FILED
SUPERIOR COURT
THURSTON COUNTY, WA
2023 MAY 19 AM 10: 35
Linda Myhre Enlow
Thurston County Clerk

☐ No Hearing Set
☑ Hearing is Set
Date: May 19, 2023
Time: 9:00 a.m.
The Honorable Anne E. Egeler

22-2-00820-34
ORGMT 193
Order Granting Motion Petition
14527567

STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT

JAMIE LLOYD WALLIN, Plaintiff, v. WASHINGTON STATE DEPARTMENT OF CORRECTIONS, Defendant.	NO. 22-2-00820-34 ORDER GRANTING PERMANENT INJUNCTION CLERK'S ACTION REQUIRED- CLOSING THE CASE

This Matter came before the Court for hearing on May 19, 2023 on the presentation of the Defendant's proposed order granting a permanent injunction against the Plaintiff. The Court previously granted the Defendant's Motion for Default Judgment in this matter on May 5, 2023. In reaching its decision, the Court considered the pleadings on file in this matter, including Defendant's Brief In Support of Findings of Fact and Conclusions of Law.

I. FINDINGS OF FACT

Based on the arguments of counsel for Defendant, evidence presented by the Defendant, and the pleadings herein, the Court finds:

1. On May 5, 2023, this Court issued and Order granting default judgment to the Department in light of Mr. Wallin's refusal to follow this Court's order requiring him to sit for his deposition. In that Order, the Court struck Mr. Wallin's complaint, deemed his right to file an Answer waived, and deemed the allegations in the Department's counterclaim admitted.

2. Mr. Wallin is currently incarcerated in the Washington State DOC pursuant to a criminal conviction in Snohomish County. Specifically, Mr. Wallin was convicted of two counts

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of first degree child rape and two counts of first degree child molestation. He is serving a sentence of life without the possibility of parole. Mr. Wallin is currently housed at the Washington State Penitentiary in Walla Walla, Washington.

3. Mr. Wallin has submitted requests to the Department for records similar to records in which the Department is engaged in litigation with other inmates.

4. In his Complaint in this matter, paragraph 3.1.7, Mr. Wallin refers to a PRA lawsuit against the Department brought by another incarcerated individual, James Curtis in Thurston County. Wallin claims that a 2019 opinion in that matter held that JPay rejection notices are public records.

5. After learning of the 2019 *Curtis* opinion, Wallin then solicited persons outside of prison to send him sexually explicit emessages through JPay in order to have them rejected by prison authorities. He did this to receive JPay rejection notices, which he then could request in public records requests for the purpose of harassing the Department and for profit through PRA litigation. At least some of the emessages rejection notices at issue in this litigation were received by Mr. Wallin because they referenced sexually explicit images sent to Wallin through JPay.

6. According to his own Complaint in this matter, Mr. Wallin was notified of the Department's decision to restrict him from possessing twenty-six incoming emessages when he was sent twenty-six JPay emessage rejection notices though the JPay system on August 13, 2020, September 11, 2020, and December 13, 2020. He then requested those same twenty-six JPay emessage rejection notices though the PRA on January 4, 2021. This request was assigned the tracking number P-17936 by the Department. Mr. Wallin knew on January 4, 2021, when he made his PRA request, that he had already received the records he was requesting. Because Mr. Wallin requested records he already possessed in P-17936, his request could serve no legitimate purpose. Mr. Wallin's request was intended to set up the Department for a lawsuit for the purpose of financial gain.

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7. Mr. Wallin also requested records showing the last purchase of prefranked envelopes by the DOC from the United States Postal Service (USPS) under P-17936. The Department disclosed the records to him but redacted USPS customer id numbers. These customer id numbers, called Customer Registration Identification numbers (CRID), are a USPS-generated numeric code of up to 15 digits that uniquely identifies a business or agency at a specific location. Customers must have a CRID assigned to their business or agency location to be able to conduct business electronically with the USPS. The disclosure of these CRID numbers could be used to facilitate the fraudulent purchase of postal service products, and may, therefore, assist in the commission of criminal activity.

