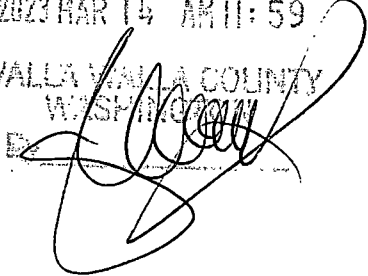


FILED
KATHY MARTIN
COUNTY CLERK

2023 MAR 14 AM 11:59

WALLA WALLA COUNTY
WASHINGTON



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**STATE OF WASHINGTON
WALLA WALLA COUNTY SUPERIOR COURT**

WASHINGTON STATE
DEPARTMENT OF CORRECTIONS,

Petitioner,

v.

ROBERT JESSE HILL,

Respondent.

NO. 22-2-00066-36

**ORDER GRANTING PETITIONER'S
MOTION FOR A PERMANENT
INJUNCTION**

This matter came before the Court on Petitioner's motion for a permanent injunction on March 13, 2023. In reaching its decision, the Court considered the Petitioner's motion for a permanent injunction, the Declaration of Counsel, the Declaration of Christopher Pinza, and the Declaration of Shari Hall, as well as the remaining court file. The Court also heard oral arguments of Petitioner's counsel and Respondent.

I. FINDINGS OF FACT

Based on the arguments of counsel for Petitioner and Respondent and the evidence presented by the parties, the Court finds the following facts by a preponderance of the evidence:

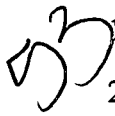
1. Respondent Robert Jesse Hill is currently in the custody of the Washington State Department of Corrections pursuant to two felony judgment and sentences. At the time that he submitted the public records request at issue in this case, Mr. Hill was housed at the Washington State Penitentiary.

22-2-00066-36
ORGMT 53
Order Granting Motion Petition
14123073



**ORDER GRANTING PETITIONER'S
MOTION FOR A PERMANENT
INJUNCTION
NO. 22-2-00066-36**

ATTORNEY GENERAL OF WASHINGTON
Corrections Division
PO Box 40116
Olympia, WA 98504-0116
(360) 586-1445



1 2. Mr. Hill has a lengthy criminal history. This criminal history includes a number
2 of misdemeanors as well as violent crimes.

3 3. Mr. Hill has a lengthy history of harassing individuals, including government
4 officials. This history includes repeatedly contacting individuals in a hostile manner and using
5 the Public Records Act (PRA) to harass individuals. Mr. Hill has been the subject of multiple
6 restraining orders.

7 4. Mr. Hill also has a history of using the PRA to target government officials and
8 private citizens. Mr. Hill previously sought personnel information about employees in Tacoma
9 and Fife. Mr. Hill withdrew his request after being sued by unions on behalf of their member
10 employees. Mr. Hill also requested information about exotic dancers from Pierce County and
11 Kitsap County. A class of exotic dancers successfully obtained a permanent injunction
12 preventing the release of records to Mr. Hill in response to one of these requests.

13 5. In November 2021, a Thurston County superior court entered a permanent
14 injunction against Respondent Robert Jesse Hill in an action brought by the Office of the
15 Governor against Mr. Hill. That case involved a request for contact information of an employee
16 of the Governor's Office. The Thurston County court concluded that the request was made to
17 harass and intimidate the Governor's Office, its employees, and other individuals.

18 6. In January 2022, Walla Walla County received a public records request from
19 Robert Jesse Hill. This request sought information about the addresses of parcels of any taxpayer
20 with the last name of "Pinza."

21 7. Corrections Officer Christopher Pinza works for the Washington State
22 Department of Corrections at the Washington State Penitentiary. Mr. Hill has previously made
23 threats toward Corrections Officer Pinza and his family. The records gathered by Walla Walla
24 County contain information about one of Officer Pinza's family members.

25 8. The request to Walla Walla County was made to harass and intimidate the
26 Department of Corrections, its employees, and other members of the community. Release of this

1 information to Mr. Hill would likely threaten the safety and security of those individuals who
2 are identified in the records.

3 9. Mr. Hill has a pattern of harassing government officials and their families.
4 Injunction relief that is broader than enjoinder of the specific request that precipitated this case
5 is appropriate based on this pattern of behavior.

6 II. CONCLUSIONS OF LAW

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

8 1. RCW 42.56.565 authorizes a Court to enjoin PRA requests for non-exempt
9 records when made by a person serving a felony sentence in a state correctional facility if the
10 Court finds by a preponderance of the evidence that (1) the requests were made to harass or
11 intimidate the agency or its employees; (2) fulfilling the requests would likely threaten the
12 security of correctional facilities; (3) fulfilling the requests would likely threaten the safety or
13 security of staff, inmates, family members of staff, family members of other inmates, or any
14 other person; or (4) fulfilling the requests may assist criminal activity.

