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**STATE OF WASHINGTON  
KING COUNTY SUPERIOR COURT**

PROTECT THE PUBLIC’S TRUST,  
an unincorporated association,

Plaintiff,

v.

THE UNIVERSITY OF  
WASHINGTON, an agency of  
Washington State,

Defendant.

NO. \_\_\_\_\_

COMPLAINT FOR VIOLATIONS OF  
THE PUBLIC RECORDS ACT

NOW COMES the Plaintiff, PROTECT THE PUBLIC’S TRUST, by and through its undersigned counsel, and for its Complaint against THE UNIVERSITY OF WASHINGTON (hereinafter “the University”) alleges as follows:

**I. Introduction**

1) This is an action under RCW § 42.56.550 (2), which empowers this Court to provide a remedy when an agency does not provide a reasonable estimate of the time that is required to respond to a Public Records Request

**II. Parties, Jurisdiction, and Venue**

2) The Plaintiff is Protect the Public’s Trust. Its website makes clear its belief that “The American people deserve a government that is impartial, free from conflicts of interest, and operates without political interference or favoritism... Our goal is to ensure our

1 nation fulfills that promise.” <https://protectpublictrust.org/about-us/>. Protect the Public’s  
2 Trust is an unincorporated association of citizens under the laws of Washington. *Save a*  
3 *Valuable Env’t (save) v. Bothell*, 89 Wash. 2d 862, 866, 576 P.2d 401, 403 (1978),  
4 quoting *Boilermakers Local 104 v. International Bhd. of Boilermakers*, 33 Wn.2d 1, 203  
5 P.2d 1019 (1949). Morgan Yardis, Protect the Public’s Trust’s Research and Publications  
6 Associate, submitted the Public Records Act request at issue in this suit. Protect the  
7 Public’s Trust is active in seeking information from local, state and federal government  
8 institutions under the federal Freedom of Information Act and state transparency laws.

9 3) The Defendant is the University of Washington. The University is an agency of the State  
10 of Washington and is represented by the Attorney General’s Office. It exists as a statutory  
11 creation. See RCW §28B.20.010 *et seq.* The University is an “agency” of the State of  
12 Washington within the meaning of RCW § 42.56.010 (1).

13 4) This Court has jurisdiction over actions of this type pursuant to RCW § 42.56.550 (2).

14 5) Venue is proper in King County and in this Court because the records at issue are very  
15 likely held within King County. RCW § 42.56.550 (2).

16 **III. Background**

17 6) Dr. Kate Starbird has several capacities with the University of Washington, including  
18 as a co-founder of the University's Center for an Informed Public, which formed in  
19 2019. The University’s own website states that the Center for an Informed Public  
20 “formed in 2019 around a shared mission of resisting strategic misinformation,  
21 promoting an informed society, and strengthening democratic discourse.”

22 <https://www.hcde.washington.edu/starbird>.

23 7) In her role as an expert for the University in the field of “resisting strategic misinformation,”  
24 Dr. Starbird regularly gives presentations — including to government officials — and also  
25 sits for media interviews to promote this work. Thanks to this work she sits on the  
26

1 Department of Homeland Security’s “Cybersecurity Advisory Committee,” which is  
2 housed within the federal “Cybersecurity and Infrastructure Security Agency,” and Dr.  
3 Starbird presents to that Committee on an occasional or more frequent basis.

4  
5 8) In one April 2021 interview with Alexander Heffner, Dr. Starbird stated that:

6 “We can look at a lot of the decisions that have been made by a platform  
7 like Facebook over the last four to six years and say, okay, maybe you’re  
8 within the legal, you know, your legal obligations, but certainly your moral  
9 and ethical obligations are not necessarily being met by some of the actions  
10 that you’re taking. [...] It’s not just the fact that they’re monopolizing, it’s  
11 the fact that they, I mean, they have this immense amount of power on a  
12 global scale in terms of shaping discourse and seems to be, we have pretty  
13 good evidence that there’s some relationship to the, to, to this platform and  
14 the rise of sort of right-wing populism and some radicalization and  
15 authoritarianism in different kinds of places.”

