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FILED
SUPREME COURT
STATE OF WASHINGTON
12/2/2021
BY ERIN L. LENNON
CLERK

12-22-2021

From: Minnie Thomas
Appellant

Subject: Thomas v Swedish Hospital
Case # 809183

Re: Motion to renew the denied
Motion for Reconsideration

Attn: Lani
Case manager

Hand delivered to the court of
appeals, drop box on

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2021 DEC -1 PM 4:30

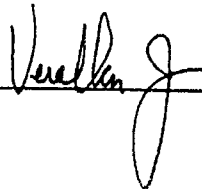
IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

MINNIE THOMAS,)	No. 80918-1-I
)	
Appellant,)	
)	
v.)	
)	
SWEDISH HOSPITAL,)	✓ ORDER DENYING MOTION
)	FOR RECONSIDERATION
Respondent.)	

Appellant filed a motion for reconsideration of the court's September 27, 2021 opinion. The panel has determined the motion should be denied. Now, therefore, it is hereby

ORDERED that the appellant's motion for reconsideration is denied.

FOR THE PANEL:



✓ See the attached motion to re-
quest the above order to be reviewed.

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COURT OF APPEALS

Division 1

MINNIE THOMAS

Appellant Case No 80918-1

v.

SWEDESH HOSPITAL

Respondent

Re: MOTION FOR A REVIEW OF
ORDER DENYING MOTION FOR
RECONSIDERATION

I, Minnie Thomas, am petitioning the Court of Appeals to review the order denying the motion that was filed to Reconsider the decision to affirm the trial court's affirm decision to grant the defendant an affirm Summary Judgment on 11-21-19. The reason for this request to review this "Denied" order to "Reconsider" is as follows:

1. I, appellant, submitted to the Court of Appeals, in my opening

brief and motion to "Reconsider"
Irrefutable evidence to support
my factual claim that the Judge's
Order entered after the hearing on
10-18-2019 was based on Deliberately
False, manipulated and twisted
Statements in order to deliberately deny
my motion for a continuance for
After 11-18-2019 to file a declaration
from my chosen Designated medical ex-
pert by 12-30-2019 to prevent the
trial court from granting the defendant's
motion for a summary judgement given the
lack of a medical expert's declaration.

In closing, I, appellant, am petitioning
the court to appear to review the
decision to Deny my motion for a
Reconsideration, because it was very un-
fair for the trial court to Deny
me the right to continue on trying
to seek justice over the defendant's
Illegal, cruel and Inhumane action
by denying me medical care in the

Emergency room over my complaints
of Severe Chest pains and difficult
breathing. The Trial Court "Knew" that
the defendant's action to my complaints
fell far below the applicable standard
of medical care for severe chest pains
and difficult breathing when the defendant
standard of medical care was to tell me
to just go back home and do whatever
I have been doing to stay alive / survive.
Therefore, the Trial Court "should not have
Denied my "Right" for a continuance under
the CR 56, for "atten" 11-18-19 to pre-
cisely prove with a Declaration from
a medical expert how the defendant's
action fell below the standard of medical
care for Chest pains and difficult
breathing. The big question is: what
harm would it have caused if the
Trial Court had granted my legit motion
for a continuance for atten 11-18-2019,
within 90 days, to prove "precisely"
how the defendant's denial of medical
care in the emergency room was in-
applicable and caused me "harm" or

Did the Trial Court's denial of my legit motion for a continuance on after 11-18-19 Denied the defendant to obtain an untain summary judgement over my failure to file an untimely declaration from a possible expert witness that was only due to be Disclosed by '11-18-2019' to prevent the defendant's motion for a summary judgement from being granted?

