

No. 47483-2

...  
COURT OF APPEALS, DIVISION II  
OF THE STATE OF WASHINGTON

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THOMAS A. LUNSCHEN, Appellant,

v.

DEPARTMENT OF LABOR & INDUSTRIES  
OF THE STATE OF WASHINGTON,

Respondent.

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REPLY BRIEF OF APPELLANT

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## I. ARGUMENT

**A. The appellate court evaluates the evidence in order to test conclusions and inferences made by the lower courts and to determine if there is sufficient probative evidence to support findings of fact, but reviews Motions for Summary Judgment de novo.**

While appeals in workmen's compensation cases to this court are no longer tried de novo (see *Benedict v. Department of Labor & Industries*, 63 Wash.2d 12, 385 P.2d 380 (1963), and *Groff v. Department of Labor & Industries*, supra), it often becomes the duty of the appellate court to evaluate the evidence in a written record in testing conclusions and inferences which have been drawn from the facts--an exploration for sufficiency of the probative evidence to support findings of fact and an analysis of findings when the evidence is undisputed, uncontradicted, and unimpeached. *Benedict v. Department of Labor & Industries*, supra at 14, 385 P.2d 38

*Scott Paper Co. v. Dep't. of Labor & Indus.*, 73 Wn.2d 840, 440 P.2d 818 (1968).

Mr. Lunschen brought a Motion for Summary Judgment before Pierce County Superior Court because the Board of Industrial Insurance Appeals did not apply the "ordinary incidents of everyday living" test as set out in *McDougle v. Department of Labor & Industries* when reconsidering his aggravation application. Mr. Lunschen requested that the Superior Court, acting in its appellate capacity over the Board of Industrial Insurance Appeals in workers compensation cases, remand the case back to the Board in order for the Board to apply *McDougle* to the facts of the Lunschen

aggravation case. Because this is an issue of law rather than fact, Mr. Lunschen felt the motion was appropriate. The Superior Court denied the motion on the basis that it felt that *McDougle* only applied in cases where the claimant had his case closed with an award for a permanent partial disability. As argued below, this is not a proper statement of the law. “[O]n appeal of a summary judgment order where no facts are in dispute and the only issue is a question of law, the standard of review is de novo. *Shum v. Department of Labor & Indus.*, 63 Wn.App. 405, 407, 819 P.2d 399 (1991). Because Summary Judgment Motions are reviewed de novo, the entire record and all evidence is before the Court of Appeals.

Findings of fact made by the Board are listed for the jury in the jury instructions and then the jury is only asked one question: “Was the Board of Industrial Insurance Appeals correct in deciding that Mr. Lunschen’s industrially related condition, proximately caused by the industrial injury of January 17, 2005, did not objectively worsen between June 9, 2005 and January 4, 2013?” When the jury responded, “yes,” and did not substitute its own findings for the Board’s, the jury, in essence, adopted the Board’s findings of fact. “Unchallenged findings of fact become the established facts of the case on review and our sole function is to determine whether the findings support the conclusions of law.” *Bergsma v. Dep’t of Labor and Indus.*, 33 Wn.App. 609, 656 P.2d 1109, (1983). Mr. Lunschen assigned

error to all of the findings of fact made by the Board that he felt were incorrect because when the jury responded “yes” those findings of fact became the jury’s. As stated in *Scott Paper*, it “becomes the duty of the appellate court to evaluate the evidence in a written record in testing conclusions and inferences which have been drawn from the facts--an exploration for sufficiency of the probative evidence to support findings of fact.” *Id.*

Therefore, the duty falls to the Court of Appeals to evaluate the evidence presented to test the conclusions and inferences which were drawn from the facts in Mr. Lunschen’s case and determine if there is sufficient probative evidence to support those findings of fact. It is Mr. Lunschen’s contention that there is not substantial evidence and therefore, insufficient probative evidence to support the determination that there was no worsening of his industrially related condition, especially due to the fact that the aggravation theories of “ordinary incidents of everyday living” from *McDougle* and “lighting up of a weakened condition” from *Wendt* were never presented to the jury. Because theories of aggravation in workers’ compensation in Washington fall in several very specific categories, it is impossible for the Court to adequately evaluate the sufficiency of the probative evidence without also reaching the failure to issue the plaintiff’s jury instructions.

