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

NO. 43790-2

LEWIS COUNTY,

Appellant;

vs.

STATE OF WASHINGTON,

Respondent.

On Appeal from the Superior Court of Thurston County

APPELLANT'S OPENING BRIEF

J. DAVID FINE
PROSECUTING ATTORNEY
Law and Justice Center
345 W. Main St. 2nd Floor
Chehalis WA 98532
360-740-1240

By:_____
J. DAVID FINE, WSBA #33362
Sr. Deputy Prosecuting Attorney

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A. INTRODUCTION

Appellant Lewis County (the "County") brought this action against Respondent State of Washington (the "State") seeking declaratory relief only. Specifically, the County sought a declaration that the State and not the County bears civil liability for the official acts of judges, commissioners, and other officers and employees of the Superior Court of the State of Washington for Thurston County, except for acts falling within defined and exceptional classes. The County now appeals from an order of the Superior Court of Washington for Thurston County granting judgment on the pleadings to Respondent State of Washington (the "State") on the ground that the case brought by the County did not present an actual, present, and existing dispute, and dismissing the County's action. [1]

B. STANDARD OF REVIEW

In an appeal such as this from a judgment on the pleadings, the appellate court reviews the facts alleged in the pleadings in the

[1] C.P. 101-02, referencing the Court's letter opinion (C.P. 98-100).

light most favorable to the nonmoving party in the court below.[2] Questions of law are reviewed de novo.[3]

C. ASSIGNMENT OF ERROR

The County respectfully submits that the Superior Court erred in concluding that it lacked jurisdiction to hear this action, notwithstanding the provisions of the Washington Uniform Declaratory Judgment Act,[4] in that the action failed to bring an actual case or controversy before the court.

D. FACTS

For purposes of deciding this jurisdictional issue only, the State indicated that it "has no objection" to the consideration of a draft set of stipulations prepared by the County.[5] Very simply put, Lewis County, like its sister counties, has been burdened with significant financial responsibility and liability for many decades for any and all culpable acts of officials of the Superior Court of the State of Washington serving the people of its county. The cost to

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[2] *Harrell v. Washington State ex rel. Dept. of Soc. Health Services*, --- Wn.App. ---, 285 P.3d 159, 166 (2012).

[3] *Davenport v. Wash. Educ. Ass'n*, 147 Wn.App. 704, 715, 197 P.3d 686 (2008).

[4] RCW ch. 7.24

[5] State's Motion for Judgment on the Pleadings (C.P. 40), 4:11-13. The draft stipulations comprise C.P. 63-66.

Lewis County alone totaled some $193,667 in the period 2000 through 2011. The cost to the several counties in the State which are insured by one specific insurer (together with the cost to that insurer) for defense, settlements, and judgments in such claims in the same 11-year period came to over $2.3 million.[6]

These claims arose out of acts and omissions of the employees of the juvenile justice facilities run by the several superior courts, as well as out of personnel-related claims arising within the several superior courts themselves.[7] The county often is precluded, due to contractual commitments is has been obliged to make to its insurer, from electing to fight claims, which might enable the county to raise the issue of law at the heart of this action in the context of an action for damages against the county, brought in tort by a specific plaintiff.[8]

The State has contended in the court below that a 1914 Supreme Court decision establishes conclusively that the County

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[6] State's Motion for Judgment on the Pleadings (C.P. 42). 5:3-24. The Declaration of Vyrle Hill (C.P. 15-30) sets out the raw data from which these totals were compiled.

[7] Hill Declaration (C.P. 16), 2:3-6.

[8] Young Declaration (C.P. 86), 2:1-8.

and not the State bears the liability for the acts and omissions at issue.[9] However, nowhere in the record below has the State distinguished or even addressed a formal opinion of its own Attorney General stating that such judicial decisions — including, specifically, the 1914 case which the State cited below — "really involve nothing more than the legitimacy of using county funds to pay for portions of their salaries."[10]

E. ARGUMENT

1. The UDJA and Justiciability

This Court is asked to decide whether the County's Complaint "states a justiciable claim" under Washington declaratory judgment law. Put another way, the Court is asked to decide whether this action presents a proper case or controversy for judicial resolution.

