

**CASE NUMBER
2520071032
SN:30.0 PC:18**

FILED
7/11/2025
Timothy W Fitzgerald
Spokane County Clerk

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7 **SUPERIOR COURT OF WASHINGTON IN AND FOR SPOKANE COUNTY**

8 **CITY OF SPOKANE VALLEY, a municipal**
9 **corporation,**

10 **Plaintiff,**

11 **v.**

12 **ALBERT W. MERKEL, an individual,**

13 **Defendant.**

14
15 **NO. 25-2-00710-32**

16
17 **DECLARATION OF PATRICIA**
18 **RHOADES IN SUPPORT OF**
19 **PLAINTIFF'S RESPONSE TO MOTION**
20 **FOR PROTECTIVE ORDER TO**
21 **TEMPORARILY STAY DISCOVERY**
22 **AND MOTION FOR ATTORNEY'S**
23 **FEES**

24
25 I, PATRICIA RHOADES, declare as follows:

1. I am over the age of 18, competent to testify, and I make the following statements
2 based on my own personal knowledge.

2. I am one of the Deputy City Clerk and Records Management Specialist for the City
3 of Spokane Valley ("the City"). My job duties include processing, maintaining, and responding to
4 public records requests received by the City in accordance with the Washington Public Records
5 Act. I am also responsible for coordinating with City employees and City Council as necessary in
6 document retrieval. As part of my job duties, I am familiar with the public records requests that
7 the City has received in connection with Defendant Albert W. Merkel's communications with third
8 parties concerning City business.

9. Attached hereto as **Exhibit A** are true and correct copies of some of the public
10 records requests that the City has received concerning Defendant Albert W. Merkel since he took
11 office in January 2024.

12
13 **DECLARATION OF PATRICIA RHOADES: 1**

14
15 LAW OFFICES OF
16 **LUKINS & ANNIS, PS**
17 A PROFESSIONAL SERVICE CORPORATION
18 717 W Sprague Ave., Suite 1600
19 Spokane, WA 99201
20 Telephone: (509) 455-9555
21 Fax: (509) 747-2323

1 I certify under penalty of perjury under the laws of the State of Washington that the
2 foregoing is true and correct.
3

4 DATED this 11th day of July, 2025 at Spokane Valley, Washington.
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6 
7 PATRICIA RHOADES
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DECLARATION OF PATRICIA RHOADES: 2

LAW OFFICES OF
LUKINS & ANNIS, PS
A PROFESSIONAL SERVICE CORPORATION
717 W Sprague Ave., Suite 1600
Spokane, WA 99201
Telephone: (509) 455-9555
Fax: (509) 747-2321

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of July, 2025, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to all entities as follows:

Patrick J. Kirby
Patrick J. Kirby Law Office, PLLC
4353 S. Greystone Lane
Spokane, WA 99223
pkirby@pkirbylaw.com

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Via E-Filing
- Via Email

Attorney for Defendant

LUKINS & ANNIS, P.S.

Kirsten Price
KIRSTEN PRICE, Legal Assistant

SUPERIOR COURT OF WASHINGTON IN AND FOR SPOKANE COUNTY

CITY OF SPOKAEN VALLEY, a municipal corporation,

NO. 25-2-00710-32

Plaintiff,

GR 17 DECLARATION

V.²

ALBERT W. MERKEL, an individual,
Defendant.

I, Zaine M Yzaguirre, hereby declare under penalty of perjury pursuant to the laws of the state of Washington as follows:

1. On July 11, 2025, I received the attached electronic transmission for filing from Patricia Rhoades in the above captioned matter.

2. Pursuant to GR 17, I have examined the foregoing attached signature page (page 2) of the Declaration of Patricia Rhoades in Support of Plaintiffs' Response to Motion for Protection Order to Temporarily Stay Discovery and Motion for Attorney's Fees ("Declaration of Patricia Rhoades"). The Signature Page is complete and legible. The foregoing attached Declaration of Patricia Rhoades, including exhibits, consists of sixteen (16) pages.

