

The Honorable G Helen Whitener
Hearing Date: July 27th, 2018

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR PIERCE COUNTY

ARTHUR C. BANKS, an individual, TONEY
MONTGOMERY, an individual, WHITNEY
BRADY an individual,

No. 16-2-05416-7

Plaintiffs,

v.

**PLAINTIFFS’ MOTION FOR
RECONSIDERATION / CLARIFICATION**

CITY OF TACOMA, a municipal corporation,

Defendant.

Plaintiffs respectfully request that the Court rule on Plaintiffs’ request to require the City of Tacoma to conduct further searches for responsive records to remedy the inadequacy of its search. The Court Decision dated June 25, 2018 discusses in detail the inadequacy of the Defendants’ search, but does not address Plaintiffs’ specific request for further searches, and we ask that the Court address that request now.

Plaintiffs’ request for a further remedial search and all briefing on this issue have been previously submitted by the parties. *See* Plaintiffs’ Brief in Support of Proposed Order on Cross Motions for Summary Judgment and for Penalties, Fees, and Costs filed May 2, 2018, at page 4, line 10 through page 11, line 7, and page 12, lines 14-15; Defendants’ Response to Plaintiffs’

1 Request for Penalties and Fees dated May 18, 2018 at page 14, line 16 through page 17, line 18;
2 and Plaintiffs' Reply Brief in Support of Proposed Order on Cross Motions for Summary
3 Judgment and for Penalties, Fees, and Costs dated May 22, 2018 at page 7, line 5 through page
4 11, line 15, and page 13, lines 22-24.

5 There is no need for further briefing or argument. Plaintiffs simply ask, based on the
6 record and arguments previously submitted and this Court's holding in the June 25 Court
7 Decision that the PRA search was inadequate, for a ruling on our request that the Court order
8 further searches to remedy the inadequacy of the City's search.
9

10 Respectfully submitted this 3rd day of July, 2018.

11 By:

12 /s/John Midgley

13 John Midgley, WSBA #6511

14 Lisa Nowlin, WSBA #51512

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CERTIFICATE OF SERVICE

I, Kaya McRuer, am a legal assistant for the American Civil Liberties Union of Washington Foundation, 901 Fifth Avenue, Suite 630, Seattle, WA 98164. I hereby certify that on the date indicated below, I caused to be served via the LINX e-service system and e-mail a true and correct copy of the *Plaintiffs’ Motion for Reconsideration / Clarification* and the attached *Proposed Order* on the following:

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

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DATED this 3rd day of July, 2018 at Seattle, Washington.


Kaya McRuer
Legal Assistant