8. Mr. Wallin was also notified of the Department's decision to restrict him from possessing eight incoming emessages when he was sent eight JPay emessage rejection notices through the JPay system on July 22, 2021. He then requested those same eight emessage rejection notices though the PRA on July 27, 2021. This request was assigned the tracking number P-22455 by the Department. Mr. Wallin knew on July 27, 2021, when he made his PRA request, that he had already received the records he was requesting.

9. Because Mr. Wallin requested records he already possessed in P-22455, his request could serve no legitimate purpose. Wallin's request was intended to set up the Department for a lawsuit for the purpose of financial gain.

10. Mr. Wallin's requests for records under PRU-17936 and P-22455 were made to harass and intimidate the Department; threaten the security of the Department's facilities; and to facilitate potential criminal activity. The fulfillment of Mr. Wallin's requests for records would encourage more harassment of the Department and undermine the safety and security of the Department's facilities.

11. Mr. Wallin's harassment of public agencies through abuse of the PRA is not limited to the two requests which form the basis of his lawsuit against the Department in this matter. Mr. Wallin is engaged in a scheme wherein he makes public records requests for records

from the Department and other public agencies that he either already has or that he does not need for any legitimate purpose. As part of his scheme, Mr. Wallin requests records that are controversial or documents whose status is unclear under the law in order to set up agencies for lawsuits. He then sues these agencies, including the Department, with the intent of making a profit at taxpayer expense for the purpose of giving or lending money to his family members. This conduct amounts to harassment of these agencies, including the Department.

12. As part of his scheme, Mr. Wallin recruited and retained administrative assistants outside of the prison to help him review and store documents produced in public records requests; to assist him with his litigation activities; and to open a checking account for Mr. Wallin, wherein he could deposit the profits from his PRA lawsuits. Mr. Wallin drafted a contract to govern his business relationship with his assistants and their participation in his scheme.

13. In addition to the JPay rejection notices Mr. Wallin requested for no legitimate purpose in this matter, his previous public records requests and lawsuits confirm his ongoing intent to set up agencies for lawsuits by requesting records for no legitimate purpose. For instance, in March of 2020, Mr. Wallin filed a lawsuit against the Department, in part, based on the Department's response to a public records request the Department identified as P-1994. Mr. Wallin admitted in his own Complaint in that matter, Thurston County Superior Court Cause No. 20-2-01321-34, that P-1994 was a request for:

> (1) all Sex Offender Treatment Program (SOTP) records of persons who participated in the SOTP and its aftercare program at the Washington Corrections Center for Women (WCCW) from the period of January 1, 2003 through December 31, 2017; and (2) the curriculum vitae of each licensed provider who provided services to persons participating in the SOTP program.

Mr. Wallin had no legitimate purpose for requesting records of sex offender treatment for female patients in a female prison. By making this request, he hoped to raise a novel issue and reap a windfall in daily penalties under the PRA at taxpayer expense.

14. In another example, Mr. Wallin filed a lawsuit in 2018 against the City of Everett over their response to his public records request for, among other items, seized video recordings,

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FBI surveillance videos, color photographs, and any printed screen shots of security surveillance videos and FBI surveillance videos related to the Everett Police Department's investigation of coffee stands that were staffed by scantily clad women and girls. By making this request, Mr. Wallin again hoped to raise a controversial or novel issue by requesting records without a legitimate purpose in order set up a lawsuit against the City under the PRA and achieve financial gain.

15. Based on these examples, Mr. Wallin has established a pattern of harassing the Department and other public agencies by making public records requests and filing subsequent lawsuits for the purpose of financial gain. This conduct amounts to harassment and abuse of the PRA.

II. CONCLUSIONS OF LAW

Based on the above findings, the Court concludes that:

1. An inmate harasses an agency for purposes of RCW 42.56.565(2)(c)(i) when they make burdensome requests for the purposes of financial gain.

2. Because RCW 42.56.565(2)(c) is a specialized injunction statute, the provisions of RCW 42.56.565(2)(c) supersede the general injunction standard. The Department is entitled to an injunction under that statute once it has shown that Mr. Wallin has requested records to harass the Department.