GR 17 DECLARATION: 1

LAW OFFICES OF
LUKINS & ANNIS, PS
A PROFESSIONAL SERVICE CORPORATION
717 W Sprague Ave., Suite 1600
Spokane, WA 99201
Telephone: (509) 455-9555
Fax: (509) 747-2323

1 I hereby certify under penalty of perjury that the foregoing is true and correct. Executed
2 on this 11th day of July 2025.
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5 LUKINS & ANNIS, P.S.
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8 By: 
9 ZAINE M. YZAGUIRRE, WSBA #58265
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GR 17 DECLARATION: 2

LAW OFFICES OF
LUKINS & ANNIS, PS
A PROFESSIONAL SERVICE CORPORATION
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Spokane, WA 99201
Telephone: (509) 455-9555
Fax: (509) 747-2323

Exhibit A

Public Records Request (#P230468-032624)

▼ Public Records Request Details

Records from: Executive and Administrative |
Executive and Administrative Types: City Council |
Date From:
Date To:
Location / Address(es):
Parcel Number(s):
Describe the records Requested: "Council member Al Merkel is using nextdoor to have discussions about city business and doing it as a councilperson. Access to his post, the comments and replies he give are not available to everyone. He is discussing city business on a public forum and as a council person. As a city employee Al Merkel (council member), I think the Open Records Act would cover all of Mr. Merkel's posting as a council member about city business on nextdoor. I request access to everything he posts as a council member including all the comments between him and others on nextdoor regarding city business. I would like access to the original, the edited and the deleted post that were once posted and later removed. The timeline I am requesting begins on his first day of office Jan 1, 2024 until 3/21/2024. I will be renewing this request on a continuing basis to have accessibility to all his post on nextdoor until the end of his term."
Preferred Method to Receive Records: Electronic via Request Center
Method of Payment: Mail payment (check or money order)
Type of Requester: Individual This is an optional field and is not required to submit a request.

► Media Information

► Request for Communications

► Clarifications

► Extension Reasons

► Exemptions

► State Reporting Bill (REQUIRED TO CLOSE)

▼ Additional Information

Search Personal Device:

Search Personal Device Completed: No

Declarations Needed:

Declarations Complete: No

Third Party Notification:

Third Party Notification Complete: No

Union Notification Needed:

Public Records Request (#P230786-122024)

▼ Public Records Request Details

Records from: Executive and Administrative |
Executive and Administrative City Council |
Types:
Date From:
Date To:
Location / Address(es):
Parcel Number(s):
Describe the records Requested: Request any/all communications to/from Councilmember Albert (Al) Merkel to/from Kelli Masterson, Kelli Jo, Mary Giannini, Bryanna Franzen, Marie Pechous, Kevin Vanhook, Tim Malick, Elicia Spotts, Lindsey Soffes, Shelby Hotchkiss, Susan Legel, Michael Cathcart, Kim Pollari, Stephanie Hayden, Tori Hartsock Allie Usbourne and anything that pertains to the Underground Rainbow.
Date range is from 1 January 2024 to 1 December 2024. Please include any/all social media posts/conversations and recaps of telephone call conversations. Previous Records request contained a screen shot of CM Merkel reaching out to the underground rainbow's private Facebook page stating something like - was hoping to update someone in leadership on things that have happened lately on scraps, can someone give me a call.
Thank you.
Preferred Method to Receive Records: Electronic via Request Center
Method of Payment: Online payment (credit card, debit card, electronic check)
Type of Requester: Government This is an optional field and is not required to submit a request.

➤ Media Information

➤ Request for Communications

➤ Clarifications

➤ Extension Reasons

➤ Exemptions

➤ State Reporting Bill (REQUIRED TO CLOSE)

▼ Additional Information

Search Personal Device:

Search Personal Device No
Completed:

Declarations Needed:

Declarations Complete: No

Third Party Notification:

Third Party Notification Complete: No

Public Records Request (#P230890-040225)

▼ Public Records Request Details

Records from: Executive and Administrative |
Executive and Administrative Types: City Council |
Date From:
Date To:
Location / Address(es):
Parcel Number(s):
Describe the records Requested: I would like every email send to Ali Merkel between the dates of February 20th thru April 1 regarding Resolution 25-003: Declaring the City is not a sanctuary city.
Preferred Method to Receive Records: Electronic via Request Center
Method of Payment: Online payment (credit card, debit card, electronic check)
Type of Requester: Individual This is an optional field and is not required to submit a request.

