

FILED
SUPREME COURT
STATE OF WASHINGTON
7/8/2019 3:17 PM
BY SUSAN L. CARLSON
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Replaces opposition to motion filed
7/8/19 at 12:33pm

NO. 9-7359-8

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

SIMEON J. OSBORN and MONICA OSBORN, and the marital
community composed thereof,

Plaintiffs/Respondents,

v.

MICHAEL CALLAHAN and ROBIN CALLAHAN, individually and the
marital community composed thereof,

Defendants/Appellants.

ON APPEAL FROM DIVISION I, COURT OF APPEALS
OF THE STATE OF WASHINGTON

**RESPONDENTS' OPPOSITION TO MOTION TO EXTEND TIME
TO FILE PETITION FOR REVIEW**

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Shaunta M. Knibb, WSBA #27688
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Attorneys for Plaintiffs/Respondents
Simeon J. Osborn and Monica Osborn

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COME NOW Simeon Osborn and Monica Osborn, Respondents, by and through counsel of record, and submit this Response in Opposition to the Petitioner's Motion for Extension of Time to File Petition for Review.

I. Introduction/Background

Michael Callahan filed an untimely Petition for Review and now seeks to correct that significant jurisdictional error by motion for an extension of time. The motion should be denied. Mr. Callahan, while *pro se*, is no stranger to the law. He is an attorney by education and he should be held to the same standard as other attorneys in this state.

The Court of Appeals denied his motion for reconsideration on May 20, 2019. This started the 30-day clock in which to file a petition for review. RAP 13.4. Callahan does not feign ignorance of or confusion as to this rule; rather he claims vaguely that a power "blink," then "power outage" and *then* "internet problems" caused him to miss the filing deadline. Motion, at 2. None of these excuses, however, rises to the level of extraordinary circumstances required by RAP 18.8(b) to extend the date on which a petition for review may be filed.

II. No Extraordinary Circumstances Exist to Support Extension of Deadline

RAP 18.8(b) governs the disposition of untimely appeals. *State v. Ashbaugh*, 90 Wn.2d 432, 438 (1978). RAP 18.8(b) provides:

“The appellate court will only in extraordinary circumstances and to prevent a gross miscarriage of justice extend the time within which a party must file a notice of appeal The appellate court will ordinarily hold that the desirability of finality of decisions outweighs the privilege of a litigant to obtain an extension of time under this section.”

Although the Rules of Appellate Procedure are generally liberally construed, this Court has explained that RAP 18.8(b) “expresses a public policy preference for the finality of judicial decisions over the competing policy of reaching the merits in every case.” *Shumway v. Payne*, 136 Wn.2d 383, 395 (1998) (quoting *Pybas v. Paolino*, 73 Wn. App. 393, 401 (1994)).

Numerous courts have interpreted RAP 18.8(b) and reached a consensus that “extraordinary circumstances” is generally limited to those instances where in the filing, despite reasonable diligence, was defective due to excusable error or circumstances beyond the party’s control. *Id.*; *Reichelt v. Raymark Indus., Inc.*, 52 Wn. App. 763, 765 (1988). Mistake and absence of prejudice do not constitute extraordinary circumstances. *Reichelt*, 52 Wn. App. at 766. Likewise, negligence and lack of

reasonable diligence “do not amount to extraordinary circumstances. *In re Dependency of A.L.F.*, 192 Wn. App. 512, 525 (2016) (citing *Beckman v. Dep't of Soc. & Health Servs.*, 102 Wn. App. 687, 695 (2000)).

The extraordinary circumstances standard is rarely satisfied, and it is Petitioner’s burden to provide a “sufficient excuse” for his failure to timely file and for the court to abandon its preference for finality. *State v. Moon*, 130 Wn. App. 256, 260 (2005). He has not done so here. While Mr. Callahan conveniently blames electricity and erratic WIFI for his failure to file, he does not provide any details as to his efforts to remedy the situation. Did he contact his Internet provider? Did he go to a local library, Starbucks or other establishment and attempt to use Internet in a different location? Did he call this Court as directed on the Court’s website because he was experiencing a problem with filing? Without sufficient detail there is simply no basis on which the court could conclude that Petitioner acted with “reasonable diligence” to timely file the petition and pay the filing fee. Indeed, a simple search of the Internet shows that others in Kitsap County, where the Petitioner resides, were able to post on the Internet during the time Petitioner claims he could not file his petition. This includes his own spouse. *See, e.g.*, Exhibit A (Kitsap County Public Health Bulletin dated 6/19/2019, at 03:49 PM PDT); Exhibit B (6/19/19

Facebook page for Robin Callahan Designs); Exhibit C (6/19/19 Facebook page for the City of Bainbridge Island), Declaration of Shaunta Knibb in Support of Resps.’ Opp. to Motion to Extend Time to File Petition for Review (dated July 8, 2019). There is simply no evidence that whatever electrical or WIFI problem petitioner claims to have experienced rises to the level of a circumstance beyond his control. Thus, the standard required by RAP 18.8(b) for extension of the time to file has not been satisfied.

