

1 THE HONORABLE WILLIAM DOWNING

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7 SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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9 LANDIS+GYR TECHNOLOGY, INC., a
10 Delaware corporation, SENSUS USA INC., a
11 Delaware corporation, and TRILLIANT
12 NETWORKS, INC., a Delaware corporation,
13
14 Plaintiffs,

NO. 16-2-12149-7 SEA

ORDER GRANTING PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION

13 v.

14 CITY OF SEATTLE, a Washington municipal
15 corporation, SEATTLE CITY LIGHT, a
16 department of the City of Seattle, PHIL
17 MOCEK, an individual, and
18 MUCKROCK.COM, a website registered to
19 MICHAEL MORISY, an individual,
20
21 Defendants.

20 This matter came before the Court on PLAINTIFFS' MOTION FOR PRELIMINARY
21 INJUNCTION. The Court heard the oral argument of counsel for Plaintiffs and counsel for
22 Defendants on June 3, 2016 and fully considered the pleadings and records on file herein,
23 including without limitation:

- 24 1. Plaintiffs' Motion for Preliminary Injunction;
25 2. Declaration of Eric Christensen with Supporting Exhibits;

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ORDER GRANTING PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION- 1

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- 1 3. Declaration of Jay Evensen;
- 2 4. Declaration of Gregory Myers;
- 3 5. Declaration of Doug Wolfe;
- 4 6. Defendants' Response;
- 5 7. Declaration of Stacy Irwin;
- 6 8. Declaration of JR Gonzales;
- 7 9. Request of MuckRock.com and Morisy to Dissolve Temporary Restraining Order and
- 8 Opposition to Plaintiffs' Request for a Preliminary Injunction;
- 9 10. Declaration of Michael Morisy;
- 10 11. Defendant Mocek's Response to Preliminary Injunction;
- 11 12. Defendant/Public Records Requester Phil Mocek's Supplemental Memorandum of
- 12 Law Regarding Plaintiffs' Motion for Preliminary Injunction;
- 13 13. Plaintiffs' Reply in Support of its Motion for Preliminary Injunction; and
- 14 14. Plaintiffs' Reply to Defendant Mocek's Memorandum of Law.

15 The Court having considered the foregoing materials and the arguments of counsel, and
16 being otherwise fully apprised,

17 Now, therefore, it is hereby ORDERED, ADJUDGED and DECREED that:

18 Plaintiffs' Motion for Preliminary Injunction is GRANTED as to the Defendant City of
19 Seattle:

- 20 1. The preliminary injunction order will remain in place preventing the City from
21 releasing unredacted versions of the Plaintiffs' documents until the Court
22 completes *in camera* review of the documents per the procedures outlined herein.
- 23 2. No later than June 17, 2016, Plaintiffs shall:
 - 24 a. Provide redacted versions of their documents to the City, which the City
25 shall release to Mocek;

26
ORDER GRANTING PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION- 2

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1 b. Provide unredacted versions of their documents to the Court for *in camera*
2 inspection.

3 3. Plaintiffs may redact the following categories of information:

4 (a) Information claimed as their trade secrets, including detailed pricing
5 information that could allow reverse engineering of Plaintiffs' trade secrets and
6 proprietary pricing models;

7 (b) Information claimed as network security information, including that
8 regarding security of private computer and communications networks;

9 4. Plaintiffs may not redact the following categories of information:

10 (a) Results of third-party audits of Plaintiffs' security systems and protocols
11 of the kind reported as "Test Results" at pages 38-70 of the document entitled
12 "Report on Landis+Gyr's Technology, Inc.'s Description of Its Managed
13 Services Operations and on the Suitability of the Design and Operating
14 Effectiveness of Its Controls for the Period May 1, 2015 to October 31, 2015,"
15 identified in the pleadings as the "Managed Services Report."

