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STATE OF WASHINGTON
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SUPREME COURT NO. 95030-0
COURT OF APPEALS NO.: 74626-0-I

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

TAMARA ZAITSEV,
Appellant.

v.

SHAWN KELLER, DDS,
Respondent.

RESPONDENTS' ANSWER TO PETITION FOR REVIEW

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TABLE OF CONTENTS

Page

I. IDENTITY OF RESPONDING PARTY 1

II. CITATION TO COURT OF APPEALS DECISION 1

III. ISSUE PRESENTED FOR REVIEW 1

IV. STATEMENT OF THE CASE 1

V. ARGUMENT 4

A. Ms. Zaitsev's Petition for Review does not meet the criteria governing acceptance of review by the Court. 5

B. Ms. Zaitsev does not satisfy the requirements of RAP 13.4(b)(1) – (4) 6

1. The Court of Appeals' decision does not conflict with a decision of either the Supreme Court or the Court of Appeals. 7

2. This matter presents no issue of law under constitutions of the State of Washington or the United States.. 7

3. This case does not present a genuine issue of substantial public interest. 11

C. The Court of Appeals' decision was correct on the merits. 13

1. The Court of Appeals correctly determined Ms. Zaitsev did not properly effect service of process.. 14

2. The Court of Appeals correctly found service on Dr. Keller's attorney was insufficient. 14

3. The Court of Appeals correctly found equitable estoppel did not apply. 16

4. The Court of Appeals correctly held Ms. Zaitsev to the standards of an attorney.. 18

D. The Court should award Dr. Keller his fees in responding to this petition. 19

VI. CONCLUSION 20

6214750.doc

TABLE OF CASES AND AUTHORITIES

Page(s)

Carver v. State, 147 Wn. App. 567, 575, 197 P.3d 678 (2008)................ 18

Cowiche Canyon Conservancy v. Bosley, 118 Wn.2d 801, 809, 828 P.2d 549 (1992).. 7

Davidheiser v. Pierce County, 92 Wn. App. 146, 154, 960 P.2d 998 (1998) 17

DeHeer v. Post-Intelligencer, 60 Wn.2d 122, 126, 372 P.2d 193 (1962)..... .... 7, 8

Dept. of Ecology v. Adsit, 103 Wn.2d 698, 705, 694 P.2d 1065 (1985)... 12

Edwards v. Le Duc, 157 Wn. App. 455, 460, 238 P.3d 1187 (2010) 18

Farmer v. Davis, 161 Wn. App. 420, 432, 250 P.3d 138 (2011)........ 11, 14

Gerean v. Martin-Joven, 108 Wn. App. 963, 973-74, 33 P.3d 427 (Div. 3 2001).. 11

Graves v. P.J. Taggares Co., 94 Wn.2d 298, 303, 616 P.2d 1223 (1980).... 15

In re Marriage of Olson, 69 Wn. App. 621, 626, 850 P.2d 527 (1993) 8, 18

In re Mines, 146 Wn.2d 279, 285, 45 P.3d 535 (2002) 12

James v. McMurry, 195 Wn. App. 144, 156, 380 P.3d 591 (2016)......... 10

Lepeska v. Farley, 67 Wn. App. 548, 551, 833 P.2d 437 (1992) 14

Lybbert v. Grant County, 141 Wn.2d 29, 35, 1 P.3d 1124 (2000)...... 16, 17

Miranda v. Sims, 98 Wn. App. 898, 902, 991 P.2d 681 (2000).................. 9

O'Neill v. Farmers Inc. Co. of Wash., 124 Wn. App. 516, 528-29, 125 P.3d 134 (2004) 11

Powell v. Sphere Drake, Ins. P.L.C., 97 Wn. App. 890, 999, 988 P.2d 12 (1999).. 14

Reid v. Dalton, 124 Wn. App. 113, 128, 100 P.3d 349 (2004)................. 19

Russell v. Maas, 166 Wn. App. 885, 890, 272 P.3d 273 (2012), *rev. denied* 174 Wn.2d 1016 (2012).. 15

Ruth v. Dight, 75 Wn.2d 660, 666, 453 P.2d 631 (1969) 9

Sorenson v. City of Bellingham, 80 Wn.2d 547, 558, 496 P.2d 512 (1972) 12

State v. Fitzpatrick, 5 Wn. App. 661, 668, 491 P.2d 262 (1971).............. 13

State v. Strine, 176 Wn.2d 742, 293 P.3d 1177 (2013)........................ 9, 10

State v. Watson, 155 Wn.2d 574, 577, 122 P.3d 903 (2005) 12

State v. Woo Won Choi, 55 Wn. App. 895, 900-03, 781 P.2d 895 (1989) 10

Streeter-Dybdahl v. Nguyet Huynh, 157 Wn. App. 408, 415, 236 P.3d 986 (2010).. 15