Finally, Petitioner argues that there would be a miscarriage of justice if his motion is denied because he believes he raises important issues. But “even if the appeal raises important issues, it would be improper to consider those issues absent sufficient grounds for granting an extension of time.” *In re Dependency of A.L.F.*, 192 Wn. App. at 525 (citing *Schaefco, Inc. v. Columbia River Comm’n*, 121 Wn.2d 366, 368 (1993), reconsideration denied and opinion modified on other grounds, 2016 Wash. App. LEXIS 565 (March 24, 2016)).

III. Conclusion

Considerations of finality require that the Petitioner abide by the court rules. Petitioner missed the deadline to file the petition for review and there are no extraordinary circumstances to explain that mistake. The motion to extend the deadline should be denied.

RESPECTFULLY SUBMITTED this 8th day of July, 2019.

SMYTH & MASON, PLLC

s/ Jeff Smyth

Jeff Smyth, WSBA #6291

Shaunta M. Knibb, WSBA #27688

Attorneys for Respondents

DECLARATION OF SERVICE

Heidi Brown under penalty of perjury under the laws of the State of Washington states and declares as follows:

On July 8, 2019, I caused the foregoing document described as Respondents' Opposition to Motion to Extend Time to File Petition for Review to be filed with the Court of Appeals and caused it to be served on the persons listed below in the manner shown:

Michael & Robin Callahan
7997 NE High School Road
Bainbridge Island, WA 98110
(206) 240-9019
mctrustee@gmail.com

Via Email
 Via U.S. Mail
with Postage Prepaid
 Via Messenger

Pro se Defendants/Appellants

DATED at Seattle, Washington this 8th day of July, 2019.

s/ Heidi Brown

Heidi Brown
Legal Assistant to Smyth & Mason, PLLC

Rules of Appellate Procedure

RAP 13.4 DISCRETIONARY REVIEW OF DECISION TERMINATING REVIEW

(a) **How to Seek Review.** A party seeking discretionary review by the Supreme Court of a Court of Appeals decision terminating review must serve on all other parties and file a petition for review or an answer to the petition that raises new issues. A petition for review should be filed in the Court of Appeals. If no motion to publish or motion to reconsider all or part of the Court of Appeals decision is timely made, a petition for review must be filed within 30 days after the decision is filed. If such a motion is made, the petition for review must be filed within 30 days after an order is filed denying a timely motion for reconsideration or determining a timely motion to publish. If the petition for review is filed prior to the Court of Appeals determination on the motion to reconsider or on a motion to publish, the petition will not be forwarded to the Supreme Court until the Court of Appeals files an order on all such motions. The first party to file a petition for review must, at the time the petition is filed, pay the statutory filing fee to the clerk of the Court of Appeals in which the petition is filed. Failure to serve a party with the petition for review or file proof of service does not prejudice the rights of the party seeking review, but may subject the party to a motion by the Clerk of the Supreme Court to dismiss the petition for review if not cured in a timely manner. A party prejudiced by the failure to serve the petition for review or to file proof of service may move in the Supreme Court for appropriate relief.

(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 a published 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.

(c) **Content and Style of Petition.** The petition for review should contain under appropriate headings and in the order here indicated:

- (1) **Cover.** A title page, which is the cover.
- (2) **Tables.** A table of contents, with page references, and a table of cases (alphabetically arranged), statutes, and other authorities cited, with reference to the pages of the brief where cited.
- (3) **Identity of Petitioner.** A statement of the name and designation of the person filing the petition.
- (4) **Citation to Court of Appeals Decision.** A reference to the Court of Appeals decision which petitioner wants reviewed, the date of filing the decision, and the date of any order granting or denying a motion for reconsideration.
- (5) **Issues Presented for Review.** A concise statement of the issues presented for review.
- (6) **Statement of the Case.** A statement of the facts and procedures relevant to the issues presented for review, with appropriate references to the record.
- (7) **Argument.** A direct and concise statement of the reason why review should be accepted under one or more of the tests established in section (b), with argument.
- (8) **Conclusion.** A short conclusion stating the precise relief sought.
- (9) **Appendix.** An appendix containing a copy of the Court of Appeals decision, any order granting or denying a motion for reconsideration of the decision, and copies of statutes and constitutional provisions relevant to the issues presented for review.

(d) **Answer and Reply.** A party may file an answer to a petition for review. A party filing an answer to a petition for review must serve the answer on all other parties. If the party wants to seek review of any issue that is not raised in the petition for review, including any issues that were raised but not decided in the Court of Appeals, the party must raise those new issues in an answer. Any answer should be filed within 30 days after the service on the party of the petition. A party may file a reply to an answer only if the answering party seeks review of issues not raised in the petition for review. A reply to an answer should be limited to addressing only the new issues raised in the answer. A party filing any reply to an answer must serve the reply to the answer on all other parties. A reply to an answer should be filed within 15 days after the service on the party of the answer. An answer or reply should be filed in the Supreme Court. The Supreme Court may call for an answer or a reply to an answer.

