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KING COUNTY
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CASE #: 24-2-25581-8 KNT

SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

CHARLES JOHN SCHAEFER,

Plaintiff,

vs.

CITY OF BURIEN, a municipal corporation,

Defendants.

Cause No.: 24-2-25581-8 KNT

ORDER RESERVING ON PARTIES'
CROSS-MOTIONS FOR SUMMARY
JUDGMENT AND ORDERING *IN CAMERA*
REVIEW OF WITHHELD DOCUMENTS

This matter came before the Court on the parties' cross-motions for summary judgment.

The Court has considered the following:

1. Plaintiff's Motion for Summary Judgment;
2. Defendant City of Burien's Response in Opposition to Plaintiff's Motion for Summary Judgment;
3. Plaintiff's Reply on Plaintiff's Motion for Summary Judgment;
4. Defendant City of Burien's Motion for Summary Judgment with attached exhibits;

1 5. Declaration of Abigail Trees in Support of Defendant City of Burien’s Motion for
2 Summary Judgment;

3 6. Plaintiff’s Response to Defendant’s Motion for Summary Judgment; and

4 7. Defendant’s Reply.

5 The following facts are undisputed:

6 1. On September 25, 2023, Schaefer made a request to the City of Burien under the
7 Public Records Act for “All council and staff feedback on the city manager’s evaluation as well
8 as any records summarizing the results of the evaluation.”

9 2. In response, Ds produced two documents: 1) The 6-month Performance
10 Evaluation Summary dated August 10, 2023; and 2) An exemption log listing five documents
11 withheld in their entirety.

12 3. The five documents listed in the exemption log were titled as follow: 1) Goals
13 Worksheet 1.9.23; 2) 00-6-6-Month Survey Evaluation – Executive Session – Goals 06122023;
14 3) Confidential – City Manager 6-Month Feedback Report 6.2.23; 4) City of Burien CM
15 Evaluation Interviews – Notes (City of Burien CM Interview Analysis (Tom)); and 5) City
16 Manager 6-Month Evaluation Online Survey.

17 4. The City claimed exemptions of the first document titled Goals Worksheet 1.9.23
18 based on “unresponsiveness” and RCW 42.56.280.

19 5. The City claimed exemptions for the other four documents based on RCW
20 42.56.280, RCW 42.30.110(1)(g), RCW 42.56.050, RCW 42.56.230, and breach of contract. The
21 City now additionally claims an exemption for these documents based on “unresponsiveness.”
22

1 The Court hereby orders:

2 1. RCW 42.56.550(3) provides, in pertinent part, that “Courts may examine any
3 record *in camera* in any proceeding brought under this section.” In determining whether *in*
4 *camera* review is required, courts consider: “(1) judicial economy, (2) the conclusory nature of
5 the agency affidavits, (3) bad faith on the part of the agency, (4) disputes concerning the contents
6 of the documents, (5) whether the agency requests an *in camera* inspection, and (6) the strong
7 public interest in disclosure.” *King Cnty. Dep’t of Adult & Juvenile Det. V. Parmelee*, 162 Wn.
8 App. 337, 360, 254 P.3d 927 (2011)(internal quotation omitted).


9 2. Here, the factors weigh in favor of this Court conducting an *in camera* review of
10 the records. First, the City of Burien represented orally that the five documents consisted of
11 approximately 73 pages in total; review of this number of pages will not be onerous for the
12 Court. Second, the Declaration of Abigail Trees, while not necessarily conclusory, provides
13 insufficient information for the Court to know whether each of the five documents should be
14 exempted. Third, Schaefer disputes the contents of the documents but, of course, is hamstrung in
15 making arguments since he is not privy to the substance contained in the documents. Fourth, the
16 Court remains mindful of the strong public interest in disclosure; in this instance, the public’s
17 interest in the reliability of the 6-month Performance Evaluation Summary dated August 10,
18 2023.

19 3. The City of Burien shall provide to the Court the five documents listed in its
20 exemption log for the Court’s review by 4 pm on Monday, May 11, 2026.

21 4. The City of Burien shall communicate via email with the Court for the sole
22 purpose of sending these documents to the Court.

**King County Superior Court
Judicial Electronic Signature Page**

Case Number: 24-2-25581-8 KNT
Case Title: SCHAEFER VS CITY OF BURIEN
Document Title: Order
Date Signed: 05/08/2026



Judge: Maureen A McKee

Key/ID Number: *370934334*
Page Count: This document contains 4 page(s) plus this signature page.