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RE: Public Records Request - PAO / Judge Communication - Challenge to Redactions

From: **Christopher Hupy** (amakirkland@hotmail.com)
Sent: Fri 5/08/15 7:16 PM
To: Monique Cohen / KCPAO PDO (monique.cohen@kingcounty.gov)

Per the Washington Public records Act, as codified in RCW 42.56 this is a challenge to the agencies claimed redaction's made on all documents which included Paul Sherfey. Sherfey is not a party to my present lawsuit he was willfully and knowingly placed a third party on to communications between defendants and their (possible) counsel, an action which is best described as criminal witness tampering, these communications by actions of the parties involved have waived any claim to privilege (attorney-client and/or work product).

The claim that these documents are not available under civil rules of discovery all fails, in fact they are disclosable because of the preexisting waiver evidenced by the third party inclusion. Sherfey is not a named defendant nor is the entire agency named in the lawsuit hence there can be no claim of any type of agency umbrella privilege.

I have gone far and above what is required under the law to defend my challenge to the improper PRA responsive document redaction's.

Electronic communications and delivery is request and preferred.

Christopher J. Hupy
Everett, WA 98206

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From: Monique.Cohen@kingcounty.gov
To: amakirkland@hotmail.com
Subject: Public Records Request - PAO / Judge Communication
Date: Fri, 8 May 2015 22:23:30 +0000

Mr. Hupy,

Thank you for your public records request. We have located 45 pages of material responsive to your request for records of communication between certain PAO employees and any Judge or court employee during the time period of March 1, 2015 – April 6, 2015. We have electronically attached the responsive material to this e-mail. From these materials we have redacted attorney work product and attorney client communication. Two voicemails have also been withheld in their entirety as attorney client communication. A formal coded exemption log noting the redactions/ withheld material and reasons therefore is also attached electronically.

This completes your request. Thank you for your time.

Kind regards,

Monique Cohen | Deputy Prosecuting Attorney

Public Records Officer

King County Prosecuting Attorney's Office | Civil Division

W400 King County Courthouse

516 Third Avenue | Seattle, WA 98104-2338

Work: (206) 477-6249 | Fax: (206) 296-0191

Email: monique.cohen@kingcounty.gov

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From: Christopher Hupy [mailto:amakirkland@hotmail.com]

Sent: Tuesday, April 07, 2015 12:19 PM

To: Cohen, Monique

Subject: RE: Public Records Request

Ms. Cohen,

I am in agreement with the amendments noted below.

Christopher J. Hupy
Everett, WA 98206

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From: Monique.Cohen@kingcounty.gov
To: amakirkland@hotmail.com
Subject: RE: Public Records Request
Date: Mon, 6 Apr 2015 22:06:23 +0000

Mr. Hupy,

Thank you for taking our phone call today to discuss your March 27, 2015 public records request. Based on our conversation it is our understanding that you are interested in any communication from certain Prosecuting Attorney's Office employees (See list of PAO employees below) and any Judge or court employee during the time period March 1, 2015 – April 6, 2015 relating to the following people and cases:

Christopher Hupy

Thomas Haggerty

Haggerty v. Phasavoth, King County Superior Court cause number 14-3-06850-0.

Haggerty v. Craighead, Robinson, Berns, and Smith, Snohomish County Superior Court cause number 15-2-03021-1.

List of PAO employees: Kevin Wright, Tom Kuffel, John Zeldenrust*, Mark Larson, Erin Ehlert, Dan Clark, Dan Satterberg. (Note: we added Mr. Zeldenrust to this list after our phone call because he is assigned to represent Judges Craighead, Robinson, Berns, Smith in Snohomish County Superior Court cause number 15-2-03021-1).

Please let me know if this accurately reflects what you are looking for. If so, we will replace your March 27, 2015, request with this clarified request. Thanks again for your flexibility.

