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STATE OF WASHINGTON
GRAYS HARBOR COUNTY SUPERIOR COURT

STEVEN P KOZOL,

Plaintiff,

v.

WASHINGTON STATE
DEPARTMENT OF CORRECTIONS,

Defendant.

NO. 11-2-00379-1

ORDER OF DISMISSAL
(PROPOSED)

The Court having reviewed the records and files in this matter, and having conducted a hearing on June 21, 2011, Plaintiff STEVEN KOZOL, appearing pro se telephonically, and Defendant Department of Corrections appearing telephonically by and through its attorneys, ROBERT M. MCKENNA, Attorney General, and ANDREA VINGO, Assistant Attorney General and the court having considered and heard oral argument, considered the memoranda and declarations of the parties, and being fully advised;

The Court incorporates its September 13, 2011 letter opinion by this reference, and does further **FIND**:

1. Mr. Kozol is in possession of the document that is the basis for his Public Records Request in this case; and,

2. The State cooperated with Mr. Kozol regarding the public records request in these cases;

- 1 3. The Department complied with the Public Records Act; in that:
- 2 a. The Department did not improperly withhold Documents in PDU-
- 3 13810 where Mr. Kozol failed to pay for copies of the requested
- 4 documents.
- 5 b. The Department properly requested clarification from Mr. Kozol in
- 6 PDU-13810, and receiving none, properly presumed that Mr. Kozol
- 7 had abandoned his request.
- 8 c. The Department did not lose or destroy responsive records that existed
- 9 at the time of Mr. Kozol's request in PDU-13781.
- 10 d. The Department properly withheld documents responsive to Mr.
- 11 Kozol's PDU-13811 request because non disclosure was necessary for
- 12 an effective prison investigation.

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14 It is hereby ORDERED:

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16 1. Mr. Kozol's motion for review is denied, together with his motion for

17 reconsideration;

18 2. This matter borders on harassment, and therefore is found to be frivolous and

19 will count as a "strike" under SSB 5024 and/or SHB 1037 (2011 Regular Session) (as yet

20 uncodified in RCW 4.24);

21 3. This matter is DISMISSED WITH PREJUDICE; and

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1 4. The Defendant is the prevailing party and is awarded statutory costs in the
2 amount of \$200 pursuant to CR 54(d)(1) and CR 78(e)..

3 DATED this 9 day of February, 2012.

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5 
6 GORDON L. GODFREY
Grays Harbor County Superior Court Judge

7 Submitted by:

8 ROBERT M. MCKENNA
Attorney General

9
10 _____
11 ANDREA VINGO, WSBA #26183
Attorney for Defendant

12
13 Approved as to Form;
14 Notice of Presentation Waived:

15
16 _____
17 STEVEN P. KOZOL
Plaintiff/Pro se