(e) **Form of Petition, Answer, and Reply.** The petition, answer, and reply should comply with the requirements as to form for a brief as provided in rules 10.3 and 10.4, except as otherwise provided in this rule.

(f) **Length.** The petition for review, answer, or reply should not exceed 20 pages double spaced, excluding appendices, title sheet, table of contents, and table of authorities.

(g) **Reproduction of Petition, Answer, and Reply.** The clerk will arrange for the reproduction of copies of a petition for review, an answer, or a reply, and bill the appropriate party for the copies as provided in rule 10.5.

(h) Amicus Curiae Memoranda. The Supreme Court may grant permission to file an amicus curiae memorandum in support of or opposition to a pending petition for review. Absent a showing of particular justification, an amicus curiae memorandum should be received by the court and counsel of record for the parties and other amicus curiae not later than 60 days from the date the petition for review is filed. Rules 10.4 and 10.6 should govern generally disposition of a motion to file an amicus curiae memorandum. An amicus curiae memorandum or answer thereto should not exceed 10 pages.

(i) No Oral Argument. The Supreme Court will decide the petition without oral argument.

[Originally effective July 1, 1976; amended effective September 1, 1983; September 1, 1990; September 18, 1992; September 1, 1994; September 1, 1998; September 1, 1999; December 24, 2002; September 1, 2006; September 1, 2009; September 1, 2010; December 8, 2015; September 1, 2016.]

Rules of Appellate Procedure

RULE 18.8 WAIVER OF RULES AND EXTENSION AND REDUCTION OF TIME

(a) Generally. The appellate court may, on its own initiative or on motion of a party, waive or alter the provisions of any of these rules and enlarge or shorten the time within which an act must be done in a particular case in order to serve the ends of justice, subject to the restrictions in sections (b) and (c).

(b) Restriction on Extension of Time. The appellate court will only in extraordinary circumstances and to prevent a gross miscarriage of justice extend the time within which a party must file a notice of appeal, a notice for discretionary review, a motion for discretionary review of a decision of the Court of Appeals, a petition for review, or a motion for reconsideration. The appellate court will ordinarily hold that the desirability of finality of decisions outweighs the privilege of a litigant to obtain an extension of time under this section. The motion to extend time is determined by the appellate court to which the untimely notice, motion or petition is directed.

(c) Restriction on Changing Decision. The appellate court will not enlarge the time provided in rule 12.7 within which the appellate court may change or modify its decision.

(d) Terms. The remedy for violation of these rules is set forth in rule 18.9. The court may condition the exercise of its authority under this rule by imposing terms or awarding compensatory damages, or both, as provided in rule 18.9.

SMYTH & MASON, PLLC

July 08, 2019 - 3:17 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 97359-8
Appellate Court Case Title: Simeon J. and Monica Osborn v. Michael and Robin Callahan
Superior Court Case Number: 16-2-22333-8

The following documents have been uploaded:

- 973598_Answer_Reply_20190708151634SC138185_4137.pdf
This File Contains:
Answer/Reply - Answer to Motion
The Original File Name was Osborn Response.pdf

A copy of the uploaded files will be sent to:

- heidi@smythlaw.com
- mctrustee@gmail.com
- mjcallahan@mac.com
- shaunta@smythlaw.com
- sosborn@osbornmachler.com

Comments:

Respondents' Opposition to Motion To Extend Time to File Petition for Review

Sender Name: Jeff Smyth - Email: jeff@smythlaw.com
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1000 2ND AVE STE 3000
SEATTLE, WA, 98104-1093
Phone: 206-621-7100

Note: The Filing Id is 20190708151634SC138185

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NO. 9-7359-8

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

SIMEON J. OSBORN and MONICA OSBORN, and the marital
community composed thereof,

Plaintiffs/Respondents,

v.

MICHAEL CALLAHAN and ROBIN CALLAHAN, individually and the
marital community composed thereof,

Defendants/Appellants.

ON APPEAL FROM DIVISION I, COURT OF APPEALS
OF THE STATE OF WASHINGTON

**DECLARATION OF SHAUNTA KNIBB IN SUPPORT OF
RESPONDENTS' OPPOSITION TO MOTION TO EXTEND TIME
TO FILE PETITION FOR REVIEW**

SMYTH & MASON, PLLC
Jeffrey A. Smyth, WSBA #6291
Shaunta M. Knibb, WSBA #27688
1000 Second Avenue, Suite 3000
Seattle, WA 98104
(206) 621-7100

Attorneys for Plaintiffs/Respondents
Simeon J. Osborn and Monica Osborn

I, SHAUNTA M. KNIBB, under penalty of perjury under the laws of the state of Washington state and declare as follows:

1. I am an attorney at the law firm of Smyth & Mason, PLLC, which is counsel of record for Respondents Simeon J. Osborn and Monica Osborn. I make this declaration of my own personal knowledge about matters of which I am competent to testify.

