

FILED
SUPREME COURT
STATE OF WASHINGTON
3/22/2019 1:34 PM
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No. 96885-3

SUPREME COURT OF THE STATE OF WASHINGTON

DONNA ZINK,

Appellant,

vs.

JOHN DOE L, et al.,

Respondents,

ANSWER TO PETITION FOR REVIEW

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representative John Doe D/William
Duncan*

Identity of Respondent

Respondent John Doe D, identified repeatedly in the papers below as William Duncan and representing a class of Level II and III sex offenders.

Statement of the Issue

Zink claims that the case must be reviewed because the court of appeals opinion would allow anyone to proceed in pseudonym without applying the *Ishikawa* factors. Petition for Review, page 2.

Argument

The Level II/III class asks the Court to deny Donna Zink's petition for review. Zink fails to raise an issue of substantial public interest regarding filing under pseudonym.

Duncan's initial counsel—his former criminal defense lawyer with limited civil experience—appears to have copied from other cases filed to prevent the release of SSOSAs and SSODAs and used a caption with John Doe D. However, even in the preliminary injunction papers, Duncan's name was used. In 2014, he submitted a declaration in this case, signed under penalty of perjury, under his name in the trial court; he is named in the order on summary judgment; and he is named in the briefs before the court of appeals (see page 6 of the Class II/III merits brief before the Court

of Appeals as well as the February 23, 2018 motion for leave to file surreply filed on behalf of the class).

This issue has no merit, and the Court should reject Zink's repeated failure to accurately describe the record.

Zink argues that because the caption is still "Doe," the case is somehow "secret." But the caption here is Zink's fault—she never moved to change the caption from John Doe D, although she has now had four and a half years to do so. She never raised the issue with either the court or counsel. Her failure to act is the problem, not the actions of the trial court.

The ability to file a case under pseudonym is not at issue. This Court has held, however, that a case cannot continue under pseudonym unless the *Ishikawa* factors have been considered and satisfied. *John Doe A v. WSP*, 185 Wn.2d 363, 374 P.3d 63 (2016). In the trial court, then, the plaintiffs will either dismiss, show that they can meet the *Ishikawa* factors, or identify themselves. That is a trial court issue, not one for this Court.

Finally, the Level II/III class and Duncan fully adopt and endorse the argument Respondents John Does L-O (file in this matter March 22, 2019) on the question of review of juvenile SSODA question.

CONCLUSION

This Court should deny the petition for review.

Respectfully submitted on March 22, 2019

s/ Harry Williams IV
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Certificate of Service

On March 22, 2019, I filed with the Court's E-filing portal, which served all parties by electronic service.

s/Harry Williams IV, WSBA #41020

LAW OFFICE OF HARRY WILLIAMS LLC

March 22, 2019 - 1:34 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 96885-3
Appellate Court Case Title: John Doe L, et al. v. Pierce County, et al.
Superior Court Case Number: 14-2-14293-1

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