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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

STACY IRWIN and KIMBERLY FERREIRO,)	No. 21-2-11739-9 SEA
)	
Plaintiffs,)	DECLARATION OF KIMBERLY FERREIRO
)	
v.)	
)	
CITY OF SEATTLE, WASHINGTON)	
)	
Defendant.)	
)	

Kimberly Ferreiro, under penalty of perjury of the laws of state of Washington, does hereby declare as follows:

1. I am a Plaintiff in the above-captioned case. I am over 18 years old and competent to testify to the matters contained herein and do so upon personal knowledge.
2. This declaration is my true account of Michelle Chen’s directions to me regarding responses to public records requesters who requested Mayor Durkan’s missing text messages.
3. Stacy Irwin and I worked as Public Disclosure Officers under Mayor Ed Murray and his legal counsel Ian Warner. In the Murray administration, Irwin and I handled all record requests and Mayor Murray was rarely directly involved in discussions of record requests or responses to records requests.
4. When Jenny Durkan became mayor, she held standing weekly meetings on Friday with her legal counsel, Michelle Chen. These standing meetings included public disclosure

1 requests (PDR) reviews. These meetings were often delayed or rescheduled, resulting in delays in
2 releasing records to requesters. Chen told me no record releases regarding the Mayor could go out
3 without the Mayor personally reviewing the requests and records first. This was a change in
4 procedure from the prior administration.

5 5. Prior to the discovery that the Mayor's text messages had been deleted, Chen
6 routinely told Irwin and I that Mayor Jenny Durkan had to have "eyes" on any record request that
7 was politically sensitive. What they considered "politically sensitive" was constantly changing.
8 Any record request that had any mention of Mayor Durkan, her family, or her close friends was to
9 be specifically flagged so that Chen could review these records with either the Mayor or her Chief
10 of Staff, Stephanie Formas. This was a change in procedure from the prior administration.

11 6. Michelle Chen informed me that she was not authorized to make independent
12 decisions on politically sensitive records releases involving Mayor Durkan. This caused significant
13 delay in Irwin's and my ability to timely release records.

14 7. In anticipation of Mayor Durkan's and Chen's weekly PDR review meetings, I
15 prepared requested documents with redlined redactions for their approval or disapproval. Chen
16 returned the documents to me with her handwritten notes and with directions on redactions and
17 exemptions for the records she reviewed with the Mayor for me to release to requesters.

18 8. Many, many times, Irwin and I determined that the Mayor's proposed exemptions
19 were not in accordance with the Public Records Act. When we raised our objections to the
20 exemptions with Chen, she told us we were wrong. Chen told me that said I did not have a law
21 degree, that I was not interpreting the law correcting, and that I lacked an understanding of the
22 Public Records Act.

23 9. After the Irwin and I became aware of the missing text messages, Chen told me
24 Mayor Durkan had to personally review all the records requests regarding the Mayor's text
25 messages. To facilitate this, Irwin and I created spreadsheets to track the records requests.
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1 10. Michelle Chen told me that that Mayor Durkan directed that responses to public
2 record requests was that responsive records did not exist if the request did not specifically name
3 the Mayor or explicitly mention her text messages.

4 11. Mayor Durkan and Chen retained very tight control over what records were
5 released, how they would be released, and what exemptions would be applied.


6 12. In the weekly PDR meetings with Chen, Irwin and me, Chen regularly told me
7 “You serve at the will of the Mayor. When the Mayor is not happy, I’m not happy. When the
8 Mayor is not happy, bad things can happen. You can be dismissed at any time.”

9 13. On or about September 22, 2020, Chen wrote to me in an email “I hope you
10 understand that I also get orders from higher ups.”

11 14. On or about December 2, 2020, Chen emailed me about the missing text messages
12 “This is too high profile and too much at stake that I need to run this up and get [Chief of Staff]
13 Formas or [Deputy Mayor] Fong’s sign-off.”

14 15. On or about March 4, 2021, Chen asked me to draft a response to requesters who
15 requested the Mayor’s deleted text messages. The response I drafted was “The records that you
16 are receiving are recreations of messages from other members of the Mayor’s office. Due to a
17 technical issue the Mayor has no text messages between 8/28/2019 - 6/25/2020.” Chen told me
18 not to use this response because it was not accurate and that the Mayor did not want to tell
19 requesters anything that would admit liability for her or the City.

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21 Dated this 27th day of March 2023.

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23 
24 _____
25 Kimberly Ferreiro, Plaintiff
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