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STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT

WASHINGTON STATE
DEPARTMENT OF CORRECTIONS
and OFFICE OF FINANCIAL
MANAGEMENT,

Petitioner,

v.

DAVID TROUPE,

Respondent.

NO. 10-2-01083-9

ORDER GRANTING PETITIONERS'
MOTION FOR PERMANENT
INJUNCTION

~~(PROPOSED)~~

This Matter came before the Court for hearing on October 24, 2014, on Petitioners' motion for permanent injunction. In reaching its decision, the Court considered the oral arguments of Petitioners' counsel and Respondent as well as the pleadings and orders on file in this matter, including:

1. Petitioners' Motion for Permanent Injunction;
2. Respondent's Reply To Motion for Permanent Injunction;
3. Petitioners' Reply;
4. Petitioners' motion for a preliminary injunction, Petitioners' motion for a temporary restraining order, the Court's previous orders granting permanent injunctive relief in this matter, as well as in *Davis v. Department of Corrections*, Thurston County Superior Court No. 10-2-01275-1.

1 I. FINDINGS OF FACT

2 Based on the arguments of counsel for Petitioners and Respondent and the evidence
3 presented by the parties, the Court finds:

4 1. On August 13, 2010, in *Davis v. Department of Corrections*, Thurston County
5 Superior Court No. 10-2-01275-1 (previously consolidated with this matter), the Court entered
6 an Order for Permanent Injunction (Dkt. # 44) in favor of Department of Corrections (DOC)
7 employee Sarena Davis. The purpose of the Order was to prevent Respondent David Troupe,
8 an inmate in DOC custody, from using Public Records Act (PRA) requests to harass,
9 intimidate, and threaten Ms. Davis, a corrections officer at the Washington Corrections Center.
10 As set forth in the Order, Mr. Troupe requested personal information concerning Ms. Davis
11 and attempted to harass and intimidate her by writing her home address in books accessible by
12 other incarcerated felons and encouraging the other offenders to send letters to her home
13 address, causing her considerable distress. Finding that Mr. Troupe's PRA request regarding
14 Ms. Davis were intended to harass and intimidate her, and that disclosure of personal
15 information concerning her would threaten the security of a correctional facility, the Court
16 permanently enjoined Mr. Troupe from inspecting, copying, or receiving records containing
17 personnel and other personal information concerning Ms. Davis, pursuant to RCW
18 42.56.565(1)(c)(i)-(iii). The Court hereby incorporates by reference the findings and
19 conclusions set forth in the August 13, 2010 Order for Permanent Injunction.

20 2. On January 27, 2011, the Court entered an Order Granting Permanent Injunction
21 (Dkt. # 62) in this matter at the request of Petitioners DOC and the Office of Financial
22 Management (OFM). The purpose of the permanent injunction was to prevent Respondent
23 David Troupe, an inmate in DOC custody, from using PRA requests to harass, intimidate, and
24 threaten any DOC and OFM employee. In the Order Granting Permanent Injunction, the Court
25 made findings of fact detailing Mr. Troupe's history of abusive behavior in this regard,
26 including his repeated threats to obtain and disseminate employee personal information to third

1 parties, including other felons. The Court further concluded Mr. Troupe's requests for
2 personal information were intended to harass and intimidate DOC and OFM employees and
3 that the disclosure of the requested information to him would likely threaten the security of
4 correctional facilities and the safety of DOC and OFM employees and their families.
5 Accordingly, pursuant to RCW 42.56.565(1)(c)(i)—(iii), the Court permanently enjoined Mr.
6 Troupe from inspecting, copying, or receiving from DOC and OFM, records containing
7 personal information concerning employees of the two agencies. The Court hereby
8 incorporates by reference the findings and conclusions set forth in the January 27, 2011 Order
9 Granting Permanent Injunction.

