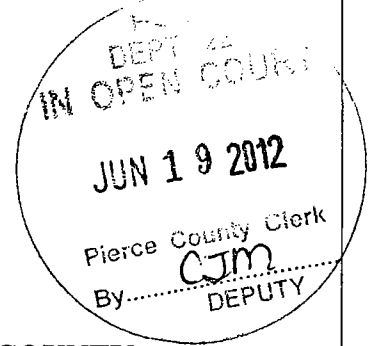


The Honorable John R. Hickman



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

KEVIN DOLAN and a class of similarly situated individuals,)	NO. 06-2-04611-6
)	
)	
Plaintiffs,)	PROTECTIVE ORDER FOR
)	INFORMATION EXCHANGED WITH
v.)	DEPARTMENT OF RETIREMENT
)	SYSTEMS
KING COUNTY, a political subdivision of the State of Washington,)	
)	
Defendant.)	

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 defender 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.

When the Court certified the class, it reserved ruling on whether some former King County public defender lawyers and staff are part of the class. September 15, 2006 class certification Order, ¶12(a). The reserved group is (*id.*):

All W-2 employees of the King County public defender agencies and any former or predecessor King County public defender agencies who have not worked for one of the King County public defender agencies within three years of the filing

1 of this lawsuit but who work or have worked in a PERS-eligible position within
2 three years of the filing of this lawsuit.

3 The Court specifically ruled that whether the reserved group will be included in the class would
4 be address “after liability has been decided.”

5 Pursuant to a stipulation of the parties, the Court has made the reserved group a part of
6 the class. . Hereafter they are referred to as the “Additional Class Members.”

7 Following a trial, the Court found that the four public defender agencies (ACA, NDA,
8 SCRAP AND TDA) are each an arm and agency of King County and the plaintiffs are
9 therefore County employees for the purposes of PERS. The Court entered a permanent
10 injunction on April 17, 2009 requiring the County to enroll currently employed class members
11 in PERS. The injunction left open the precise enrollment date and other remedies for further
12 resolution. The Court stayed the permanent injunction pending King County’s appeal.

13 The Supreme Court accepted review and affirmed the Court, *Dolan v. King County*, 172
14 Wn.2d 299, remanding to the Court to begin enrollment and “for further proceedings regarding
15 remedies.”

16 On remand the Court entered on February 2, 2012 an Order to Obtain Information and
17 Protective Order directed to the four King County public defense agencies: The Defender
18 Association (TDA), Associated Counsel for the Accused (ACA), Society of Counsel
19 Representing Accused Persons (SCRAP) and the Northwest Defenders Association (NDA).
20 Pursuant to that order the parties have identified class members, both those currently employed
21 and those employed at some time between January 24, 2003 to the present, at one of the four
22 King County public defense agencies. The Court ordered King County to enroll the currently
23 employed class members in PERS and start reporting and paying PERS contributions
24 prospectively by no later than April 16, 2012. This has been accomplished. The enrollment
25 date and procedures for those class members no longer employed is left for later resolution by
26 agreement of the parties or by order of the Court.

27

1 The parties have also been trying to identify the Additional Class Members but lack
2 information to do so, except for a few individuals known by the parties.

3 **PROTECTIVE ORDER**

4 The parties need PERS retirement system information from the Department of
5 Retirement Systems (DRS). Any information provided by DRS now and in the future to the
6 parties is subject to this protective order.

7 The parties need information about the class members and about the Additional Class
8 Members. The parties have identified the class members and have their names and social
9 security numbers. The parties may need DRS to determine whether some class members are or
10 were members of PERS and, if so, they need the complete retirement and employment
11 information maintained by DRS for the individuals for whom DRS has retirement record
12 information. The parties will provide DRS with a list of class members and other identifying
13 information the parties have, such as social security numbers and/or dates of birth and will
14 request that DRS determine which class members, if any, are or were PERS members and, if
15 so, to provide the requested information pursuant to this protective order. The list of class
16 members provided to DRS is subject to this protective order.

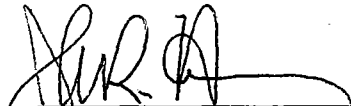
17 Similarly, the parties need DRS's assistance in identifying the Additional Class
18 Members. The parties will provide DRS with a list(s) of former King County public defender
19 agency employees, and other identifying information the parties have, such as social security
20 numbers and/or dates of birth. These individuals may be Additional Class Members. The
21 parties will request DRS to identify for the parties and the Court which of these former
22 employees is or was a PERS member and, for those who are, provide to the parties the
23 complete employment and retirement information maintained by DRS for those individuals.
24 The list(s) of former King County public defense agency employees is subject to this protective
25 order.

26 DRS may, if it voluntarily wishes, provide the requested information without subpoena.
27 If DRS is unwilling or unable to provide the information voluntarily, it may be sought by

1 subpoena. The information provided by DRS pursuant to this protective order, either by
2 subpoena or voluntarily, may be disclosed to the parties and their attorneys, experts and agents
3 solely for the purpose of this litigation.

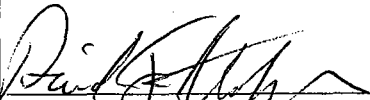
4 Social security numbers, home addresses, home phone numbers, and private personal
5 information (such as medical information) are protected under CR 26(c), may only be used by
6 parties for purposes of this litigation and communications with the Department of Retirement
7 Systems, and may not be publicly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

9 Dated this 19 day of June, 2012.

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11 
12 _____
13 JOHN R. HICKMAN
14 SUPERIOR COURT JUDGE

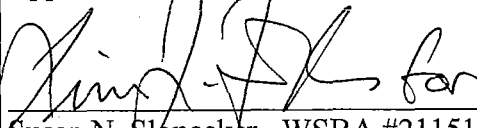
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