To reinstate, please review this Court's opinion to 'attain' the trial court's untain decision on 10-18-20 to deny my legit motion for a continuance on after 11-18-2019 in order to grant the defendant a summary judgement over the lack of a filed event by 11-18-2019 that was not regained under a local Civil Rule to be filed by 11-18-19. Instead of making a 'Deceitful/False and Twisted' wounded order

On 10-18-2019 to "Harm" my case
by or on 11-18-2019, the Trial Court
Should have granted my "legit" motion
for a Continuance for after 10-18-
2019 to save my "meritorious" case
with a declaration from a "medical
expert. To reiterate, the general public
will have an interest in this court's de-
cision / opinion that the Trial Court can
violate my constitutional right for
a Continuance, for a "good cause", in
order to untainly grant the defendant
a Summary Judgment to cover up the
fact that the defendant's "lack" of
medical care in the emergency room
"nearly" caused my "Death".

DATED this 14th day of November,
2021

By: Monica Thomas
PRO. SE. COUNSEL

MOTION FOR A
REVIEW OF THE
ORDER DENYING
MOTION TO RECONSIDERATION

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the state of Washington, that I am now, and at all times material hereto, a citizen of the United States, a resident of the state of Washington, over the age of 18 years, not a party to, nor interested in the above entitled action, and competent to be a witness herein. I caused to be served, pursuant to CR5(b)(7), on this date the foregoing in the manner indicated to the parties listed below:

D Horney
Micahela Atkins
761 5th Ave # 4750
Seattle, WA 98101

- Legal Messenger
- Facsimile
- ECF/Email
- 1st Class mail
- Federal Express

Signed in Redmond, Washington this
10th day of November, 2021

Minnie Thomas
Plu. SE
Minnie Thomas

MOTION TO REVIEW
THE DECISION TO
DENY MOTION FOR
RECONSIDERATION
CASE NO 80918.3

MINNIE THOMAS
8208 161st AVE NE #A-22L
Redmond, Washington 98052
425-891-1867

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the state of Washington, that I am now, and at all times material hereto, a citizen of the United States, a resident of the state of Washington, over the age of 18 years, not a party to, nor interested in the above entitled action, and competent to be a witness herein. I caused to be served, pursuant to CR5(b)(7), on this date the foregoing in the manner indicated to the parties listed below:

Attorney
Minnie Thomas
1301 N 51st Ave
Tacoma, WA 98402

- Legal Messenger
- Facsimile
- ECF/Email
- 1st Class mail
- Federal Express

Signed in Redmond, Washington this
10th day of November, 2021

Minnie Thomas
Pro Se Litigant

NOTICE TO REVIEW
THE DECISION TO
DENY MOTION FOR
RECONSIDERATION
CASE NO 2021-1867

Minnie Thomas
8208 161st Ave NE #A-226
Redmond, Washington 98052
425-891-1867

Memorandum

Reinstatement

1. Prove that the trial court violated my "right" for a "continuance" under the new 2010 to file my case after 11-18-18-19 even though my "reason" for a continuance was "legit." See the attached document.

Actual Statements

Since the trial court made that decision / discretion to "add" this additional filed document that was not required for me to file by 11-18-19, the trial court should have "fairly" granted me a "continuance" to do so after 11-18-19 to accommodate this additional unrequired filing that "does not" legally due by 11-18-19 to prevent the defendant's motion for a Summary Judgment from being granted.

RCW 7.70.150

Actions alleging violation of accepted standard of care—Certificate of merit required.

(1) In an action against an individual health care provider under this chapter for personal injury or wrongful death in which the injury is alleged to have been caused by an act or omission that violates the accepted standard of care, the plaintiff must file a certificate of merit at the time of commencing the action. If the action is commenced within forty-five days prior to the expiration of the applicable statute of limitations, the plaintiff must file the certificate of merit no later than forty-five days after commencing the action.

(2) The certificate of merit must be executed by a health care provider who meets the qualifications of an expert in the action. If there is more than one defendant in the action, the person commencing the action must file a certificate of merit for each defendant.

