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FILED

JUL 07 2025

2015 Timothy W. Fitzgerald, C. (1)
SPOKANE COUNTY CLERK6 **SUPERIOR COURT, STATE OF WASHINGTON**7 **COUNTY OF SPOKANE**

8 CITY OF SPOKANE VALLEY, a municipal)
 9 corporation,) **Cause: 25-2-00710-32**
 10 vs. Plaintiff,)
 11 ALBERT W. MERKEL, an individual,) **DECLARATION OF
 12 Defendant.) ALBERT W. MEKEL
 13) IN SUPPORT OF MOTION
 14) FOR PROTECTIVE ORDER**
 15)
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 18)
 19)

14 I, ALBERT W. MERKEL, DECLARE AS FOLLOWS.

15 1. I am over 18 years of age, am competent to testify to the matters herein and have
 16 personal knowledge of the same.

17 2. I am the Defendant in the above-captioned matter.

18 3. On January 1, 2024, I assumed my duties as a duly elected member of the City of
 19 Spokane Valley (City) City Council.

20 4. The compelled disclosure of my electronic private communications will subject
 21 me and my political associates, supporters, and groups to further harassment, intimidation, and
 22 reprisal, which will affect our physical well-being, political activities, and economic interests,
 23 and have a chilling effect on the willingness of potential members to associate with my and my

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1 political group. Below are just a few examples of the threats, harassment, and intimidation from
2 the City of Spokane Valley's leadership and their political allies directed towards my family,
3 friends, political supporters, and me because of my political beliefs, activities, and group
4 associations.

5 5. I fear that if my private notes, and communications with my political groups and
6 friends are publicly disclosed in response to discovery requests by Plaintiff City of Spokane
7 Valley those disclosures will be used to further retaliate against me by damaging my credibility
8 and reputation and intimidating my political groups and supporters. This fear is not theoretical.
9 It is supported by a well-documented pattern of harassment, political targeting, and abuse of
10 government authority.

11 6. On January 11, 2024, during open public comment at a City Council meeting, a
12 known and vocal supporter of Mayor Pam Haley, who has publicly backed and financially
13 supported her campaigns, took to the podium and stated on the public record that now that I was
14 elected, my "family and friends are fair game," and she would be "coming after them." This was
15 not vague political rhetoric—it was a direct threat issued in a government forum, with no
16 objection from city leadership.

17 7. Roughly a month later, on or about February 10, 2024, both City Manager John
18 Hohman and City Attorney Kelly Konkright personally threatened me with legal action due to
19 my association with the Painted Hills Preservation Association. Specifically, they targeted my
20 use of a private social media account to help the group raise funds—a clear exercise of my First
21 Amendment rights to free speech and association. This marked a deliberate attempt to
22 criminalize private, constitutionally protected political activity.

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1 8. Further, during a politically motivated investigation that the City Manager
2 initiated against me, evidence emerged that city staff were coordinating behind closed doors with
3 elected officials to plan and execute efforts to attack and discredit me. These meetings occurred
4 on paid city time, were deliberately kept hidden from me and the public, and amounted to
5 secretive political sabotage under the guise of administrative process. Making matters worse, the
6 so-called “independent” investigator allowed City Manager Hohman to review and “get all the
7 ducks in a row” before the final report was issued—effectively giving the subject of the
8 investigation control over its conclusions. Transcripts from interviews with both John Hohman
9 and Deanna Horton support this conclusion and demonstrate that the entire investigation was
10 weaponized to politically target me (March 2024).

11 9. When I was running for office and after I took office, I have also been harassed
12 repeatedly at home by the city’s code enforcement department. Officers have cited me over
13 parked vehicles, threatened fines, and forced me to present proof—often regarding license plates
14 plainly visible from the street—despite my consistent success in fighting every allegation. This
15 harassment persisted even after vindication and was ultimately leaked to the press in what I
16 believe to be a deliberate act of retaliation. (See Spokesman-Review, February 26, 2024.)

17 10. In addition, Councilmembers Rod Higgins and Jessica Yaeger have made a habit
18 of appearing on the local radio show “Right Perspective Spokane,” where they have peddled
19 wild and false claims about my personal life and political affiliations. These broadcasts—on
20 August 16, 2023; October 23, 2023; February 22, 2024; March 6, 2024; March 27, 2024;
21 November 20, 2024; December 19, 2024; and January 8, 2025, among others—show an ongoing
22 obsession with undermining me publicly, smearing my reputation, and creating the illusion of
23 impropriety to justify invading my privacy.

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1 11. On or about June 8, 2024, a private investigator—hired by a known supporter of
2 the Mayor, in coordination with Councilmember Higgins and reportedly with Mayor Haley's
3 awareness—contacted my friends, family, and former workplaces with intimidating and
4 defamatory questions. The resulting report was not only libelous but was allowed to be read
5 aloud during a public council meeting, in direct violation of council comment rules. No action
6 was taken by the city to prevent this abuse of the public process.

