

No. 100079-1

SUPREME COURT
OF THE STATE OF WASHINGTON

MARI YVONNE DAVIES,

Respondent,

v.

MULTICARE HEALTH
SYSTEM, a Washington
corporation d/b/a GOOD
SAMARITAN HOSPITAL, and
MT. RAINIER EMERGENCY
PHYSICIANS, PLLC,

Petitioners.

STATEMENT OF
ADDITIONAL
AUTHORITIES

(RAP 10.8)

Petitioners MultiCare Health System, a Washington corporation d/b/a Good Samaritan Hospital and Mt. Rainier Emergency Physicians, PLLC seek review of the Court of Appeals' reversal of a pre-trial order granting summary judgment dismissing respondent's informed consent claim, based on the record before the trial court on summary judgment. Respondent does not cross-petition for review of the jury's verdict on her medical negligence claim. Petitioners therefore submit the following additional authorities in

response to respondent's citation to the report of proceedings from trial to support the trial court's pre-trial order on summary judgment:

RAP 9.12 ("On review of an order granting or denying a motion for summary judgment the appellate court will consider only evidence and issues called to the attention of the trial court.").

Washington Fed'n of State Emps., Council 28, AFL-CIO v. Off. of Fin. Mgmt., 121 Wn.2d 152, 157, 849 P.2d 1201 (1993) ("The purpose of [RAP 9.12's] limitation is to effectuate the rule that the appellate court engages in the same inquiry as the trial court.").

Taliesen Corp. v. Razore Land Co., 135 Wn. App. 106, 129, 144 P.3d 1185 (2006) ("under RAP 9.12 we consider only evidence that was before the court at the summary judgment phase, and disregard Taliesen's citations to evidence presented at trial.").

Dated this 31st day of August, 2021.

SMITH GOODFRIEND, P.S.

By: /s/ Howard M. Goodfriend
Howard M. Goodfriend
WSBA No. 14355

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Attorney for Petitioners

DECLARATION OF SERVICE

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct:

That on August 31, 2021, I arranged for service of the foregoing Statement of Additional Authorities (RAP 10.8), to the Court and to the parties to this action as follows:

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DATED at Seattle, Washington this 31st day of August, 2021.

/s/ Andrienne E. Pilapil
Andrienne E. Pilapil

SMITH GOODFRIEND, PS

August 31, 2021 - 8:57 AM

Transmittal Information

Filed with Court: Supreme Court
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