(3) The certificate of merit must contain a statement that the person executing the certificate of merit believes, based on the information known at the time of executing the certificate of merit, that there is a reasonable probability that the defendant's conduct did not follow the accepted standard of care required to be exercised by the defendant.

(4) Upon motion of the plaintiff, the court may grant an additional period of time to file the certificate of merit, not to exceed ninety days, if the court finds there is good cause for the extension.

(5)(a) Failure to file a certificate of merit that complies with the requirements of this section is grounds for dismissal of the case.

(b) If a case is dismissed for failure to file a certificate of merit that complies with the requirements of this section, the filing of the claim against the health care provider shall not be used against the health care provider in professional liability insurance rate setting, personal credit history, or professional licensing and credentialing.

[2006 c 8 § 304.]

NOTES:

Findings—Intent—Part headings and subheadings not law—Severability—2006 c 8:
See notes following RCW 5.64.010.

"Reintention"

✓ Requesting additional time to disclose or retain a medical expert ~~was~~ to ob.tain "Irrefutable evidence from my medical record was a "good cause to request a continuance that did not exceed 90 days. Therefore, if the trial court was fair, my motion for a continuance would have been granted." 1/1/2021

Addendum #2
(Reinterative)

1. Dated Link by 11-18-2019
I, appellant/Plaintiff, was
only required by the Civil
Rules for the Superior Court
file a "Disclosure" from
my "possible" expert witness
to "prevent" the trial court
from granting the defendant's
motion for a Summary Judge-
ment. See the attached Case
Schedule for me to follow in
this action.

Relevant Statements

My "possible" expert witness was
Disclosed to the trial court on
11-15-19 which should have prevented
the trial court from granting the de-
fendant's motion for a Summary Judgment.

II. CASE SCHEDULE

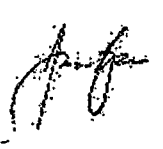
*	CASE EVENT	EVENT DATE
	Case Filed and Schedule Issued.	04/19/2019
*	Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing [See KCLMAR 2.1(a) and Notices on Page 2]. \$220 arbitration fee must be paid	09/27/2019
*	DEADLINE to file Confirmation of Joinder if not subject to Arbitration [See KCLCR 4.2(a) and Notices on Page 2].	09/27/2019
	DEADLINE for Hearing Motions to Change Case Assignment Area [KCLCR 82(e)].	10/11/2019
	DEADLINE for Disclosure of Possible Primary Witnesses [See KCLCR 26(k)].	11/18/2019
	DEADLINE for Disclosure of Possible Additional Witnesses [See KCLCR 26(k)].	12/30/2019
	DEADLINE for Jury Demand [See KCLCR 38(b)(2)].	01/13/2020
	DEADLINE for a Change in Trial Date [See KCLCR 40(e)(2)].	01/13/2020
	DEADLINE for Discovery Cutoff [See KCLCR 37(g)].	03/02/2020
	DEADLINE for Engaging in Alternative Dispute Resolution [See KCLCR 16(b)].	03/23/2020
	DEADLINE: Exchange Witness & Exhibit Lists & Documentary Exhibits [KCLCR 4(j)].	03/30/2020
*	DEADLINE to file Joint Confirmation of Trial Readiness [See KCLCR 16(a)(1)].	03/30/2020
	DEADLINE for Hearing Dispositive Pretrial Motions [See KCLCR 56; CR 56].	04/06/2020
*	Joint Statement of Evidence [See KCLCR 4 (k)]	04/13/2020
	DEADLINE for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law and Jury Instructions (Do not file proposed Findings of Fact and Conclusions of Law with the Clerk)	04/13/2020
	Trial Date [See KCLCR 40].	04/20/2020

The * indicates a document that must be filed with the Superior Court Clerk's Office by the date shown.

III. ORDER

Pursuant to King County Local Rule 4 [KCLCR 4], IT IS ORDERED that the parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for non-compliance. It is FURTHER ORDERED that the party filing this action must serve this *Order Setting Civil Case Schedule* and attachment on all other parties.

