

FILED
SUPREME COURT
STATE OF WASHINGTON
7/29/2022 4:53 PM
BY ERIN L. LENNON
CLERK

SUPREME CT No. 101113-0

SUPREME COURT OF THE STATE OF WASHINGTON

SHEILA PATRICE ANDERSON,
Petitioner/Appellant(s)

v.

SWEDISH HOSPITAL,
a health care corporation,

And

JENS CHAPMAN,
Respondent/Appellee(s).

**MOTION FOR EXTENSION OF TIME
TO FILE PETITION FOR REVIEW**

APPEAL FROM THE SUPERIOR COURT FOR
KING COUNTY

Hon. Patrick Oishi
Cause No. 20-2-16208-6 SEA

C. Olivia Irwin, J.D. (WSBA #43924)
Attorney/Power of Attorney for
Appellant(s) Sheila Anderson

204 S. Oak St., #304
Colville, WA 99114
(509) 685-7074

I. MOTION

Petitioner Sheila Anderson by and through attorney/power of attorney C. Olivia Irwin, moves this Court to extend time for filing of her *Petition for Review*, to the date/time of receipt based on RAP 18.8 and *Declaration of Counsel in Support of Petitioner's Motion to Extend Time to File Petition for Review*, filed concurrently.

II. ARGUMENT

While sincerest apology is extended for the inconvenience of the court or any party in reviewing the motion, there is good cause to grant it in this case. Justice requires that the minor delay of less than an hour overlooked in the interest of access to justice, and of reaching the merits of legal questions of grave import.

RAP 18.8(b) *Restriction on Extension of Time* states that time will be extended for a *Petition for Review* “in extraordinary circumstances and to prevent a gross miscarriage of justice. Both interests will be served in granting this motion.

Motion for Extension of Time for Filing Petition for Review

In this instance, Petitioner's Counsel relates a situation tantamount to that of a person who has approached the clerk's window timely, but whose transaction takes a bit longer than usual—in which case, the Petitioner would normally be deemed to have timely filed. It also should be noted that since the Supreme Court has been closed to the public ostensibly for public health purposes for an extended period of time, and their staff are working from home, there is also no live assistance with filings as there normally would be. Generally, the current methodology of the Appellate Court receiving the pleading but the Supreme Court receiving the fee by check or prearrangement only extends the time and effort necessary to complete a filing, and thereby inhibits any party's ability to do so timely. Moreover, the technological problems encountered in this instance were inordinate and form good cause for the delay of less than an hour. As parties were also served simultaneous to that filing through the same portal, there was no undue delay in service or notice to parties who were not prejudiced in any way.

Motion for Extension of Time for Filing Petition for Review

Although RAP 18.8(b) also states that “The appellate court will ordinarily hold that the desirability of finality of decisions outweighs the privilege of a litigant to obtain an extension of time under this section,” The Court's interest in letting bad decisions lie does not here outweigh its other interests. Among other issues, the Appellate Court's affirmation of dismissal before completion of discovery has overturned/nullified previous decision of this Court protecting her right to same. It is a gross miscarriage of justice, not only this Appellant, but all malpractice victims across the State of Washington.

Additional authority for granting this motion can be found under RAP 1.2(a)¹ and (c), and RAP 18.8(a) which generally provides that the appellate court may, on its own initiative or on motion of a party, waive or alter the provisions of any of these rules and enlarge or shorten the time within which an act must be done in a particular case in order to serve

¹“These rules will be liberally interpreted to promote justice and facilitate the decision of cases on the merits. “

Motion for Extension of Time for Filing Petition for Review

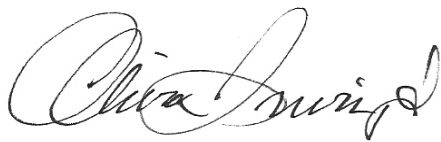
the ends of justice.” There has been gross injustice done thusfar in this matter, presenting questions of law only the Supreme Court can clarify. Here, justice requires that the *Petition for Review* must be extended to the time received.

III. CONCLUSION

The Motion to Extend Time for filing the Petition for Review in this matter must be granted because RAP 18.8(b) was fulfilled. There were extraordinary circumstances, and the *Petition for Review* must be accepted to prevent the gross injustice of access to justice denied.

IV. CERTIFICATION

Respectfully submitted this 29th Day of July 2022 with a net automated word count of 584 words per RAP 18.17(b);(c) (16), RAP 17.4(c)(17).

A handwritten signature in cursive script, appearing to read "Olivia Irwin", is written above a horizontal line.

