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SUPREME COURT  
STATE OF WASHINGTON  
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IN THE SUPREME COURT OF THE STATE OF WASHINGTON  
No. 97929-4

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*Walker v. Orkin, LLC*

COURT OF APPEALS, DIVISION ONE No. 77954-1-I  
Whatcom County Superior Court, Docket No: 17-2-01515-2  
Judge signing: Honorable Debora E Garrett

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SECOND RAP 10.8 ADDITIONAL AUTHORITY<sup>1</sup>

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<sup>1</sup> **Note:** This is not a RAP 17 “motion”; as RAP 10.8 does not permit argument

Lukashin respectfully provides the Court and the parties with the following authority<sup>2</sup>.

***Shimmick Construction Company, Inc. v. Department of Labor & Industries***, No. 79619-4-I, slip op, p. 12 (Wash. App. Mar. 23, 2020)<sup>3</sup>, in support of his “general-specific” argument, pp. 4–6 of the RAP 17.7 Motion filed 03/05/2020

In arguing that no workers were in the “prohibited zone,” Shimmick fails to acknowledge this specific rule. “A specific statute will supersede a general one when both apply.” *Kustura v. Dep’t of Labor & Indus.*, 169 Wn.2d 81, 88, 233 P.3d 853 (2010) (quoting *Waste Mgmt. of Seattle, Inc. v. Utils. & Transp. Comm’n*, 123 Wn.2d 621, 630, 869 P.2d 1034 (1994)).

***Judges of Benton and Franklin Counties v. Killian***, No. 96821-7, pp. 6–8, pp. 12–16 (Wash. Mar. 19, 2020)<sup>4</sup> (declaratory judgment, rather than mandamus, appropriate; proceeding with de-facto declaratory-judgment statutory interpretation) to support RAP 17.6(b) decision-by-opinion request section in Lukashin’s RAP 17.7 motion.

***LS v. Webloyalty.com, Inc.***, No. 18-3639, slip op. (2d Cir. Mar. 20, 2020)<sup>5</sup>

Satisfaction (or not) of the "copy of such authorization" requirement turns on a question of statutory interpretation. EFTA provides (in relevant part) that "[a] preauthorized fund transfer from a consumer's account may be authorized by the consumer only in writing, and a copy of such authorization shall be provided to the consumer when made." 15 U.S.C. § 1693e(a). L.S. contends that Webloyalty failed to satisfy § 1693e(a) because it did not provide L.S. with a duplicate or facsimile of the Enrollment Page on which he authorized recurring payments. Defendants argue that a copy of the material terms of the authorization—in the form of the Join Email—was sufficient. The interpretation of

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<sup>2</sup> [http://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.display&group=app&ruleid=apprap10.08](http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=app&ruleid=apprap10.08)

<sup>3</sup> <http://www.courts.wa.gov/opinions/pdf/796194.pdf>

<sup>4</sup> [https://scholar.google.com/scholar\\_case?case=9125453384857036128&](https://scholar.google.com/scholar_case?case=9125453384857036128&) ;  
<http://www.courts.wa.gov/opinions/pdf/968217.pdf>

<sup>5</sup> [https://scholar.google.com/scholar\\_case?case=800295799081317478&](https://scholar.google.com/scholar_case?case=800295799081317478&)

EFTA's "copy of such authorization" requirement is a matter of first impression in this circuit; no other circuit has considered it.

to support Lukashin's observation that, during oral argument below, one of the judges questioned whether what Orkin received was a copy; and in his proposed role as non-lawyer amicus, Lukashin believes it may be helpful to the Court in resolving Walker's petition herein.

Lukashin offers the following recent state appellate unpublished opinions to highlight relevance of disputes whether something was properly signed:

*State v. Jackson*, No. 78914-7-I, pp. 4–5 (Wash. App. Mar. 16, 2020)<sup>6</sup> (“Where there is a comparison signature, a formal or lay expert is not needed, because the jury itself can compare signatures and draw its own conclusions.”), *Matter of Marriage of Singh v. Kaur*, No. 79298-9-I, pp. 8–9 (Wash. App. Mar. 16, 2020)<sup>7</sup>:

Kaur testified that she did not sign the dissolution papers. But she conceded that the signatures on her passports were consistent with the signatures on the dissolution documents signed October 11. ...

The court found no evidence had been presented "to give the court any basis for questioning the [authenticity of the] signature on the petition for dissolution and the findings of facts and conclusions of law that were presented to the court in November of 2016." On the other hand, the court found "ample evidence" that the allegedly forged signatures matched multiple signatures that Kaur admitted were hers. (portion omitted)

s/ Igor Lukashin  
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**Note:** I will serve parties via the portal, so no separate declaration of service is required<sup>8</sup>.

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<sup>6</sup> [https://scholar.google.com/scholar\\_case?case=1566855548166286451&](https://scholar.google.com/scholar_case?case=1566855548166286451&) ;  
<http://www.courts.wa.gov/opinions/pdf/789147.pdf>

<sup>7</sup> [https://scholar.google.com/scholar\\_case?case=14661896172841092150&](https://scholar.google.com/scholar_case?case=14661896172841092150&) ;  
<http://www.courts.wa.gov/opinions/pdf/792989.pdf>

<sup>8</sup> See <https://ac.courts.wa.gov/index.cfm?fa=home.showpage&page=termsAndConditions> , specifically: “Documents may be served on other parties via the portal. If service is through the portal, a declaration of service is not required.”

**IGOR LUKASHIN - FILING PRO SE**

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