

FILED

JUL 24 2025

Martin D Young
Chelan County Clerk

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CHELAN

COUNTY OF CHELAN, a county and local
agency; and JANE DOE, a private citizen,

Plaintiffs,

v.

CITY OF WENATCHEE, a municipality and
local agency;

Defendant.

No. **25-2-00679-04**

COMPLAINT FOR DAMAGES AND
DECLARATORY AND INJUNCTIVE
RELIEF

DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. While local governments, such as the City of Wenatchee, have an obligation to produce non-exempt, responsive public records to requesters under the Public Records Act, Chapter 42.56 RCW, local governments are prohibited from producing public records that are expressly exempt from disclosure under Washington law—particularly where, as here, the public has no clear public interest in the exempt public records and their disclosure would cause substantial and irreparable damage to Plaintiffs Chelan County and Jane Doe.¹

¹ Plaintiff Jane Doe respectfully requests that she be permitted to bring these claims anonymously by using the pseudonym "Jane Doe," as the investigation and search for her missing ex-spouse is ongoing, putting her life and physical safety in grave danger. *See, e.g., Gonzaga University v. Doe*, 536 U.S. 273 (2002); *Bellevue John Does 1-11 v. Bellevue Sch. Dist. #405*, 164 Wn.2d 199, 189 P.3d 139 (2008). Ms. Doe can show that the non-disclosure of her true identity is justified by compelling privacy and safety concerns by satisfying the framework set forth in *Seattle Times Co. v. Ishikawa*, 97 Wn.2d 30, 640 P.2d 716 (1982). *See* GR 15; Wash. Const. art. I, § 10.

1 2. The Court may enjoin local governments from disclosing requested public records if
2 “such examination would clearly not be in the public interest and would substantially and
3 irreparably damage any person, or would substantially and irreparably damage vital governmental
4 functions.” RCW 42.56.540; *see also* CR 65. Local governments should notify private persons, like
5 Plaintiff Jane Doe, to whom the public record specifically pertains that release of a record has been
6 requested, so that the person may take steps to enjoin the release of the record. RCW 42.56.540.

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8 3. The City of Wenatchee intends to disclose exempt public records specifically
9 pertaining to a Chelan County law enforcement investigation and to Ms. Doe, including public
10 records that contain information revealing Ms. Doe and her minor children’s names, identities,
11 likeness, home address, birth dates, and/or other sensitive personal information; obscene or graphic
12 images of the minor children’s deceased bodies; obscene or graphic details and information about
13 the minor children’s deaths and/or cause(s) of death; and/or other information regarding law
14 enforcement’s active investigation into Ms. Doe’s complaint against her ex-spouse (“Ex-Spouse”)
15 and the recent murder of her three minor children (“Exempt Public Records”).

16 4. These Exempt Public Records are expressly exempt under various provisions of the
17 Public Records Act, Chapter 42.56 RCW, and RCW 68.50.105, among other statutes. And they are
18 otherwise protected from disclosure under the Fourteenth Amendment of the U.S. Constitution, the
19 Washington Constitution, the Privacy Act, Chapter RCW 9.73 RCW, and Washington common law.

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21 5. The disclosure of Exempt Public Records pertaining to Chelan County’s
22 investigation, Ms. Doe, and/or her now deceased minor children—during an active law enforcement
23 investigation and search for Ms. Doe’s Ex-Spouse, who is still missing, considered to be dangerous
24 and possibly armed—would not only invade Ms. Doe’s statutory, constitutional, and common law
25 privacy interests, disclosure of these exempt public records would put Ms. Doe’s life and physical

1 safety in grave danger. The disclosure of these Exempt Public Records would also substantially and
2 irreparably damage Chelan County's ongoing investigation and other vital governmental functions,
3 according to law enforcement officials with the Wenatchee Police Department and Chelan County
4 Sheriff's Office.

5 6. The City Attorney has advised Plaintiffs that the Exempt Public Records will be
6 disclosed unless an order from this Court is obtained to prevent the disclosure on or August 1,
7 2025.

8 II. JURISDICTION AND VENUE

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10 7. The unlawful acts alleged herein occurred in or will occur in Chelan County.

11 8. Plaintiff Chelan County has offices located in and transact business in Chelan
12 County.

13 9. Plaintiff Jane Doe resides in Chelan County.

