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Scott G. Weber, Clerk, Clark Co.

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HON. JENNIFER SNIDER

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK

DAYBREAK YOUTH SERVICES, a
Washington Public Benefit Corporation,

Plaintiff,

v.

CLARK COUNTY SHERIFF'S OFFICE,

Defendant.

No. 18-2-05488-9

ORDER ON MOTION FOR
ORDER OF GOOD CAUSE

This matter having come for hearing on Defendant's Motion for Order of Good Cause on July 5, 2019, and having considered the parties' response and reply pleadings, supporting declarations and exhibits, if any, and all other matters presented to the Court and, specifically:

1. Defendant's Motion for Order of Good Cause;
2. Declaration of Leslie A. Lopez in Support of Defendant's Motion for Order of Good Cause with Exhibits 1-2;
3. Declaration of Christopher Luque in Support of Defendant's Motion for Order of Good Cause with Exhibits 1-5;

AMENDED ORDER ON MOTION FOR ORDER OF
GOOD CAUSE - 1 of 5

CLARK COUNTY PROSECUTING ATTORNEY
CIVIL DIVISION
1300 FRANKLIN ST., SUITE 380 • PO BOX 5000
VANCOUVER, WASHINGTON 98666-5000
(564) 397-2478 (OFFICE) / (564) 397-2184 (FAX)

1 4. Declaration of Sarah Leffler in Support of Defendant's Motion for Order of Good
2 Cause with Exhibits 1-2;

3 5. Plaintiff's response to Defendant's Motion for Order of Good Cause, and any
4 supporting declarations and exhibits;

5 6. Defendant's Reply to Defendant's Motion for Order of Good Cause, and any
6 supporting declarations and exhibits, and good cause appearing therefore,

7 THE COURT MAKES THE FOLLOWING FINDINGS:

8 1. The records obtained by CCSO through search warrants to Daybreak Youth Services
9 could not have been obtained through other mechanisms;

10 2. The public interest and need for the disclosure of records obtained by these search
11 warrants outweighs any potential injury to the patient, the physician-patient relationship and the
12 treatment services; and

13 3. All records obtained from the search warrants have been retained with sufficient
14 controls and limitations to protect confidential information pursuant to 42 U.S.C.A. § 290dd-
15 2(a).

16 IT IS HEREBY ORDERED, ADJUDGED and DECREED that:

17 1. Defendant's Motion for Order of Good Cause is hereby GRANTED; and

18 2. CCSO will return or destroy the mirrored copies of electronic data from Daybreak
19 obtained through the normal procedure of returning evidence, as these records are not necessary
20 for furtherance of the criminal investigations;

21 3. In the event the Prosecuting Attorney's Office files any charges for failure to report, it
22 will seek a protective order for the patient treatment records in the underlying criminal action;

23 4. Any records obtained from the search warrants, including the underlying search warrants
24 and supporting affidavits, that contain the identity, diagnosis, prognosis, or treatment of any
25 Daybreak Youth Services patients shall be redacted prior to public disclosure or filed under seal;
26

1 5. No information obtained by CCSO through its search warrants may be used to conduct
2 any investigation or prosecution of a patient in connection with a criminal matter;

3 6. CCSO is allowed to contact and interview current and former Daybreak employees
4 related to CCSO's investigation of Daybreak, without prevention or interference by Daybreak or
5 its attorneys; *Current or former employees are free to decide whether
6 they wish to be interviewed or not.*

7 7. On or before July 19, 2019, CCSO will provide to Daybreak Youth Services a list of all
8 patients identified in records seized in the search warrants that have not already been returned to
9 Daybreak Youth Services;

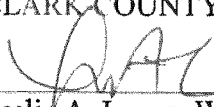
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12 8. On or before August 2, 2019, *Daybreak.* will issue notices to these patients regarding their
13 right to seek amendment to or revocation of this Order; and

14 10. Counsel for the parties will meet and confer on the contents of the proposed notice to
15 patients. If the parties are not able to agree on the proposed notice, the parties shall appear
16 before the court on a regular Friday motion docket on or before July 26, 2019 for a determination
17 on the form for patient notice.

18 DATED this 5th day of July, 2019.

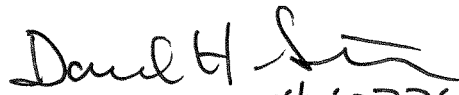
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21 *Jennifer Snider*
22 HONORABLE JENNIFER SNIDER
23 SUPERIOR COURT JUDGE
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1 Presented by:
2 CLARK COUNTY PROSECUTING ATTORNEY

3 
4 Leslie A. Lopez, WSBA #46118
5 Deputy Prosecuting Attorney
6 Clark County Prosecutor's Office - Civil Division
7 PO Box 5000
8 Vancouver WA 98666-5000
9 Ph: (564) 397-2478
10 Email: Leslie.Lopez@clark.wa.gov

11 *Attorney for Defendant*

12 *Appeared as to form/
13 Appeared for entry*

14 
15 *WSBA #10721*

16 *Attorney for Daybreak
17 Youth Services*