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[9] State's Reply (C.P. 97), 10:5-17, citing *In re Salary of Superior Court Judges,* 82 Wash. 623, 626-28, 144 P. 929 (1914).

[10] Wash. Att'y Gen. Op. 1979 № 14, 1979 WL 30939 at *1. The Opinion stated as well that the superior court judges of each county had a dual county status only in so much as "they are elected on a county or district basis and under Article IV, §13, ... and receive half of their salaries from their respective counties".

Washington, along with over 40 other States, has enacted the Uniform Declaratory Judgment Act ("UDJA").[11] The Washington UDJA grants our courts "power to declare rights, status, and other legal relations whether or not further relief is or could be claimed."[12] However, it goes on to provide for courts to decline to render declaratory judgments in cases where declaratory relief will not "terminate the uncertainty or controversy giving rise to the proceeding."[13]

2. The four-element test for justiciability

The Supreme Court has ruled that a four-part test shall determine whether an action for a declaratory judgment presents a justiciable issue. There must be —

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[11] The UDJA comprises chapter 7.24 of the Revised Code of Washington. The UDJA has been enacted in Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virgin Islands, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. See Table of Jurisdictions Wherein Act Has Been Adopted, which can be found at https://a.next.westlaw.com/RelatedInformation/N8CF7D65098C611DA87BED8965A862AAA/ContextAnalysis.html?originationContext=documentTab&transitionType=ContextAnalysis&contextData=(sc.Category)&docSource=c93617f449924bde81e389231d88cbd8, and is reproduced as Appendix A to this brief.

[12] RCW 7.24.010.
[13] RCW 7.24.060.

> "**(1)** ... an actual, present and existing dispute, or the mature seeds of one, as distinguished from a possible, dormant, hypothetical, speculative, or moot disagreement, **(2)** between parties having genuine and opposing interests, **(3)** which involves interests that must be direct and substantial, rather than potential, theoretical, abstract or academic, and **(4)** a judicial determination of which will be final and conclusive." [14]

The County contends that — **(1)** given the frequency and regularity with which damage claims against the officers and employees of the 39 superior court of the State arise, and with which damage claims arise against the officers and employees of the Superior Court of Washington for Lewis County, the mature seeds of a dispute certainly are present; this issue presented to the Court is anything but dormant, hypothetical, speculative, or moot. **(2)** The interests of the State of Washington and of Lewis County are genuine, and they are in clear opposition to one another. **(3)** The sums of money at stake make the parties' interests quite

[14] *Coppernoll v. Reed,* 155 Wn.2d 290, 300, 119 P.3d 318, 323 (2005) (bold emphasis added), citing *Diversified Indus. Dev. Corp. v. Ripley*, 82 Wn. 2d 811, 815, 514 P.2d 137 (1973).

substantial.[15] Finally, **(4)** given that the "constitutional" question to be decided in this case will be as close to a pure issue of law as one can have in the real world, the ultimate judicial determination of that issue (in whatever court that determination may occur) will offer finality to the parties.[16]

The County agrees with the contention that a controversy must be ripe or justiciable before it is appropriate for resolution through declaratory judgment. Our courts hold that an action will be ripe "if the issues raised are primarily legal and do not require further factual development".[17] No dispute appears to exist as to

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[15] Once again, see the Hill Declaration (C.P. 15-30). For purposes of UDJA action, courts recognize declarations or affidavits of the appropriate financial officer of a plaintiff unit of government concerning its losses or expenses over time as an appropriate means for demonstrating its "substantial interest in the relief it seeks". *Health & Hosp. Corp. of Marion County v. Marion County*, 470 N.E.2d 1348, 1353 (Ind.App. 1984).