15 2. In determining whether any of the above elements are met, the court may consider
16 the following non-exclusive factors (1) other requests by the requestor; (2) the type of records
17 sought; (3) statements from the requestor concerning the purpose of the request; (4) whether
18 disclosure would harm any person or vital government interest; (5) whether the request seeks a
19 significant or burdensome number of documents; (6) the impact of disclosure on the safety,
20 security, and order of correctional facilities, staff, inmates, and others; and (7) the deterrence of
21 criminal activity.

22 3. Petitioner has met the requirements for a permanent injunction. It has shown that
23 it has a right to relief under RCW 42.56.565(2). Petitioner has demonstrated that it is entitled to
24 an injunction under RCW 42.56.565(2)(c)(i) and/or (c)(iii) against Mr. Hill. Each ground is
25 independently sufficient to justify permanent injunctive relief pursuant to RCW 42.56.565;
26

1 4. The Department has shown that Respondent's request to Walla Walla County was
2 made to harass and/or intimidate the Department and its employees.

3 5. The Department has shown that Respondent's request, if fulfilled, would threaten
4 the safety and security of the Department's employees and their families.

5 6. Petitioner has demonstrated that a permanent injunction is necessary to prevent
6 irreparable injury.

7 7. The standard in *Tyler Pipe Industries, Inc. v. State Department of Revenue*, 96
8 Wn.2d 785, 792, 638 P.2d 1213 (1982), has been superseded by the more specific injunction
9 provision in RCW 42.56.565(2)-(5). As such, the Court does not need to evaluate the motion
10 under *Tyler Pipe*. However, even if *Tyler Pipe* did apply this case, Petitioner would still be
11 entitled to an injunction under that standard. Petitioner has a clear legal right under RCW
12 42.56.565. Petitioner has also demonstrated that it has a well-grounded fear of an immediate
13 invasion of that right based on the release of records to Mr. Hill;

14 8. Petitioner has demonstrated that the release of these records to Mr. Hill will result
15 in actual and substantial injury and will cause irreparable harm;

16 9. The equities and public interest favor granting injunctive relief; and

17 10. Given Mr. Hill's ongoing use of the PRA to harass and intimidate the Department
18 of Corrections, its employees, and the families of Department staff, it is necessary and
19 appropriate to issue a permanent injunction to prevent Mr. Hill from using the PRA for such
20 harassment.

21 11 Additionally, the Court finds that enjoinder of future requests for personal
22 information about Department staff and their families is necessary, appropriate, and reasonable
23 under RCW 42.56.565(4)(a) & (b) based on the record presented in this case and Mr. Hill's
24 history of harassment and abuse of the PRA.

25 ///

26 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

III. PERMANENT INJUNCTION

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

- 1. Mr. Hill is prohibited from receiving records in response to his January 2022 request for parcel information for taxpayers with the last name of "Pinza." The County has no further obligation to respond to Respondent's public records request;
- 2. Mr. Hill is prohibited from making a new request to Walla Walla County or any other state or local government for the same or similar information;
- 3. Mr. Hill is also prohibited from requesting personal information about current or former Department employees and their families from any state or local agency. For purposes of this prohibition, personal information shall be defined including but not be limited to employee photographs, dates of birth, residential addresses, personal telephone and cell numbers, personal email addresses, and information disclosing the identity of or relating to Department employees or family members of Department staff. The prohibition specifically applies to requests to any County for property information about current or former Department employees and their families. In the event that an agency receives a request for personal information of multiple individuals and a Department staff member or family member is contained on that list, this injunction applies and prevents the release of any or all records in response to such a request;
- 4. Mr. Hill 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 Petitioner or by the Court's 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; and

///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

6. Petitioner's counsel will provide Mr. Hill with a copy of this Order.

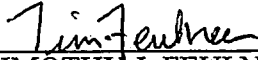
DATED this 14 day of March, 2023.



THE HONORABLE M. SCOTT WOLFRAM
Walla Walla County Superior Court Judge

Presented by:

ROBERT W. FERGUSON
Attorney General



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


CERTIFICATE OF SERVICE

I hereby certify that on the date below, I caused the ORDER GRANTING PETITIONER'S MOTION FOR A PERMANENT INJUNCTION to be filed with the Clerk of the Court. I certify that I mailed by United States Postal Service the document to the following:

ROBERT JESSE HILL DOC #359440
WASHINGTON STATE PETITNETIARY
1313 NORTH 13TH AVENUE
WALLA WALLA WA 99362

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED this 8th day of March, 2023, at Olympia, Washington.



AMY JONES
Legal Assistant 3
Corrections Division
P.O. Box 40116
Olympia, WA 98504-0116
(360) 586-1445
Amy.Jones@atg.wa.gov