DATED: 04/19/2019



FACTUAL STATEMENTS

✓ D's Legal Granted Continuance for one month to file an interim declaration from an expert witness would have been for 12-18-2019, which would have been additional time after the dead line to disclose my possible expert witness which was 11-18-2019 to prevent the trial court from granting the defendant's motion for a summary judgement.

Addendum # 3
(Reiteration)

1. Documented proof that I did
not tell the trial court that
I will be able to file a
Declaration from an expert
by 11-18-2019. See page 2
of my motion to the trial
court on 10-9-2019. In my
to the trial court "False"
Statement in the order dated
10-18-19 to aid the defendant.

Factual Statement

I "Specifically" told the court
prior to the "False" Statement
in that twisted wounded order
that I had "sent" 11-18-2019
to "Disclose" my medical ex-
pert witness who will testify.

Based on the "Deadline" to disclosure of possible primary witnesses. See exhibit A

2. Statement of Issues

I ask the court to decide the following issues (specify):

Should the plaintiff's motion for an order for a continuance be granted.

3. Statement of Facts/Grounds

These facts support my request (list supporting facts):

The plaintiff has until November 18th 2019 to "disclose" a "Medical Expert" who will testify that Swedish medical providers failed to comply with the applicable standard of care and proximately prevent injuries to the plaintiff

4. Evidence Relied Upon

I ask the court to consider this evidence (list all declarations and other documents that support this request):

The Declaration of the plaintiff, Minnie Thomas and exhibit B.

5. Legal Authority

I have the right to ask for these orders according to the law (describe the legal authority that supports your request):

C.R. 6

6. A Proposed Order (check one): is is not attached to this Motion.

Person making this motion fills out below

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true. I have attached (number of): _____ pages.

Signed at (city and state): Redmond, Washington

Date: 10-2-2019

Minnie Thomas
Person making this motion signs here

Minnie Thomas
Print name here

I agree to accept legal papers for this case at (check one):

my lawyer's address, listed below.

filed on 10-2-2019

Addendum # 4

1 A copy of the Civil Rules 56(f) for the Superior Court that was "certainty" denied to me by the Trial Court in order to stop my case from continuing on after 11-18-2019.

2 actual statements

I would not have caused the Trial Court any "harm" to grant my motion for a continuance for after 11-18-19 to save my case with a Declaration from my Designated Medical Expert Resigned by 12-30-2019. So unless the Trial Court's plan was to dismiss my case on 10-18-19, my legit motion for a continuance for after 11-18-19 should have been granted under the CR 56, for the Superior Court, to give me an opportunity to save my case with a Declaration from my chosen De signed medical expert by 12-30-2019.

C 12 5 2 (4)

Superior Court Civil Rules

CR 56
SUMMARY JUDGMENT

(a) For Claimant. A party seeking to recover upon a claim, counterclaim, or cross claim, or to obtain a declaratory judgment may, after the expiration of the period within which the defendant is required to appear, or after service of a motion for summary judgment by the adverse party, move with or without supporting affidavits for a summary judgment in the party's favor upon all or any part thereof.

(b) For Defending Party. A party against whom a claim, counterclaim, or cross claim is asserted or a declaratory judgment is sought may move with or without supporting affidavits for a summary judgment in such party's favor as to all or any part thereof.