[16] The county submits that the substantive issue of law which ultimately is to be resolved in this action is quasi-constitutional at the very least. While the organization, structure, and status of Washington's counties are not set out in the text of our State Constitution, the appellant submits that their status and nature have achieved, through convention, a quasi-constitutional status. *Cf.* the discussion in the English context of certain legal rules and also of certain conventions as elements of constitutional law in A. V. Dicey's seminal LECTURES INTRODUCTORY TO THE LAW OF THE CONSTITUTION (London, 1885), especially ch. 1, "The True Nature of Constitutional Law," at 24-34. While this concept is anathema in federal constitutional theory within this country, there is little good reason for it automatically to be dismissed out of hand for purposes of state constitutional analysis and interpretation. See G. Alan Tarr, UNDERSTANDING STATE CONSTITUTIONS (1998), ch. "State Constitutional Interpretation," 171-209.

[17] *Bellewood № 1, L.L.C. v. LOMA*, 124 Wn.App. 45, 50, 97 P.3d 747, 750 (2004) (citation omitted).

pertinent facts. The sole matter at issue in this case is the quasi-constitutional status of judicial officers and their employees as between two levels of government. Certainly, this is an issue of law.

3. Sister-state case law under the Uniform Declaratory Judgment Act.

Appellate case law from the various States which have enacted the UDJA recognizes that such state constitutional issues are especially well suited for determination through declaratory judgment actions.[18] In our legal system, a final judicial declaration upon a point of state constitutional law typically settles the matter for all concerned.[19]

More specifically still, and independently of the question of whether a constitutional issue is present or not, UDJA case law recognizes that an action for a declaration is an appropriate means

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[18] The Legislature has directed that deference be given to Sister-state decisions interpreting and construing the UDJA: see RCW 7.24.140.

[19] *Goldston v. State of North Carolina*, 361 N.C. 26, 35, 637 S.E.2d 876, 882; (2006) *County of Allegheny v. C'wth of Pa.*, 517 Pa. 65, 70, 534 A.2d 760, 762 (1987); *Colonial Pipeline Co. v. Morgan*, 263 S.W.3d 827, 837 (Tenn. 2008).

for a local government to use to resolve "uncertainty and insecurity with respect to its rights."[20] The county here seeks to resolve the uncertainty and insecurity which surrounds the issue of whether it, or another level of government, will have to find the tens or hundreds of thousands of dollars which may be required to settle the next major claim arising out of the acts or omissions of a superior court clerical employee or a juvenile detention officer.

4. But for resolution through declaratory judgment, the issue of law between the parties is evasive of resolution.

Perhaps the legal question presented for resolution in this declaratory judgment action as to the quasi-constitutional status of judges and court officers ultimately could be resolved in the context of a particular tort action. Conceivably, Lewis County's insurer could elect to deny coverage on the ground that a named defendant was a state actor and not a county actor when he or she allegedly committed a tort or breached an employment contract. Or, conceivably, Lewis County could forgo insurance coverage and

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[20] *In re Charleston Gazette FOIA Request,* 222 W.Va. 771, 777, 671 S.E.2d 776, 782 (2009). See also *Milwaukee Dist. Council 48 v. Milwaukee County*, 244 Wis.2d 333, 352, 627 N.W.2d 866, 875-76 (2001); *Middlesex County Sewerage Auth. v. Borough of Middlesex*, 74 N.J. Super. 591, 600, 181 A.2d 818, 823 (1962), *aff'd* 79 N.J.Super. 24, 190 A.2d 205 (App.Div. 1963).

litigate the constitutional issue in the context of a case where wrongful conduct indeed exists. However, either course of conduct would see either the county or its insurer place itself in significant and unnecessary financial peril.[21] Either decision would be imprudent, in the extreme.

The rationale underlying the UDJA is to allow a party like Lewis County to get an authoritative resolution to an issue such as this, without having to incur such a risk.[22] A proceeding for a declaration also is appropriate because it avoids the consequent delay.[23]

Conversely, UDJA case law also holds that the eventual availability of a resolution of the question of law through a particular factual case is not a proper defense to a declaratory judgment action.[24] Only when something more, factually, is needed to

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[21] See the Declaration of Paulette Young, Lewis County Risk and Safety Administrator (C.P. 85-86).

[22] *Acevedo v. Kim*, 284 Ga. 629, 633-34, 669 S.E.2d 127, 131 (2008). See also *City of Atlanta v. Hotels.com, L.P.*, 285 Ga. 231, 233, 234, 235-36, 674 S.E.2d 898, 900, 901, 902 (2009).