**B. Because *McDougle* does not only apply to claims that are closed with a permanent partial disability award, the trial court abused its discretion when it refused to issue the *McDougle* aggravation instruction.**

Over fifty years ago the Washington Supreme Court determined that “Aggravation of the claimant’s condition caused by the ordinary incidents of everyday living-by work which he could be expected to do; by sports or activities in which he could be expected to participate- is compensable because it is attributable to the condition caused by the original injury.” *McDougle v. Dept. of Labor & Indus.*, 64 Wn.2d 640, 393 P.2d 631 (1964).

One has only to read the cases cited by the Supreme Court in *McDougle* to learn that the “incidents of everyday living” test is not only applied to claimants who have previously been given an award for a permanent partial disability. In *McDougle* the Supreme Court cited several cases from around the nation that illustrated its finding that an aggravation of an industrial injury or disease that was brought on by ordinary incidents of everyday living could be attributed to the original injury.

The Supreme Court cited *Head Drilling Co. v. Industrial Acc. Comm.*, 177 Cal. 194, 170 Pac. 157 (1918) in which a worker sustained a “spiral fracture” of his fibula when struck by a flywheel at work. He was treated for several weeks and released from the hospital with a cast on his leg. A few days later he slipped and struck the heel of his injured foot on



either a table or chair, but never fell. A new x-ray showed that the bone fragments in his leg had shifted and he required further surgery. The court found that the subsequent incident was something that could have been reasonably anticipated to occur if he was left to care for himself when he was discharged from the hospital and that it was not an intervening injury, but a natural result of the original injury. The worker had not been awarded any permanent partial disability at the time of the incident.

In *Eide v. Whirlpool Seeger Corp.*, 260 Minn. 98, 109 N.W.2d 47 (1961) a worker injured his back at work and had surgery for a ruptured disc. He reinjured his back a couple of years later and underwent further surgery, then reinjured it again the following year. About a year after his last work injury he was playing badminton and injured his knee. The injury to his knee required him to be in a cast that threw off his gait, subsequently aggravating his previous back condition. The court found that the badminton injury was not an intervening cause because it did not injure his back, it only injured his knee. It was the alteration in his gait that led to the aggravation of his back, but the court stated that there was no evidence that the injured worker had been instructed to abstain from badminton or that if he had it would risk a reoccurrence of his back injury and so the Court found the aggravation of the previous back injury compensable. There is no indication that the worker had been awarded a permanent partial disability.

In *Hartman v. Federal Shipbuilding & Dry Dock Co.*, 11 N.J. Super. 611, 78 A. (2d) 846 (1951) the worker did receive two permanent partial disability awards for three separate injuries to her back while at work. However, the Court in explaining its decision that her increased incapacity resulted from the work injuries despite the fact that her later injuries were a result of everyday activities such as rising from a chair or bending to pick up a piece of paper, states, “The applicable legal principle is that ‘if a reasonably prudent person innocently aggravates the harmful effect of the original injury, the original wrongful cause continues to the end, and accomplishes the final result.’” *Hartman v. Federal Shipbuilding & Dry Dock Co.*, 11 N.J. Super. 611, 78 A. (2d) 846 (1951). The Court’s reasoning does not rely upon the fact that the worker had a previous permanent partial disability, but rather what incapacity those injuries created, and whether her activities in light of those incapacities were reasonable.