(c) Motion and Proceedings. The motion and any supporting affidavits, memoranda of law, or other documentation shall be filed and served not later than 28 calendar days before the hearing. The adverse party may file and serve opposing affidavits, memoranda of law or other documentation not later than 11 calendar days before the hearing. The moving party may file and serve any rebuttal documents not later than 5 calendar days prior to the hearing. If the date for filing either the response or rebuttal falls on a Saturday, Sunday, or legal holiday, then it shall be filed and served not later than the next day nearer the hearing which is neither a Saturday, Sunday, or legal holiday. Summary judgment motions shall be heard more than 14 calendar days before the date set for trial unless leave of court is granted to allow otherwise. Confirmation of the hearing may be required by local rules. The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

(d) Case Not Fully Adjudicated on Motion. If on motion under the rule judgment is not rendered upon the whole case or for all the relief asked and a trial is necessary, the court at the hearing of the motion, by examining the pleadings and the evidence before it and by interrogating counsel, shall if practicable ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. It shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which the amount of damages or other relief is not in controversy, and directing such further proceedings in the action as are just. Upon the trial of the action, the facts so specified shall be deemed established, and the trial shall be conducted accordingly.

(e) Form of Affidavits; Further Testimony; Defense Required. Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The court may permit affidavits to be supplemented or opposed by depositions, answers to interrogatories, or further affidavits. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of a pleading, but a response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If the adverse party does not so respond, summary judgment, if appropriate, shall be entered against the adverse party.

(f) When Affidavits Are Unavailable. Should it appear from the affidavits of a party opposing the motion that for reasons stated, the party cannot present by affidavit facts essential to justify the party's opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such other order as is just.

(g) Affidavits Made in Bad Faith. Should it appear to the satisfaction of the court at any time that any of the affidavits presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused the other party to incur, including reasonable attorney fees, and any offending party or attorney may be adjudged guilty of contempt.

(h) Form of Order. The order granting or denying the motion for summary judgment shall designate the documents and other evidence called to the attention of the trial court before the order on summary judgment was entered.

[Originally effective July 1, 1967; amended effective September 1, 1978; September 1, 1985; September 1, 1988; September 1, 1990; September 1, 1993; April 28, 2015.]

" A Fact "

The motion that I filed with the trial court on 10-9-2019 for a continuance for 12-30-19 was for a good cause(s). Therefore, it was unfair of the trial court to Deny my motion for a continuance to save my case with a declaration from a Designated expert witness. b. p. 20-2019.

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

MINNIE THOMAS,)	No. 80918-1-I
)	
Appellant,)	
)	
v.)	
)	
SWEDISH HOSPITAL,)	UNPUBLISHED OPINION
)	
Respondent.)	
<hr/>		

VERELLEN, J. — Minnie Thomas challenges the trial court’s grant of summary judgment in favor of Swedish Hospital and the court’s denial of her request for an additional continuance of the summary judgment hearing.

Because the evidence presented on summary judgment failed to establish genuine issues of material fact whether Swedish Hospital breached the standard of care or how the alleged breach proximately caused Thomas any injury, summary judgment was proper. And because the court granted Thomas a one-month continuance to obtain evidence substantiating her medical malpractice claims, the court did not abuse its broad discretion in denying Thomas an additional continuance.

Therefore, we affirm.

FACTS

On April 19, 2019, Minnie Thomas filed a complaint against Swedish Hospital alleging medical malpractice. Thomas alleged that on July 25, 2016, she was “wrongly discharged” from Swedish and that on April 19, 2016, Swedish “refused [her] medical care.”¹ Thomas also brought claims against Swedish for civil rights violations, libel, slander, intentional infliction of emotional distress, and invasion of privacy.

Shortly after Thomas filed her complaint, Swedish moved to dismiss Thomas’s claims under CR 12(b)(6) for failure to state a claim on which relief could be granted. The court granted the hospital’s motion in part and dismissed all of Thomas’s claims “except for [her] medical malpractice claim[s] arising from care received from Swedish on July 25, 2016, and April 19, 2016.”²

On September 13, 2019, Swedish moved for summary judgment on Thomas’s medical malpractice claims. The summary judgment hearing was scheduled for October 18. Thomas filed various requests to continue the October 18 hearing.