► Media Information

► Request for Communications

► Clarifications

► Extension Reasons

► Exemptions

► State Reporting Bill (REQUIRED TO CLOSE)

▼ Additional Information

Search Personal Device:

Search Personal Device Completed: No

Declarations Needed:

Declarations Complete: No

Third Party Notification:

Third Party Notification Complete: No

Union Notification Needed:

Union Notification Complete: No

▼ Internal Fields

Public Records Request

#P230532-031624

Details

Fees & Time

Subrequests (1/1)

Save

New Message

Add

Forward

Print

Print Attachments

Tools

Public Records Request Details

Records from: Executive and Administrative

Type: City Council

Date From:

Date To:

Location / Addresses:

Parcel Number(s):

Describe the records requested: Please provide electronic copies of City of Spokane Valley Sub-1 records described below.

1. All documents and communications (written or electronic) regarding complaints of behavior, conduct, and mental health of Albert Merle including but not limited to, investigation reports and witness interview notes or summaries prepared by the investigator(s).
2. All records (audio and video) regarding witness interviews were conducted as part of the investigation into complaints of Albert Merle's conduct, behavior, and mental health.
3. All communications (written or electronic) between Brenda L. Santon and the City of Spokane Valley (including, but not limited to, city councilmembers, city manager, city human resources manager, city attorney's office, and city employees) after January 1, 2022.
4. All billing records sent by Brenda L. Santon after the law firms of Giemee Cicakno to the City of Spokane Valley regarding services provided in investigating complaints of behavior, conduct, and mental health of Albert Merle.
5. All recordings (video or audio) of Albert Merle after January 1, 2024.

Preferred Method to Receive Records:

Method of Payment:

Type of Requester:

Request

Online Payment (credit card, debit card, electronic check)

This is an optional field and is not required to submit a request.

Method Information

Request for Communications

Clarifications

Extension Reasons

Exemptions

State Reporting Bill (REQUIRED TO CLOSE)

Additional Information

Reference No:

P230532-031624

Created By:

Patricia K. Rhodes

Create Date:

5/7/2024 2:00 AM

First Response Date:

5/7/2024 4:15 PM

Original Creation Date:

5/7/2024 3:52:25 PM

Update Date:

1/25/2025 11:25 AM

* Required Completion Date:

(MM/DD/YYYY)

03/13/2025

5:00 PM

Request Received Date:

5/7/2024 10:00 AM

* Completed/Closed:

Yes

Status:

Processing

Priority:

Low

Assigned Dept:

Legal

Assigned Staff:

Patricia K. Rhodes

Customer Name:

[REDACTED]

Email Address:

[REDACTED]

Phone:

[REDACTED]

Public Records Request (#P230759-112324)

▼ Public Records Request Details

Records from: Executive and Administrative |
Executive and Administrative Types: City Council |

Date From:

Date To:

Location / Address(es):

Parcel Number(s):

Describe the records Requested: Any and all texts sent and received, emails sent and received, websites visited, and social media sites/apps used to include the content of what was said/written or received on the night of November 19th 2024 from 1800 to 2030 or the time that the council meeting officially ended, from Mr. Merkel's orange flip phone.

Preferred Method to Receive Records: Electronic via Request Center

Method of Payment: Online payment (credit card, debit card, electronic check)

Type of Requester: This is an optional field and is not required to submit a request.

➤ Media Information

➤ Request for Communications

➤ Clarifications

➤ Extension Reasons

➤ Exemptions

➤ State Reporting Bill (REQUIRED TO CLOSE)

▼ Additional Information

Search Personal Device:

Search Personal Device Completed: No

Declarations Needed:

Declarations Complete: No

Third Party Notification:

Third Party Notification Complete: No

Union Notification Needed:

Union Notification Complete: No

▼ Internal Fields

Public Records Request (#P230813-020325)

▼ Public Records Request Details

Records from: Executive and Administrative |

Executive and Administrative Types: City Council | Other |

Date From:

Date To:

Location / Address(es):

Parcel Number(s):

Describe the records Requested: Councilmember Al Merkel's comments from his Al Merkel Ponderosa account in which he commented on Jodie Buehler's NextDoor post that starts with, "There weren't any action items at the council meeting tonight, 1/28/25." dated January 29, 2025.

Preferred Method to Receive Records: Electronic via Request Center

Method of Payment: Online payment (credit card, debit card, electronic check)

Type of Requester: Individual This is an optional field and is not required to submit a request.