In *Kelly v Federal Shipbuilding & Dry Docks Co.*, 1 N.J. Super. 245, 64 A. (2d) 92 (1949) an injured worker, who was still in a cast from his injury, was at a wedding reception when he attempted to save a child from falling down the stairs, and instead lost his balance and broke his right wrist. The Court determined that the injury to his wrist was attributable to his original injury and that the fact that the second injury was wholly independent and not merely an aggravation of the original injury made no

difference. The wearing of the cast placed a burden upon the worker to restrict his activities as an ordinarily prudent man would, but did not require the cessation of all activities. At the time of the case the worker had not been awarded a permanent partial disability, but was awarded a 25% disability as a result of the case for both the leg and wrist injuries combined.

In *Dickerson v. Essex Cy.*, 2 App. Div. (2d) 516, 157 N.Y.S. (2d) 94 (1956) a man was awarded seventy percent permanent partial disability as a result of a fractured femur which resulted in a permanent condition called “right foot drop” for which he sometimes wore a brace. While he was walking about in his own yard and not wearing the brace, he fell and fractured the same leg below the knee. Later, while using crutches for this second injury he fell down a flight of stairs and fractured his left leg and suffered other injuries from which he eventually died. In discussing the reasoning behind its finding that the third injury was a direct result of the first, and therefore compensable, the Court discusses whether the injured worker’s conduct was rash in light of the fact that he’d suffered a leg fracture and was on crutches, and in fact only discusses the fact that he had a 70 percent permanent partial disability in passing and never in relation to whether it affected the Court’s reasoning.

In *Makoff Co. v. Industrial Comm.*, 13 Utah (2d) 23, 368 P.2d 70 (1962) a man injured his back in an industrial accident and had worn a back

brace since then. He asked his doctor to perform surgery, but had been persuaded to wait. Three years later he was reaching for a pair of trousers and felt severe pain, was hospitalized, and eventually had surgery for a herniated disc. The Court determined that the incident with the trousers represented the point at which the previous industrial accident ripened into a compensable disability, not one that occurred because he already had a compensable disability.

Additionally, in *Harnischfeger Corp. v. Industrial Comm.* 253 Wis. 613, 34 N.W. 2d 678 (1948) a worker fractured his leg at work and then five years later fractured the same leg in an automobile accident. Four years later he suffered a spontaneous fracture of that same leg while walking. The Court attributed it to the original injury because he had developed osteomyelitis as a result of the original injury and although it had subsided after the injury there was the potential for it to recur and result in additional disability.

The Washington Supreme Court also cited cases as evidence of injuries that were not compensable. These cases did not hinge upon whether or not a worker had a permanent partial disability, but rather whether the worker's actions were unreasonable in light of the incapacity brought on by the original injury. In one, a worker injured his right knee at work and after he returned to work he fell several times thereafter due to the right knee

giving out. When he tried to carry an armload of trash down the stairs at home and fell and injured his jaw the Court determined it was not compensable because he knew his knee had a tendency to give out and yet he'd shown "lack of ordinary care" in choosing to go down the stairs with both of his arms full. *Yarbrough v. Polar Ice & Fuel Co.*, 118 Ind. App. 321, 79 N.E.2d 422 (1948).

In another a man with an injured hand whose bandages were soaked in alcohol was told not to smoke, but smoked anyway and caught the bandage on fire creating further injury to his hand. The Court found that it was a wholly independent cause not related to the industrial injury. *McDonough v. Sears, Roebuck & Co.*, 130 N.J.L. 158, 21 A.2d 314 (1943).

Another worker injured his right knee two different times in industrial accidents, but a car accident that was partially caused by his knee "locking" as a result of his earlier industrial injuries was found not to be compensable because he chose to drive even though he knew that when his knee locked up he was "paralyzed" and deprived of all use and control of that leg. *Sullivan v. B & A Constr.*, 307 N.Y. 161, 120 N.E.2d 694 (1954).