16 9) Protect the Public’s Trust noted media and popular interest in Dr. Starbird’s work, including  
17 her focus on “misinformation” relating to certain political viewpoints (but apparently not  
18 others), and the relationship between Dr. Starbird’s work and popular debates. Protect the  
19 Public’s Trust further noted that it appeared Dr. Starbird was using her positions with and  
20 work for public institutions to seek censorship of certain viewpoints the expression of which  
21 she deems to be “misinformation.” Against this background, Protect the Public’s Trust  
22 turned to the Public Records Act for answers.

23 **IV. The Public Records Act Request at Issue**

24 10) On October 11, 2022, Protect the Public’s Trust submitted a Public Records Act request to  
25 the University of Washington, in which it sought: “From June 1, 2020, through the date  
26 this request is processed, records of communications between Kate Starbird and the  
following individuals:

- a) Alex Stamos and Renee Direste – Stanford Internet Observatory 2
- b) Emerson Brooking and Graham Brookie – The Atlantic Council’s Digital

1 Forensic Lab

2 c) Ben Nimmo and Camille François (or Francois) – Graphika”

3 **11)** A true and correct copy of the request that is at issue in this suit is attached hereto as  
4 Exhibit A.

5 **12)** The University replied on October 18, 2022, assigning the request tracking number  
6 PR\_2022\_000746. In that reply, the University asserted that “We estimate we will  
7 respond to your request by 03/15/2023,” or five months hence, but also stated that it may  
8 contact Protect the Public’s Trust on some unstated future date “if additional time is  
9 needed.” A true and correct copy of the University’s reply is attached hereto as Exhibit  
10 B.

11 **13)** The University provided no explanation whatsoever for how it arrived at its estimate that  
12 it needed approximately five months to process and produce certain described  
13 correspondence of one University employee, shared with only six identified individuals.

14 **V. Argument**

15 **14)** RCW § 42.56.090 provides that Public Records should ordinarily be available for inspection  
16 and copying – even without notice – during normal business hours.

17 **15)** RCW § 42.56.100 requires agencies to adopt policies which promote “the most timely  
18 possible action on requests for information.”

19 **16)** RCW § 42.56.520 requires an agency to respond “promptly” to a request for public  
20 records, and to make one of certain enumerated responses within five business days.

21 Among the allowable responses is a letter from the agency “Acknowledging that the  
22 agency... has received the request and providing a reasonable estimate of the time the  
23 agency... will require to respond to the request.”  
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1 **17)** RCW § 42.56.550 empowers this Court to review whether an agency’s anticipated  
2 timeline for producing records in response to a request for public records is reasonable.  
3 In making such a determination, the Court shall review the agency’s action *de novo*. *Id.*  
4 at subsection (3). The burden to prove that the anticipated time for a response is  
5 reasonable is upon the agency, and not the requester. *Id.* at subsection (2).  
6

7 **18)** Plaintiff respectfully submits that the University’s proposed timeframe is unreasonable, for  
8 reasons including but not limited to:

- 9 a. The University’s failure to identify how many records are or even an estimate of  
10 how many may be at issue, the location of such records, whether the search for  
11 records can be conducted mostly or even entirely via electronic means.  
12 b. The University’s failure to explain any staffing, logistical, or other challenges which  
13 preclude a faster response.  
14 c. The public’s interest in a timely production is such that the records may have less  
15 value in the public debate if production is delayed. Insofar as the records arguably  
16 show the efforts of Dr. Starbird to stifle speech, those who would like to exercise  
17 their own First Amendment rights have an interest in being made aware of the efforts  
18 of the government to hinder such speech in an expeditious manner.

