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The Honorable John R Hickman

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SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

KEVIN DOLAN and a class of similarly
situated individuals,

Plaintiffs,

v

KING COUNTY, a political subdivision of
the State of Washington,

Defendant

NO 06-2-04611-6

**ORDER TO OBTAIN INFORMATION
AND PROTECTIVE ORDER**



REASON FOR ORDER

The plaintiff Kevin Dolan is a King County public defense attorney He brought this class-action lawsuit against King County on behalf of the lawyers and staff of the King County public defense agencies The Court certified the following class

All W-2 employees of the King County public defender agencies and any former or predecessor King County public defender agencies who work or have worked for one of the King County public defender agencies within three years of the filing of this lawsuit

Following a trial, the Court found that the public defense agencies are each an arm and agency of King County, that King County is the employer of the plaintiffs, and the plaintiffs are County employees for the purposes of PERS The Court entered a permanent injunction in April 2009 requiring the County to enroll currently employed class members in PERS The injunction provided that "the parties are directed to cooperate in obtaining identities of the class

1 members the County is required to enroll in PERS, and in obtaining the information that DRS
 2 needs to choose among their options. The parties may need to obtain this information from
 3 King County's public defense agencies." The injunction left open the precise enrollment date
 4 and other remedies for further resolution. The Court stayed the permanent injunction pending
 5 King County's appeal.

6 The Supreme Court accepted review and affirmed the Court, *Dolan v King County*, 172
 7 Wn 2d 299, remanding to the Court to begin enrollment and "for further proceedings regarding
 8 remedies." The Supreme Court denied reconsideration and has issued its mandate.

9 **Information Required From the Public Defense Agencies**

10 As noted in the Court's injunction, the parties need employment information concerning
 11 the class members from each of the four King County public defense agencies to begin
 12 enrollment of currently employed class members in PERS and for the class members to be able
 13 to know their options and choose their options. The four King County public defense agencies
 14 subject to this Order are The Defender Association (TDA), Associated Counsel for the Accused
 15 (ACA), Society of Counsel Representing Accused Persons (SCRAP) and the Northwest
 16 Defenders Association (NDA).

17 The class members are in two groups (1) those currently employed by one of the four
 18 King County public defense agencies, and (2) class members who are no longer currently
 19 employed by one of the King County public defense agencies, but were employed by them
 20 between January 24, 2003 and the present. The parties need complete employment information
 21 for each of the class members from each agency for each year of employment.' This
 22 employment information includes, but is not limited to the class member name, gender,
 23 birthdate, hire date, termination date (if applicable), address (work and home), phone numbers
 24 (work and home), social security number, position, title of position, annual pay (for each year
 25 employed), monthly payroll information showing compensation (including monthly payroll
 26 information if and when available), and ~~retirement contributions,~~ whether the employee is full
 27 time or part-time, and if part-time, what percent of full-time the employee works (or worked),

1 next of kin contact information (name, address, phone number, etc , in case a class member is
2 not easily located), and ~~amounts, if any~~ as requested by the parties amounts contributed to
3 plans of ~~by the~~ defender organizations, and the balances and disposition of any amounts in any
4 retirement plans sponsored by the defender organizations in which the class members
5 participated

6 The parties will initially focus on employment information maintained by the public
7 defense agencies in an electronic format This information may be supplemented by non-
8 electronic employment information from the public defense agencies or class member
9 employment information maintained by others, or from the class members themselves The
10 public defense agencies shall provide class member employment information to class counsel
11 as promptly and as reasonably feasible Class counsel will then provide this employment
12 information to King County after deleting any attorney-client communications, if any,
13 contained with the employment information transmitted to class counsel by the public defense
14 agencies

15 The information may be disclosed to the parties and their attorneys, experts and agents,
16 for purposes of this litigation The parties ~~and the public defense agencies~~ requested entry of
17 this order to facilitate the delivery of that information from the public defense agencies and to
18 maintain its confidentiality

19 PROTECTIVE ORDER

20 Social security numbers, home addresses, home phone numbers, and private personal
21 information (such as medical information) are protected under CR 26(c), may only be used by
22 parties for purposes of this litigation and communications with the Department of Retirement
23 Systems, and may not be publicly disclosed Documents filed in Court with such information
24 will have that information redacted

Dated this 9 day of February, 2012

John R. Hickman

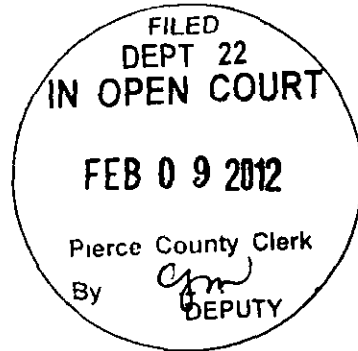
JOHN R. HICKMAN
SUPERIOR COURT JUDGE

Presented by

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