2. Attached hereto as **Exhibit A** is a true and correct excerpt from the Kitsap County Public Health Department web site showing that the web site was updated on June 19, 2019. Also attached as Exhibit A is a true and correct copy of the Advisory Bulletin issued on June 19, 2019, at 3:49 PM, which bulletin is located on the public health web site.

3. Attached hereto as **Exhibit B** is a true and correct copy of an excerpt from the Facebook page for Robin Callahan Designs, showing that a post to the Facebook page was made by Mrs. Robin Callahan on June 19, 2019. This business is located on Bainbridge Island.

4. Attached hereto as **Exhibit C** is a true and correct copy of an excerpt from the Facebook page for the City of Bainbridge Island, showing that a post to that Facebook page was made on June 19, 2019.

DATED this 8th day of July, 2019, at Seattle, Washington.

SMYTH & MASON, PLLC

s/ Shaunta M. Knibb

Shaunta M. Knibb, WSBA #27688
Attorney for Plaintiff/Respondent

DECLARATION OF SERVICE

Heidi Brown under penalty of perjury under the laws of the State of Washington states and declares as follows:

On July 8, 2019, I caused the foregoing document described as Declaration of Shaunta Knibb In Support of Respondents’ Opposition to Motion to Extend Time to File Petition for Review to be filed with the Court of Appeals and caused it to be served on the persons listed below in the manner shown:

Michael & Robin Callahan
7997 NE High School Road
Bainbridge Island, WA 98110
(206) 240-9019
mctrustee@gmail.com

Via Email
 Via U.S. Mail
with Postage Prepaid
 Via Messenger

Pro se Defendants/Appellants

DATED at Seattle, Washington this 8th day of July, 2019.

s/ Heidi Brown
Heidi Brown
Legal Assistant to Smyth & Mason, PLLC

EXHIBIT A



HOME

ABOUT

CONTACT

NEWS/MEDIA

CAREERS

COMMUNITY HEALTH

ENVIRONMENTAL HEALTH

FOOD SAFETY

INFORMATION

search

staff search



ENVIRONMENTAL HEALTH

Preventing pollution, reducing human exposure to environmental hazards, and ensuring safe and clean drinking water.

WATER CONTACT & SHELLFISH POLLUTION ADVISORIES

SHORELINES, LAKES, STREAMS & SWIMMING BEACHES

UPDATED 06/19/19

SEE [LIST OF ALL SWIMMING BEACHES](#) MONITORED BY KITSAP PUBLIC HEALTH DISTRICT

Location	Date	Problem	Water Contact Advisory	Shellfish Advisory	Public Notice/Information
Kitsap Lake	06/19/19	Existing cyanobacteria advisory for Kitsap Lake remains in effect	<ul style="list-style-type: none"> Avoid all contact with the lake water until further notice. This means no swimming, wading, or types of water play where water could be swallowed or get in the mouth, nose or eyes (especially in areas where the algae are concentrated). Avoid ingesting lake or stream water. If a resident draws lake water for drinking purposes, they are encouraged to drink bottled water until further notice. Limit access of pets and livestock to the lake. Avoid eating fish caught during the algae bloom. Rinse boats and trailers thoroughly before going to another lake. 	Not Applicable	Advisory signs will be posted at public-access areas and roadsides around the lake. Advisory
All Kitsap County Lakes	Ongoing	Swimmer's Itch (cercarial dermatitis): caused by an allergic reaction to a parasite	Swimmers should wear waterproof sunscreen and shower or vigorously towel-off immediately after swimming in a lake.	Not Applicable	Warning signs posted at all lakes Information (Centers for Disease Control)
Lofall Creek (Hood Canal)	Ongoing	Non-point pollution	No-Contact Advisory	Shellfish Harvesting closed 50 feet	Public Health Advisories for Contaminated Streams

				on either side of the mouth of the creek in the Hood Canal.	
Ostrich Bay Creek (West Bremerton)	Ongoing	Non-point pollution	No-Contact Advisory	Not Applicable	Public Health Advisories for Contaminated Streams



SHELLFISH ADVISORIES & SAFETY: Visit our shellfish advisories page for additional information on shellfish marine biotoxin and long-term pollution closures, and additional information on shellfish safety.

WHAT IS A NO-CONTACT ADVISORY?

During a no-contact advisory, the public is advised to avoid contact with the water in the affected area. This means the District recommends against swimming, wading, or types of water recreation or play where water could be swallowed or get in the mouth, nose or eyes. People should also avoid direct skin contact if possible, and immediately wash with soap and water if they have exposure to the water.

CAN I GET SICK IF I PLAY OR SWIM IN THE WATER?

Yes, it is possible, but it's not a huge risk unless you ingest water or eat shellfish collected in the impacted area. If you have contact with the water, you should immediately wash your hands with soap and water.