10 3. On March 18, 2011, the Court entered an Order Granting Additional Permanent
11 Injunctive Relief in favor of Petitioners and against Mr. Troupe. The March Order was
12 necessary because, on February 1, 2011, shortly after the Court entered the first injunction in
13 this matter, Mr. Troupe attempted to obtain from Walla Walla County real property and
14 property tax information, including parcel descriptions, concerning 10 employees of the
15 Washington State Penitentiary. Given Mr. Troupe's history of threats, harassment, and
16 intimidation, and the fact that the requested property information had nothing to do with Mr.
17 Troupe or the correctional employee's job performance, the Court found that the request to
18 Walla Walla County was made to harass and intimidate DOC employees. Additionally, for
19 reasons set forth in the Court's January 27, 2011 Order Granting Permanent Injunction, the
20 Court found that the disclosure of the requested property information would likely threaten the
21 security of a correctional facility and the safety of corrections employees and their families.
22 Accordingly, in the March 18, 2011 Order, the Court expanded the original injunction to
23 prohibit Mr. Troupe from obtaining the specified personnel and personal records not just from
24 DOC but from any agency, state or local, including Walla Walla County. The Court hereby
25 incorporates by reference the findings and conclusions set forth in the March 18, 2011 Order
26 Granting Additional Permanent Injunctive Relief.

1 4. On December 21, 2012, the Court entered an Order and Injunction in favor of
2 Petitioners and against Mr. Troupe. The December 2012 Order was necessary because Mr.
3 Troupe continued to submit PRA requests to DOC for the purposes of harassment and
4 intimidation and these requests were not covered by the Court's previous orders. The Court
5 also noted that Mr. Troupe had attempted to circumvent the Court's prior orders by soliciting a
6 third party to submit a request for him. He attempted to do this by mailing the request to a
7 friend or family member and requesting that the third person submit the request using his or
8 her name. Given Mr. Troupe's history of using the PRA to harass and intimidate DOC and its
9 employees, the Court found it necessary to order additional injunctive relief under 42.56.565(2)
10 to prevent Mr. Troupe from using the PRA in this manner. Accordingly, the Court issued
11 another permanent injunction enjoining Mr. Troupe from submitting PRA requests to DOC for
12 the duration of his incarceration. The Court hereby incorporates by reference the findings and
13 conclusions set forth in the December 21, 2012 Order and Injunction.

14 5. On January 31, 2014, the Court entered an Order Granting Petitioners' Motion
15 For Additional Permanent Injunctive Relief. The January 31, 2014 Order was necessary
16 because Mr. Troupe continued to submit PRA requests to DOC for the purposes of harassment
17 and intimidation and these requests were not covered by the Court's previous orders.
18 Specifically, someone acting on Mr. Troupe's behalf submitted a request as "Stephanie
19 Russell." Given Mr. Troupe's history of using the PRA to harass and intimidate DOC and its
20 employees, the Court found it necessary to order additional injunctive relief under 42.56.565(2)
21 to prevent Mr. Troupe from using the PRA in this manner. Accordingly, the Court issued
22 another permanent injunction enjoining Mr. Troupe from receiving records through "Stephanie
23 Russell." The Court hereby incorporates by reference the findings and conclusions set forth in
24 the January 31, 2014 Order.

25 6. On February 26, 2014, the Grays Harbor Assessor's Office and the DOC
26 received requests from Kelli Sawyer. The request to Grays Harbor sought "full descriptions

1 and photos of property” of seven Department staff members. These requests were submitted
2 by Ms. Sawyer on Mr. Troupe’s behalf. Records will be released to Ms. Sawyer if no further
3 action is taken. These records can then be provided to Mr. Troupe in violation of the Court’s
4 previous orders.

5 7. After the Court issued a preliminary injunction, Mr. Troupe made requests to
6 Walla Walla County and Clallam County seeking property information of neighbors of certain
7 Department staff. In light of Mr. Troupe’s past actions, these requests appear designed to
8 harass and intimidate Department employees.