At the October 18 hearing, the court granted a continuance of the summary judgment hearing to November 21, 2019. In granting Thomas’s continuance the court stated that Thomas assures Swedish “and the [c]ourt that she will be able to file by November 18, 2019, an expert declaration setting forth precisely how, on a more probable than not basis to a reasonable degree of

¹ Clerk’s Papers (CP) at 2.

² CP at 14-15.

medical certainty, defendant's actions [fell] below the applicable standard of care and caused her harm."³ The court expressly required Thomas to file an expert witness declaration by November 18. On October 19, Thomas requested another continuance to December 30, 2019. The court did not grant this continuance.

On November 14, Thomas provided the court with a "disclosure of possible primary witnesses."⁴ The disclosure listed Dr. Arthur Hadley as a "possible expert witness."⁵ But Thomas did not identify any specific testimony Dr. Hadley would offer and provided no declaration from any expert witness in opposition to summary judgment.

On November 22, the trial court granted Swedish Hospital's summary judgment motion.

Thomas appeals.

ANALYSIS

I. Summary Judgment

Thomas argues that the trial court improperly granted summary judgment in favor of Swedish because the court's October 18 order requiring Thomas to submit a declaration of her expert witness by November 18 was "unfair."⁶

³ CP at 189 (emphasis omitted).

⁴ CP at 212-14.

⁵ CP at 212-13.

⁶ Appellant's Br. at 21-22.

We review an order granting summary judgment de novo.⁷ Summary judgment is appropriate “only when no genuine issue exists as to any material fact and the moving party is entitled to judgment as a matter of law.”⁸ A genuine issue of material fact exists if the evidence is sufficient for a reasonable person to return a verdict for the nonmoving party.⁹

In a medical malpractice case, a “defendant moving for summary judgment can meet its initial burden by showing that the plaintiff lacks competent expert testimony.”¹⁰ “The burden then shifts to the plaintiff to produce an affidavit from a qualified expert witness that alleges specific facts establishing [the] cause of action.”¹¹ Specifically, the plaintiff “must show that ‘[t]he health care provider failed to exercise the degree of care, skill, and learning expected of a reasonably prudent health care provider . . . in the same or similar circumstances.’”¹²

Here, on September 13, 2019, Swedish Hospital filed a summary judgment motion arguing that Thomas “has not, and cannot, produce the requisite testimony of an expert witness who will testify that [the hospital’s] medical providers failed to comply with the applicable standard of care and proximately caused” her injury.¹³

⁷ Keck v. Collins, 184 Wn.2d 358, 370, 357 P.3d 1080 (2015).

⁸ Id. (citing Scrivener v. Clark Coll., 181 Wn.2d 439, 444, 334 P.3d 541 (2014)).

⁹ Reyes v. Yakima Health Dist., 191 Wn.2d 79, 86, 419 P.3d 819 (2018).

¹⁰ Guile v. Ballard Cmty. Hosp., 70 Wn. App. 18, 25, 851 P.2d 689 (1993).

¹¹ Id.

¹² Reyes, 191 Wn.2d at 86 (quoting RCW 7.70.040(1)).

¹³ CP at 16.

On November 14, Thomas filed a “disclosure of possible primary witnesses” listing Dr. Hadley as her “possible expert witness.”¹⁴ But her disclosure did not contain a declaration from Dr. Hadley establishing that Swedish Hospital was in breach of the standard of care, or that Swedish Hospital’s alleged breach proximately caused her any injury, or even describe any opinions Dr. Hadley might offer.¹⁵

Because Thomas failed to present the court with an expert’s declaration establishing the existence of a genuine issue of material fact, summary judgment in favor of Swedish Hospital was proper.

II. Motion for a Continuance

Thomas contends that the trial court “erred . . . by ignoring [Thomas’s] repeated request for additional time after November 18, 2019, to disclose [her] expert witness.”¹⁶

We review a trial court’s denial of a motion for a continuance for an abuse of discretion.¹⁷ A court abuses its discretion when its decision is based on untenable grounds or untenable reasons.¹⁸

¹⁴ CP at 212-14.

