Supreme Court No. 101417-1
(Court of Appeals No. 55859-9-II)

SUPREME COURT
STATE OF WASHINGTON

THOMAS J YOUNG

Petitioner,

v.

DEPARTMENT OF LABOR AND INDUSTRIES, STATE OF WASHINGTON

Respondent.

PETITIONER'S REPLY AND OPPOSITION TO THE DEFENDANT'S ANSWER TO PETITIONER'S MOTION TO ACCEPT PETITIONER'S REPLY TO DEPARTMENT'S ANSWER

DR. THOMAS J. YOUNG
Pro se

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CASES

WAC

ABBREVIATIONS

DLI ..... Department of Labor and Industries
WAC.....Washington Administrative Code
Young .....Dr. Thomas J. Young

I. IDENTITY OF PETITIONER

Dr. Thomas J. Young, pro se.

II. STATEMENT OF RELIEF SOUGHT

Young respectfully seeks an order striking the Department's February 10, 2023, "Answer to Motion to Accept Petitioner's Reply to Department's Answer" for not being timely.

III. FACTS RELEVANT TO THE CASE

On January 30, 2023, the Clerk of the Supreme Court of Washington reviewed Young's Reply to DLI's Answer and made a Notice that it would move to strike Young's Reply:

> "[t]he Rules of Appellate Procedure only allow for the filing of a reply to an answer if the answering party seeks review of issues, not raised in the petition for review. See RAP 13.4(d)". Any such reply "should be limited to addressing only the new issues raised in the answer". "In this case, it does not appear that the answer seeks review of issues, not raised in the petition for review. Therefore, the reply does not appear to be permitted under the rules". "Accordingly a clerk's motion to strike the reply will be set for consideration…". "Any party may file an answer to the motion to strike the reply by February 6, 2023."

Young made a timely reply on February 6, 2023, and moved the Court to accept his reply in the interest of justice and because untruthful statements argued in the Answer constituted new allegations.

On the other hand, DLI failed to answer the Clerk's call for motions on or before the February 6, 2023, deadline. Subsequent to Young's February 6, 2023 motion whereby Young called for 1) the acceptance of his Reply and 2) the rejection of DLI's Answer because it was embedded with documentable new, untruthful allegations and statements, the Deputy Clerk, in its February 8, 2023 order called for an Answer to the Motion:

"Counsel for the Respondent may serve and file an answer to the motion by February 13, 2023. Any reply to any answer should be served and filed by February 16, 2023".

The Clerk went on to state,

"The motion will be set for consideration without oral argument at the same time as the Court considers the pending petition for review and Clerk's motion to strike reply."

On February 10, 2023, DLI presented its Answer to Young's Reply. But the Answer was not timely because that deadline had already passed. To be sure, the Deputy Clerk's February 8, 2023 order, was not an unfair second chance for DLI to "file an answer to the motion to strike the reply by February 6, 2023." Instead, it was an allowance for DLI to answer the allegations made in Young's February 6, 2023 motion in support of accepting Young's reply, which affirmed that DLI had included new allegations and untruths in an attempt to prejudice the Court and distract the Court from stoic deliberations of the meaning and application of statutes, codes, contracts, legal doctrines, and constitutional principles. In other words, the Court graciously granted DLI an opportunity to refute, with evidence, Young's complaint that DLI had used its Answer to add new statements of newly presented but untruthful allegations. Instead, DLI chose to

move against the acceptance of Young's reply, but the time for that motion had expired on February 6, 2023.

At first glance, this may appear to be a trivial matter, but it is not. Factually, it is highly prejudicial.

DLI alleged that Young had surrendered his DEA registration because he wrongfully wrote narcotic prescriptions for his patients. Factually, the assertion is a lie, extremely offensive, disgusting, prejudicial, and utterly new as an accusation. The DLI's new allegation is a far cry from the truth; that, Young was registered to prescribe controlled substances up to Schedule 3, the DOH training which Young referenced was erroneous, Young made 9 erroneous prescriptions, Young was informed of the errors concurrent with the natural expiration date of the registration, Young elected not to resist the surrender, and finally, the surrender remained in compliance with both the provider contract and WAC 296-20-01090(8).

Young does not deny wrongdoing, inadvertent or otherwise. Young's appeal is that both the SC and the court of appeals made wrongful decisions and judgments regarding the application of the contract and the wording of WAC 296-20-01090(8). The court's disposition to date has been that Young admitted to wrongdoing; therefore, there is no need to consider Young's appeal thoughtfully. But, the Court's attitude is wrong because Young's error was 1) remote to the provider contract, 2) not in violation of the wording of WAC 296-20-01090(8), 3) neither by statute, code, or contract was Young ever required to have a DEA registration 4) subsection (b) of WAC 296-20-01090(8) does not apply to Young because the section heading is not applicable, 5) the provider contract did not require or even imply that Young must have a DEA registration.