9 8. In light of the nature of the information that was requested and Mr. Troupe’s
10 past abuse of the PRA, the Court finds good cause to provide additional permanent injunctive
11 relief. Without this relief, Mr. Troupe would be able to frustrate the Court’s prior orders.

12 9. Additionally, the Court finds the Petitioners have met the requirements for a
13 permanent injunction. They have a clear legal right to relief under RCW 42.56.565, as set
14 forth above. Permanent injunctive relief is necessary to prevent Mr. Troupe from continuing to
15 harass and attempt to intimidate DOC employees with information gained through public
16 disclosure. Without additional permanent injunctive relief, Mr. Troupe would be able to
17 circumvent the Court’s prior orders in this matter. Moreover, Mr. Troupe has continued to use
18 personal information of Department staff to attempt to harass and intimidate DOC employees,
19 and such disclosure would further threaten correctional facility security, as well as the safety of
20 DOC employees and their families.

21 II. CONCLUSIONS OF LAW

22 Based on the above findings, the Court concludes that:

23 1. Petitioners have met the requirements for a permanent injunction. They have
24 shown that they have a clear and legal right to relief under RCW 42.56.565(2) and this Court’s
25 prior orders.

1 2. Mr. Troupe is prohibited from receiving records through Kelli Sawyer in
2 response to the requests submitted by Ms. Sawyer on Mr. Troupe's behalf. This injunction
3 specifically applies to the requests submitted by Kelli Sawyer to the Grays Harbor County
4 Assessor's Office and the DOC. The Grays Harbor Assessor's Office and the DOC have no
5 obligation under the Public Records Act to further respond to the requests;

6 3. Mr. Troupe is prohibited from requesting to inspect, copy, or receive public
7 records pursuant to the PRA from any state or local agency absent prior court approval for the
8 duration of his incarceration. ^{A motion seeking such approval can be brought in any superior} However, this does not prevent Mr. Troupe, two times a year, at
9 least six months apart by date of request from inspecting his own DOC central file under the
10 rules in effect at the time of such request that allow inmates to inspect their own central file.
11 Such a request to review his own personal records, to the extent allowed by any other inmate,
12 may also be made by Mr. Troupe at any time upon a showing of good cause to the DOC. Mr.
13 Troupe is also barred from inspecting, copying, or receiving any records not yet provided to
14 him that are responsive to any and all PRA requests that he has submitted to any state or local
15 agency.

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approval

16 4. Mr. Troupe is prohibited from requesting and soliciting or directing others to
17 request information that he is barred from receiving by this Order and the prior orders;

18 5. All persons who are aware of this order, have been served with this order, or
19 otherwise provided notice of this order, and who violate or assist or participate in the violation
20 of this order may be subject to contempt. Upon the motion of Petitioners or by the Courts'

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1 own initiative, any party found to be in willful violation of this order may be required to appear
2 and show cause why they should not be held in contempt; and


3 6. Petitioners will provide Mr. Troupe with a copy of this Order.

4 DATED this 24th day of October, 2014.

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6 
7 HONORABLE ERIK D. PRICE
8 Thurston County Superior Court Judge

9 Presented by:

10 ROBERT W. FERGUSON
11 Attorney General

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13 TIMOTHY J. FEULNER, WSBA #45396
14 Assistant Attorney General
15 Corrections Division
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1 **CERTIFICATE OF SERVICE**

2 I certify that I served a copy of the foregoing document on all parties or their counsel of
3 record as follows:

- 4 US Mail Postage Prepaid
5 United Parcel Service, Next Day Air
6 ABC/Legal Messenger
7 State Campus Delivery
8 Hand delivered by _____

9 TO:

10 DAVID TROUPE, DOC #765714
11 STAFFORD CREEK CORRECTIONS CENTER
12 191 CONSTANTINE WAY
13 ABERDEEN WA 98520

14 EXECUTED this 5th day of November, 2014, at Olympia, Washington.

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16 TIMOTHY J. FEULNER, WSBA #45396
17 Assistant Attorney General
18 Corrections Division
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