



LEGAL UPDATE

**FALL CONFERENCE
OCTOBER 16, 2025**

This case law review includes decisions issued from May 19, 2025, through October 9, 2025. Several unpublished appellate decisions are summarized for this presentation. While they may not be cited as precedent, they are nonetheless instructive.

DISCLAIMER

This presentation is educational only and is not legal advice or a legal opinion. The PRA changes over time. Later court decisions or changes in statutes can impact these decisions and an agency's obligations.

TALK WITH YOUR AGENCY'S LEGAL ADVISOR.

Agenda

Introductions and Housekeeping

Case Law Review

Model Rules Update

Final Tips, Takeaways &
Questions

CASE LAW



Hood v. City of Langley

Unpublished, Decided October 6, 2025

- Consistent with the PRA's strongly worded mandate for disclosure, a request's interpretation cannot be narrower than its actual wording or plain language.
- If ambiguity remains after applying a broad interpretation, an agency must seek clarification from the requestor.
- A search for records is framed by the request's scope; an agency is not required to search for records outside of this scope.

Rodriguez v. Walla Walla

Unpublished, Decided September 23, 2025

- Responsive records to a request are framed by the request's scope based on its actual wording or plain language.
- RCW 42.56.240(1)'s categorical exemption for an active and ongoing investigation cannot be rejuvenated. It lapses once an arrest is made or charges filed. After this time a record-by-record analysis is required.

Methow Valley Citizens Council v. Okanogan County

Unpublished, Decided August 19, 2025

- Attorney-Client privilege is a PRA exemption. RCW 42.56.070, RCW 5.60.060(2). It protects confidential communication between attorney and client for the purpose of obtaining or providing legal advice.
- Records created in the regular course of business to ensure legal compliance may not be protected.
- Disclosure of protected information, such as citing content in public may waive the privilege.

Hood v. City of Langley

Unpublished, Decided July 21, 2025

- Hood received notice from the City of the required fee for records production. The City timely addressed concerns when it was on notice that there may be issues with email communications with Hood. Hood was found to have abandoned the request.
- Pro-se litigants are bound by the same rules of procedures and substantive law as a licensed attorney.
- A Motions to Vacate under CR 60 is an extraordinary remedy requiring more than assertions of diligence to support why key evidence could not have been available for trial.

Eddins v. Asotin County

Unpublished, Decided July 17, 2025

- RAP 3.1 limits appellate review to an aggrieved party.
- Standing prevents or limits a party from raising another person's rights.
- Eddins fails to demonstrate that the injunction's application to others has any adverse effect on his rights or interests.

Citizen Action Defense Fund v. State

__ Wn.2d __, 570 P.3d 694 (2025)

- RCW 42.56.280's deliberative process exemption requires [1] that the records contain pre-decisional opinions or recommendations of subordinates expressed as part of a deliberative process; [2] that disclosure would be injurious to the deliberative or consultative function of the process; [3] that disclosure would inhibit the flow of recommendations, observations, and opinions; and finally, [4] that the materials covered by the exemption reflect policy recommendations and opinions and not the raw factual data on which a decision is based.
- The deliberative process ends when the proposals that resulted from the collective bargaining process are implemented. Under the unique statutory framework and collective bargaining between the State of Washington and state employee unions, this occurs with the legislature's approval or rejection of the request for funding. RCW 41.80.010(3)

Noyola v. Washington State Department of Corrections

Unpublished, Decided June 24, 2025

- An agency does not violate the PRA by failing to produce documents unresponsive to a PRA request.
- When the trial court does not take live testimony or conduct an evidentiary review, appellate review of an injunction under RCW 42.56.565 is de-novo.

Noyola v. Washington State Department of Corrections

Unpublished, Decided June 24, 2025

- RCW 42.56.565 authorizes an injunction based on three broad categories including harassment of the agency, a threat to the safety or security of anyone, or assistance in criminal activity. The requesting party has the burden of proof.
- Noyola was not denied due process when the superior court ordered him to appear for a deposition. Under CR 30(a) a court may grant leave to depose a party with or without notice. He violated CR 30(h)(3) by his conduct including refusal to answer questions. A party cannot unilaterally limit the scope of his deposition. The trial court did not abuse its discretion in imposing sanctions.

Doe v. Thurston County

__ Wn.2d __, 569 P.3d 1101 (2025)

- Originally allowing plaintiffs to proceed in pseudonym is assessed at the time of filing based on GR 15 and Ishikawa factors.
- At the post-dismissal stage plaintiffs must also satisfy GR 15 and Ishikawa factors. Here the trial court abused its discretion. Over the course of this litigation, these preliminary findings allowing the Does to bring their action in pseudonym lost their force as asserted exemptions were found not to apply. The arguments in favor of protection are based on fears of retaliation due to their registered offender status and not participation in the PRA action.

Hood v. Stevens County

Unpublished, Decided June 3, 2025

- In closing a request, agencies must provide a definitive response to start the PRA's one year statute of limitations with three key components:
 - (1) How the PRA request was fulfilled and why the agency is now closing the request,
 - (2) That the PRA's one-year statute of limitations to seek judicial review has started to run because the agency does not intend to further address the request, and
 - (3) That the requester may ask follow-up questions within a reasonable time frame, which may be specified by the agency.
- Agencies must respond to timely follow up questions from a requester.
- The County's additional search and production of hard copy records likely re-set the Statute of Limitations.

Sundean v. Town of Wilbur

Unpublished, Decided June 3, 2025

- Agencies must adhere to the PRA's procedural requirements, i.e. sending five-day letters which must include an anticipated records production date.
- Agencies must be able to demonstrate PRA compliance, in this case there was uncertainty when records were produced.
- Wilbur was not denied due process. Pleadings put Wilbur on notice of the claims with the trial court inviting briefing after the trial on key issues.
- Requesters must identify documents with reasonable clarity to allow the agency to locate them; agencies are not required to be mind readers. In this case, a very specific record as described by statute, but it did not exist.

Neal v. City of Bainbridge Island

9th Cir. Ct. of Appeals, Unreported, Decided July 15, 2025

- The PRA requires agencies “make a sincere and adequate search for records” when requested, but agencies are not required to “create or produce a record that is nonexistent.
- The City met its burden of showing an adequate search for the records. Declarations establish that the Recordings and Trash folders of the City’s Zoom account were the only locations the videos could reasonably be found. Recordings were not in either location on the day of Plaintiff’s request.

MODEL RULES

Follow
the
Rules



MODEL RULES RULEMAKING ACTIVITY

DOCKET - PENDING PROCEEDINGS
MODEL RULES ON PUBLIC DISCLOSURE
2024-2025 ACTIVITY: CR-102

- FILED CR 102 FORM WITH NOTICE OF HEARING ON 11/6/25
- FILED PROPOSED RULES
- INVITATION FOR FORMAL PUBLIC COMMENT BY 11/17/25
- AGO PRESS RELEASE ON CR 102 FILING
SEND COMMENTS TO:
AGORULEMAKING@ATG.WA.GOV

FINAL TIPS, TAKEAWAYS & QUESTIONS