14 10. Defendant City of Wenatchee ("City") has offices located in, transacts business in,
15 and maintains public records specifically pertaining to Ms. Doe in Chelan County.

16 11. Jurisdiction over this civil action is proper under RCW 4.12.020, RCW 4.12.025,
17 RCW 7.24.010, RCW 7.24.020, and under Article 4, § 6 of the Washington Constitution. As a case
18 in equity, this Court also has original jurisdiction under RCW 2.08.010.

19 12. Venue is proper in this Court pursuant to RCW 4.12.020 and 4.12.025.

20 III. PARTIES

21 13. Plaintiff Chelan County is a county located in the State of Washington.

22 14. Plaintiff Jane Doe is a private U.S. citizen who is a resident of Wenatchee,
23 Washington, located in Chelan County.
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15. The City is a municipality located in the State of Washington, is a “local agency” within the meaning of RCW 42.56.010(1), and maintains public records specifically pertaining to Plaintiff.

IV. STATEMENT OF FACTS

16. On Friday, May 30, 2025, Ms. Doe contacted law enforcement in a panicked state, after her ex-spouse ("Ex-Spouse") and the father of her three young daughters (all of whom were under the age of ten), failed to return them to Ms. Doe as scheduled, after a court-ordered, unsupervised daytime visitation with their father. Because the Ex-Spouse had been dealing with mental health issues and was homeless, he was not permitted to keep his daughters overnight.

17. The day that Ms. Doe contacted law enforcement, Washington State Patrol (“WSP”) did not issue an Amber Alert. According to WSP, Ms. Doe’s report of her missing daughters initially did not show they were in danger, as required for an Amber Alert. WSP spokesperson Chris Loftis stated that Ms. Doe’s Ex-Spouse was “a parent with custodial responsibilities and privileges that [sic] was late returning the children, and [WSP] did not have direct threat or direct reason to believe that the children were in that danger.” Loftis later stated: “Obviously, in hindsight, that was not the case.”

18. The following day, Saturday, May 31, 2025, WSP instead issued an Endangered Missing Persons Advisory (“EMPA”) for Ms. Doe’s daughters, which is distributed similarly to an Amber Alert but does not send cellphone alerts in targeted areas. Loftis, WSP spokesperson, later acknowledged that the EMPA that was issued for Ms. Doe’s daughters “doesn’t do that push notification to the wireless emergency system, where you get that loud alarm sound on your phone . . . whether that would have made a difference, we don’t know.”

1 19. Law enforcement authorities in Chelan County, including Wenatchee Police
2 Department, began the search for Ms. Doe's three daughters and her Ex-Spouse that same day.

3 20. On Monday, June 2, 2025, law enforcement discovered the lifeless bodies of Ms.
4 Doe's three daughters near a campsite off Icicle Road, located in Leavenworth, Washington in
5 Chelan County. Law enforcement found Ms. Doe's daughters with their hands zip-tied and plastic
6 bags over their heads. Asphyxiation was the likely cause of death.

7 21. On Tuesday, June 3, 2025, the Chelan County Prosecutor's Office charged Ms.
8 Doe's Ex-Spouse with three counts of first-degree murder and first-degree kidnapping for the deaths
9 of Ms. Doe's three daughters. The Ex-Spouse, who is considered to be dangerous and possibly
10 armed, is still at large.

11 22. Since Ms. Doe made the initial complaint to law enforcement against her Ex-Spouse
12 on Friday, May 30, 2025, the City of Wenatchee and Chelan County received several requests for
13 public records related to Ms. Doe's complaint to law enforcement against the Ex-Spouse.

14 23. City Attorney Danielle Marchant is a public officer who is specifically appointed to
15 execute a duty to disclose public records maintained by the City of Wenatchee, which is a "local
16 agency" within the meaning of RCW 42.56.010(1) that maintains local records specifically
17 pertaining to Plaintiff.

18 24. City Attorney Marchant apparently did not identify any clearly applicable exemption
19 requiring the non-disclosure and/or redaction of any information requested under the Public
20 Records Act, Chapter 42.56 RCW.

21 25. On July 18, 2025, the City Attorney notified Plaintiffs that the City intended to
22 produce Exempt Public Records, including without limitation records relating to (1) reports,
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1 (2) "law," (3) blotter, (4) radiolog, (5) photos (involving the murder case), (6) emails, (7) instant
2 messaging, (8) Smarsh, (9) bodyworn camera video, and (10) dashcam video.

