

FILED

MAY 22 2017

WASHINGTON STATE Supreme Court No. 94529-2
SUPREME COURT Court of Appeals No. 47438-7

**FILED
COURT OF APPEALS
DIVISION II**

2017 MAY 18 PM 2:18

STATE OF WASHINGTON

BY [Signature]
DEPUTY

SUPREME COURT OF THE STATE OF WASHINGTON

HBH et. al.,

Respondents,

v.

STATE OF WASHINGTON,

Petitioner.

MOTION TO FILE
OVERLENGTH PETITION
FOR REVIEW

I. IDENTITY OF MOVING PARTY

The State of Washington Department of Social and Health Services (DSHS), Petitioner.

II. STATEMENT OF RELIEF SOUGHT

RAP 13.4(f) provides for a 20-page petition for review. Pursuant to RAP 18.8(a), the Department seeks an order allowing the filing of a 24-page Petition for Review. The Court has authority to grant this relief under RAP 18.8. This Department seeks a summary determination in accordance with RAP 17.4(c)(1) because the motion does not affect the substantial rights of any party.

III. FACTS RELEVANT TO MOTION

This Petition arises out of a court of appeals decision that reviewed a dismissal of claims after six weeks of trial, under CR 50. The underlying

ORIGINAL

claims were brought by five plaintiffs and concerned several years of DSHS oversight and other services. As a result, the record for the trial court's CR 50 motion and appellate review is substantial and requires additional space to be accurately presented so as to be helpful to the Court.

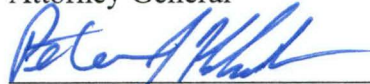
Furthermore, the issues presented involve the unprecedented application of a common law tort duty to DSHS and its social workers. In order to address those issues fairly, the petition requires additional pages to address the common law cause of action, and the recognized negligent investigation claim that exists, but which the new cause of action circumvents.

Undersigned counsel, assisted by other counsel in the Attorney General's Office, has labored to reduce this Petition as much as possible without compromising the Court's ability to fairly understand the record and the issues presented. The Petition is, however, four pages

over-length and therefore Petitioner seeks the Court's permission for filing the over-length brief.

RESPECTFULLY SUBMITTED this 18th day of May, 2017.

ROBERT W. FERGUSON
Attorney General



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CERTIFICATE OF SERVICE
STATE OF WASHINGTON

I certify that on the 18th day of May, 2017, I caused a true and DEPUTY
correct copy of this Motion to File Overlength Petition for Review to be
served via hand delivery by Camille Berta on the following:

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