CAN MY PET GET SICK IF IT PLAYS OR SWIMS IN THE WATER?

It is possible since animals can ingest water while swimming.

IS IT SAFE TO BOAT, KAYAK OR CANOE IN THE AFFECTED AREAS?

The answer to this question depends on two things: 1) How close are you to the location of the spill? and 2) How effectively can you avoid ingesting or coming into direct skin contact with the water? The greater your distance from the source of the spill, the less risk you'll have of coming into contact with contaminants associated with the spill. The closer you are to the source of the spill, the higher the risk of coming in contact with contaminants. The same reasoning applies to the level of risk associated with ingesting or coming into direct contact with the water --- the more likely you are to ingest or contact the water through your boating activity, the higher the risk of coming into contact with contaminants from the spill. Generally speaking, a No Contact Advisory is a recommendation from the Health District to avoid ingesting or having direct contact with the water since contaminants may be present.

WHAT SHOULD I DO IF I CHOOSE TO BOAT, KAYAK OR CANOE?

You should wash your hands with soap and water and rinse your boat off after boating or kayaking in affected areas. Additionally, with small boats there is a risk of capsizing. If you do capsize, avoid ingesting water and shower thoroughly afterward.

CAN I EAT SHELLFISH COLLECTED FROM THE AREAS INCLUDED IN THE ADVISORY?

No. After a sewage spill or Combined Sewer Overflow (CSO) you should not collect or consume shellfish from any part of the affected area. Additionally, crabbing or fishing activities in the affected area can increase the risk of exposure to pathogens.

WILL I GET IN TROUBLE IF I SWIM IN AN AFFECTED AREA DURING THE ADVISORY?

No. A no-contact advisory is an advisory or a recommendation. Because there is a risk of becoming sick, we are advising people to avoid contact with the water as a precaution, but there is no enforcement of the advisory.

IS THE SMELL AT LOW TIDE CAUSED BY THE SEWER SPILL?

Unless you are very close to the location of the source of a sewage spill (such as the broken pipe), is very unlikely you are smelling the sewer spill. The sewer-like smell that sometimes occurs during low tide, especially on hot summer days, is the bacteria decomposing seaweed on the shoreline.

HOW LONG WILL THE NO-CONTACT ADVISORY BE IN EFFECT?

Most advisories are in effect for 5 or 7 days after the sewage or CSO discharge stops. The duration of the advisory is determined by the volume of the sewage spill or CSO.

Download [a copy](#) of these FAQs.

Resources

- [Kitsap County Swimming Beaches Page](#)
- Learn more about how we evaluate sewage spills and Combined Sewer Overflows (CSOs) and our process for issuing advisories.
- Learn more about how we work year-round to identify and correct [water pollution](#)
- Washington Dept. of Health: [Recreational Water Illnesses Information](#)
- CDC: [Healthy Swimming Information](#)
- Department of Ecology: [BEACH Program](#)

Stay Informed: [Subscribe](#) to our water quality advisory text alert or email notifications.

Follow us on [Facebook!](#)

REPORT A CONCERN

Report Public Health Concerns:
Monday – Friday, 8:00 a.m. – 4:30 p.m.
360-728-2235

Report a Concern Online

Sign Up for Notifications

PUBLIC HEALTH ADVISORIES

Water Contact Advisories

Food Recalls

Shellfish Advisories

WELLS & SEPTIC

Search for:

- Property Records
- Application & Permit Status
- Septic Maintenance Records

HELPFUL LINKS

Birth & Death Certificates

Food Worker Cards

Secure Medicine Return

Public Records Requests

FOR HEALTHCARE PROVIDERS

Notifiable Conditions Report
Kitsap Respiratory Illness Report
Resources

Certified Contractors
Selling Property

Restaurant Inspection Scores
Pay Food, Pool & Solid Waste Bills
¡Bienvenido a Salud Pública!
NEW Resource Library (links to all brochures)

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1

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Kitsap County Electronic Notification System

E. Coli levels at Kitsap Lake swimming beach return to safer levels

Kitsap County Washington sent this bulletin at 06/19/2019 03:49 PM PDT



KITSAP LAKE UPDATE



06/19/2019

KITSAP COUNTY, WA

E. Coli levels at Kitsap Lake Park swimming beach return to safer levels

However, people are still advised to avoid swimming and contact with water due to ongoing cyanobacteria (blue-green algae) warning

E. coli bacteria levels at the Kitsap Lake Park swimming beach have returned to levels considered safe for human contact, however the continued presence of toxin-producing cyanobacteria (blue-green algae) still poses health risks.

While the park swimming beach is no longer closed for elevated E. coli levels, the Kitsap Public Health District advises the public to continue to avoid contact with the water at the park swimming beach and throughout Kitsap Lake due to the lake-wide cyanobacteria warning issued June 12.