3 26. Upon information and belief, the Exempt Public Records contain or will contain
4 information revealing Ms. Doe's and her minor children's names, identities, likeness, home address,
5 birth dates, and/or other sensitive personal information; obscene or graphic images of the young
6 children's deceased bodies; obscene or graphic details and information about the children's deaths
7 and/or cause(s) of death; and/or other information regarding law enforcement's active investigation
8 into Ms. Doe's complaint against her Ex-Spouse and the recent murder of her three children.
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10 27. The disclosure of these Exempt Public Records would not only invade and
11 irreparably harm Ms. Doe's privacy interests protected by the Fourteenth Amendment of the U.S.
12 Constitution, the Washington Constitution, and Washington statutes and other law, disclosure of
13 these Exempt Public Records would endanger Ms. Doe's life and physical safety. Such disclosure
14 would also substantially and irreparably harm law enforcement's active investigation and search for
15 the Ex-Spouse, as well as other vital governmental functions.

16 28. As of today's date, law enforcement's national (and international) search for Ms.
17 Doe's Ex-Spouse continues.

18 **V. FIRST CAUSE OF ACTION: DECLARATORY RELIEF**

19 29. The allegations in the paragraphs above are incorporated herein by reference.

20 30. Under RCW 7.24.010, "Courts of record within their respective jurisdictions shall
21 have the power to declare rights, status, and other legal relations whether or not further relief is or
22 could be claimed." Likewise, under RCW 7.24.020, a person's whose statutory rights are affected
23 "may have determined any question of construction or validity arising under the . . . statute . . . and
24 obtain a declaration of rights, statutes or other legal relations thereunder."
25

1 31. Local agencies are required to “make available for public inspection and copying all
2 public records, unless the record falls within the specific exemptions of [the Public Records Act] or
3 other statute, which exempts or prohibits disclosure of specific information of records.” RCW
4 42.56.070(1); *see also* RCW 42.56.540.

5 32. On or after May 30, 2025, media outlets made written public disclosure requests to
6 the City and other local agencies, for the Exempt Public Records, which are expressly exempt
7 under, among other laws, RCW 42.56.070(1), 42.56.240(2), RCW 42.56.050, RCW 42.56.230, and
8 RCW 68.50.105.

9 33. The City nevertheless intends to disclose the Exempt Public Records to the
10 requesting media outlets and/or other requesters under RCW 42.56.070(1).

11 34. Disclosure of the Exempt Public Records would clearly not be in the public interest.

12 35. Disclosure of the Exempt Public Records would substantially and irreparably
13 damage Plaintiffs by jeopardizing Chelan County’s ongoing investigation and endangering Ms.
14 Doe’s life and/or physical safety, as Ms. Doe is much more likely to be subject to acts of violence
15 by her Ex-Spouse, who is missing, dangerous, and possibly armed.

16 36. Disclosure of the Exempt Public Records would also substantially and irreparably
17 damage Chelan County’s active investigation and search for Ms. Doe’s Ex-Spouse, as well as other
18 vital governmental functions.

19 37. If the Exempt Public Records are disclosed, the City will also violate Ms. Doe’s
20 statutory, constitutional, and common law privacy interests by disclosing without limitation Ms.
21 Doe’s and/or her young children’s names, identities, likeness—including obscene or graphic images
22 of their deceased bodies that “shock the conscience” and offend the community’s sense of fair play
23 and decency—and/or other personal information, subjecting Ms. Doe to even further pain,
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1 harassment, and/or embarrassment. *Marsh v. County of San Diego*, 680 F.3d 1148, 1154–55 (9th
2 Cir. 2012); *Lee v. City of Seattle*, No. 75815-2-I, 2018 WL 2203287, at *5 (Wash. Ct. App. May 14,
3 2018) (affirming trial court’s conclusion that the release of Kurt Cobain’s death-scene photographs
4 would violate family members’ due process rights under the Fourteenth Amendment and are
5 therefore exempt from disclosure under the Public Records Act’s “other statute” provision, RCW
6 42.56.070(1), and Cobain’s autopsy report was exempt from disclosure under RCW 68.50.105(1)).