19 **19)** This Court cannot make a determination that the University provided a “reasonable”  
20 determination in its response for reasons including that the University has not even offered  
21 any reason or explanation – let alone a reasoned explanation – for that estimate. It has  
22 offered no indication it actually searched or took any affirmative step in response to the  
23 request. Indeed, the University has tacitly admitted that even its initial estimate that  
24 approximately five months may be required to produce records is pure guesswork, subject  
25 to amendment if the University later determines (unilaterally) that additional time is  
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1 required. The University's response is effectively an admission that it has not searched for  
2 records or even conducted a cursory review to plan a later search but that, when it does, it  
3 may take even more time.

4 **VI. Prayer for Relief**

5 **20)** Plaintiff Protect the Public's Trust incorporates by reference the foregoing paragraphs, and  
6 asks this Court to award appropriate relief and enter a judgment as follows:

- 7 a. Ordering the University to show cause on the basis of admissible evidence how it  
8 arrived at its estimate that it would require approximately five months to produce  
9 the records at issue, and granting all appropriate relief under RCW § 46.52.550 (2);  
10 b. Ordering the University to produce the records Plaintiff has requested "promptly"  
11 and without unnecessary or further delay, as required by RCW § 42.56.520 *et seq.*;  
12 c. Awarding attorney's fees and the costs of this litigation as contemplated by RCW §  
13 42.56.550 (4); and  
14 d. Ordering such other and further relief as this Court deems just and proper.

15 Respectfully submitted this the 5<sup>th</sup> day of December, 2022,

16 **MATTHEW D. HARDIN:**

17 

18 MATTHEW D. HARDIN, WSBA# 53772,  
19 1725 I Street NW, Suite 300  
20 Washington, DC 20006  
21 Phone: (202) 802-1948  
22 Email: MatthewDHardin@protonmail.com

23 *Attorney for the Plaintiff*



# PROTECT the PUBLIC'S TRUST



October 11, 2022

University of Washington  
Public Records Office  
4014 University Way N.E.  
Seattle, Washington 98105-6203  
FAX: (206) 543-0786

## **Re: Kate Starbird communications**

Dear Public Records officer,

This is a Public Records request under Washington Administrative Code 478-276 from the Protect the Public's Trust (PPT), a nonpartisan organization dedicated to promoting ethics in government and restoring the public's trust in government officials.

“The First Amendment bars the government from restricting freedom of speech, but it does not generally apply to private actors, like corporations. However, private actors can be held liable for violating the First Amendment when they are acting on behalf of the government or doing something that the government would normally do – a doctrine known as the ‘state action’ doctrine.”<sup>1</sup>

According to published reports, a consortium of non-federal organizations collaborated, and may be continuing to collaborate, with the Department of Homeland Security to address what they have termed “misinformation” and “disinformation” on social media platforms, by censoring the speech of American citizens, potentially in violation of the First Amendment. One of the groups is the University of Washington's Center for an Informed Public.<sup>2</sup>

## **Requested Records**

To shed light for the American public on possible violations of their First Amendment rights, Protect the Public's Trust seeks the following records from The University of Washington (UW):

1. From June 1, 2020, through the date this request is processed, records of communications between Kate Starbird and the following individuals:
  - a) Alex Stamos and Renee Direste – Stanford Internet Observatory

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<sup>1</sup> <https://www.scotusblog.com/2019/06/opinion-analysis-court-holds-that-first-amendment-does-not-apply-to-private-operator-of-public-access-channels/>

<sup>2</sup> <https://justthenews.com/government/federal-agencies/biden-administration-rewarded-private-entities-got-2020-election>



# PROTECT the PUBLIC'S TRUST

- b) Emerson Brooking and Graham Brookie – The Atlantic Council’s Digital Forensic Lab
- c) Ben Nimmo and Camille François (or Francois) – Graphika

If you have any questions, please contact me at [foia@protectpublictrust.org](mailto:foia@protectpublictrust.org). All records and any related correspondence should be sent to my attention at the address below.

Sincerely,

Morgan Yardis  
Research and Publication Associate  
[foia@protectpublictrust.org](mailto:foia@protectpublictrust.org)