7 12. Private citizens who support me have also become targets. In two cases,
8 individuals who spoke in favor of me during council meetings—Mike Dolan and Tracy
9 Christian—had their properties personally visited by City Manager Hohman, who hand-selected
10 alleged code violations and then prioritized enforcement against them, bypassing hundreds of
11 citizen-reported cases. This was not normal enforcement—it was retaliatory action directly tied
12 to their public political speech. As a result, Mr. Dolan decided against running for City Council.

13 13. Jodie Buehler is a private citizen of Spokane Valley and a political supporter of
14 mine, and an open critic of the City council and City leadership. Plaintiff's counsel in this action
15 have targeted her by seeking all my communications with her. See RFP Nos. 25, 26. On
16 February 25, 2025, after Ms. Buehler spoke out on my behalf at a City Council meeting,
17 Councilmember Higgins, during the City Council meeting, threatened to investigate whether Ms.
18 Buehler's dog was a certified service dog, implying that he wanted to ban her dog from escorting
19 her to City Council meetings. This behavior chills free speech and discourages civic
20 participation, especially from those who are aligned with me politically. As a result, Ms. Buehler
21 decided against running for City Council.

22 14. Dozens of other residents have expressed their fears to me privately that they are
23 afraid to speak out, attend meetings, or donate to my legal defense out of fear of city retaliation,

1 particularly due to public disclosure requirements through the Public Disclosure Commission
2 (PDC). They are not paranoid; their fears are based on what they have seen happening to others.

3 15. Finally, I have received multiple anonymous threats targeting my family, friends,
4 business associates, and political allies. These threats were delivered through both my personal
5 and business Facebook accounts, with documented instances in December 2024, January 2025,
6 and February 6, 2025. These threats coincided with heightened public attacks and media
7 attention orchestrated by political actors aligned against me. Attached hereto as Exhibit “A” is
8 true and correct copy of a posting dated February 6, 2025, on my personal Facebook social
9 media account from an unknown person using the alias “NW Russell,” who posted, “Your [sic]
10 POS. I wouldn’t want to be living or related to you as your karma I believe is going to hurt you
11 and those around you. Ugly pig.” I have received several other threatening and insulting
12 messages from the public on my social media which I have deleted.

13 16. Considering all the above, I have a deeply credible and well-founded fear that the
14 City’s attempts to access my private information, including my personal social media,
15 communications, and associations—are not about transparency or Public Records Act
16 compliance, but rather a politically motivated effort to retaliate against me and those close to me.
17 My rights to privacy, free speech, and association are at stake.

18 17. In addition, my mobile phone and other electronic devices contain deeply private
19 personal communications with my wife, daughter, extended family, friends and close confidants
20 including my attorney. These communications include ongoing conversations with my wife and
21 child about family matters, personal health, and other sensitive topics. It also holds
22 communications with close friends, family members, and business partners concerning private
23 affairs, confidential business operations, personal financial access, two factor identification to

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1 countless apps and personal services such as social security and matters wholly unrelated to any
2 City function.

3 18. In addition, my phone and other electronic devices stores, photographs, videos,
4 correspondence, notes, and records pertaining to my political beliefs, affiliations, and strategies
5 as both a public official and a private citizen engaged in political discourse. These materials are
6 protected by the First Amendment of the United States Constitution, safeguarding my right to
7 free speech, association, and political participation without undue government interference.

8 19. Allowing the City to require me to produce copies of all my private electronic
9 communications which mentions the City or its leadership “referring or relating to any problems,
10 acts, or omissions,” or “actions, initiatives, proposals, resolutions, spending and/or other council
11 member meetings” would not only be an unwarranted intrusion but a gross overreach of
12 authority. See Interrogatory No. 24, and RFP Nos., 23, and 30. Such an action would breach my
13 privacy and that of every individual who has communicated with me in confidence. It would also
14 chill the exercise of free political expression and open the door to abuse of government power for
15 political or retaliatory purposes.

16 20. There is no compelling, narrowly tailored, or legally sufficient justification
17 provided by the City to justify such an invasive request. The scope of the demand is overly broad
18 and disconnected from any legitimate government interest. If granted, it would constitute a
19 profound miscarriage of justice and a violation of fundamental constitutional protections.

20 I declare under the penalty of perjury under the law of the State of Washington that the
21 foregoing is true and correct.

22 DATED this 7th day of July, 2025, at Spokane, Washington.

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EXHIBIT “A”



NW Russell

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NW Russell

End-to-end encrypted

Messages and calls are secured with end-to-end encryption. Only people in this chat can read, listen to, or share them. [Learn More](#)

Your a POS. I wouldn't want to be living or related to you as your karma I believe
is going to hurt you and those around you. Ugly pig

Feb 6, 2025, 11:50 AM

This person is unavailable on Messenger.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 1 day of July, 2025, I caused to be served a true and correct copy of the foregoing document to the following:

HAND DELIVERY
 U.S. MAIL
 OVERNIGHT MAIL
 FAXSIMILE
 EMAIL

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