In yet another case a man cut his left wrist and was treated by a physician. Nine days after the initial injury, and after the man was discharged from care, he took part in a boxing match against the advice of his doctor. He developed an infection that led to the loss of bone in his hand

and wrist. The Court found that, although the bacteria was present after the initial industrial injury, it was the boxing match that caused the infection and that if he'd just rested a few more days the infection would not have occurred, and therefore, the boxing match caused the intervening injury that led to the infection. *Kill v. Industrial Comm.*, 160 Wis. 549, 152 N.W. 148 (1915).

These cases, cited by the Supreme Court in the *McDougle* decision, illustrate the examination Courts are to make to determine whether or not a new injury is compensable as a result of the sequelae of the original industrial injury. Rather than the determination turning on whether the injured worker was awarded a permanent partial disability, the actual examination is one of the claimant's culpability. The Supreme Court also cited to Larson on Workmen's Compensation. This states that the subsequent injury "is compensable if it is the direct and natural result of a compensable primary injury. But if the subsequent injury is attributable to claimant's own negligence or fault, the chain of causation is broken, even if the primary injury may have contributed in part to the occurrence of the subsequent injury." 1 Larson, Workmen's Compensation Law, § 13.11, p. 183.

The thirty percent permanent partial disability that Mr. McDougle was awarded was mentioned in the Supreme Court's decision only to help

to quantify the activities in which Mr. McDougle could reasonably be expected to participate, not in order to restrict approval for those who have their injuries aggravated by normal incidents of everyday living to only those people who have been awarded a permanent partial disability. It was used by the Court as a yardstick to determine whether in light of that disability, Mr. McDougle's decision to assist his brother-in-law in unloading some sacks of grain was negligent and, therefore an intervening injury which would break the causal chain between the original industrial injury and the subsequent aggravation.

Further proof of this is in the subsequent court case for Mr. McDougle, *Scott Paper v. Department of Labor & Industries*. In the initial case the Supreme Court remanded back to the Board with instructions to refer the matter back to the Department for further consideration in light of its order. When the case came back in its second iteration to the Supreme Court, the Court defined disability further. Citing *Henson v Dep't of Labor and Indus.*, 15 Wn.2d 384, 130 P.2d 885 (1942) the Court said disability is "the impairment of the workman's mental or physical efficiency. It embraces **any** loss of physical or mental functions which detracts from the former efficiency of the individual in the ordinary pursuits of life." *Scott Paper v. Dep't of Labor & Indus.*, 73 Wn.2d 840, 440 P.2d 818 (1968) (emphasis added).

As stated during Mr. Lunschen's argument on his Motion for Summary Judgment, and his opening and closing statements, there was really no disagreement that his back condition had worsened. The only disagreement was whether his worsened back condition was a result of an intervening injury in his garden, or if that incident was a normal incident of everyday living that could be attributed to the original injury. The misunderstanding that the *McDougle* instruction only applies to worker's that have a permanent partial disability resulted in the denial of the plaintiff's Motion for Summary Judgment, and the denial of the plaintiff's proposed jury instruction on normal incidents of everyday living. Both determinations were based on incorrect conclusions of law.

**C. There was substantial evidence that Mr. Lunschen's 2005 industrial injury lit up his preexisting diffuse lumbar spondylosis and weakened his lower back predisposing him to further injury so the Court should have given his proposed jury instruction # 15.**

Dr. Johnson testified that the industrial injury of 2005 had accelerated Mr. Lunschen's underlying preexisting diffuse lumbar spondylosis. He and Dr. Tanner agree that the degeneration of Mr. Lunschen's spine went from mild prior to 2005 to moderate-severe between the 2005 injury and the 2012 aggravation. Prior to his industrial injury of 2005 Mr. Lunschen did have episodes of recurring back pain every once in



a while in the years after his industrial injury of 1989, however, the pain resolved with bed rest. During this time period Mr. Lunschen's diffuse lumbar spondylosis was mild. There is no indication that the back pain that Mr. Lunschen felt was as a result of his underlying lumbar spondylosis, especially in light of the fact that it was mild during that time period.

