

FILED  
KATHY MARTIN  
COUNTY CLERK  
Honorable M. Scott Wolfram  
Hearing Date: 6/5/2013  
Hearing Time: 4:00 PM

2013 JUN -5 P 4: 45

WALLA WALLA COUNTY  
WASHINGTON

BY \_\_\_\_\_

STATE OF WASHINGTON  
WALLA WALLA COUNTY SUPERIOR COURT

WASHINGTON STATE  
DEPARTMENT OF CORRECTIONS,

Petitioner,

v.

STEVEN DARBY MCDONALD,

Respondent.

NO. 13-2-00277-0

ORDER GRANTING PETITIONERS'  
MOTION FOR PERMANENT  
INJUNCTION

ORDER

This matter initially came before the Court on June 5, 2013. The Court having considered the Motion of Petitioners, all exhibits thereto, Respondent's responsive pleadings and exhibits, if any, and the information contained in the Court file of this case and the argument of the parties:

The Court does hereby find:

That Mr. McDonald has demonstrated a pattern of improperly harassing Department of Corrections' (Department or DOC) Medical Staff with public records requests. Mr. McDonald's harassing intent is evidenced by the fact that his requests include false allegations that medical staff at the Washington State Penitentiary (WSP) are involved in felony behavior, pedophilia, alcoholism, drug addiction and more. In some requests, Mr. McDonald falsely accuses a Department staff member of raping another Department staff member and writes "WSP is off the hook with sexual freaks working here." In other requests, Mr. McDonald also refers to Department staff as "dirt farmers," sexual deviants, perverts, pedophiles, KKK members,

1 Nazis. Finally, shortly after he viciously assaulted her, Mr. McDonald submitted a request for  
2 documents from the Department of Health for the personal file of his nurse victim.

3 That Mr. McDonald has improperly harassed the Department by submitting these requests  
4 with the knowledge that the Department will have to forward them around to search for  
5 responsive records and use its resources to spread his lies rather than process other, more  
6 legitimate, requests and serve its core functions.

7 That Mr. McDonald's use of his PRA requests to make and bolster false allegations of  
8 sexual misconduct by staff members puts those staff members at substantial risk and threatens  
9 the safety and security of correctional facilities.

10 That Mr. McDonald's numerous requests relating to personal information on  
11 Department staff also presents a threat to the safety and security of staff and correctional  
12 facilities by promoting widespread antagonism between staff and inmates which significantly  
13 undermines the lawful efforts of correctional staff to maintain prison order and security.

14 That Mr. McDonald's requests for records containing personal addresses and telephone  
15 information puts the Department staff members whose information is published at risk outside of  
16 the facility.

17 That Mr. McDonald's request for and later publishing of private identifying information,  
18 such as date of birth and social security numbers, threatens security of those whose information is  
19 posted and may assist in criminal activity.

20 Based on the above and the pleadings and evidence submitted, the Court concludes:

21 The Department of Corrections has met the requirements and is entitled to declaratory and  
22 injunctive relief under RCW 42.56.565 (2), to address Mr. McDonald's abuse of the PRA.

23 The Department has established by a preponderance of the evidence that it is entitled to  
24 relief under RCW 42.56.565 (2)(c)(i). Mr. McDonald's PRA requests were submitted to harass  
25 and intimidate the Department of Corrections and its employees. Mr. McDonald's use of the  
26 PRA in this fashion undermines the purpose of the PRA, harms public employees, and diverts

1 agency public resources away from important uses, including responding to legitimate PRA  
2 requests.

3 The Department of Corrections has also established by a preponderance of the evidence  
4 that it is also entitled to relief under RCW 42.56.565 (2)(c)(ii)-(iv). The fulfillment of Mr.  
5 McDonald's public records requests threatens the security of correctional facilities; threaten the  
6 safety or security of staff, inmates, family members of staff, family members of other inmates, or  
7 any other person; and may assist in criminal activity.

8 **IT IS HEREBY ORDERED THAT:** Petitioners' Motion is **GRANTED**.

9 Respondent, Mr. McDonald, and any entity owned or controlled in whole or part by  
10 Mr. McDonald, is enjoined from requesting, or directing or soliciting others to request, records  
11 pursuant to the PRA from the Department of Corrections. Mr. McDonald is further enjoined  
12 from requesting, or directing or soliciting others to request, records pursuant to the PRA from  
13 any other agency subject to the PRA relating to any current or former Department of  
14 Corrections employees, absent prior court approval, for the duration of his incarceration.  
15 Furthermore, Mr. McDonald is enjoined from inspecting, copying, or receiving records  
16 responsive to any and all PRA requests he has made to the Department of Corrections. Finally,  
17 Mr. McDonald is enjoined from inspecting, copying, or receiving records responsive to any  
18 and all PRA requests to any agency subject to the PRA relating to current or former

19 //

20 //

21 //

22 //

23 //


24 //

25 //

26 //

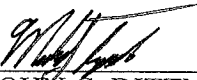
1 Department of Corrections employees. These agencies are hereby relieved from any further  
2 obligation under the PRA to respond to those requests.

3 DATED this 5 day of June, 2013.

4  
5   
6 \_\_\_\_\_  
The Honorable M. Scott Wolfram  
Superior Court Judge

7 Submitted By:

8 ROBERT W. FERGUSON  
9 Attorney General

10  
11   
12 \_\_\_\_\_  
JOHN C. DITTMAN, WSBA #32094  
Assistant Attorney General

MIKO TEMPSEK

WSBA  
#42896