Cyanobacteria (blue-green algae)

Because toxic cyanobacteria can make people sick, and can kill pets, fish, waterfowl and livestock, the public is advised to:

- **Avoid** all contact with the lake water until further notice. This means no swimming, wading, or types of water play where water could be swallowed or get in the mouth, nose or eyes (especially in areas where the algae are concentrated).
- **Avoid** ingesting lake or stream water. If a resident draws lake water for drinking purposes, they are encouraged to drink bottled water until further notice.
- **Limit** access of pets and livestock to the lake.
- **Avoid** eating fish caught during the algae bloom.
- **Rinse** boats and trailers thoroughly before going to another lake.

Kitsap Public Health will continue to monitor the Kitsap Lake Park swimming beach for both cyanobacteria and E.coli. No illnesses have been reported to Kitsap Public Health at this time.

Swimming beach monitoring

During the summer months, the Kitsap Public Health District monitors 34 fresh and salt water swimming areas for bacteria levels and sources, safety concerns, and toxic cyanobacteria (commonly known as toxic blue-green algae).

If people or pets become sick after being in the water, or if you see an algae bloom or large numbers of dead fish, please report it [online](#) or by calling 360-728-2235 so Kitsap Public Health can investigate and take action, if necessary.

High levels of E.coli bacteria can be caused by wildlife and pets in the water, people swimming when they are sick with diarrhea, a large number of swimmers, infants swimming without swim diapers, and/or and people entering the water without showering.

RESOURCES:

- [Kitsap Public Health District water contact advisories](#)
- [Kitsap Public Health District swimming beach monitoring information](#)
- [Washington State Department of Ecology swimming beach map](#)
- [Recreational water illnesses information](#)

- [Frequently asked questions about cyanobacteria](#)
-

MEDIA CONTACT:

Tad Sooter | Public Information Officer

Kitsap Public Health District

345 6th St., Suite 300 | Bremerton, WA 98337

(360) 728-2330 Office | (360) 908-8892 Cell

pio@kitsapublichealth.org | kitsapublichealth.org

kitsapublichealth.org



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EXHIBIT B



Robin Callahan Designs
@RobinCallahanDesigns

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Community

Reviews

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 Like
  Follow
  Share
 

 Send Message




Robin Callahan Designs
June 19 at 10:32 AM · 🌐

Here's why I love CAD. Initial bail concept didn't feel right so redesigning the bail was not an added expense to my client. I don't stop til it's perfect! The petal design is now part of the bail and feels right. Lots of open space to light up this once scratched almost tossed now incredible 22.6 ct Aquamarine! (Thanks to Lapidary Artist James Finkler) Less gold weight as well so not a heavy uncomfortable piece. I consider all these things when designing. The before and after in pics. Her unwanted tennis bracelet had many 2.5 mm diamonds that are getting new life in this pendant and coordinating earrings. Off to make molds then casting these babies. Finished pieces soon! PS Don't forget to VOTE! Link on my page a few posts back. You can VOTE once a day 🗳️🗳️

5.0 **5 out of 5** - Based on the opinion of 59 people

Ask Robin Callahan Designs

"Is anyone available to chat?" 

"I have a question. Can you help?" 

Type a question... 

Community See All

 Invite your friends to like this Page

 3,963 people like this

 3,986 people follow this

About See All


 Typically replies within an hour
[Send Message](#)

 Jewelry/Watches

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- Michael Emmens** Gorgeous!
Like · Reply · 1w
- Robin Callahan Designs** Michael Emmens thank you 🙏
Like · Reply · 1w
- Connie Bissell** Love it, the simplicity of the setting, WOW
Like · Reply · 1w
- Robin Callahan Designs** Connie Bissell She wants to wear it a lot so I added design details in the sides so it was lighter and airy. I want that Aquamarine to be the star and didn't want to over power it's beauty. Thank you 🙏
Like · Reply · 1w
- Sue Marcotte** Oh so pretty!
Like · Reply · 1w
- Robin Callahan Designs** Sue Marcotte thank you 🙏
Like · Reply · 1w
- Worm Sanchez** Wow Robin , that aqua is G. L. O. W. I. N. G. !!!!!!! 🙏🙏
Like · Reply · 1w
View 3 more replies
- Worm Sanchez** Love it , love it , love it...

Like · Reply · 1w
- Most Relevant is selected, so some replies may have been filtered out.
- Chris Haydon** I have great admiration for you and your skills.
Like · Reply · 1w
- Robin Callahan** Chris Haydon thank you Chris 🙏
Like · Reply · 1w
- Write a reply...
- Peggy Reid** 26.6 ? Wow! It's beautiful!
Like · Reply · 1w
- Robin Callahan** Peggy Reid yes it's a good size was 30cts but worth the loss for gorgeousness!
Like · Reply · 1w
- Robin Callahan Designs** Peggy Reid correction 22.6. Oops. My other one was 26.6. 😊
Like · Reply · 1w
- Peggy Reid** That's a rock!..♥️
Like · Reply · 1w
- Write a reply...
- Cyndi Moody** Beyond gorgeous! I love how you made the back open so it wouldn't be too heavy... ♥️
Like · Reply · 1w
- Robin Callahan** Cyndi Moody thank you also showcases the gem more by letting more light in 🙏