6214750.doc

Tiffany Family Trust Corp. v. City of Kent, 155 Wn.2d 225, 241, 119 P.3d 325 (2005) ... 19
Yurtis v. Phipps, 143 Wn. App. 680, 693, 183 P.3d 849 (2008) ... 19

Statutes

RCW 2.06.040 ... 13
RCW 2.43.060 ... 10
RCW 4.28.080 ... 18
RCW 4.28.080(1) ... 17
RCW 4.28.080(16) ... 14

Other Authorities

Wash. Appellate Prac. Deskbook §18.2(3) (4th ed. 2016) ... 11
Wash. Appellate Prac. Deskbook §18.2(5) (4th ed. 2016) ... 5

Rules

RAP 2.5(a) ... 9, 10
RAP 10.3(a)(6) ... 7, 8
RAP 13.4 ... 5, 20
RAP 13.4(b) ... 1, 5, 6, 7, 13
RAP 13.4(b)(1) ... 7
RAP 13.4(b)(2) ... 7
RAP 13.4(b)(3) ... 6, 11
RAP 13.4(b)(4) ... 11, 12, 13
RAP 13.4(b)(1)-(4) ... 5, 6
RAP 18.9 ... 19, 20
RPC 4.2 ... 15

I. IDENTITY OF RESPONDING PARTY

Shawn Keller, DDS ("Dr. Keller"), defendant in the trial court and respondent in the Court of Appeals, Division I, asks this Court to deny the Petition for Review.

II. CITATION TO COURT OF APPEALS DECISION

On July 31, 2017, by unpublished unanimous decision, the Court of Appeals, Division I affirmed dismissal of Ms. Zaitsev's complaint. Ms. Zaitsev sought reconsideration, which the Court of Appeals denied on September 12, 2017. The rulings of the Court of Appeals are under appellate cause number 74626-0-I.

III. ISSUE PRESENTED FOR REVIEW

Whether this Court should deny Ms. Zaitsev's Petition for Review, where she fails to satisfy the requirements of RAP 13.4(b), and the Court of Appeals decision was correct on the merits?

IV. STATEMENT OF THE CASE

This appeal arises from the dismissal of a dental malpractice case filed by Appellant, Tamara Zaitsev, against her former dentist, Respondent, Shawn Keller, D.D.S. CP 68.

Ms. Zaitsev was a patient of Dr. Keller's in 2012. CP 3. Ms. Zaitsev alleges that on June 21, 2012, while in the process of placing dental implants, a three millimeter piece of a pilot drill broke off. CP 3.

Respondent's attempts to retrieve it were unsuccessful. CP 3. After consultation with oral surgeons, the decision was made to leave the drill bit in place and monitor it. CP 3.

Almost three years later, on May 5, 2015, Ms. Zaitsev filed a complaint against Dr. Keller. CP 3-4. On May 12, 2015, a King County Sheriff deputy served an "Order" on Respondent's counsel. CP 49. The parties disputed what documents were actually served: Dr. Keller submitted declarations showing his counsel only received the Order Setting Case Schedule. CP 25-26. Ms. Zaitsev claims she gave copies of the Summons, Complaint, and Order Setting Case Schedule to the sheriff's office for service. CP 44-46. Regardless of what documents were served, the parties agree the deputy served them on Dr. Keller's counsel, not Dr. Keller. CP 44-46; CP 25-26. Appellant never filed a return of service from the sheriff's office. CP 70.

On May 21, 2015, Dr. Keller's counsel filed a Notice of Appearance. CP 13. The Notice of Appearance specifically reserved the right to object to improper service of process, and also specifically directed Appellant to serve all future papers, except service of process, on Dr. Keller's counsel. *Id.*

After filing her lawsuit, Ms. Zaitsev did not pursue any discovery, or otherwise litigate the case. CP 56. In fact, other than Dr. Keller filing a

required possible witness disclosure, CP 36-39, and moving for dismissal, no action in the case occurred at all. CP 56-57.

On November 16, 2015, Dr. Keller filed a Motion to Dismiss based on Ms. Zaitsev's failure to effect personal service of process when she served the Order Setting Case Schedule on Dr. Keller's attorney. CP 18-24. In her written response, Ms. Zaitsev argued she gave the required documents to the sheriff's office, but an error occurred and only the Order Setting Case Schedule was delivered; however, she conceded she served Dr. Keller's attorney, not him personally, claiming she did so because she was under the impression she was not to have any direct contact with the Respondent. CP 40-41.

