

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JANE ROE 1 AND JANE ROE 2 on behalf of
themselves and on behalf of other similarly
situated individuals, and DREAMGIRLS OF
TACOMA LLC, a Washington Limited Liability
Corporation,

Plaintiffs,

vs.

JULIE ANDERSON, Pierce County Auditor,
PIERCE COUNTY, a county in the State of
Washington, and DAVID VAN VLEET,

Defendants.

Cause No. 3:14-cv-05810 RBL

**AMENDED FINDINGS OF
FACT, CONCLUSIONS OF LAW
AND ORDER ON
PRELIMINARY INJUNCTION**

This matter having come before the Court on Plaintiffs’ Motion for a Preliminary
Injunction and the Court having considered the Declarations in support thereof and having heard
argument from the parties,

NOW THEREFORE the Court does enter findings of fact, conclusions of law and order
as follows:

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER ON
PRELIMINARY INJUNCTION - 1

I. FINDINGS OF FACT

1
2 1. The business known as Dreamgirls at Fox's is a nightclub in Pierce County
3 Washington that features nude dancing and erotic entertainment. The business is owned and
4 operated by Plaintiff Dreamgirls of Tacoma LLC, a Washington limited Liability Corporation.

5 2. The business and the entertainers and managers that work there are subject to special
6 licensing requirements under the Chapter 5.14 of the Pierce County Code, (hereinafter referred to
7 as "PCC").

8 3. Dreamgirls at Fox is an "erotic dance studio" as that phrase is defined in PCC
9 5.14.010(D).

10 4. Plaintiff Jane Roe 1 is a "manager" as that term is defined in PCC 5.14.010(E).

11 5. Plaintiff Jane Roe 2 is a "dancer" as that term is defined in PCC 5.14.010(B).

12 6. Plaintiffs Jane Roe 1 and Jane Roe 2 bring this action on behalf of themselves and as a
13 class action on behalf of other licensed managers and dancers at Dreamgirls at Fox's and on
14 behalf of those who no longer work there but whose licenses are still maintained by the Auditor's
15 Office. The class has not yet been certified.

16 7. Defendant Julie Anderson is the Pierce County Auditor. The Defendants bring suit
17 against her solely in her representative capacity. The Auditor's Office is a department of
18 Defendant Pierce County and is responsible for issuing and maintaining licenses under Chapter
19 5.14 of the Pierce County Code.

20 8. Defendant Pierce County is a county government in the State of Washington.

21 9. Defendant David Allen Van Vleet is the individual who made the public disclosure
22 request which is the subject of the present lawsuit.

23
FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER ON
PRELIMINARY INJUNCTION - 2

1 10. Under PCC §§ 5.14.100 and 5.14.110, “managers” and “dancers” at an “erotic dance
2 studio” are required to apply for and maintain managers and dancers licenses that are issued by
3 the Auditor. Under PCC §§ 5.14.080 and 5.14.090, these licenses expire and are renewed on an
4 annual basis.

5 11. Dancers at Dreamgirls at Fox’s identify themselves to patrons by a pseudonym
6 commonly known as a “stage name”. The purpose of the stage name is to maintain the dancers’
7 privacy and to protect them from stalking, harassment, discrimination, public embarrassment,
8 and violence when they are outside the club.

9 12. Information contained on the manager’s license includes the person’s true name, date
10 of birth, physical description, and the person’s photograph.

11 13. Information contained on the dancer’s license includes the person’s true name, stage
12 name, date of birth, physical description, and the person’s photograph.

13 14. Defendant Anderson maintains copies of all manager and dancer licenses that are
14 issued by her office.

15 15. Defendants Anderson and Pierce County are subject to the requirements of the
16 Washington Public Records Act, (hereinafter “PRA”), which is codified in RCW §§ 42.17.010 et
17 seq. and 42.56.001 et seq. Defendants Anderson and Pierce County are “agencies” as that term
18 is defined in 42.17.020(1).

19 16. The manager and dancer licenses issued and maintained by Defendant Anderson are
20 “public records” as defined RCW §§ 42.17.020, subsections (36) and (42).

21 17. “Agencies” such as the Auditor’s Office and Defendant Pierce County are required
22 by the PRA to disclose public records upon request to anyone making the request and disclosure
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FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER ON
PRELIMINARY INJUNCTION - 3

1 of the records is mandatory. The only public records protected from disclosure are those
2 specifically mentioned in a statutory exemption. RCW 42.56.070(1) provides in part:

3 Each agency, in accordance with published rules, shall make available for public
4 inspection and copying all public records, unless the record falls within the
5 specific exemptions of subsection (6) of this section, this chapter, or other statute,
6 which exempts or prohibits disclosure of specific information or records.

7 18. Unless specific public documents are subject to a statutory exemption, “agencies”
8 have no discretion in deciding whether or not to disclose the record. “Agencies” are not
9 permitted to inquire as to the purpose for which the record is sought.

10 19. The Court finds that there are no statutory exemptions in the PRA applicable to
11 dancer and manager licenses issued and maintained pursuant to Chapter 5.14 of the Pierce
12 County Code. The Auditor is required by the PRA to promptly disclose the licenses to anyone
13 requesting them regardless of the requestor’s intended use once the licenses are obtained.

14 20. The Court finds that information contained on managers’ and dancers’ license, which
15 includes the license holder’s true name and date of birth, can be used to obtain additional
16 personal information about that individual including their home address, telephone number
17 and the names of their friends and family members. Much of this information is contained in
18 public data bases that can be accessed via the Internet. Once the information contained on
19 managers’ and dancers’ license is released to Defendant VanVleet, it could be used by him for
20 any number of purposes and it could be widely disseminated to others who could use the
21 information to harass and threaten individual mangers and dancers.

22 21. The Court finds that Plaintiffs Jane Roe 1 and Jane Roe 2 and others similarly
23 situated wish to maintain the confidentiality of their personal information as evidenced by their

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER ON
PRELIMINARY INJUNCTION - 4

1 use of stage names while working in the club. The Court finds that the named Plaintiffs and
2 others similarly situated have reasonable cause to fear harassment, embarrassment,
3 discrimination and threats to their physical safety in the event that copies of their licenses are
4 publically disclosed.

5 22. On or around September 18, 2014, Defendant Van Vleet made a written public
6 disclosure request to Defendant Anderson requesting disclosure of all licenses for persons
7 working as dancers and managers at Dreamgirls at Fox's.

8 23. Plaintiffs have reason to fear disclosure of their personal information to Mr. Van
9 Vleet and to other members of the public with whom he might choose to share the information.
10 Van Vleet has been convicted of violating anti-harassment protection orders.

11 24. Plaintiffs Jane Roe 1, Jane Roe 2 and others similarly situated may discontinue their
12 employment, may choose to work elsewhere, or may choose not to renew their licenses for fear
13 of having their personal information disclosed.

14 25. Once Plaintiffs' licenses are disclosed, the remedy that they are seeking in the
15 present lawsuit will be irretrievably lost.

16 26. There is a reasonable probability that Van Vleet and other members of the public will
17 make similar public records requests of managers' and dancers' licenses in the future.

18 27. On or September 22, 2014, the Pierce County Auditors Office sent written notice to
19 all licensed managers and dancers at Dreamgirls at Fox's informing them of Defendant Van
20 Vleet's public disclosure request and informing them that the documents sought by Van Vleet
21 would disclosed to him unless a court order was obtained on or before October 17, 2014.

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FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER ON
PRELIMINARY INJUNCTION - 5