C. Olivia Irwin (WSBA No. 43924)

Motion for Extension of Time for Filing Petition for Review

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APPELLATE CT No. 82780-4-I

SUPREME COURT OF THE STATE OF WASHINGTON

SHEILA PATRICE ANDERSON,
Petitioner/Appellant(s)

v.

SWEDISH HOSPITAL,
a health care corporation,

And

JENS CHAPMAN,

Respondent/Appellee(s).

**DECLARATION OF COUNSEL IN SUPPORT OF MOTION FOR
EXTENSION OF TIME TO FILE PETITION FOR REVIEW**

APPEAL FROM THE SUPERIOR COURT FOR
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Hon. Patrick Oishi
Cause No. 20-2-16208-6 SEA

C. Olivia Irwin, J.D. (WSBA #43924)
Attorney/Power of Attorney for
Appellant(s) Sheila Anderson

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Colville, WA 99114
(509) 685-7074

II. DECLARATION

I Christal Olivia Irwin, J.D., being over 18 years of age, and competent to testify in a court of law, hereby declare:

I am power of attorney and attorney in fact for Petitioner Sheila P. Anderson. I reside and practice as a solo “low bono” attorney, in northeastern Washington at substantial geographic distance from Ms. Anderson, who is a disabled senior on a fixed income, who would otherwise not be able to bring this *Petition*. I am not financially compensated or subsidized for services, nor do I currently have support staff. Although court deadlines are admittedly a struggle, Court electronic records will

Declaration of Counsel in Support of Motion for Extension of Time to File Petition for Review-1-

reflect that I logged into the Court's e-filing system at approximately 4:45 p.m. on July 22, 2022, in a good faith attempt to electronically file *Petition for Review* on the day and within the timeframe articulated under GR 30(c). However, due to technical problems with upload and pagination of documents through the Court's e-filing portal, the transaction was completed after 5p.m. as related in This Court's letter, dated July 25, 2022.¹ The parties were served simultaneous to that filing through the same portal—therefore there was no delay service or notice to, or otherwise prejudice to any party.

Additionally, I found the instructions on the Supreme Court and Appellate Court website(s) as to

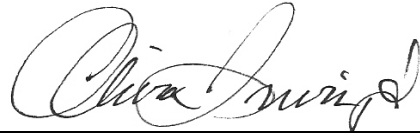
¹The Court may note that there was still an extra blank page to the *Petition* as received by the Court.

payment of filing fees confusing. Whereas the Appellate Court e-filing portal is the correct one for filing in the Supreme Court, it is not the correct portal to pay the associated fee as logic might otherwise dictate. Contemporaneous to the e-filing, I both phoned and e-mailed in a good faith effort to arrange for payment via bank/credit cards, as the Supreme Court website instructs. I received response to that correspondence on July 27th. (Attachment A) just as a check (#1034) for the \$200.00 filing fee was mailed. This Court should receive it prior to the August 1 deadline set forth in its July 25 Letter.

*Declaration of Counsel in Support of Motion for Extension of
Time to File Petition for Review-3-*

II. CERTIFICATION

The foregoing is true and complete to the best of my knowledge and belief, and submitted this 29th day of July, 2022 under penalty of perjury laws of the State of Washington.

A handwritten signature in cursive script, appearing to read "Olivia Irwin", written in black ink. The signature is positioned above a horizontal line.

C. Olivia Irwin (WSBA No. 43924)

ATTACHMENT A

Court Correspondence

*Declaration of Counsel in Support of Motion for Extension of
Time to File Petition for Review-5-*



Olivia Irwin <atty@irwinfirm.com>

Filing fee payment for Petition for Review -Anderson v. Swedish (Appellate Ct. No. 827804 (Div. I))

5 messages

Olivia Irwin <atty@irwinfirm.com>

Fri, Jul 22, 2022 at 6:21 PM

To: supreme@courts.wa.gov

Cc: "C. Olivia Irwin" <jetcityjustice@gmail.com>, sweetypie610@hotmail.com

Greetings, Supreme Court Clerk's Office,

It was not clear until I went to e-file a Petition for Review that the Court of Appeals accepts a Petition for Review, but they do not accept the fee. The Supreme Court website states that filing fee payments are accepted by check sent to your mailing address or VISA and MasterCard. I would like to do the latter so that there will not be timeliness issues on my filing on behalf of my client in the above-mentioned matter. On the other hand, if there is some exorbitant "processing fee" involved I will be forced to mail a check, so please advise. Per the instructions on the Supreme Court webpage, my office line is (509) 685-7074. My Cellphone is (206) 419-4474. Thank you in advance for your help.