► Media Information

► Request for Communications

► Clarifications

► Extension Reasons

► Exemptions

► State Reporting Bill (REQUIRED TO CLOSE)

▼ Additional Information

Search Personal Device:

Search Personal Device Completed: No

Declarations Needed:

Declarations Complete: No

Third Party Notification:

Third Party Notification Complete: No

Union Notification Needed:

Union Notification Complete: No

▼ Internal Fields

Public Records Request (#P230733-102724)

▼ Public Records Request Details

Records from: Executive and Administrative |
Executive and Administrative Types: Other |
Date From:
Date To:
Location / Address(es):
Parcel Number(s):
Describe the records Requested: Al Merkel's nexdoor posting. Please provide me the entire feed including for the following.. These are the first lines of the posts I am looking for.

Request Number 1

10/10/2024
Albert Merkel
Ponderosa

Spokane Valley Council's Budget Discussion Misses the Mark on Public Safety Tonight, the Spokane Valley City Council held a discussion on our city budget. Between proclamations of "public safety being our number one priority," the truth of what the majority of this council truly thinks came to light through both the mayor and city manager.

Please make sure to include this response: Albert Merkel
Author
Ponderosa
■ as usual your facts are twisted. not new considering the source. here is an article that summarizes you

Request Number 2
Spokane Valley Politics 10/26/2024

Here's a summary of the appeal hearing regarding Albert Merkel's case based on last night's proceedings: 1. Presentation of Facts o Attorney James King, along with investigator Rebecca Dean, presented a detailed case citing relevant facts, legal precedents, and specific alleged violations by Albert Merkel. Andy Kottkomp managed the hearing with professionalism and neutrality.

Thank you and have a great day. ■

Preferred Method to Receive Records: Electronic via Request Center
Method of Payment: Online payment (credit card, debit card, electronic check)
Type of Requester: This is an optional field and is not required to submit a request.

► Media Information

► Request for Communications

► Clarifications

► Extension Reasons

► Exemptions

Public Records Request (#P230929-042925)

› Public Records Request Details

Records from: Executive and Administrative|

Executive and Administrative Types: City Council|

Date From:

Date To:

Location / Address(es):

Parcel Number(s):

Describe the records Requested: To: Patricia Rhodes, Public Records Officer
City of Spokane Valley
Subject: Public Records Request – Posts by Councilmember Al Merkel Referencing [REDACTED] and Carol W.

Dear Records Officer,

Pursuant to the Washington State Public Records Act (RCW 42.56), I respectfully request the following records:

All posts, comments, replies, and edits authored by Councilmember Al Merkel on a specific online discussion thread authored by me ([REDACTED]) on Nextdoor, referencing either myself ([REDACTED]) or Carol W., including any posts that were edited, hidden, or deleted.

To clarify:

This request pertains specifically to the thread in question, which was created by me ([REDACTED]) on 4.23.2023 titled My City Council Speech from 4/22/25 – Why the Lawsuit Matters

The search should include original posts, subsequent edits, deleted content, and hidden replies from Councilmember Merkel that may exist on city-managed systems or have been archived under public records retention obligations.

If any records are being withheld or redacted, please provide the specific exemption(s) under RCW 42.56 being claimed and a brief explanation.

Please acknowledge receipt of this request within five business days as required by law. I am happy to receive the records electronically.

Sincerely,

[REDACTED]

Preferred Method to Receive Records: Electronic via Request Center

Method of Payment: Online payment (credit card, debit card, electronic check)

Type of Requester: Individual This is an optional field and is not required to submit a request.

› Media Information

› Request for Communications

› Clarifications

› Extension Reasons

› Exemptions

Public Records Request (#P230574-061324)

▼ Public Records Request Details

Records from: Executive and Administrative |

Executive and Administrative Types: City Council |

Date From:

Date To:

Location / Address(es):

Parcel Number(s):

Describe the records Requested: Request any/all communications to/from Councilmember Albert (Al) Merkel to/from Kelli Masterson, Kelli Jo, Mary Giannini, Bryanna Franzen, Marie Pechous, Kevin Vanhook, Tim Malick, Elicia Spotts and the Underground Rainbow. Date range is from 1 May 2024 to 13 June 2024. Please include any/all social media posts/conversations and recaps of telephone call conversations. Thank you.

Preferred Method to Receive Records: Electronic via Request Center

Method of Payment: Online payment (credit card, debit card, electronic check)

Type of Requester: Government This is an optional field and is not required to submit a request.