The industrial injury of 1989 was a pretty severe injury which resulted in more than a half a year out of work, and that could have led to recurrences of back pain. However, due to the fact that these episodes resolved with bed rest it is more likely that they were just sore muscles from overuse rather than symptoms of the underlying lumbar spondylosis. Additionally, these occasional incidents of low back pain did not create any radiating pain that were symptoms of Mr. Lunschen's injury after 2005. Mr. Lunschen also worked during that time period with no doctor imposed physical restrictions and no other time off work due to his 1989 back injury.

Mr. Lunschen has provided substantial evidence that his underlying lumbar spondylosis was "lit up" by his 2005 industrial injury. He provided the testimony of Dr. Johnson, who explained in great detail how the different industrial injuries created traumatic changes in Mr. Lunschen's back that led to an aggravation of his degenerative disc disease. Dr. Johnson explained the differences in asymmetrical degenerative changes brought on by trauma, as opposed to those brought on by normal aging. Mr. Lunschen

also provided the testimony of Dr. Kaczmarek who explained how the leaking of hyaluronic acid created swelling at the site of L4-L5 which weakened it and predisposed that area of the back to re-injury.

Dr. Tanner agreed that the degeneration in Mr. Lunschen's spine had increased to moderate-severe in the seven year time period between industrial injury of 2005 and the aggravation incident in the garden in 2012. He attributed this to natural degeneration, but never contradicted or even addressed Dr. Johnson's testimony about asymmetrical changes being the result of trauma.

The facts in Mr. Lunschen's case are easily distinguishable from that in *Cooper v. Dep't of Labor & Indus.*, 352 P.3d 189 (2015). First, in *Cooper* the claimant did not provide any medical testimony about "lighting up," whereas Mr. Lunschen has provided such testimony. Second, the testimony provided by Mr. Lunschen's and the Department's witnesses confirm that the degenerative disc disease was mild prior to the industrial injury of 2005 and there is no evidence that it was his degenerative disc disease that was symptomatic during that time period. Third, the occasional back pain that he experienced after his 1989 injury was not similar to the symptoms he experienced after his 2005 injury because there was no radiating pain component.

In *Zavala* the Court states, “a pre-existing condition is not “lit up” if the weight of the evidence reveals (1) that the condition was symptomatic before the workplace event, or (2) the condition was a naturally progressing condition that would have progressed to symptoms without the injury.” *Zavala v. Twin City Foods*, 185 Wn.App. 838, P.3d 761 (2015). This finding in *Zavala* from Division III of the Washington Court of Appeals contradicts the findings of Division II in *Wendt* which cite the Supreme Court’s holding in *Miller*,

We have held in an unbroken line of decisions that if an injury, within the statutory meaning, lights up or makes active a latent or quiescent infirmity or weakened physical condition occasioned by disease, then the resulting disability is to be attributed to the injury, and not to the preexisting physical condition ... If this be true with respect to a weakened physical condition resulting from disease, it must likewise be true with respect to a similar infirmity resulting from some structural weakness of the body. As we have many times stated, the provisions of the workmen’s compensation act are not limited in their benefits to such persons only as approximate physical perfection, for few, if any, workmen are completely free from latent infirmities originating either in disease or in some congenital abnormality. It is a fundamental principle which most, if not all courts accept, that if the accident or injury complained of is the proximate cause of the disability for which compensation is sought, the previous physical condition of the workman is immaterial and recovery may be had for the full disability independent of any preexisting or congenital weakness; the theory upon which that principle is founded is that the workman’s prior physical conditions is not deemed the cause of the injury, but merely a condition upon which the real cause operated.

*Miller v. Dep't. of Labor & Indus.*, 200 Wash. 674 at 682-683, 94 P.2d 764 (1939).