C. Olivia Irwin, J.D.
Attorney for the Petitioner
Sheila P. Anderson

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<<<Contents of this e-mail may be confidential in nature. Please notify and delete if not the intended recipient.>>>

Olivia Irwin <atty@irwinfirm.com>

Tue, Jul 26, 2022 at 1:44 PM

To: supreme@courts.wa.gov

Cc: Olivia Irwin <atty@irwinfirm.com>

Greetings, Again,

This Case has been given 101113-0. A declaration and motion will be e-filed per the Court's Letter issued Monday. I'll send a check/money order for the fee since I haven't heard from anyone.

C. Olivia Irwin, J.D.
[Quoted text hidden]

OFFICE RECEPTIONIST, CLERK <SUPREME@courts.wa.gov>

Tue, Jul 26, 2022 at 1:51 PM

To: Olivia Irwin <atty@irwinfirm.com>

Thank you for your email. We were waiting until the case was opened to schedule payment. You are welcome to send a check to our mailing address, below, or we can now schedule a time to call and accept the \$200.00 payment.

Supreme Court

Town Center East, Building 3 – First Floor

243 Israel Road SE

Tumwater, WA 98501

Thank you,

Receptionist

Supreme Court Clerk's Office

360-357-2077

From: Olivia Irwin [mailto:atty@irwinfirm.com]
Sent: Tuesday, July 26, 2022 1:44 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Olivia Irwin <atty@irwinfirm.com>
Subject: Re: Filing fee payment for Petition for Review -Anderson v. Swedish (Appellate Ct. No. 827804 (Div. I))

External Email Warning! This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

[Quoted text hidden]

Olivia Irwin <atty@irwinfirm.com> Tue, Jul 26, 2022 at 2:44 PM
To: "OFFICE RECEPTIONIST, CLERK" <SUPREME@courts.wa.gov>

Thank you for your response. I'm glad I saw it, as I was about to mail to the Olympia address. I opted to complete the transaction the old fashioned way, since it already had a stamp and all that.

Have a good afternoon,

C. Olivia Irwin, J.D.

[Quoted text hidden]

OFFICE RECEPTIONIST, CLERK <SUPREME@courts.wa.gov> Tue, Jul 26, 2022 at 2:57 PM
To: Olivia Irwin <atty@irwinfirm.com>

Thank you. We are in the process of moving to a temporary location in Tumwater and made the change of address last week.

I will let the case manager know that the filing fee is on the way.

[Quoted text hidden]

IRWIN LAW FIRM, INC.

July 29, 2022 - 4:53 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 101,113-0
Appellate Court Case Title: Sheila Anderson v. Swedish Hospital, et al.

The following documents have been uploaded:

- 1011130_Affidavit_Declaration_20220729165003SC903814_0977.pdf
This File Contains:
Affidavit/Declaration - Other
The Original File Name was ANDERSON-DeclofCounselREMot4ExtTime.pdf
- 1011130_Motion_20220729165003SC903814_6851.pdf
This File Contains:
Motion 1 - Extend Time to File
The Original File Name was ANDERSON-Mot4ExtTimeand2AmendPetition.pdf

A copy of the uploaded files will be sent to:

- dcorey@helsell.com
- jetcityjustice@gmail.com
- kkhong@helsell.com
- mpham@helsell.com
- pchu@helsell.com
- seastley@helsell.com
- sweetypie610@hotmail.com

Comments:

Sender Name: C. Olivia Irwin - Email: atty@irwinfirm.com

Address:

204 S OAK ST UNIT 304
COLVILLE, WA, 99114-2871
Phone: 509-685-7074

Note: The Filing Id is 20220729165003SC903814

IRWIN LAW FIRM, INC.

July 29, 2022 - 4:53 PM

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Filed with Court: Supreme Court
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- 1011130_Affidavit_Declaration_20220729165003SC903814_0977.pdf
This File Contains:
Affidavit/Declaration - Other
The Original File Name was ANDERSON-DeclofCounselREMot4ExtTime.pdf
- 1011130_Motion_20220729165003SC903814_6851.pdf
This File Contains:
Motion 1 - Extend Time to File
The Original File Name was ANDERSON-Mot4ExtTimeand2AmendPetition.pdf

A copy of the uploaded files will be sent to:

- dcorey@helsell.com
- jetcityjustice@gmail.com
- kkhong@helsell.com
- mpham@helsell.com
- pchu@helsell.com
- seastley@helsell.com
- sweetypie610@hotmail.com

Comments:

Sender Name: C. Olivia Irwin - Email: atty@irwinfirm.com

Address:

204 S OAK ST UNIT 304
COLVILLE, WA, 99114-2871
Phone: 509-685-7074

Note: The Filing Id is 20220729165003SC903814