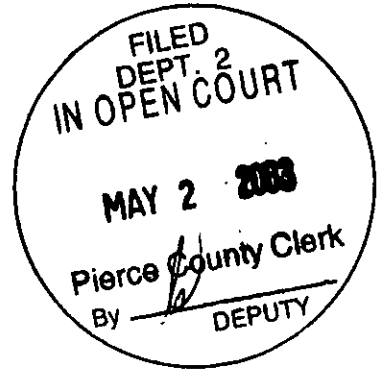


99-2-13911-4 18879023 CP 05-06-03



IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF PIERCE

JOSEPH J KIRBY ET UX,
Plaintiff(s) ,

vs.

CITY OF TACOMA ET AL,
Defendant(s) .

Cause No. 99-2-13911-4

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MAY 2 - 2003

BY DEPARTMENT 2

FAX



Date	May 2, 2003	From	David Heath
To	The Honorable Katherine Stone	Phone	206 464-2136
Company	Superior Court	Fax	206 464-3258
Fax		Pages	3
Phone		(including this cover sheet)	

Comments

Urgent

The Seattle Times



seattletimes.com

Friday, May 02, 2003

The Honorable Katherine Stolz
Superior Court Judge
Pierce County Superior Court
Tacoma, WA

Dear Judge Stolz,

I apologize for the informal nature of this letter. I am a reporter for the Seattle Times and I'm respectfully asking that you unseal the file for Kirby v. the City of Tacoma, Case # 99-2-13911-4.

As you know, the Washington Constitution (Art. I, §10) was clear that "Justice in all cases shall be administered openly."

The state Supreme Court has enforced this constitutional right. In *Allied Daily Newspapers of Washington v. Eikenberry*, 121 Wn.2d 205, 211, 848 P.2d 1258, 1261 (1993) it said:

We adhere to the constitutional principle that it is the right of the people to access open courts where they may freely observe the administration of civil and criminal justice. Openness of courts is essential to the courts' ability to maintain public confidence in the fairness and honesty of the judicial branch of government as being the ultimate protector of liberty, property, and constitutional integrity.

The court further explained that the public's right to access may only be limited in certain narrow circumstances determined after a court takes certain steps before closing a hearing or sealing a record. These steps require, among other things, a stiff showing from proponents of closure and the least restrictive means available to protect the interests threatened. 640 P.2d at 721¹

The case before you challenges employment practices used by the city of Tacoma, which by itself is of great interest to the public. Now, we also know that the case includes information about serious allegations against the Tacoma police chief. The details may

¹ These steps were first articulated in *Seattle Times Company v. Ishikawa*, 97 Wn.2d 30, 640 P.2d 716 (1982).

The Seattle Times



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shed great light on concerns that city and police administrators turned a blind eye to criminal allegations. The public at this point needs to know whether there is a cover-up within the city.

As new and tragic facts have emerged, it should be clear that the information in this court case is of extreme interest to the public. If this letter is not sufficient to unseal the file, please let me know as quickly as possible.

You can reach me at (206) 464-2136. My fax number is (206) 464-3258. My email address is dheath@seattletimes.com.

Thank you for your consideration.

Sincerely,

David Heath
Seattle Times