¹⁵ Thomas also argues that the court erred in granting Swedish Hospital’s summary judgment motion because the case setting schedule only required her to submit a “disclosure of possible primary witnesses” by November 18, 2019, and did not mention that she was also required to submit an expert’s declaration by that date. But because Thomas provides no authority supporting her assertion that declarations required by the trial court must appear on the case setting schedule, her argument is not compelling.

¹⁶ Appellant’s Br. at 17.

¹⁷ Biggs v. Vail, 124 Wn.2d 193, 197, 876 P.2d 448 (1994).

¹⁸ Andren v. Dake, 14 Wn. App. 2d 296, 305-06, 472 P.3d 1013 (2020).

CR 56(f) governs continuances to obtain additional evidence in response to a summary judgment motion and provides:

Should it appear from the affidavits of a party opposing the motion that, for reasons stated, the party cannot present by affidavit facts essential to justify the party's opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such other order as is just.

But the trial court can deny a motion for a continuance if “(1) the requesting party does not offer a good reason for the delay in obtaining the desired evidence; (2) the requesting party does not state what evidence would be established through the additional discovery; or (3) the desired evidence will not raise a genuine issue of material fact.”¹⁹

Here, on September 27, 2019, Thomas filed a motion to continue the October 18 summary judgment hearing alleging that her “limited resources” made it difficult to retain an attorney and that she needed more time to obtain “crucial information” to support her claims.²⁰ On October 7, 2019, Thomas filed another motion to continue arguing that she needed more time “based on the ‘deadline’ [set by the court to disclose] possible primary witnesses.”²¹

At the October 18 hearing, the court granted Thomas a one-month continuance to file an expert declaration and postponed the hearing to November 21. The court's written order stated that Thomas's contention “that a medical expert will opine that [Swedish Hospital's] actions [fell] below the applicable

¹⁹ Turner v. Kohler, 54 Wn. App. 688, 693, 775 P.2d 474 (1989).

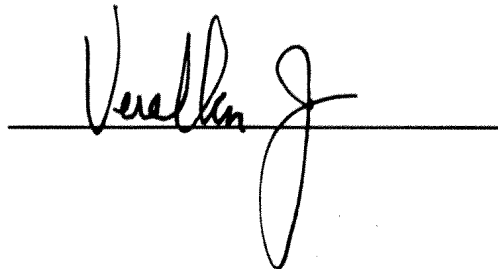
²⁰ CP at 25.

²¹ CP at 43.


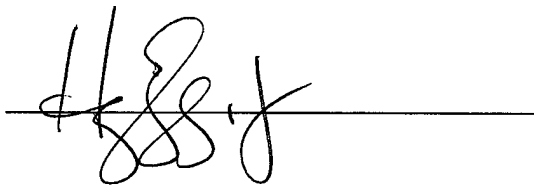
standard of care and caused her damage . . . met the requirements of CR 56(f) to obtain a limited continuance.”²²

A day after the court granted Thomas a one-month continuance, Thomas filed a declaration requesting an additional continuance to December 30, 2019, stating the additional continuance was “necessary for [her] to obtain an expert witness.”²³ But the court already granted Thomas a one-month continuance for additional time to obtain a declaration from an expert witness. Because Thomas failed to provide a “good reason” for her request, the trial court did not abuse its broad discretion in denying Thomas an additional continuance.²⁴

Therefore, we affirm.



WE CONCUR:



²² CP at 189.

²³ CP at 259-60, 317.

²⁴ Thomas contends that she was unable to file her expert’s declaration by November 18, 2019, because Swedish Hospital was withholding her medical records. But Thomas did not move to compel copies of her medical records until November 20, 2019, two days after she was required to submit her expert’s declaration. Because Thomas provided no “good reason” for her delay in pursuing her medical records, the court did not abuse its discretion in denying Thomas a continuance on this basis.