[23] *Carvey v. West Virginia State Board of Ed.*, 206 W.Va. 720, 726, 527 S.E.2d 831, 837 (1999).

[24] *Greene v. Wiese*, 75 S.D. 515, 518, 69 N.W.2d 323, 327 (1955).

"further sharpen the issue" is the resolution of a pure issue of law such as that underlying this action unsuited for declaratory judgment.[25] No such further facts are required in the present context: the issue is acutely sharp upon the record, just as it stands.

The County recognizes that in future actions for damages arising from the allegedly wrongful acts or omissions of superior court judges and their subordinates, specific issues of fact may arise. No doubt not all future litigation will be avoided through the resolution of the present constitutional issue through this cause of action. No doubt future cases will present contested questions of fact. This is true in many instances in which declaratory judgments are sought and rendered. Nonetheless, resolution of this major and underlying legal issue remains appropriate for declaratory judgment.[26]

5. The fallacy underlying the opinion below

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[25] *Coppernoll*, 155 Wn.2d at 300, 119 P.3d at 323.

[26] *Kronovet v. Lipchin*, 288 Md. 30, 59, 415 A.2d 1096, 1112 (1980).

The Superior Court erred because it harbored a fundamental misconception. In his letter opinion, His Honor Judge Wickham stated his reasons for granting judgment on the pleadings to the State as follows:

> "The case currently before this Court does not present an actual, present, and existing dispute'. Nor at their interests involved which are 'direct and substantial.' There is no tort claim pending and there has been no demand for payment made." [27]

In so reasoning, His Honor Judge Wickham appears to ignore the text as well as the purpose of the Uniform Declaratory Judgment Act. His Honor is saying that unless relief is sought in a case at which a money judgment is sought, relief cannot be granted. That, clearly, is not the law of this State.[28]

In the court below the State attempted to refute the County's argument that this case is ripe for determination through a

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[27] Letter Opinion (C.P. 100), p. 3, ¶1.

[28] Washington Uniform Declaratory Judgment Act, RCW 7.24.010: "Courts of record within their respective jurisdictions shall have power to declare rights, status and other legal relations whether or not further relief is or could be claimed. An action or proceeding shall not be open to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect; and such declarations shall have the force and effect of a final judgment or decree."

declaratory judgment, relying largely upon the Supreme Court's decision in *Diversified Industries*.[29] In *Diversified*, a heavy, iron fence-ornament had fallen and had struck a four-year-old child. The lessor of the property brought a declaratory judgment action against the lessee, with no personal injury claim yet presented to anyone, to determine whether the lessor or the tenant of the real property should bear liability for any injuries which the little girl may or may not have sustained.[30] Against this factual background, the Supreme Court held the case to present no case or controversy. The Supreme Court so ruled for one reason, and for one reason only: the possibility of there being a claim to be made on the child's behalf was nothing more than "an unpredictable contingency".[31]

By contrast, the record in this present action clearly shows that numerous claims, worth many hundreds of thousands of dollars, have been brought, year in and year out, in respect of acts or omissions of the judges and officers of the Superior Courts of Washington for Lewis County and for its sister counties. The

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[29] *Diversified Indus. Dev. Corp. v. Ripley*, 82 Wn.2d 811, 514 P.2d 137 (1973). See State's Reply in Support of Defendant's 12(b)1) and 12(c) Motion for Judgment on the Pleadings (C.P. 42), 5:21 to 7:2.

[30] *Diversified*, 82 Wn.2d at 812-13, 514 P.2d at 138.

[31] *Diversified*, 82 Wn.2d at 815, 514 P.2d at 140

occurrence of further such claims certainly has been shown to be anything but an "unpredictable contingency" for appellant Lewis County and its insurer.

Secondarily, the State has contended that the County's claims are not ripe because any decision going to the merits of its claims can be reversed through legislation.[32] The State contends that for this reason, any judicial resolution of the case is incapable of being "final and conclusive," as is required by the fourth element of the test for the suitability of a case for resolution through declaratory judgment, as set out in *Coopernoll v. Reed*.[33]

That contention is absurd.