3. RCW 42.56.565(3) allows the Court to consider a range of factors to determine whether an incarcerated requester has submitted requests to harass an agency. These factors include (1) other requests by the requester; (2) the type of record or records sought; (3) statements offered by the requester concerning the purpose for the request; (4) whether disclosure of the requested records would likely harm any person or vital government interest; (5) whether the request seeks a significant and burdensome number of documents; and (6) the impact of disclosure on correctional facility security and order, the safety or security of correctional facility staff, inmates, or others, and (7) the deterrence of criminal activity. The Court has considered

these factors. The Court has placed particular weight on Wallin's ten-year pattern of making requests to raise novel issues in order to make a predicate for filing lawsuits for financial gain.

4. The Defendant has met the requirements for a permanent injunction under RCW 42.56.565(2)(c)(i), (ii), and (iv).

5. Given Mr. Wallin's past and ongoing use of the PRA to harass and intimidate multiple agencies, including DOC and its employees, it is necessary and appropriate to issue a permanent injunction to prevent Mr. Wallin's ongoing and persistent abuse of the PRA. The injunction will bar Mr. Wallin from making any request to the Department or any other agency for the duration of his incarceration, subject to the exceptions outlined below. This injunction is necessary and appropriate to prevent Mr. Wallin from continuing to use the PRA to harass the Department and other agencies.

III. PERMANENT INJUNCTION

Based on the above findings, it is hereby **ORDERED:**

1. Mr. Wallin is enjoined from inspection or copying of the Public Records Requests that form the basis of his Complaint in this matter, including P-17936 and P-22455;

2. Mr. Wallin is prohibited from requesting to inspect, copy, or receive public records pursuant to the PRA from the Department and other agencies within the meaning of RCW 42.56.010(1) for the duration of his incarceration absent prior approval from the court. However, this injunction does not prevent Mr. Wallin one time per year from inspecting his own DOC central file under the rules in effect at the time of such request that allow inmates to inspect their own central file;

3. Mr. Wallin is prohibited from receiving any records to any public records requests submitted by him to the Department or any other agency within the meaning of RCW 42.56.010(1), including requests that he has previously submitted to the Department or to other agencies. The Department and other agencies have no obligation to respond to any of Mr. Wallin's pending public records requests;

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4. Mr. Wallin is prohibited from requesting and soliciting or directing others to request information that he is barred from receiving under this order;

5. All persons who are aware of this order, have been served with this order, or otherwise provided notice of this order, and who violate or assist or participate in the violation of this order may be subject to contempt. Upon the motion of Defendant or by the Courts' own initiative, any party found to be in willful violation of this order may be required to appear and show cause why they should not be held in contempt;

5. After ten years from the date of this Order, Plaintiff Jamie Wallin may file a motion requesting a hearing to lift the injunction. The Court may or may not grant such a hearing, depending on what facts are established at that time. Mr. Wallin will have the burden to show that more likely than not the injunction should be lifted and that a hearing should be held for that purpose. If such a hearing is granted, Mr. Wallin also has the burden to show that more likely than not the facts no longer support the injunction; and

6. Defendant's counsel will provide Wallin with a copy of this Order.

DATED this 11th day of May, 2023.

THE HONORABLE ANNE E. EGELER
Thurston County Superior Court Judge

Presented by:

ROBERT W. FERGUSON
Attorney General

AARON WILLIAMS, WSBA #46044
Assistant Attorney General
Corrections Division

CERTIFICATE OF SERVICE

I certify that on the date below I served a copy of the ORDER GRANTING PERMANENT INJUNCTION on all parties or their counsel of record as follows:

- [x] US Mail Postage Prepaid
- [ ] United Parcel Service, Next Day Air
- [ ] ABC/Legal Messenger
- [ ] State Campus Delivery
- [ ] Hand delivered by _____

TO:

JAMIE LLOYD WALLIN, DOC #729164
WASHINGTON STATE PENITENTIARY
1313 NORTH 13TH AVENUE
WALLA WALLA, WA 99362

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

EXECUTED this 22nd day of May, 2023, at Olympia, Washington.

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