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8 38. The Disclosure of Exempt Public Records could also have a chilling effect on Ms.
9 Doe’s and/or other victims’ willingness to report crimes, participate in or assist law enforcement
10 investigations, or on her and/or other victims’ exercise of free speech rights.

11 39. Pecuniary relief will not adequately compensate Ms. Doe for her damages where her
12 life and physical safety is in danger.

13 40. Plaintiffs therefore seek declaratory relief under RCW 7.24.010 and RCW 7.24.020
14 that (1) the Exempt Public Records are exempt from disclosure under RCW 42.56.070(1), RCW
15 42.56.240(2), RCW 42.56.050, RCW 42.56.230, RCW 68.50.105, and other applicable law; (2) the
16 City is prohibited from disclosing the Exempt Public Records under RCW 42.56.070(1) and RCW
17 42.56.540; and (3) disclosure of the Exempt Public Records would clearly not be in the public
18 interest and would substantially and irreparably damage Plaintiffs; Ms. Doe’s statutory,
19 constitutional, and common law privacy interests; and/or vital governmental functions.

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21 **VI. SECOND CAUSE OF ACTION: INJUNCTIVE RELIEF**

22 41. The allegations in the paragraphs above are incorporated herein by reference.

23 42. Under the Public Records Act, specific public records “may be enjoined if, upon
24 motion and affidavit by . . . a person who is named in the record or to whom the record specifically
25 pertains, the superior court for the county in which the movant resides or in which the record is

1 maintained, finds that such examination would clearly not be in the public interest and would
2 substantially and irreparably damage any person, or would substantially and irreparably damage
3 vital governmental functions.” RCW 42.56.540; *see also* RCW 42.56.070(1).

4 43. Under Civil Rule 65, a Court may grant a temporary restraining order and
5 preliminary injunctive relief if it clearly appears from the complaint and supporting affidavits that
6 immediate and irreparable injury, loss, or damage will result to the moving party, the moving party
7 is likely to prevail on the merits, and the balance of equities tips in the moving party’s favor.

8 44. On or after May 30, 2025, media outlets made written public disclosure requests to
9 the City and other local agencies for the Exempt Public Records, which are expressly exempt under,
10 among other laws, RCW 42.56.170(1), RCW 42.56.240(2), RCW 42.56.050, RCW 42.56.230, and
11 RCW 68.50.105.

12 45. The City intends to disclose the Exempt Public Records to the requesting media
13 outlets and/or other requesters under RCW 42.56.070(1).

14 46. Disclosure of the Exempt Public Records would clearly not be in the public interest.

15 47. Disclosure of the Exempt Public Records would substantially and irreparably
16 damage Ms. Doe by endangering her life and/or physical safety, as Ms. Doe is much more likely to
17 be subject to acts of violence by her Ex-Spouse, who is missing, dangerous, and possibly armed.

18 48. Disclosure of the Exempt Public Records would also substantially and irreparably
19 damage law enforcement’s active investigation and search for Ms. Doe’s Ex-Spouse, as well as
20 other vital governmental functions.

21 49. If the Exempt Public Records are disclosed, the City will also violate Ms. Doe’s
22 statutory, constitutional, and common law privacy interests by disclosing without limitation Ms.
23 Doe’s and/or her young children’s names, identities, likeness—including obscene or graphic images
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1 of their deceased bodies that “shock the conscience” and offend the community’s sense of fair play
2 and decency—and/or other personal information, subjecting Ms. Doe to even further pain,
3 harassment, and/or embarrassment. *Marsh*, 680 F.3d at 1154–55 (9th Cir. 2012); *Lee*, 2018 WL
4 2203287, at *5.

5 50. The Disclosure of Exempt Public Records could also have a chilling effect on Ms.
6 Doe’s and/or other victims’ willingness to report crimes, participate in or assist law enforcement
7 investigations, or on Ms. Doe’s and/or other victims’ exercise of free speech rights.

8 51. Pecuniary relief will not adequately compensate Ms. Doe for her damages where her
9 life and physical safety is in danger.

10 52. Plaintiffs therefore seek temporary and preliminary injunctive relief against the City
11 pursuant to RCW 42.56.540 and/or Civil Rule 65, prohibiting the City from disclosing the Exempt
12 Public Records.

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14 **VII. THIRD CAUSE OF ACTION: VIOLATION OF PRIVACY RIGHTS**

15 53. The allegations in the paragraphs above are incorporated herein by reference.