If judges should care to decline to rule in all cases in which the underlying law is capable of amendment by the legislature at some point in the future, and in such cases should judges simply send the litigants packing, then the State of Washington (as well as its several counties) could save a great deal of money; for then the

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[32] State's Reply in Support of Defendant's 12(b)1) and 12(c) Motion for Judgment on the Pleadings (C.P. 93), 5:1-21.

[33] *Coopernoll*, 155 Wn.2d at 300, 119 P.3d at 323, citing *Diversified,* 82 Wn.2d at 815.

courts of law then should be left with no business to conduct, and all of our courthouses simply could be closed.

6. The public importance exception to the case or controversy requirement in Washington law

A further and independent basis exists for granting this appeal, and for permitting the resolution of the question of the constitutional status of judges and their subordinates through this present declaratory judgment action. The latter question presents a "significant and continuing matter of public importance that merit[s] judicial resolution."[34]

There is no express case or controversy clause in the Washington State Constitution.[35] Perhaps it is for that reason that Washington case law calls for a liberal approach to issues of standing in cases affecting "significant segments of the

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[34] *American Traffic Solutions, Inc. v. City of Bellingham*, 163 Wn.App. 427, 433, 260 P.3d 245, 248 (2011); *Farris v. Munro*, 99 Wn.2d 326, 330, 662 P.2d 821 (1983).

[35] The Washington Constitution remains "more in the nature of a declaration of the names of courts than it is of a definition of judicial power; . . ." *Bellingham Bay Imp. Co. v. City of New Whatcom*, 20 Wash. 53, 58, 54 P. 774 *aff'd*, 20 Wash. 231, 55 P. 630 (1898), and cited in Robert F. Utter and Hugh D. Spitzer, THE WASHINGTON STATE CONSTITUTION (2011), 105.

population,"[36] or whose outcome will affect an entire sector of the economy. [37]

As explained above, practical concerns in the world of insurer and insured render it perilous and imprudent to attempt to resolve the issue of the constitutional status of judges and their subordinates in the context of tort or contract litigation. Standing issues are relaxed in Washington law when, as here, issues of major public concern require resolution.[38] The State has cited in the court below to *DiNino v. State ex rel. Gorton*[39] in contending that this case is not one to be resolved on that basis. The County submits that *DiNino* very clearly is distinguishable on its facts.

In *DiNino*, a woman who was neither pregnant nor terminally ill sued to obtain a declaration as to the validity of a directive she gave regarding life-sustaining procedures. The Court held that the issue of law about which she sought a declaration did not stand to

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[36] *Grant County Fire Prot. Dist. No. 5 v. City of Moses Lake*, 145 Wn.2d 702, 715, 42 P.3d 394, 400 (2002), *vacated in part on reh'g*, 150 Wn.2d 791, 83 P.3d 419 (2004).

[37] *Washington Natural Gas Co. v. Pub. Util. Dist. №. 1 of Snohomish County*, 77 Wn.2d 94, 96, 459 P.2d 633, 635 (1969).

[38] *Kitsap County v. Smith*, 143 Wn.App. 893, 908, 180 P.3d 834, 842 (2008).

[39] 102 Wn.2d 327, 684 P.2d 1297 (1984).

affect her rights or interests. Additionally, the case did not bring into court parties with opposing interests.[40]

By contrast, in this case the actual interests of Lewis County are affected. The interests of Lewis County have been affected once each year, on average, over the preceding decade; and the interests of Lewis County have been affected to the tune of nearly $200,000 since January 1, 2000. Unlike the issue before the *DiNino* cour, the present issue is neither hypothetical nor speculative. This Court's declaration will be anything but a mere advisory opinion.[41]

In its reply brief in the Superior Court, the State cited to the requirement in applicable case law that before a Washington court may look beyond the four corners of the normal justiciability test, it must assure itself that it is not about to "render judgment on a hypothetical or speculative controversy, where concrete harm has not been alleged."[42] Once again, reflection upon the fact that claims of the type addressed by the County's action cause it, and

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[40] *DiNino*, 102 Wn.2d at 331, 684 P.2d at 1300

[41] *DiNino*, 102 Wn.2d at 331, 684 P.2d at 1300.

[42] State's Reply (C.P. 93), 7:21-22, citing *Walker v. Munro*, 124 Wn.2d 402, 415, 879 P.2d 920 (1994).

other counties, hundreds of thousands of dollars, year in and year out, surely shows that the present action relates to anything but a hypothetical or speculative matter.

F. CONCLUSION

Lewis County therefore submits that it has shown that its claim for declaratory judgment in this action properly presents an actual case or controversy. The county's claim is justiciable, meeting all elements the four-part test set out repeated by the Supreme Court. Jurisdiction lies in the Superior Court pursuant to the express language of the Washington Uniform Declaratory Judgment Act. Applicable sister state case law as well as our own indicates that the dispute as to law alone which underlies the present case is eminently suitable for resolution upon declaratory judgment.

Even if one or another of the four elements of justiciability be lacking (which the County vehemently denies), then in Washington law this case still requires judicial resolution upon its merits, as it presents a major issue of public concern elusive of resolution due to the nature of the insurer-insured relationship, and requiring a final resolution at this time.

Wherefore appellant Lewis County prays that the judgment of the trial court be set aside, and that this case be remanded to Thurston County Superior Court for further proceedings.

RESPECTFULLY SUBMITTED this 19th day of October, 2012.

LEWIS COUNTY PROSECUTING ATTORNEY

J. DAVID FINE, WSBA No. 33362
Senior Deputy Prosecuting Attorney

Context and Analysis (3)

Uniform Declaratory Judgments Act (2)

<Table of Jurisdictions Wherein Act Has Been Adopted>

<For text of Uniform Act, and variation notes and annotation materials for adopting jurisdictions, see Uniform Laws Annotated, Master Edition, Volume 12.>

Jurisdiction	Laws	Effective Date	Statutory Citation
Alabama#	1935, p. 777	9-7-1935 [FN*]	Code 1975, §§ 6-6-220 to 6-6-232.
Arizona#	1927, c. 10	2-11-1927 [FN*]	A.R.S. §§ 12-1831 to 12-1846.
Arkansas#	1953, Act 274	3-11-1953 [FN*]	A.C.A. §§ 16-111-101 to 16-111-111.
Colorado#	1923, c. 98	3-20-1923 [FN*]	West's C.R.S.A. §§ 13-51-101 to 13-51-115.
Delaware#	1981 [63 Del. Laws], c. 63		10 Del.C. §§ 6501 to 6513.
Florida#	1943, c. 21820	5-24-1943	West's F.S.A. §§ 86.011 to 86.111.
Georgia#	1945, p. 137	2-12-1945 [FN*]	O.C.G.A. §§ 9-4-1 to 9-4-10.
Idaho#	1933, c. 70	5-1-1933	I.C. §§ 10-1201 to 10-1217.
Illinois#	1945, p. 1149	5-16-1945 [FN*]	S.H.A. 735 ILCS 5/2-701, 5/2-702.
Indiana#	1998, P.L.1-1998	7-1-1998	West's A.I.C. 34-14-1-1 to 34-14-1-16.
Iowa#	1943, c. --	7-4-1943	I.C.A., Rules Civ. Proc. 1.1101 to 1.1109.
Kansas#	1993, c. 202	4-15-1993 [FN*]	K.S.A. 60-1701 to 60--1716
Louisiana#	1948, No. 22	9-26-1948	LSA-C.C.P. arts. 1871 to 1883.
Maine#	1941, c. 233	4-14-1941 [FN*]	14 M.R.S.A. §§ 5951 to 5963.
Maryland#	1945, c. 724	6-1-1945	Code, Courts and Judicial Proceedings, §§ 3-401 to 3-415.
Massachusetts#	1945, c. 582	11-1-1945	M.G.L.A. c. 231A, §§ 1 to 9.
Minnesota#	1933, c. 286	4-17-1933 [FN*]	M.S.A. §§ 555.01 to 555.16.
Missouri#	1935, p. 218	6-22-1935	V.A.M.S. §§ 527.010 to 527.130.
Montana#	1935, c. 16	2-13-1935 [FN*]	MCA 27-8-101 to 27-8-313.
Nebraska#	1929, c. 75	4-24-1929 [FN*]	R.R.S.1943, §§ 25-21,149 to 25-21,164.
Nevada#	1929, c. 22	3-4-1929	N.R.S. 30.010 to 30.160.
New Jersey#	1924, c. 140	3-11-1924 [FN*]	N.J.S.A. 2A:16-50 to 2A:16-62.
New Mexico#	1975, c. 340	4-10-1975	NMSA 1978, §§ 44-6-1 to 44-6-15.
North Carolina#	1931, c. 102	3-12-1931	G.S. §§ 1-253 to 1-267.
North Dakota#	1923, c. 237	3-7-1923	NDCC 32-23-01 to 32-23-13.
Ohio#	1933, p. 495	10-9-1933	R.C. §§ 2721.01 to 2721.16.
Oklahoma#	1961, p. 58	10-27-1961	12 Okl.St.Ann. §§ 1651 to 1657.
Oregon#	1927, c. 300	3-3-1927 [FN*]	ORS 28.010 to 28.160.
Pennsylvania#	1923, p. 840	6-18-1923 [FN*]	42 Pa.C.S.A. §§ 7531 to 7541.
Rhode Island#	1959, c. 90	10-1-1959	Gen.Laws 1956, §§ 9-30-1 to 9-30-16.
South Carolina#	1948, p. 2014	4-7-1948	Code 1976, §§ 15-53-10 to 15-53-140.
South Dakota#	1925, c. 214	3-10-1925 [FN*]	SDCL 21-24-1 to 21-24-16.
Tennessee#	1923, c. 29	2-16-1923 [FN*]	T.C.A. §§ 29-14-101 to 29-14-113.
Texas#	1943, c. 164	4-26-1943	V.T.C.A., Civil Practice and Remedies Code §§ 37.001 to 37.011.
Utah#	2008, c. 3	2-7-2008	U.C.A.1953, 78B-6-401 to 78B-6-412.
Vermont#	1931, No. 37	4-1-1931	12 V.S.A. §§ 4711 to 4725.