Kind regards,

Monique Cohen | Deputy Prosecuting Attorney

Public Records Officer

King County Prosecuting Attorney's Office | Civil Division

W400 King County Courthouse

516 Third Avenue | Seattle, WA 98104-2338

Work: (206) 477-6249 | Fax: (206) 296-0191

Email: monique.cohen@kingcounty.gov

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From: Cohen, Monique
Sent: Thursday, April 02, 2015 3:38 PM
To: 'Christopher Hupy'
Cc: Johnson, Kristie
Subject: RE: Public Records Request

Mr. Hupy,

Thank you for your public records request, which we received by email on March 27, 2015. We have begun the process of identifying, gathering and reviewing the records you have requested. As soon as we have identified and reviewed all documents we have that are responsive to your request, we will contact you again by letter informing you of the fee for copying and mailing the documents. The fee is charged pursuant to RCW 42.56.070(8) & RCW 42.56.120.

I expect to be able to contact you again with further information on your request by approximately

May 8, 2015. Should these documents become available sooner, I will let you know.

Kind regards,

Monique Cohen | Deputy Prosecuting Attorney

Public Records Officer

King County Prosecuting Attorney's Office | Civil Division

W400 King County Courthouse

516 Third Avenue | Seattle, WA 98104-2338

Work: (206) 477-6249 | Fax: (206) 296-0191

Email: monique.cohen@kingcounty.gov

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From: Cohen, Monique
Sent: Friday, March 27, 2015 5:11 PM
To: 'Christopher Hupy'
Cc: Johnson, Kristie
Subject: RE: Public Records Request

Thank you for your request. We will get back to you by April 3 with either responsive material or a timing update.

Kind regards,

Monique Cohen | Deputy Prosecuting Attorney

Public Records Officer

King County Prosecuting Attorney's Office | Civil Division

W400 King County Courthouse

516 Third Avenue | Seattle, WA 98104-2338

Work: (206) 477-6249 | Fax: (206) 296-0191

Email: monique.cohen@kingcounty.gov

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From: Christopher Hupy [<mailto:amakirkland@hotmail.com>]
Sent: Friday, March 27, 2015 4:03 PM
To: Rogers, Ethan
Cc: Cohen, Monique; Johnson, Kristie
Subject: RE: Public Records Request

Thank you, I will update my records to reflect such.

Thanks

Christopher J. Hupy
Everett, WA 98206

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From: Ethan.Rogers@kingcounty.gov
To: amakirkland@hotmail.com
CC: Monique.Cohen@kingcounty.gov; Kristie.Johnson@kingcounty.gov
Subject: RE: Public Records Request
Date: Fri, 27 Mar 2015 22:55:45 +0000

We have transitioned the Public Records Officer position for the King County Prosecuting Attorney's Office and I am no longer working on public records requests. I have CC'ed Monique Cohen and Kristie Johnson, who are.

Sincerely,

Ethan Rogers

D.P.A.

From: Christopher Hupy [<mailto:amakirkland@hotmail.com>]

Sent: Friday, March 27, 2015 3:51 PM

To: Rogers, Ethan

Subject: Public Records Request

Please provide the following documents per the Washington Public Records Act, as codified in RCW 42.56-

1. Provide all documents sent to any Judge or Judicial Department employee and/or officer of King County Superior Court or received from the same by any employee and/or deputy and/or the Prosecuting attorney starting from 12:01 A.M. 3-26-15 until production of this record request. To include but not limited to all electronic messages (sent and/or received and/or deleted), handwritten documents, electronically processed documents, voice mails, memorandum(s), any and all documents.

2. Any and all documents which by name of reference mention the following names: Karma Zaike, Michael (Mike) Bugni, Erika Reichley, and/or mike@lawgate.com, karma@lawgate.com, erika@lawgate.com. Starting from 3-23-15 until production of this request.

3. Any and all documents sent and/or received and/or deleted which mention or reference the following Lori-kay.smith@kingcounty.gov starting

from 3-01-15 until production of this record request.

4. Any and all documents which reference KCSC cause number 14-3-06850-0 starting from 10-13-14 until today.

Please provide all future communications and responsive documents in electronic format and via electronic delivery (email and pdf)

Christopher J. Hupy
PO Box 12655

Everett, WA 98206

(503) 931-4991

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