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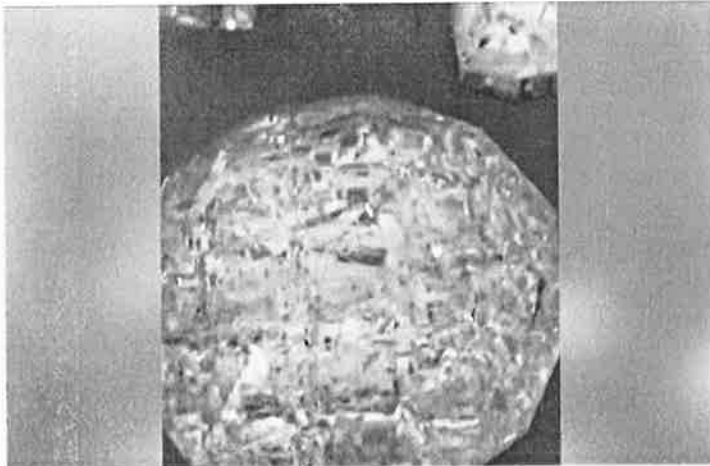
- Cyndi Moody** Robin Callahan certainly does!
Like · Reply · 1w 👍 1
- Write a reply... 😊 📷 GIF 🗨️
- Marvell Kay Watkins** Beautifull
Like · Reply · 1w 👍 1
↳ 2 Replies
- Beau Patterson** That's probably my all time favorite recut!
Like · Reply · 1w 👍 1
↳ 1 Reply
- Jill Luebke** Hey Jimmie, your g
Like · Reply · 1w
- Alfred John Kisi**
 👍 1
Like · Reply · 1w
- Top Fan**
Damaris Hopewell That's Incredible 🤩!! It doesn't look like the same stone!!
Like · Reply · 1w 👍 1
↳ 4 Replies
- Most Relevant is selected, so some comments may have been filtered out.

 Write a post... 😊

 Photo/Video  Tag Friends  Check in ...

Robin Callahan Designs 3 hrs · 🌐

Getting inspired! Gearing up for a Jon Kuhn Gallery Show in September where his beautiful Sculptures and One of a Kind Jewelry creations will be featured. A true Collaboration between 3 Artists! The glass created in the Jon Kuhn studio then off to Lapidary Artist Stoney Glass where we collaborate shapes to be faceted before they are off to me to create with! Going to have some fun with these. Custom Commissions welcomed!



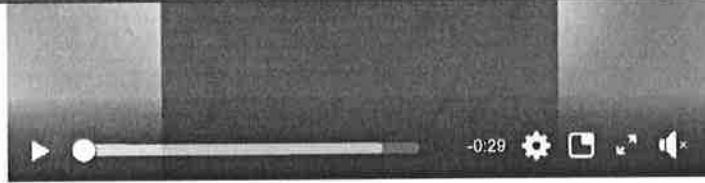
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Kory Pettman You've got some beauties to play with!!
Like · Reply · 3h

Robin Callahan Designs Kory Pettman and a few more on the way! Fun design time for sure!
Like · Reply · 3h

Cynthia Pierce Wow! Those are beautifull You're going to have a lot of fun designing with these beauties!
Like · Reply · 2h

View 2 more comments

Robin Callahan Designs Yesterday at 1:12 PM · 🌐

Check out these Titanium Druzy! Incredible!



125 13 Comments 5 Shares

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Like · Reply · 1d

Robin Callahan Designs Denise Nelson I'm on a list to get smaller ring sizes too. I'll post when I get them

Like · Reply · 1d

Rhonda Robertson Clark Pretty

Like · Reply · 16h

View 6 more comments

Robin Callahan Designs Yesterday at 11:58 AM

She wanted her birthstone center and her two kids birthstones as accents. She wanted a bit of Vintage detailing. We originally chose a faceted Moonstone but a fracture in it made us change to this lab grown Alexandrite for center, Topaz and Tourmaline representing her children. 14k White Gold, Double Claw Prongs, sweet little Tourmalines in each opposite corner of the Euro Shank. She's happy I'm happy!



120 29 Comments 7 Shares

Like Comment Share

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Write a comment...

Ed Perry You know how much I just love the lab Alexandrite. Beautiful work. Cut by you?

Like · Reply · 19h

Most Relevant is selected, so some replies may have been filtered out.

Robin Callahan Designs Ed Perry no I did not cut this one but have sawed the piece you gave me into 2 so I can cut it.

Like · Reply · 19h

View 2 more replies

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Absolutely stunning!!

Like · Reply · 1d

Robin Callahan Designs Denise Nelson Thank you Denise

Like · Reply · 1d

Robin Callahan Designs
June 30 at 8:30 AM

Today is the Last day to VOTE! I'd Love your Vote!

