, an agency of the State of Washington, and in support thereof aver the following:

I. JURISDICTION

- 1.1 This court has jurisdiction pursuant to RCW 42.56.550(1).
- 1.2 Venue is appropriate in Whatcom County pursuant to RCW 42.56.550(1).

II. FACTS

2.1 Defendant Western Washington University (“WWU”) is a state agency subject to the Public Records Act, Chap. 42.56 RCW (PRA).

1 2.2 On or about October 15, 2018, plaintiffs made a request for public records, by
2 email, to the WWU public records officer. The request stated:

3 Under Washington's Public Records Act, we would like to request the final
4 results, including the student's name, of disciplinary proceedings where Western
5 has determined a student was responsible for a crime of violence or non-forcible
sexual offense in the last five years.

6 2.3 WWU's public records officer acknowledged the request the same day,
7 assigning the request number PRR18-138.

8 2.3 WWU responded to the request on or about November 9, 2018, by providing
9 three (3) PDF files: (i) a table of sexual misconduct offenses and resulting discipline imposed,
10 with the names of the offenders redacted, (ii) a table of violent offenses and resulting discipline
11 imposed, with the names of the offenders redacted, and (iii) and an exemption log.

12 2.4 The exemption log stated, in relevant part:

| Doc | Exemption (s) | Explanation for Withholding | Doc Type |
|---|---------------|---|----------|
| Final Results Violence_Redacted.pdf | RCW 42.56.230 | Personal information in any files maintained for students in public schools | Report |
| Final Result Sexual Misconduct_Redacted | | | |

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17 2.5 "RCW 42.56.230" is a section of the PRA containing nine (9) subsections
18 addressing numerous exemptions. On information and belief, the information redacted by
19 WWU (the names of offending students) is not exempt under subsection (1) of RCW 42.56.230
20 or any other subsection of that section.

21 III. CLAIM FOR PUBLIC RECORDS

22 3.1 Defendant WWU is a state agency subject to the provisions of the PRA.

23 3.2 WWU has violated the PRA by redacting nonexempt information from
24 responsive public records.
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1 3.3 WWU has violated the PRA by failing to explain why records were redacted as
2 required by RCW 42.56.210(3).

3 **IV. PRAYER FOR RELIEF**

4 4.1 Plaintiffs ask this Court to enter judgment in favor of the plaintiffs that:

5 a. WWU has violated the PRA by redacting nonexempt information from
6 responsive records; and

7 b. WWU has violated the PRA by failing to explain why records were
8 redacted as required by RCW 42.56.210(3).

9 4.2 Plaintiffs ask the Court to order WWU to produce the responsive records
10 without redaction.

11 4.3 Plaintiffs ask the Court to award the plaintiffs their attorney fees and costs
12 pursuant to RCW 42.56.550(4).

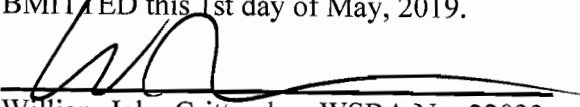
13 4.4 Plaintiffs ask the Court to award the plaintiffs statutory penalties, in a per diem
14 amount to be determined by the Court, for each day that requested records were improperly
15 withheld by WWU pursuant to RCW 42.56.550(4).

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RESPECTFULLY SUBMITTED this 1st day of May, 2019.

By: 
William John Crittenden, WSBA No. 22033

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Plaintiffs,

vs.

WESTERN WASHINGTON UNIVERSITY,
an agency of the State of Washington,

Defendant.

No.

SUMMONS

TO THE DEFENDANT: A lawsuit has been started against you in the above entitled court by Erasmus Baxter, Asia Fields and Julia Furukawa. Plaintiffs' claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within 20 days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what he asks for because you have not responded. If you serve a notice of appearance on the undersigned person, you are entitled to notice before a default judgment may be entered.


1 You may demand that the plaintiff file this lawsuit with the court. If you do so, the
2 demand must be in writing and must be served upon the person signing this summons. Within
3 14 days after you serve the demand, the plaintiff must file this lawsuit with the court, or the
4 service on you of this summons and complaint will be void.

5 If you wish to seek the advice of an attorney in this matter, you should do so promptly
6 so that your written response, if any, may be served on time.

7 This summons is issued pursuant to rule 4 of the Superior Court Civil Rules of the State
8 of Washington.

9 RESPECTFULLY SUBMITTED this 1st day of May, 2019.

10
11
12 By:



William John Crittenden, WSBA No. 22033

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