➤ Media Information

➤ Request for Communications

➤ Clarifications

➤ Extension Reasons

➤ Exemptions

➤ State Reporting Bill (REQUIRED TO CLOSE)

▼ Additional Information

Search Personal Device:

Search Personal Device Completed: No

Declarations Needed:

Declarations Complete: No

Third Party Notification:

Third Party Notification Complete: No

Union Notification Needed:

Union Notification Complete: No

➤ Internal Fields

Public Records Request (#P230601-063024)

▼ Public Records Request Details

Records from: Executive and Administrative |

Executive and Administrative
Types: City Council

Date From:

Date To:

Location / Address(es):

Parcel Number(s):

Describe the records Requested: All records related to Albert Merkel's activities on the nextdoor social media platform in general, and specifically to the statement that he made on 6/29/24 regarding meetings with legal advisors regarding the feasibility of starting roving judicial entities to adjudicate homeless individuals towards involuntarily detaining them for a week to be evaluated for behaviors related to their homelessness or addictions.

The post begins with:

I NEED YOUR THOUGHTS NOW!

Spokane Valley,

the day has finally come, the tyranny of the 9th circuit's disastrous Boise decision on homelessness is finally over!

The time is now to propose reasonable responses to homelessness that leverages the law to encourage homeless folks to rejoin society by getting the mental health, drug addiction, and/or social services they need.

I would request that these records be provided at no charge due to my status as a disabled person on SSDI.

I would request that my identity remain anonymous due to my valid concern that I might be subjected to retaliation from Mr. Merkel should he become aware of my identity.

Preferred Method to Receive Records: Electronic via Request Center

Method of Payment: Mail payment (check or money order)

Type of Requester: Individual This is an optional field and is not required to submit a request.

› Media Information

➤ Request for Communications

➤ Clarifications

> Extension Reasons

> Exemptions

> State Reporting Bill (REQUIRED TO CLOSE)

▼ Additional Information

Public Records Request (#P230743-110624)

▼ Public Records Request Details

Records from: Executive and Administrative |
Executive and Administrative Types: City Council | Other |
Date From:
Date To:
Location / Address(es):
Parcel Number(s):
Describe the records Requested: Albert Merkel Ponderosa nextdoor account.. I am requesting 100% of all of Merkels posts and comments for his Ponderosa Nexdoor. Please do not confuse this account with his account, Spokane Valley Politics and Government (not official city page). Just his Ponderosa account please.
Preferred Method to Receive Records: Electronic via Request Center
Method of Payment: Online payment (credit card, debit card, electronic check)
Type of Requester: Individual This is an optional field and is not required to submit a request.

► Media Information

► Request for Communications

► Clarifications

► Extension Reasons

► Exemptions

► State Reporting Bill (REQUIRED TO CLOSE)

▼ Additional Information

Search Personal Device:
Search Personal Device Completed: No
Declarations Needed:
Declarations Complete: No
Third Party Notification:
Third Party Notification Complete: No
Union Notification Needed:
Union Notification Complete: No

▼ Internal Fields

Public Records Request (#P230760-112324)

▼ Public Records Request Details

Records from: Executive and Administrative |
Executive and Administrative Types: City Council |
Date From:
Date To:
Location / Address(es):
Parcel Number(s):

Describe the records Requested: Al Merkel's next door, Ponderosa account dated 11.23.2024. The post that starts with "Ok Folks,

This is the funniest thing I have read today. This is the city's lawyer's Lawyer's Lawyer (that is not a typo, this is a lawyer who is representing a lawyer who is representing the city lawyer who represents the city manager all on your tax money, that is how ridiculous this is) responding in his final summation about this nextdoor "investigation".

~~Please provide 100% of all participants posts who are engaging conversations on this post, including Al Merkel.~~
Thank you.

Preferred Method to Receive Records: Electronic via Request Center
Method of Payment: Online payment (credit card, debit card, electronic check)
Type of Requester: Individual This is an optional field and is not required to submit a request.

➤ Media Information

➤ Request for Communications

➤ Clarifications

➤ Extension Reasons

➤ Exemptions

➤ State Reporting Bill (REQUIRED TO CLOSE)

▼ Additional Information

Search Personal Device:

Search Personal Device No
Completed:

Declarations Needed:

Declarations Complete: No

Third Party Notification:

Third Party Notification Complete: No

Union Notification Needed: