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Court of Appeals No. 45756-3-II

IN THE SUPREME COURT OF
THE STATE OF WASHINGTON

MIKE BELENSKI,

Appellant

v.

JEFFERSON COUNTY,

Respondent,

RESPONDENT'S ANSWER TO PETITION FOR REVIEW

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I. INTRODUCTION

Respondent Jefferson County hereby requests that the Court deny the Petition for Review filed by Petitioner Mike Belenski in this matter as it fails to meet any of the requirements set forth in RAP 13.4(b) because it concerns a simple, correct application of the statute of limitations to a public records claim.

II. RESTATEMENT OF ISSUE

Properly stated the issue presented by this petition is:

Whether the Court of Appeals properly upheld dismissal of claims brought by Belenski more than two years after the County's response to his public records request in accordance with the two year statute of limitations in RCW 4.16.130.

III. COUNTERSTATEMENT OF THE CASE

Petitioner Belenski is a frequent public records requestor in Jefferson County. He has made numerous requests for public records including records requests for internet access logs, which the County has at times attempted to provide. CP 352-56. On September 27, 2010 Belenski began making the series of public records requests that are at issue in this case. CP 211. His first request sought internet access logs (IALs) generated between February 1, 2010 and September 27, 2010. CP

211. The County timely responded within five business days and on October 5, 2010 informing Mr. Belenski that it had no responsive public records. CP 214. Belenski then filed a second public records request on October 5, 2010 asking for certificates of destruction for the IALs produced between February 2010 and September 27, 2010. The County issued a timely response on October 11, 2010 informing him that no such certificates of destruction existed. CP 218.

The County responded "no responsive records" to Belenski's Request because it then held the belief that the IALs requested were not "public records" as that term is defined in statute. (CP 631, 632, 698). Because Belenski requested "public records" and the County did not believe the IALs were so defined, *ipso facto* they were not "responsive". Hence, the County asserted that there were no responsive public records. Belenski admits that he was confused and that he knew the County had IALs because the County previously provided them. CP 120-121.

Belenski made additional requests concerning whether the County was, contrary to law, destroying "public records" (Appellant's Opening Brief, p. 5). This strongly suggests that Belenski knew that IAL responsive to Request #1 were in existence well before the March 21,

2011 conversation.[1] The record is devoid of any efforts by Belenski to challenge the County's response or make prompt inquiry to correct the "confusion" he claims to have had until a chance encounter several months later. CP 120-121. Belenski's own inaction bars his claim for his initial September 2010 records request.

The County disputes any assertion by Belenski claiming that he had no knowledge of the existence of IALs responsive to Request #1 until December 2011, when he concedes that he knew of their existence. CP 238. To the contrary, Belenski admits that he knew the IALs were generated at the time he made his requests in September 2010 because he had previously received logs from the County before September 2010. CP 12, 13, 120. He further knew that in response to his September 2010 request, he did not receive any responsive records. CP 193. At that time, in October 2010, he knew enough to have challenged the County's response, but chose not to do so for over two years.

On November 2, 2011 Belenski made an additional public records request seeking more internet access logs compiled between January 2011

[1] This conversation concerned the retention period for IALs, not the County's response to the September 27, 2010 records request. The retention length for the IAL had been set in mid-September 2010 at 366 days, so the IAL records were not being destroyed as Belenski alleged. CP 140.

and November 2, 2011; and on December 19, 2011 made a fourth request seeking every electronic record for which Jefferson County does not generate a backup. The County timely responded to these requests.

Belenski waited for over another year before finally filing this lawsuit on November 19, 2012, some twenty five months after the County responded to his initial September 27, 2010 request. CP 191. The County moved for summary judgment contending A) the IALs are not public records, and B) Belenski's claims concerning the County's October 5, 2010 response were barred by either the one year statute of limitation in RCW 42.56.550(6) or the two year statute of limitations in RCW 4.16.130. The trial court agreed with the County that the IALs are not public records and granted summary judgment as to the September 27, 2010 request.[2]

On appeal, the County again raised the statute of limitations as a basis to affirm dismissal of the claims concerning the September 27, 2010 request. The Court of Appeals applied the two year statute of limitations in RCW 4.16.130 and upheld dismissal of this claim. However, on Belenski's claims pertaining to his November 2, 2011 request for IALs, the court ruled that his requests for IALs sought "public records" and

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[2] The trial court granted summary judgment to the County on all claims, except for its finding that the County failed to adequately provide a brief explanation of its claimed exemptions in response to explain its claimed for certain personnel records. The County did not appeal that ruling.

reversed dismissal and remanded this claim to the trial court. *Belenski v. Jefferson County*, 187 Wn. App. 724, 350 P.3d 689, 697 (2015).

Belenski filed a motion for reconsideration. His motion reversed his position arguing that the PRA statute of limitations was applicable, and argued for the first time that a discovery rule should be applied. His motion failed to explain why he did not address this matter in his earlier briefing and did not address the applicability of RCW 4.16.130 or *Johnson v. Department of Corrections,* 164 Wn.App. 769, 265 P.3d 216 (2011); *review denied* 173 Wn.2d 1032 (2012). The Court of Appeals denied the motion for reconsideration. Belenski now seeks review of the dismissal of the claim arising from his September 2010 request, seeking review of an issue first raised in his motion for reconsideration.

IV. ARGUMENT

The Court should not accept review under RAP 13.4(b) which sets the factors governing acceptance of review and which reads as follows:

> (b) Considerations Governing Acceptance of Review. A petition for review will be accepted by the Supreme Court only:
>
> (1) If the decision of the Court of Appeals is in conflict with a decision of the Supreme Court; or
>
> (2) If the decision of the Court of Appeals is in conflict with another decision of the Court of Appeals; or
>
> (3) If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or

(4) If the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

Belenski argues that this case involves a conflict with a decision of the Supreme Court and an issue of substantial public interest under RAP 13.4 (b)(1) and (4).

A. PETITIONER BELENSKI FAILED TO PROPERLY RAISE AND ARGUE AGAINST APPLICATION OF THE TWO YEAR STATUTE OF LIMITATIONS.

The first reason that the Court should not accept review is because in the Court of Appeals below Belenski did not contest the applicability of or present briefing and argument that RCW 4.16.130 was inapplicable and did not control this case. Belenski in fact never raised or argued the two year statute of limitations at all, utterly failing to contest the argument presented by Jefferson County that his claim was barred under RCW 4.16.130. His appellate reply brief did not even mention RCW 4.16.130.

Instead, Petitioner waited until after the Court's decision relying on 4.16.130 to belatedly file a motion for reconsideration in which he asserted, for the first time, that the discovery rule should allow his case to proceed. Ordinarily this Court will not grant and consider arguments which were not raised in the party's briefs and which were not raised until motion for reconsideration is filed. See *1515-1519 Lakeview Boulevard Condominium Association v. Apartment Sales Corp.*, 146 Wn.2d 194, 203

n. 4, 43 P.3d 1233 (2002) (Issues not raised until a motion for reconsideration in the Court of Appeals "will not be considered for the first time on review in this Court"). Having failed to properly brief and argue before the Court of Appeals the issue now presented in the Petitioner for Review, this Court should likewise decline to consider a matter which was not fully and appropriately briefed below.

B. THE COURT OF APPEALS DECISION IS NOT IN CONFLICT WITH SUPREME COURT DECISIONS OR OTHER COURTS OF APPEAL.

1. The Court of Appeals decision does not conflict with *Rental Housing Association v. City of Des Moines.*

Petitioner's primary argument is that the Court of Appeals decision is contrary to *Rental Housing Association v. City of Des Moines*, 165 Wn.2d 525, 199 P.3d 393 (2009). Petition for Review at 8. Petitioner strains to find a conflict where none exists.

In *Rental Housing,* the Court held that, in order to trigger RCW 42.56.550(6), the one-year PRA statute of limitations, an agency's exemption claim must describe each individual withheld record and explain the particular exemption that applied to each record. 165 Wash.2d at 539–40, 199 P.3d 393. The Court ruled that the City's response did not satisfy that requirement. Finding that the one year statute of limitations had not been triggered, the Supreme Court concluded that the trial court

incorrectly dismissed the matter under RCW 42.56.550(6). This case, however, does not involve a "claim of exemption", so *Rental Housing* does not apply.

Likewise, *Rental Housing* did not involve application of RCW 4.16.130 and the two year catch-all statute of limitations for claims not subject to the Public Records Act statute of limitation. See *Johnson v. State Dep't of Corr.,* 164 Wn.App. At 779. Additionally, *Rental Housing* did not involve a question of whether or not records were defined as public records or not. The statute in RCW 42.56.550(6) is limited to situations where there has been production of public records or claims of exemptions made by the agency.

Further, the Court of Appeals decision is not in conflict with *Rental Housing* because the Court of Appeals did not decide or interpret RCW 42.56.550(6), which was at issue in *Rental Housing.* The Court of Appeals relied on a different statute of limitations, RCW 4.16.130, to find that a single claim in this matter was barred because the lawsuit was not filed for over two years from the date of the County's timely response. There is no conflict in applying a more generous two year statute of limitations where the stricter one year statute does not apply.

The essential facts underlying application of RCW 4.16.130 are not disputed. It is undisputed that Belenski made his public records

request on September 27, 2010. It is undisputed that, at that time, the plaintiff knew that internet access logs were being generated by the County. His claim therefore accrued on October 5, 2010 when he received the County's response stating that there were "no responsive records".[3] *Hobbs v. State Auditor,* 183 Wn.App. 925, 335 P.3d 1004 (2014) (cause of action accrues upon final action to not provide responsive records).

Belenski's argument that the Court of Appeals failed to decide the proper statute of limitations ignores the fact that this result was invited by Belenski's failure to adequately brief that issue before the Court of Appeals issued its opinion. This is why courts do not allow new issues to be raised in reply briefs or motions for reconsideration. Belenski strains to find a conflict and a basis for the application of the discovery rule even though he did not make this argument in his briefing in the case in chief.

Belenski's actual argument is that there is no statute of limitations for him to bring his claim and that he can bring claims at any time if he simply alleges "silent withholding". However, he disregards the fact that he knew both that internet access logs were being created by the County and that he was not provided them in response to his public records

[3] Belenski's silent withholding argument incorrectly assumes that the County is under a duty to log records not provided because they are not considered public records. There is no such duty. *Forbes v. City of Gold Bar*, 171 Wn.App. 857, 869, 288 P.3d 384 (2012).

request. That is all a plaintiff needs to know to challenge the County's response under the PRA.

Belenski fails to explain his twenty five month delay in bringing a lawsuit after being informed that the County did not have responsive public records. Further, he concedes that during this time period he knew that the County actually had internet access logs and contended that they were not public records. Given this actual knowledge the Court of Appeals correctly determined that he cannot wait for over two years to expire without filing his lawsuit.

2. The discovery rule further should not be imposed because the legislature has not chosen to impose it.

Belenski's position also has the dangerous effect of allowing sterile claims to be brought well after records retention periods have expired and after agencies no longer have the ability to respond. This is the very purpose of repose that RCW 4.16.130 serves. Belenski's position of inserting a discovery rule into the Public Records Act would in fact allow unlimited liability for public agencies and claims for damages. This was not the intent of the legislature when it imposed RCW 42.56.550(6) or RCW 4.16.130.

With respect to Belenski's attempt to re-write the statutes of limitation by inserting the "discovery" rule into to the law, a judicial

decision is not a proper method to achieve that result. The Supreme Court recognized the court's distinct role in our three-pronged governmental system in 2007 when Justice Fairhurst wrote:

> "It is neither our prerogative nor our function to substitute our judgment for the duly elected legislature's determination that the 2006 amendment was in the best interests of Washington State. Therefore, we are compelled to give the 2006 amendment its intended effect."

Washington State Farm Bureau Fed'n v. Gregoire, 162 Wn.2d 284, 302, (2007) (Legislature's plenary power to enact law included power to make law apply retroactively.)

Numerous statutes of limitation expressly include a "discovery" rule. They include RCW 4.16.080(6) (official misappropriation of funds), a subsection of a law entitled "Actions limited to three years," which included the "discovery" rule text at least as early as 1989 (1989 Session Laws, Ch. 38, §2) and RCW 4.16.340, entitled "Actions based on childhood sexual abuse," last updated in 1991 (1991 Session Law, Ch. 212, §2). *See, e.g., McLeod v. Northwest Alloys, Inc.,* 90 Wn. App. 30, 35, 969 P.2d 1066 (1998) (discussing the Uniform Trade Secrets Act); and RCW 4.16.350(3) (medical negligence).

The statutes listed here demonstrate that the Legislature in its exercise of its plenary powers chose not to include the "discovery" rule,

when RCW 42.56.550(6) was enacted and signed into law in 2005. *See O'Neil v. Estate of Murtha,* 89 Wn. App. 67, 73–74, 947 P.2d 1252 (1997).

It is especially important for the Legislature to address the discovery rule because such a rule would completely undermine any repose granted by a statute of limitations in PRA cases. It would allow a requester to sue without any limitation if a record was found many years later that was responsive to but omitted from the original response, claiming that the requester did not know of the existence of the responsive record and was misled by the alleged "silent withholding". This would be the result where the PRA request requires a broad search for records. Petitioner's proposed rule would extinguish any statute of limitation if the agency simply misses a record while responding to a request requiring it to search through tens of thousands for responsive documents.

3. Application of the discovery rule is not appropriate in PRA cases.

The discovery rule is not a rule of general applicability to all claims. The discovery rule reflects a policy decision to balance the "wrong[ness]" of bringing stale claims "against the unfairness of precluding justified causes of action." *1000 Virginia Ltd. P'ship v. Vertecs Corp.*, 158 Wn.2d 566, 579, 146 P.3d 423 (2006) (claim arising out of a contract accrued on breach and not on discovery); *see also U.S.*

Oil & Refining Co. v. State Dept. of Ecology, 96 Wn.2d 85, 93, 633 P.2d 1329 (1981); *Gunnier v. Yakima Heart Ctr., Inc., P.S.*, 134 Wn.2d 854, 860, 953 P.2d 1162 (1998). Indeed, "The 'obvious' purpose of such statutes is to set a definite limitation on the time available to bring an action, without consideration of the merit of the underlying action." (citing *Dodson v. Continental Can Co.,* 159 Wash. 589, 596, 294 P. 265 (1930)). *Bartz v. State Dep't of Corr. Pub. Disclosure Unit*, 173 Wn. App. 522, 538, 297 P.3d 737, 744 (2013) *review denied* sub nom. *Bartz v. Dep't of Corr.,* 177 Wn. 2d 1024, 309 P.3d 504 (2013)

When not expressly incorporated into a statute, Washington courts have applied the discovery rule "only in limited circumstances in which the plaintiff lacked the means to ascertain that a wrong had been committed." *C.J.C. v. Corp. of Catholic Bishop of Yakima*, 138 Wn.2d 699, 749, 985 P.2d 1162 (1999) (Durham, J., dissenting). Specifically, Washington's common law discovery rule applies only to two categories of cases: (1) those where the defendant's fraudulent concealment prevented the plaintiff from discovering its injury; and (2) those where the "nature of the plaintiffs injury makes it difficult for the plaintiff to learn the factual elements giving rise to the cause of action within the limitations period.". *O'Neil v. Estate of Murtha*, 89 Wn. App. 67, 72, 947 P.2d 1252, 1255 (1997). This case falls into neither category.

Plaintiff's complaint and briefing did not allege fraudulent concealment. *See Crisman v. Crisman,* 85 Wn. App. 15, 21, 931 P.2d 163 *review denied,* 132 Wn.2d 1008, 940 P.2d 653 (1997). Likewise, a PRA case is not one which the nature of the plaintiff's injury makes it difficult to learn the elements of a cause of action. See, *Central Heat, Inc. v. Daily Olympian*, 74 Wn.2d 126, 433 P.2d 544 (1968). In PRA cases, the plaintiff is provided a response and knows whether the agency provided requested records or whether it did not. In this case, the plaintiff knew in October 2010 that he did not receive any requested records. In such cases, a requester must challenge the agency's assertion within the two year limitations period.

Plaintiff's position would eviscerate any statute of limitations in PRA cases where an agency fails to produce a record. It would eliminate the repose that is the "obvious purpose" of statutes of limitation. See *Bartz, supra.* Under Belenski's argument, the applicable limitations period would not begin to run until the requester learned that the agency had a specific responsive record and failed to provide it. This eliminates the repose that the statute of limitation was intended to provide to the agency, especially in cases where the agency is required to search through thousands of records and is unable to locate every responsive record. It would be a mandate on local governments to conduct the perfect search

rather than the reasonably diligent search case law now mandates.[4] This scenario is becoming more commonplace after the adoption of amendments to RCW 42.56.080 in 2008 which preclude denial of a request on the basis that it is overly broad. A rule that allows unlimited lawsuits imperils the public fisc by creating unlimited penalty periods, contrary to the express intent of the Legislature in adopting RCW 42.56.550(6). Since the Legislature did not insert the "discovery" rule into RCW 42.56.550(6), this Court should not do so either.

Moreover, the discovery rule would severely prejudice agencies who rely on the passage of time in management of their records. Agencies would not know whether records requests are truly "resolved" or whether they could destroy records according to the retention schedules. RCW 42.56.100 precludes an agency from destroying a record, in compliance with the applicable retention schedule, until a public record request is "resolved." Without a statute of limitations, a public records request can never be "resolved." Likewise, it would prejudice agencies who have previously destroyed records pursuant to approved retention periods in cases where a reasonable search failed to detect a record, providing no

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[4] *Neighborhood Alliance of Spokane County v. County of Spokane,* 172 Wn.2d 702, 753, 261 P.3d 119 (2011).

limitation whatsoever. This result is contrary to the clear intent of the PRA to provide repose.

Statutes of limitations are strictly applied, and courts are reluctant to find an exception unless one is clearly articulated by the legislature. *See, e.g., Huff v. Roach*, 125 Wn. App. 724, 732, 106 P.3d 268 (2005); *Bennett v. Dalton*, 120 Wn. App. 74, 85-86, 84 P.2d 265 (2004); *Janicki Logging & Construction Co. v. Schwabe, Williamson & Wyatt*, 109 Wn. App. 655, 662, 37 P.3d 309 (2001). This is particularly true in cases governed by explicit statutory directives such as the PRA and not by the common law. *See Elliott v. Dep't of Labor and Indus.*, 151 Wn. App. 442, 447, 213 P.3d 44 (2009).

In *Elliott*, this Court declined to apply the discovery rule to a cause of action with a statute of limitations explicitly addressed by statute. This Court noted that the plaintiff was in the "wrong forum" for arguing that his claim should be permitted to proceed as the legislature had "clearly expressed its intent" by passing legislation governing the timeliness for filing the claim he attempted to file. *Elliott* at 446-47. In *Elliott*, as here, the appellant asserted that the act was "to be liberally construed" as a basis for his argument that the discovery rule should apply. This argument was rejected noting that "...it is fundamental that, when the intent of the legislature is clear from a reading of a statute, there is no room for

construction." *Elliott*, at 447-48, *citing, Johnson v. Dep't of Labor and Indus.*, 33 Wn.2d 399, 402, 205 P.2d 896 (1949).

Belenski argues that the reliance on RCW 4.16.130 would render RCW 42.56.550(6) meaningless. Petition at 7. This premise is illogical and simply wrong. It also conflicts with his position that RCW 42.56.550(6) was not triggered and does not govern here. The Court's imposition of a two year general statute of limitations as an overall catchall when RCW 42.56.550 does not apply is fully consistent with established precedent and would not render it meaningless. Where agencies claim an exemption or provide records pursuant to an installment, RCW 42.56.550(6) governs. It limits those actions to one year. Otherwise the two year statute of limitations applies. There is no conflict and the shorter limitation period will apply by its own terms.

C. THE PETITION FOR REVIEW DOES NOT PRESENT AN ISSUE OF SUBSTANTIAL PUBLIC CONCERN.

Although cited at the outset of his argument in the Petition for Review, Petitioner Belenski fails to present argument supporting his contention that this case involves an issue of "substantial public concern" under RAP 13.4(b). A rule which allows litigants to bring stale claims after inexplicable periods of delay does not present an issue of substantial public concern. Instead, this case presents the routine elimination of

claims which have accrued, but which plaintiffs failed to timely raise, correctly concluding that they are barred by the applicable statutes of limitations in furtherance of the public policy concerns listed above.

This Court has had numerous opportunities to review decisions of Division II which have applied RCW 4.16.130 to public record claims. It could have done so directly when the two year statute was applied in *Johnson,* 164 Wn.App. at 778, *review denied* 173 Wn.2d 1032 (2012). *Johnson* was then discussed by Division II in affirming dismissal of claims under RCW 42.56.550(6) when an agency makes a single response to a requester. *Bartz v. State Dep't of Corr. Pub. Disclosure Unit*, 173 Wn. App. 522, 536, 297 P.3d 737, 743 (2013) *review denied sub nom. Bartz v. Dep't of Corr.*, 177 Wn. 2d 1024, 309 P.3d 504 (2013) (rejecting argument that legislature intended no statute of limitations to apply).[5]

Johnson in particular is instructive and controlled the outcome below. *Johnson* involved a claim which would not be barred by the one year statute of limitations but which was not brought timely. Like Belenski, Johnson argued that dismissal of his PRA action was erroneous because the one year statute of limitations was not triggered by a claim of

[5] The Court has never granted review of the application of RCW 4.16.130 despite numerous opportunities. See *Johnson, supra; Bartz, supra; Mahmoud v. Snohomish County, review denied,* 182 Wn.2d 1027, (Apr. 29, 2015); *Kozol v. King County, review denied* __ Wn.2d ___, (Sept.2, 2015).

exemption or the last provision of an installment of records. Like Belenski, Johnson argued that there had never been a full response to his request for certain documents and that the agency silently withheld records. Division II explicitly ruled that even if the agency's response did not trigger the one year statute of limitations, the two year catch all limitations in RCW 4.16.130 would apply and bar Johnson's action. 164 Wn. App at 774. The Court held the two year statute of limitations was triggered upon the date of the agency's response. 164 Wn.App at 778. This response is virtually identical to that of the County in this case. In both cases, the requester knew enough to challenge the response.

Belenski's Petition for Review, like his briefing before the Court of Appeals, does not address the application of RCW 4.16.130 in *Johnson.* This argument was central to the statute of limitations argument raised in the County's Response Brief and the Court of Appeals' opinion. Respondent's Brief at 48-49; *Belenski v. Jefferson County,* 187 Wn. App. at 739. However, Petitioner failed to include any reference to *Johnson* in either his Reply Brief or Petition for Review.

The issue is presented in the Petition for Review is identical to the issue decided in *Johnson,* where the Court denied review. *Johnson* presents a parallel fact pattern where a requestor learns that records were not provided in response to his request some time later on. The court

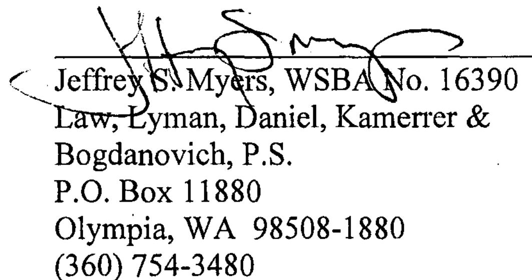
nevertheless ruled that RCW 4.16.130 imposed a two year statute of limitations. *Johnson*, 164 Wn. App at 776-777. The Supreme Court then denied review of the application of RCW 4.16.130. If the Court were to agree with Belenski's position now, it would necessarily have to over-rule *Johnson,* which this court previously let stand.

V. CONCLUSION

The Petition for Review does not identify any conflict with Supreme Court decisions or any issue of substantial public concern. It should be denied.

DATED this 30th day of September, 2015.

Respectfully submitted,



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DECLARATION OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on the date specified below, I served a copy of the following document upon Petitioner, via e-mail per service agreement of the parties:

RESPONDENT'S ANSWER TO PETITION FOR REVIEW

As follows:

Mike Belenski
P.O. Box 1132
Poulsbo, WA 98370
mbelenski@gmail.com

Dated this 30th day of September, 2015 at Tumwater, Washington.

Jeffrey S. Myers

OFFICE RECEPTIONIST, CLERK

To: Marry Marze; dalvarez@co.jefferson.wa.us; mbelenski@gmail.com
Cc: Jeff Myers
Subject: RE: Belenski v. Jefferson County; Supreme Court Cause No.: 92161-0; Respondent's Answer to Petition for Review

Received on 09-30-2015

Supreme Court Clerk's Office

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Marry Marze [mailto:Marry@lldkb.com]
Sent: Wednesday, September 30, 2015 11:53 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>; dalvarez@co.jefferson.wa.us; mbelenski@gmail.com
Cc: Jeff Myers <jmyers@lldkb.com>
Subject: Belenski v. Jefferson County; Supreme Court Cause No.: 92161-0; Respondent's Answer to Petition for Review

Please see the attached Respondent's Answer to Petition for Review in the above matter.

Thank you,

Marry Marze
Legal Assistant to Jeff Myers
Law Lyman Daniel Kamerrer & Bogdanovich PS
(360) 754-3480