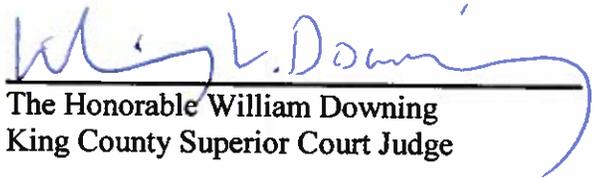
16 (b) The names, biographies, and business addresses of employees or trade
17 references. (Personal cell phone numbers and email addresses may be redacted.)

18 5. From their review of the redacted documents, it is anticipated that Mr. Mocek
19 and his counsel will be largely able to draw inferences from the location of the
20 narrow redactions as to their basis and legitimacy (e.g., the identification of a
21 piece of equipment or its location the release of which could jeopardize trade
22 secrets or network security). Within a week of receipt of these documents, they
23 should notify the Court as to the redactions, if any, with which dispute is taken.
24 The Court will then conduct its *in camera* review and make final determinations
25 as to what is to be treated as exempt from public disclosure.
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Plaintiffs' Motion for Preliminary Injunction is DENIED as to Defendants Phil Mocek, Muckrock.com, and Michael Morisy. The Court finds that the relief requested by Plaintiffs would constitute a prior restraint, and as such would violate the First Amendment (as well as being futile). The Temporary Restraining Order previously entered on May 25, 2016 is DISSOLVED and VACATED. Plaintiffs may pursue damages and other non-injunctive relief as the appropriate remedy for any violation of the Uniform Trade Secrets Act, RCW Chapter 19.108. This Order does not affect Plaintiffs' claim for damages and other non-injunctive relief under the Uniform Trade Secrets Act, RCW Chapter 19.108.

DONE IN OPEN COURT this 9th day of June, 2016.


The Honorable William Downing
King County Superior Court Judge

Presented by:

1 Plaintiffs' claim for damages and other non-injunctive relief under the Uniform Trade Secrets Act,
2 RCW Chapter 19.108.

3 DONE IN OPEN COURT this _____ day of _____, 2016.

5 _____
The Honorable William Downing
6 King County Superior Court Judge

7 Presented by:

<p>8 CAIRNCROSS & HEMPELMANN, P.S.</p> <p>9 <i>s/ Eric Christensen</i></p> <p>10 Eric L. Christensen, WSBA No. 27934 524 Second Avenue, Suite 500 11 Seattle, WA 98104-2323 Telephone: (206) 587-0700 12 Facsimile: (206) 587-2308 E-mail: echristensen@cairncross.com</p> <p>13 ATTORNEY FOR PLAINTIFF</p>	<p>DAVIS WRIGHT TREMAINE LLP</p> <p><i>Ambika Doran</i></p> <p>Ambika Kumar Doran, WSBA No. 38237 Eric Stahl, WSBA No. 27619 1201 3rd Ave Ste 2200 Seattle, WA 98101-3045 Phone: (206) 757-8030 Fax: (206) 757-7030 Email: ambikadoran@dwt.com ericstahl@dwt.com</p> <p>ATTORNEYS FOR PHILLIP MOCEK</p>
<p>16 FOCAL PLLC</p> <p><i>Venkat Balasubramani</i></p> <p>Venkat Balasubramani, WSBA No. 28269 900 1st Avenue S Suite 203 19 Seattle, WA 98134-1236 Phone: (206) 529-4827 20 Fax: (206) 260-3966 E-mail: venkat@focallaw.com</p> <p>22 ATTORNEY FOR MUCKROCK.COM</p>	<p>SEATTLE CITY ATTORNEY'S OFFICE</p> <p><i>Jessica Nadelman</i></p> <p>Jessica Nadelman, WSBA No. 27569 Erica Franklin, WSBA No. 43477 701 5th Avenue, Suite 2050 Seattle, WA 98104-7097 Phone: 206-733-9309 FAX: 206-684-8284 Email: Jessica.nadelman@seattle.gov erica.franklin@seattle.gov</p> <p>ATTORNEYS FOR CITY OF SEATTLE / SEATTLE CITY LIGHT</p>

25 ORDER GRANTING PLAINTIFFS' MOTION FOR
26 PRELIMINARY INJUNCTION- 5

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