Appendix A

Jurisdiction	Laws	Effective Date	Statutory Citation
Virgin Islands#	1957, Act 160	9-1-1957	5 V.I.C. §§ 1261 to 1272.
Virginia#	1922, p. 902		Code 1950, §§ 8.01-184 to 8.01-191.
Washington#	1935, c. 113	3-20-1935 [FN*]	West's RCWA 7.24.010 to 7.24.144.
West Virginia#	1941, c. 26	90 days after 3-3-1941	Code, 55-13-1 to 55-13-16.
Wisconsin#	1927, c. 212	6-13-1927 [FN*]	W.S.A. 806.04.
Wyoming#	1923, c. 50	2-21-1923 [FN*]	Wyo.Stat.Ann. §§ 1-37-101 to 1-37-115.

[FN*] Date of approval.

Law Review And Journal Commentaries (1)

Asbestos related disease suits: Least defensible insurance coverage theory. 7 U.Puget Sound L.Rev. 167 (1983).

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

LEWIS COUNTY, Appellant, VS. STATE OF WASHINGTON, Respondent.	№ 43790-2-II Certificate of Service

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CASEY L. CUTLER
Sr. Paralegal

LEWIS COUNTY PROSECUTOR

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- ○ Cost Bill
- ○ Objection to Cost Bill
- ○ Affidavit
- ○ Letter
- ○ Copy of Verbatim Report of Proceedings - No. of Volumes: ____
  Hearing Date(s): _____
- ○ Personal Restraint Petition (PRP)
- ○ Response to Personal Restraint Petition
- ○ Reply to Response to Personal Restraint Petition
- ○ Petition for Review (PRV)
- ○ Other: _____

Comments:

No Comments were entered.

Sender Name: Casey L Cutler - Email: casey.cutler@lewiscountywa.gov

A copy of this document has been emailed to the following addresses:

billc2@atg.wa.gov
david.fine@lewiscountywa.gov