Furthermore, Young appeals that in this process, DLI has violated multiple statutes, codes, and constitutional

rights to due process and prohibition of government takings before the judicial hearing. Yet, even though these actions of DLI are apparent and are deadly to DLI's claim against Young, the judiciary has thoroughly taken DLI's side in the matter and self-generated twisted conclusions against Young and then used those twisted, un-factual conclusions to uphold the lower court's rulings against Young.

All Young has asked for is a fair application of statutes, codes, legal doctrines, contracts, and the following of the constitutional rights by the courts. Young has no regrets about not being in DLI's provider network. Young does have a vital issue with the wrongful way that DLI had removed him and an even more vital problem with the way the Courts have turned a blind eye towards DLI's wrongful behavior and DLI's multiple violations of statutes, codes, and contracts. Young further asserts that the Courts have been zealously implicit in defense of DLI and

have purposefully and wrongly mischaracterized those statutes, codes, contracts, doctrines of collateral estoppel and res judicata, and constitutional rights.

Throughout this appeal, the courts have shown themselves vexed and prejudiced by embellished statements from DLI. DLI now took the opportunity to ramp up on the embellishments in its Answer because DLI, like Young, knows from experience that the Courts are susceptible to prejudice. In this case, DLI attempted to add a nudge to the Court's prejudicial disposition by using the term "narcotics". But, that new term becomes a new allegation, and that new allegation, along with DLI's other misinformation and disinformation, and untruths, warrants a hearing on the new issues or rejection of DLI's Answer.

RAP 13.4(d) provides that a petitioner may reply to an Answer when that Answer presents new and unique information in the form of false information and disinformation.

Young motions that the Supreme Court rejects DLI's Answer and focuses instead on the stoic and proper interpretation and application of statutes, codes, legal doctrines, contracts, and constitutional rights. This is not a trivial case. Case law, such as Crabb v. Olinger, 1937, is upended by these legal decisions. For better or worse, Young v. DLI, 2023 will become the new citation for future provider and injured worker disputes with DLI.

IV. IV.CONCLUSION

DLI's February 10, 2023, "Answer to Motion To Accept Petitioner's Reply to Department's Answer," missed the February 6, 2023 due date, and is untimely. Young requests that it be struck from the record.

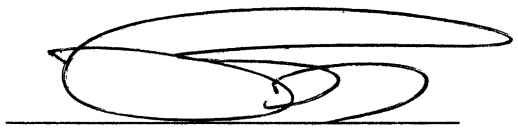
With this Appeal, Young presents an opportunity to the Court to make the outcome of this appeal a legal citation for the betterment of providers and patients.

On the other hand, DLI, using inflammatory, new allegations, attempts to influence the Court again and

prejudice the Court away from stoic deliberation and more toward inimical decisions.

This document contains 1271 words, excluding the parts of the document exempt from the word count by RAP 18.17.

Respectfully submitted,



Thomas J. Young, Pro Se

CERTIFICATION OF SERVICE

The undersigned, under penalty of perjury pursuant to the laws of the state of Washington, declares that on the below date, I served the Petitioner's Reply and Opposition to Defendant's Answer to Petitioner's Motion to Accept Petitioner's Reply to Department's Answer, and this Declaration of Service in the below-described manner:

E-Filing via Washington State Appellate Courts Portal:

Erin L. Lennon
Supreme Court Clerk
Washington State Supreme Court

E-Mail via Washington State Appellate Courts Portal:

Anastasia Sandstrom, AAG, Senior Counsel, WSBA #24163
Steve Vinyard, WSBA #29737
Valerie Balch,
AAG Office of the Attorney General of Washington

Dated this 16th day of February, 2023, at Pierce County, Washington. _____

THOMAS YOUNG - FILING PRO SE

February 16, 2023 - 8:57 AM

Transmittal Information

Filed with Court:	Court of Appeals Division II
Appellate Court Case Number:	55859-9
Appellate Court Case Title:	Thomas Young, Appellant v State L & I, Respondent
Superior Court Case Number:	17-2-03379-8

The following documents have been uploaded:

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A copy of the uploaded files will be sent to:

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Comments:

Sender Name: Thomas Young - Email: healthybak@aol.com
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