



1 exist, when in fact they did. Not only were Defendant's actions in violation of RCW 42.56,  
2 they constitute the tort of negligent misrepresentation as well.

### 3 **PARTIES**

4 2.1 Plaintiff Business United LLC is a Washington limited liability corporation  
5 which is currently inactive. However, Plaintiff is permitted to bring a claim under its  
6 corporate name pursuant to RCW 23B.14.050(2)(e).

7 2.2 Defendant City of Blaine is a municipal corporation organized under the laws  
8 of the state of Washington. Defendant City has jurisdiction and responsibility to comply with  
9 all the laws of the state of Washington—in particular, the Washington Public Records Act, as  
10 codified in RCW 42.56.

### 11 **JURISDICTION AND VENUE**

12 3.1 As a court of general jurisdiction, this Court has subject matter jurisdiction  
13 pursuant to both Article IV, Section 6, of the Washington State Constitution and RCW  
14 2.08.010.

15 3.2 Venue is proper in this action, among other reasons, as one or more defendants  
16 reside or transact business in Whatcom County where this cause of action, or some part  
17 thereof, arose.

### 18 **FACTS**

19 4.1 On March 24, 2010, Plaintiff sent a public records request to the City of  
20 Blaine's City Clerk's office.

21 4.2 The following was specifically requested:

22 All records relating to the Washington Department of Transportation D  
23 Street/I-5 Roundabout project and the City's consideration of any  
permit of such work, including any substantial development permit

1 under the Shoreline Management Act, any building permit, any clearing  
2 or grading permit, any permit under Chapter 12.04 of the Blaine City  
Code, or any other permit to be issued by the City for this project.

3 4.3 On March 30, 2010, Plaintiff received a reply from Sheri Sanchez, City Clerk  
4 for the City of Blaine, who stated:

5 Community Development Services advises that **we do not have any**  
6 **permit documents for the State's project...**we have not processed an  
application for a Land Disturbance Permit.

7 (emphasis added).

8 4.4 In accordance with this statement, no documentation was provided in  
9 response to this request on March 30, 2010.

10 4.5 Relying upon this lack of documentation, Plaintiff filed a complaint and  
11 motion in Superior Court seeking an injunction against Washington State Department  
12 of Transportation (WSDOT) to halt further progress on the roundabout project until  
13 proper permits were obtained.

14 4.6 However, it was only after the filing of the complaint and motion that  
15 the requested information *appeared*, attached to a declaration from the City of  
16 Blaine's Director of Public Works on April 20, 2010 (more than 20 days after the City  
17 indicated that no such documents existed).

18 4.7 The documents, dated October 27, 2009, were those specifically  
19 requested by Plaintiff in its public records request—the same documents which the  
20 City claimed did not exist and did not produce.

21 4.8 Ultimately, it took until the fall of 2011 for the City to fully comply  
22 with Plaintiff's public records request, when it provided Plaintiff with the missing  
23 permit documentation.

