

FILED
OCT 25 2019
KIMBERLY A. ALLEN
GRANT COUNTY CLERK
SHEA LARKIN

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
COUNTY OF GRANT

DUSTIN G. ABRAMS,
Plaintiffs,

v.

GRANT COUNTY,
Defendant.

v.

TRINITY SHELTON,
MICHAEL PERRY,
JASON MCILWAIN,
Third Party Defendants.

No. 19-2-00386-13

~~PROPOSED~~ FINDINGS OF FACT
AND CONCLUSIONS OF LAW AND
ORDER GRANTING
INJUNCTION PURSUANT TO RCW
42.56.565 AND FINDING OF
FRIVOLOUS AND MALICIOUS LAW
SUIT

This matter came before the Court June 28, 2019 on Defendant Grant County's application for an injunction providing the following relief:

1. Prohibit the filing of further public records requests with Grant County by Plaintiff Abrams and Third Party Defendants McIlwain and Perry for five years.
2. Prohibit Third Party Defendant Shelton from filing further public records requests with Grant County in conjunction with or at the direction of Plaintiff Abrams and Third Party Defendants McIlwain and Perry for five

years.

3. Authorize Grant County to disregard any currently-filed public records requests of Plaintiff Abrams and Third Party Defendants McIlwain, Perry, and Shelton.
4. The State also sought a decision from the Court that Mr. Abram's Lawsuit was frivolous and/or malicious.

The Court did/ did not hear oral argument.

The Court considered the following evidence:

1. The following exhibits, filed as attachments to the County's motion for injunction:
 - a. Judgements and sentences of Michael Scott Perry, Dustin Abrams, and Jason McIlwain;
 - b. Complaints in Grant County Cause numbers 19-2-00386-13, 19-2-00387-13, Kittitas County Cause numbers 19-2-00012-19, 19-2-00013-19, 19-2-00020-19, 19-2-00010-19 and 19-2-00011-19;
 - c. Declaration of Jodi Zimbelman and attachment thereto;
 - d. Memorandums re: Telephonic Conference and Settlement Offer from Michael Perry and Dustin Abrams; and
 - e. Declaration of Laura Hewitt
 - f. Deposition of Trinity Shelton
 - g. List of cases filed by Dustin Abrams in the State of Washington
2. The pleadings in this case and their attachments, including, but not limited to:
 - a. Answer to Defendant's counterclaims and Plaintiff Abrams' counterclaim to

defendant Grant County.

- b. Requests for accommodation pursuant to the Disabilities and Rehabilitation act for Third Party Defendants McIlwain, Shelton, and Perry.
- c. Plaintiff's reply to Defendant's motion to join for just adjudication, Defendant's motion to show cause and Third Party Defendant's reply.
- d. Plaintiff and Third Party Defendant's Reply to Defendant Grant County's Motion for Summary Judgment and to Stay Discovery.
- e. Affidavit of prejudice filed by Trinity Shelton
- f. Affidavit of prejudice filed by Jason McIlwain
- h. Plaintiff's reply to defendant Grant County's motion for injunction and objections.

i. *Order on Third Party defendants notice of disqualification* ^{YM}
After considering the evidence and pleadings of the parties, and hearing argument, *filed*

the Court made the following Findings of Fact and Conclusions of Law:

May 13, 2014

I. FINDINGS OF FACT

- 1. Plaintiff and Third Party Defendants in this case are working together to file Public Records Act requests with Grant County.
- 2. Plaintiff Abrams has filed several pleadings purporting to represent the group.
- 3. Many of the public records requested have no discernable use to the Plaintiff and Third Party Defendants, and the group offers no justifications for their requests.
- 4. The public records requests are unduly burdensome on Grant County.
- 5. The group is filing public records requests in order to initiate lawsuits under the Public Records Act.
- 6. Many of the public records requests are for information the County is unlikely to

possess.

7. Plaintiff Abrams and third party defendants McIlwain and Perry are incarcerated persons. Third Party Defendant Shelton is not incarcerated, but is working in conjunction with the others.
8. Defendant Grant County resides in Grant County. The requested records, if they exist, are maintained in Grant County.
9. Five years is a reasonable length of time for the injunction, given the facts of the case, the amount of requests filed and the number of lawsuits filed.
9. This lawsuit filed by Mr. Abrams was frivolous.
10. This lawsuit was filed to vex, annoy and injure Grant County, and thus was malicious.

II. CONCLUSIONS OF LAW

1. RCW 42.56.565 allows the Court to issue an injunction against incarcerated persons or entities controlled or owned in whole or in part by incarcerated persons.
2. The agency bears the burden of proof by a preponderance of evidence.
3. The Court may consider, among other things, other requests by the same requestor, the types of records sought, the purpose of the requests and whether the request seeks a burdensome number of documents.
4. Many of the public records requested were extremely broad with no possible use other than to harass Grant County and to be used to file lawsuits if the County failed to live up to the group's expectations.
5. The Plaintiff and Third party defendants are working as an informal partnership to file the public records requests.

6. Venue is proper in Grant County.
7. Grant County has carried its burden to show an injunction should issue.
8. Mr. Abram's lawsuit was frivolous and brought to harass, damage and annoy Grant County, and was therefore malicious.

III. ORDER

Based upon the foregoing findings of fact and conclusions of law, it is hereby ORDERED:

Defendant Grant County's motion for a five year injunction pursuant to RCW 42.56.565 is GRANTED. Plaintiff Abrams and Third Party Defendants McIlwain and Perry are enjoined from filing further public records requests with Grant County, either personally or through third parties for five years from the date of this order. Third Party Defendant Shelton is enjoined from filing public records requests in conjunction with, or at the direction of, Plaintiff Abrams or Third Party Defendants McIlwain or Perry for five years from the date of this order.

Grant County need not respond further to any outstanding public records requests made by Plaintiff or Third Party Defendants.

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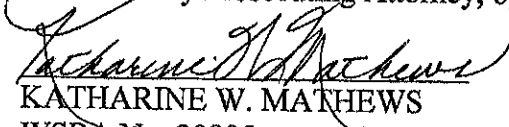
The lawsuit was frivolous and malicious. This case may be considered a "strike" against Mr. Abrams pursuant to RCW 4.24.430.

DATED this 25th day of October, 2019.


THE HONORABLE DAVID ESTUDILLO,
Judge

Presented by

GARTH DANO
Grant County Prosecuting Attorney, by


KATHARINE W. MATHEWS

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