If a worker has a preexisting condition that is lit up by an industrial injury and, as a result, that preexisting condition is worsened to the point that the worker loses twenty wage-earning years that the worker would not have lost had it not been for the industrial injury's effect on the preexisting condition, it doesn't matter if the preexisting condition would have eventually led to the same result. The loss of those twenty wage-earning years are a direct result of the industrial injury and the very thing that the Industrial Insurance Act was created to resolve. While Mr. Lunschen does not agree with the finding in *Zavala* because he believes it is contrary to *Wendt* and *Miller*, it is irrelevant because the testimony of Dr. Johnson states that the asymmetrical changes are a direct result of trauma, rather than naturally progressing changes, and so *Zavala* is not on point.

**D. The proximate cause jury instruction did not allow Mr. Lunschen to adequately present and argue his theory of the case to the jury.**

As stated previously, the *McDougle* and *Wendt* jury instructions are esoteric legal arguments that may be difficult for a jury to grasp. This is one of the reasons that the Court determined that the "lighting up" instruction should have been issued in *Wendt*. "Such general or stock instructions might

suffice were a less technical proposition involved. Here, however, a jury of lay persons might well consider the “lighting up” theory esoteric, to say the least. In such a case the law should be explicated by the judge in particular terms to insure that the jury grasps its subtleties.” *Wendt v. Dep’t of Labor and Indus.*, 18 Wn.App. 674, 571 P.2d 229 (1977).

The proximate cause instruction, Jury instruction number twelve, does not adequately present Mr. Lunschen’s theory of the case. In fact, it argues against his theory of the case. The first line of that jury instruction is, “The term ‘proximate cause’ means a cause which in a direct sequence, **unbroken by any new independent cause**, produces the condition complained of and without which such condition would not have happened.” In Mr. Lunschen’s case, without the explication of the *McDougle* and *Wendt* jury instructions, it is unlikely that any jury would ever determine that the incident in Mr. Lunschen’s garden wasn’t an independent cause.

The jury was not elucidated as to the fact that even if the incident in the garden contributed to his current condition, it might not be an independent cause if the jury determined that it was not an unreasonable activity for him to have undertaken in light of his disability or incapacity from his industrial injury. Further, they were not advised that if they found that the industrial injury of 2005 accelerated or lit up Mr. Lunschen’s

underlying degenerative disc disease then they could find that his new condition was attributable to the original industrial injury, even if the gardening incident contributed to it. Without these specialized instructions on the intricacies of workers' compensation aggravation law, most lay people would have a hard time seeing the incident in the garden as anything other than an independent cause.

Mr. Lunschen argued vociferously that the industrial injury just had to be "a" proximate cause of the current condition in order determine that Mr. Lunschen's industrially related condition had worsened. However, without the other two legs of the proximate cause three-legged stool, he was forced to teeter on that one remaining leg which couldn't possibly present and adequately argue his esoteric theory of the case.

## **II. CONCLUSION**

For the reasons stated above, Mr. Lunschen respectfully requests that the Court reverse the trial court's March 27, 2015 order and rule that there was not sufficient probative evidence to support the finding of fact that the incident in Mr. Lunschen's garden in May of 2012 was an intervening incident, rather than an aggravation of his 2005 industrial injury and that his claim be reopened for treatment and all other related benefits under Title 51 and to reverse and remand for the Department of Labor and

Industries to take all proper and necessary actions consistent with the Court's findings and conclusions..

In the alternative, Mr. Lunschen respectfully requests that the court find that the trial court erred when it failed to give Mr. Lunschen's jury instructions number 11 and 15 because he could not adequately argue his theory of the case, and that this case should be reversed and remanded to the trial court to hear his case consistent with the Court's findings and conclusions.

Mr. Lunschen also respectfully asks this Court to grant him an award for attorney's fees for the work done before this Court under the provisions of RAP 18.1 and RCW 51.52.130.