16 54. Any person who, directly or by means of a detective agency, violates the provisions
17 of the Privacy Act, Chapter 9.73 RCW, shall be subject to legal action for damages, to be brought
18 by any person claiming that a violation of the Privacy Act has injured her person, business, or
19 reputation.

20 55. The Fourteenth Amendment of the U.S. Constitution protects against the exploitation
21 of death images. *Marsh*, 680 F.3d at 1154–55 (“The long-standing tradition of respecting family
22 members’ privacy in death images partakes of both types of privacy interests protected by the
23 Fourteenth Amendment.”); *Lee*, 2018 WL 2203287, at *5.

1 56. Under Article I, § 7 of the Washington Constitution, “[n]o person shall be disturbed
2 in his private affairs, or his home invaded, without authority of law.” Wash. Const. art. I, § 7.

3 57. On or after May 30, 2025, media outlets made written public disclosure requests to
4 the City and other local agencies for the Exempt Public Records, which are expressly exempt under,
5 among other statutes, RCW 42.56.070(1), RCW 42.56.240(2), RCW 42.56.050, RCW 42.56.230,
6 and RCW 68.50.105.

7 58. The City intends to disclose the Exempt Public Records to the requesting media
8 outlets and/or other requesters under RCW 42.56.070(1).

9 59. The City’s disclosure of the Exempt Public Records would clearly not be in the
10 public interest and would substantially and irreparably damage Ms. Doe and/or her statutory,
11 constitutional, and common law privacy interests.

12 60. If the Exempt Public Records are disclosed, Ms. Doe is much more likely to be
13 subject to acts of violence by her Ex-Spouse, who is missing, dangerous, and possibly armed.

14 61. Likewise, if the Exempt Public Records are disclosed, the City will violate Ms.
15 Doe’s statutory, constitutional, and common law privacy interests by disclosing without limitation
16 Ms. Doe’s and/or her young children’s names, identities, likeness (including obscene images of
17 their deceased bodies), and/or other personal information, subjecting Ms. Doe to even further
18 harassment and/or embarrassment.

19 62. The Disclosure of Exempt Public Records could also have a chilling effect on Ms.
20 Doe’s and/or other victims’ willingness to report crimes, participate in or assist law enforcement
21 investigations, or on Ms. Doe’s and/or other victims’ exercise of free speech rights.

22 63. Plaintiffs therefore seek a judgment in their favor and against the City under RCW
23 9.73.060, entitling them to actual damages, including mental pain and suffering endured by Ms. Doe
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1 on account of the Privacy Act violation(s) and/or other violations of their statutory, constitutional,
2 and common law privacy interests, liquidated damages, and reasonable attorneys' fees and costs.

3
4 **VIII. JURY DEMAND**

64. Plaintiffs hereby demand a jury.

5 **IX. PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiffs pray as follows:

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8 65. An order declaring that the Exempted Public Records are exempt from disclosure
9 under the Public Records Act, Chapter 42.56 RCW, RCW 68.50.105, and other applicable law and
10 would violate Ms. Doe's statutory, constitutional, and common law privacy interests;

11 66. An order temporarily or preliminarily enjoining the City from disclosing the
12 Exempted Public Records under RCW 42.56.540 and/or Civil Rule 65;

13 67. Judgment in favor of Plaintiffs and against the City based on the City's violation of
14 Plaintiffs' statutory, constitutional, and common law privacy interests;

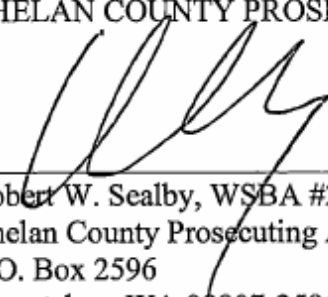
15 68. An award of actual damages suffered by Plaintiffs, including mental pain and
16 suffering endured by Ms. Doe on account of the City's violations of the Privacy Act, or liquidated
17 damages computed at the rate of one hundred dollars a day for each violation, not to exceed one
18 thousand dollars, under RCW 9.73.060;

19 69. An award of reasonable attorneys' fees and costs under RCW 9.73.060 or any other
20 applicable law;

21
22 70. For such additional relief as the Court may deem just and proper.

1 DATED this 24th day of July, 2025.

2 CHELAN COUNTY PROSECUTING ATTORNEY

3 
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