Robin Callahan Designs
June 7 at 4:00 PM

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Last year you all helped me Win Best of Bainbridge "Best Jeweler" ! From today til the 30 th you can hit this link and VOTE for me! Can I win 3 years in a row? With your VOTE I can! Thank you so much for all the support throughout this year! It's been a great one! Ok now go VOTE

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18

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Write a comment...

Jeff Davis Done!
Like · Reply · 2d

Robin Callahan Designs Jeff Davis Thank you

Renee Ann Hebert Done!
Like · Reply · 2d

Robin Callahan Designs Renee Ann Hebert

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Robin Callahan Designs
June 29 at 11:47 AM

Getting ready to facet this 53 ct Brazilian Amethyst! What shape am I cutting? A 15 mm Trillion!

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 136 20 Comments 3 Shares


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 Write a comment...

 **Renee Ann Hebert** Looking forward to seeing this complete!
 Like · Reply · 2d

 **Sue Walsh** This ones going to be great! Can't wait! 😊
 Like · Reply · 3d

 **Robin Callahan Designs** Sue Walsh finishing up my first Sapphire for the SITR museum collection then onto this one!
 Like · Reply · 3d

View 11 more comments

 **Robin Callahan Designs** June 28 at 4:37 PM · 🌐

Don't forget to VOTE daily til the 30 th!
 Thank you so much! I appreciate all your support! Link below 🙏🙏

 **Robin Callahan Designs** June 7 at 4:00 PM · 🌐  Like Page

Last year you all helped me Win Best of Bainbridge "Best Jeweler" !
 From today til the 30 th you can hit this link and VOTE for me! Can I win 3 years in a row? With your VOTE I can! Thank you so much for all the support throughout this year! It's been a great one! Ok now go VOTE ❤️

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 14 6 Comments


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 **Terry Ward** Won't let me vote moroe than once a day; already tried
 Like · Reply · 2d

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 **Robin Callahan Designs** Terry Ward and I love you for that!
 Like · Reply · 2d

 View 2 more replies

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Central Ward Saturday, July 13 10 a.m. - 12 p.m.	North Ward Saturday, July 20 10 a.m. - 12 p.m.	South Ward Saturday, July 27
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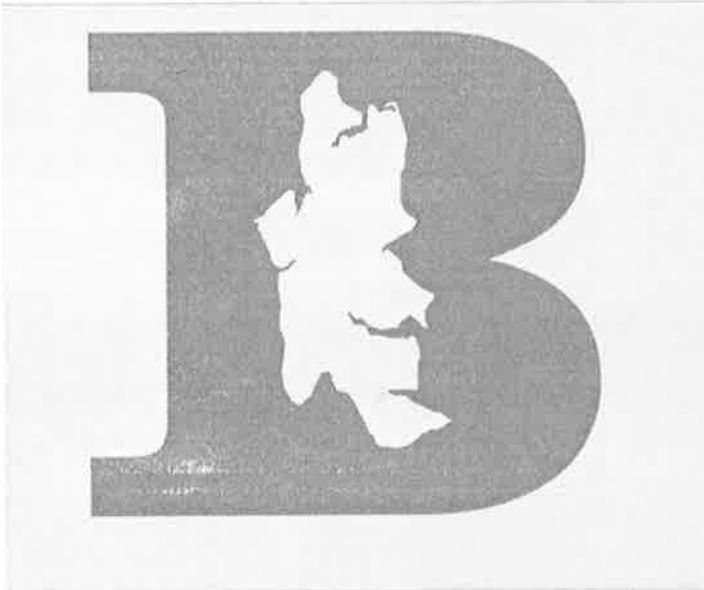
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City of Bainbridge Island, Washington
June 19 at 12:14 PM · 🌐

City Manager Morgan Smith announced today several changes to leadership roles in the Public Works Department. Details here:
<https://www.bainbridgewa.gov/CivicAlerts.aspx?AID=585>



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Write a comment...

Chris Pick Does this mean we will have potholes fixed? Hidden cove west of manzanita is one giant pothole due to the heavy construction equipment building 3 new homes.

Like · Reply · 1w

City of Bainbridge Island, Washington
June 14 at 12:51 PM · 🌐

The Planning Commission will hold a special meeting Thursday, June 20 to continue review of the Winslow Hotel project. More information here:
<https://www.bainbridgewa.gov/CivicAlerts.aspx?AID=584>

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SMYTH & MASON, PLLC

July 08, 2019 - 12:34 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 97359-8
Appellate Court Case Title: Simeon J. and Monica Osborn v. Michael and Robin Callahan
Superior Court Case Number: 16-2-22333-8

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Comments:

Declaration of Shaunta Knibb In Support of Opposition to Motion to Extend Time to File Petition for Review

Sender Name: Jeff Smyth - Email: jeff@smythlaw.com
Address:
1000 2ND AVE STE 3000
SEATTLE, WA, 98104-1093
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