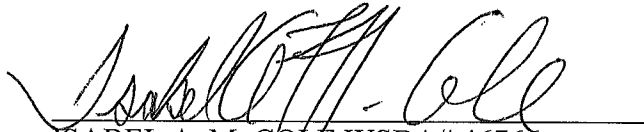
Rule 18.1 of the Rules of Appellate Procedure provides that if "applicable law grants to a party the right to recover reasonable attorney fees or expenses on review, the party must request the fees or expenses provided in this rule, unless a statute specifies that the request is to be directed to the trial court." RAP18.1

RCW 51.52.130 provides that in worker's compensation cases, if the worker appeals from a decision and order of the Board and the order is reversed or modified and additional relief is granted to the worker, the worker is entitled to attorney's fees for the work done before that court.

Mr. Thomas Lunschen's attorneys therefore request that this Court overturn the decision of the Superior Court which affirmed the decision of the Board, and that they be awarded reasonable fees for the work done on this appeal before the Court.

Respectfully submitted this 2nd day of December, 2015.

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A handwritten signature in cursive script, appearing to read "Isabel A. M. Cole", written over a horizontal line.

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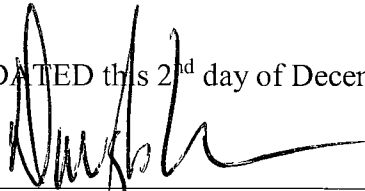
STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF PIERCE )

DOUGLAS W. LOPEZ, being first duly sworn on oath, deposes and says:  
That he is a Paralegal employed by TACOMA INJURY LAW GROUP,  
INC., P.S., Attorneys for Appellant/Plaintiff in the above-entitled matter,  
and that on the 2<sup>nd</sup> day of December, he caused to be served, by E-File,  
Email, Legal Messenger, Certified Mail, or First Class Mail, as indicated,  
Reply Brief of Appellant to the following:

Rebecca Kim Echols, AAG

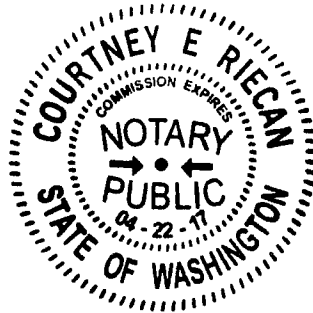
Office of the Attorney General (via Regular U.S. Mail & Email )  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104-3188  
RebeccaK1@ATG.WA.GOV


DATED this 2<sup>nd</sup> day of December, 2015.



Douglas W. Lopez Paralegal of Tacoma  
Injury Law Group, Inc., P.S.

SUBSCRIBED AND SWORN to before me this 2<sup>nd</sup> day of December,  
2015.



  
NOTARY PUBLIC in and for the  
State of Washington, residing at  
1111 1st St. My Commission  
expires 4/22/17

# TACOMA INJURY LAW GROUP INC PS

**December 02, 2015 - 4:39 PM**

## Transmittal Letter

Document Uploaded: 4-474832-Reply Brief.pdf

Case Name: Thomas A. Lunschen v. Department of Labor & Industries of the State of Washington

Court of Appeals Case Number: 47483-2

**Is this a Personal Restraint Petition?** Yes  No

### The document being Filed is:

Designation of Clerk's Papers

Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: \_\_\_\_

Answer/Reply to Motion: \_\_\_\_

Brief: Reply

Statement of Additional Authorities

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: Courtney Riecan - Email: [courtney@tacomainjurylawgroup.com](mailto:courtney@tacomainjurylawgroup.com)

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

[isabel@tacomainjurylawgroup.com](mailto:isabel@tacomainjurylawgroup.com)

[doug@tacomainjurylawgroup.com](mailto:doug@tacomainjurylawgroup.com)

[RebeccaK1@ATG.gov](mailto:RebeccaK1@ATG.gov)