

FILED
SUPREME COURT
STATE OF WASHINGTON
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BY SUSAN L. CARLSON
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No. 997586

SUPREME COURT
OF THE STATE OF WASHINGTON

DONNA ZINK,

Appellant,

v.

JOHN DOE L; et al.,

Respondents.

ANSWER TO PETITION FOR REVIEW

GORDON THOMAS HONEYWELL LLP

Reuben Schutz, WSBA #44767

Salvador A. Mungia II, WSBA #14807

Nancy Talner, WSBA #11196

Attorneys for Respondents John Does L-O

1201 Pacific Avenue, Suite 2100
P.O. Box 1157
Tacoma, WA 98401-1157
(253) 620-6500

[4837-7568-7150]

I. IDENTITY OF RESPONDENTS

Respondents John Does L, M, N, and O – Plaintiffs below – ask the Court to deny Donna Zink’s Petition for Review.

II. COURT OF APPEALS OPINION

On March 15, 2021, the Court of Appeals Division I held in *John Doe L v. Pierce County*, No. 82055-9-1, that good cause for dismissal under CR 41(a)(2) existed because there were no longer any pending claims in the case and Ms. Zink had obtained all the relief she had sought. This decision is unpublished.

III. STATEMENT OF THE ISSUE

The Court of Appeals’ decision as to application of CR 41(a) is not in conflict with any Supreme Court or Court of Appeals decision and does not raise a constitutional issue or issue of substantial public interest. Given this, has Ms. Zink failed to meet the standard under RAP 13.4(b)?

IV. STATEMENT OF THE CASE

For purposes of this answer, Plaintiffs rely on the facts as presented in the Court of Appeals opinion, *John Doe L v. Pierce County*, No. 82055-9-1. Plaintiffs wish to highlight the following facts noted in the decision however: Ms. Zink obtained the requested records in this Public Records

Act (PRA) case, there are no remaining claims or counterclaims pending, there is no other relief Ms. Zink or any party may obtain, and the superior court dismissed the case with prejudice under CR 41(a) for these reasons.

V. ARGUMENT

A Petition for Review will be accepted by this Court only if (1) the Court of Appeals' decision conflicts with a decision of the Supreme Court; (2) the Court of Appeals' decision conflicts with another published decision of the Court of Appeals; (3) a significant question of law under the Washington State Constitution or the United States Constitution is involved; or (4) the petition involves an issue of substantial public interest that should be determined by the Supreme Court. RAP 13.4(b). Ms. Zink has not met this standard for the following reasons:

First, RAP 13.4(b)(1) is not met because the Court of Appeals' decision is not in conflict with a decision of the Supreme Court. Ms. Zink argues that the decision conflicts with *John Doe G v. Dep't of Corrections*, 190 Wn.2d 185, 2020, 410 P.3d 1156 (2018). This is incorrect, as the *John Doe G* case did not address or discuss the issue of voluntary dismissal under CR 41(a).

Second, RAP 13.4(b)(2) is not met as the decision is not in conflict with any other decision of the Court of Appeals. Ms. Zink argues that the decision conflicts with *John Doe AA v. King County*, 15 Wn. App. 2d 710,

476 P.3d 1055 (2020). This is also incorrect. The Court of Appeals in *John Doe AA* held that dismissal under CR 41(a) was appropriate under these circumstances. *Id.* at 720-21. There is no conflict. This Court recently denied Ms. Zink's request for discretionary review of the *John Doe AA* decision on this issue.

Third, RAP 13.4(b)(3) is also not met. The Court of Appeals upheld the superior court's application of a civil rule, CR 41(a) – there is no significant constitutional question involved.

Fourth, RAP 13.4(b)(4) is not met for the same reason as under RAP 13.4(b)(3). Also, Ms. Zink received the relief she sought, there are no other claims or pending issues, and the case was appropriately dismissed under CR 41(a). There is no issue of substantial public interest that needs to be determined by the Supreme Court.

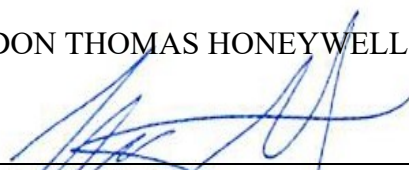
VI. CONCLUSION

The Court should deny Ms. Zink's Petition for Review pursuant to RAP 13.4(b).

Dated this 9th day of June, 2021.

Respectfully submitted,

GORDON THOMAS HONEYWELL LLP

By 
Reuben Schutz, WSBA #44767
Salvador A. Mungia II, WSBA #14807
Nancy Talner, WSBA #11196
Attorneys for Respondents John Does L-
O

CERTIFICATE OF SERVICE

I declare under penalty of perjury of the laws of the State of Washington as follows:

On June 9, 2021, I sent a true and correct copy of the Answer to Petition for Review to the following parties of record, via email to the following:

Harry Williams at harry@harrywilliamsllp.com
Amy Muth at amy@amymuthlaw.com
Michelle Luna Green at mluna@co.pierce.wa.us
Michael Sommerfeld at msommer@co.pierce.wa.us
Donna Zink at dlczink@outlook.com
Jeff Zink at jeffzink@outlook.com

/s/ Julia Alexander
Julia Alexander, Legal Assistant
Gordon Thomas Honeywell LLP

GORDON THOMAS HONEYWELL LLP

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- pcpatvecf@piercecountywa.gov
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Comments:

Sender Name: Julia Alexander - Email: jalexander@gth-law.com

Filing on Behalf of: Reuben Schutz - Email: rschutz@gth-law.com (Alternate Email:)

Address:
1201 PACIFIC AVE
STE 2100
TACOMA, WA, 98402
Phone: (253) 620-6500

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