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May 4, 2021

*Via Email and U.S. Mail*

Attention:

Mayor Gary Harris ([GHarris@ci.woodinville.wa.us](mailto:GHarris@ci.woodinville.wa.us))

Deputy Mayor Les Rubstello ([LRubstello@ci.woodinville.wa.us](mailto:LRubstello@ci.woodinville.wa.us))

City Manager Brandon Buchanan ([brandonb@ci.woodinville.wa.us](mailto:brandonb@ci.woodinville.wa.us))

Assistant to City Manager Alex Herzog ([alexh@ci.woodinville.wa.us](mailto:alexh@ci.woodinville.wa.us))

Councilmember Rachel Best-Campbell ([RBest-Campbell@ci.woodinville.wa.us](mailto:RBest-Campbell@ci.woodinville.wa.us))

Councilmember Susan Boundy-Sanders ([SBoundy-Sanders@ci.woodinville.wa.us](mailto:SBoundy-Sanders@ci.woodinville.wa.us))

Councilmember Mike Millman ([MMillman@ci.woodinville.wa.us](mailto:MMillman@ci.woodinville.wa.us))

Councilmember Charles Price ([CPrice@ci.woodinville.wa.us](mailto:CPrice@ci.woodinville.wa.us))

Councilmember Al Taylor ([ATaylor@ci.woodinville.wa.us](mailto:ATaylor@ci.woodinville.wa.us))

Council and Staff and for public comment ([citycouncil@ci.woodinville.wa.us](mailto:citycouncil@ci.woodinville.wa.us))

17301 133rd Ave NE

Woodinville, WA 98072

Re: Nicolas Duchastel de Montrouge v. City of Woodinville, Complaint, Summons and this Demand Letter

Dear Sirs and Madams:

I am an attorney and I represent Nicolas Duchastel de Montrouge in connection with a lawsuit he has filed against the City of Woodinville, a copy of which is attached for your information. The lawsuit addresses violations of the Public Records Act ("PRA") committed by the City including through its agents. Mr. Duchastel de Montrouge has not been afforded the records to which he is entitled nor an explanation of exemptions and documents withheld. The City is silently withholding records, some apparently on the incorrect theory that the records are not "public records" and that they can be withheld. The City, including its agents, have failed to perform a reasonable search for responsive records and have failed to document such search with sworn declarations under penalty of perjury as the law requires.

Mr. Duchastel de Montrouge wished for the best from the City of Woodinville and continues to want the best for its residents. He was not afforded fairness, due process, civility, or just treatment by certain officials (Best-Campbell, Harris, Price, and former Mayor Cook). And he has been denied his rights under the PRA to records to which he, and all citizens, are entitled.

We have filed the attached lawsuit today to remedy that latter wrong. But because Mr. Duchastel de Montrouge wishes to serve the best interests of the residents of Woodinville, he has instructed me to send you this Demand Letter, offering a one time settlement offer to resolve his PRA lawsuit for considerably less than he would achieve should the matter continue to be litigated. The settlement offer is set forth below. The offer remains open for 30 days at which point it shall expire.

**Settlement Offer:**

1. The City of Woodinville shall provide all records, including those it claims are not “public records” meeting the parameters of Mr. Duchastel de Montrouge’s three PRA requests, PRR 4088, 4089 and 4159. This includes, but is not limited to, the written statement from which Councilmember Best-Campbell read during her meeting with Mr. Duchastel de Montrouge and others at Starbucks on January 4, 2020, the recording of such meeting on her cell phone, all communications of any current or former employee, official or agent of the City about Mr. Duchastel de Montrouge from May 2017 to January 19, 2020, and all communications regarding his three PRA requests PRR 4088, 4089, and 4154. (All records must be produced within two weeks of acceptance of this Settlement Offer.)
2. The City will provide appropriate *Nissen* Declarations of all current and former employees, officials and agents documenting their search for responsive records, and any records not provided to Mr. Duchastel de Montrouge and the reasons therefore. (All Declarations must be produced within two weeks of acceptance of this Settlement Offer.)
3. The City will immediately begin permitting **ALL** public comments submitted at any City Council meeting. Public comments must be either read by an official or the public must be afforded a way to speak at the meeting. Citizens should not have to rely on being deemed adequate for their comments to be heard by the public at a meeting. (Citizens cannot attend and speak in person, and the City cannot deny others of the right to hear their words as the City is currently selectively doing.)
4. The City will pay care of Allied Law Group Trust Account the amount of \$19,000 in attorney’s fees and costs incurred by Mr. Duchastel de Montrouge to date. (Payment must be received within two weeks of acceptance of this Settlement Offer.)

5. The City will pay \$2,000 in statutory penalties for its PRA violations, care of Allied Law Group Trust account, such amounts to be donated by Mr. Duchastel de Montrouge 50/50 to the ACLU of Western Washington and the Washington Coalition for Open Government. (Payment must be received within two weeks of acceptance of this Settlement Offer.)

Mr. Duchastel de Montrouge is deeply disappointed in the actions of selected current and former City Councilmembers who have hijacked City government for their personal benefit, and expended City resources waging a war against Mr. Duchastel de Montrouge for their personal interest rather than with a view to the best interests of the City's residents. He has faith in the voters of the City of Woodinville that they will unseat those individuals who continue to act out of personal interest and contrary to the interests of constituents.

He is hopeful the City will evaluate this Settlement Demand with a view to the interests of the City's residents and not further waste precious resources on an expensive lawsuit we believe the City will surely lose.

We look forward to your official response.

Very truly yours,



MICHELE EARL-HUBBARD