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FILED

JUL 07 2025

Timothy W. Fitzgerald
SPOKANE COUNTY CLERK

SUPERIOR COURT, STATE OF WASHINGTON

COUNTY OF SPOKANE

CITY OF SPOKANE VALLEY, a municipal
 corporation,

Plaintiff,

vs.

ALBERT W. MERKEL, an individual,

Defendant.

Cause: 25-2-00710-32

**MOTION FOR
 PROTECTIVE ORDER TO
 TEMPORARILY STAY
 DISCOVERY AND MOTION
 FOR ATTORNEY'S FEES**

Defendant Albert W. Merkel ("Merkel"), by and through his attorney Patrick J. Kirby, moves the Court for a Protective Order in the above captioned matter pursuant to CR 26(c) to protect the Defendant from annoyance, embarrassment, oppression, and undue burden and expense by an order prohibiting public disclosure of the following discovered materials:

- (1) The Defendant's personal and private communications with his political groups and his notes regarding his political activities and political beliefs, and the identities of the member of his political groups, which are privileged and protected by his right to privacy in freedom of group and political association and freedom of speech under the First Amendment to the U.S. Constitution the contents which shall be designated as "CONFIDENTIAL" and shall be not afforded public disclosure, including blanket

**MOTION FOR
 PROTECTIVE ORDER
 AND MOTION FOR
 ATTORNEY'S FEES – 1**



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1 protection from disclosure by the Plaintiff in response to public records requests until
2 such time the Court conducts an *in camera* inspection of said CONFIDENTIAL material
3 to determine whether any privilege applies and what if any materials constitute “public
4 records” pursuant to RCW 42.56. *et seq.*, and any such CONFIDENTIAL material may
5 be disclosed only to Plaintiff’s counsel of record in this action, and before filing
6 CONFIDENTIAL material or discussing or referencing such material in court filings,
7 the filing party shall confer with Defendant’s counsel in accordance with GR 15 and
8 SCLGR 15 to determine whether the document can be redacted, or whether a motion to
9 seal or stipulation and proposed order is warranted.

10 (2) The Defendant’s personal and private communications with others, and his notes which
11 are protected Defendant’s right to privacy by RCW 42.56.050 and 42.56.230 and the
12 Fourth and Fourteenth Amendments to U.S. Constitution, and invasion of private affairs
13 protected by Washington State Constitution Article 1, Section 7 which shall be
14 designated as “CONFIDENTIAL” and shall not be afforded public disclosure, including
15 blanket protection from disclosure by the Plaintiff in response to public records requests
16 until such time the Court conducts an *in camera* inspection of said CONFIDENTIAL
17 material to determine whether any privilege applies and what if any materials constitute
18 “public records” pursuant to RCW 42.56. *et seq.*, and any such CONFIDENTIAL
19 material may be disclosed only to Plaintiff’s counsel of record in this action, and before
20 filing CONFIDENTIAL material or discussing or referencing such material in court
21 filings, the filing party shall confer with Defendant’s counsel in accordance with GR 15
22 and SCLGR 15 to determine whether the document can be redacted, or whether a
23 motion to seal or stipulation and proposed order is warranted.


1 (3) The Defendant's personal identifiers as defined in GR 22(b)(6) including Defendant's
2 date and place of birth, and employment history marked and shall be designated as
3 "CONFIDENTIAL" and shall not be afforded public disclosure, including blanket
4 protection from disclosure by the Plaintiff in response to public records requests
5 pursuant to RCW 42.56. *et seq.*, and the Plaintiff may disclose any such confidential
6 material to Plaintiff's counsel of record in this action, and before filing confidential
7 material or discussing or referencing such material in court filings, the filing party shall
8 confer with Defendant's counsel in accordance with GR 15 and SCLGR 15 to determine
9 whether the document can be redacted, or whether a motion to seal or stipulation and
10 proposed order is warranted.

11 (4) The Plaintiff's opposition to Defendant's Motion For Protective Order was not
12 substantially justified and therefore Defendant moves the Court to award him his
13 attorney's fees in bringing his Motion For Protective Order and resisting Plaintiff's
14 discovery requests and responding to Plaintiff's Motion To Compel Discovery.

15 This Motion is supported by the Defendant's Memorandum in support of his motion and the
16 Declarations of Albert W. Merkel and Patrick J. Kirby dated and filed this date.

17 DATED this 7th day of July, 2025.

18 PATRICK J. KIRBY LAW OFFICE, PLLC.

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20 
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**MOTION FOR
PROTECTIVE ORDER
AND MOTION FOR
ATTORNEY'S FEES – 3**

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CERTIFICATE OF SERVICE

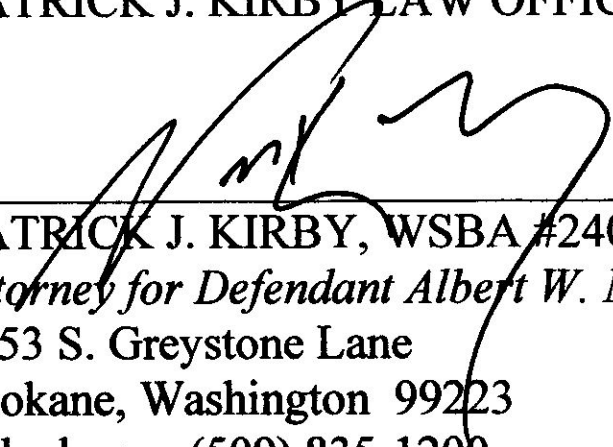
I HEREBY CERTIFY that on the 7th day of July, 2025, I caused to be served a true and correct copy of the foregoing document to the following:

☒ HAND DELIVERY
☐ U.S. MAIL
☐ OVERNIGHT MAIL
☐ FACSIMILE
☒ EMAIL

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