On December 3, 2016, pursuant to the Order Setting Case Schedule, Dr. Keller filed his Disclosure of Possible Primary Witnesses. CP 36. The disclosure identified witness who would testify as to service of process, namely Dr. Keller and his staff. *Id.*

Dr. Keller never filed an answer to the complaint. *See* Clerk's Papers.

When the Motion to Dismiss came on for hearing, it became apparent Ms. Zaitsev did not speak English; the trial court noted:

> THE COURT: Okay. Well, we're hear on a motion for dismissal, a 12(b)(6) motion it's called, seeking dismissal of the action because of noncompliance with the court rules

> and statutes. The question I have is where you think we stand.
>
> MS. ZAITSEVA[1]: She doesn't understand the question.
>
> THE COURT: Okay. All right. Well, I'm not - - I'm not sure that we can really conduct an actual hearing this morning without a court interpreter, so it may be that one of two things will need to happen. The matter could be rescheduled to a time when a court interpreter is here, or I could simply decide the motion based on the written submissions that I have received.

Verbatim Report of Proceedings, p. 5:5-20.

When given the choice whether to proceed on the briefing only or continue the hearing until an interpreter could be present, Ms. Zaitsev elected to have the court decide the motion on the briefing. Verbatim Report of Proceedings, p. 5:21-22.

After this discussion, the court entered a written order based on the briefing it had properly before it on the motion to dismiss. CP 69-70. Appellant then timely filed a Notice of Appeal, bringing the matter before this Court. CP 71-72.

V. ARGUMENT

Ms. Zaitsev's Petition does not provide a proper basis for review. She fails to set forth any meaningful argument as to why this decision falls

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[1] Ms. Elena Zaitseva is the Appellant's daughter, who provided unofficial interpretation services at the hearing on the Motion to Dismiss. Verbatim Report of Proceedings, p. 4:13-25.

within the criteria of RAP 13.4(b)(1)-(4), and this Court should decline to accept review.

A. Ms. Zaitsev's Petition for Review does not meet the criteria governing acceptance of review by the Court.

This Court's review of a Court of Appeals decision is an extraordinary step. Nothing in RAP 13.4, or in Washington law, entitles Ms. Zaitsev to review simply because she disagrees with the Court of Appeals' decision, or believes she has been the victim of an injustice

> [P]erceived injustice should not be the focus of attention in the petition for review. Although the well-drafted petition should awaken in the court uncertainty whether justice has been done, RAP 13.4(b) does not allow review simply to correct isolated instances of injustice. The Supreme Court, in passing upon a petition for review, is not operating as a court of error, but rather is functioning as the highest policy-making judicial body of the state. Its concern is with the general state of the law, not particular applications of it, whether involving the state constitution, statutory or regulatory law, or common law. The court grants review when it is convinced that a significant point of law must be decided or clarified.
>
> Consequently, the primary focus of a petition for review should be on why there is a compelling need to have the issue or issues presented decided generally. The significance of the issues must be shown to transcend the particular application of the law in question. … Failure to show the court the "big picture" will further diminish the already statistically slim prospects of review.

Wash. Appellate Prac. Deskbook §18.2(5) (4th ed. 2016).

The panel of the Court of Appeals unanimously upheld the granting of Dr. Keller's motion to dismiss.

While Ms. Zaitsev argues the decisions of the Court of Appeals violate her due process rights and impact the public interest, she does not meaningfully address the criteria set forth in RAP 13.4(b), and makes only passing reference to RAP 13.4(b)(3) and (4) in the final sentence of her petition. Petition for Review, p. 25. Because Ms. Zaitsev does not clearly cite a basis for this Court to accept review, this Answer will address all the bases for review under RAP 13.4(b), and request this Court to deny review.

B. Ms. Zaitsev does not satisfy the requirements of RAP 13.4(b)(1) – (4).

RAP 13.4(b) sets forth the only grounds under which a Court of Appeals decision will be reviewed:

> **(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.

RAP 13.4(b). Ms. Zaitsev's Petition fails to meet any of these requirements.

1. The Court of Appeals' decision does not conflict with a decision of either the Supreme Court or the Court of Appeals.

Ms. Zaitsev does not present any argument or authority the Court of Appeals Decision conflicts with the decision of any other court of appeal or the Supreme Court; instead, she reargues the validity of the trial court's and the Court of Appeals' rulings, without addressing any conflict in law raised by any of the decisions. Accordingly, this Court should decline to accept review under RAP 13.4(b)(1) and (2). RAP 10.3(a)(6); *Cowiche Canyon Conservancy v. Bosley*, 118 Wn.2d 801, 809, 828 P.2d 549 (1992). *See also DeHeer v. Post-Intelligencer*, 60 Wn.2d 122, 126, 372 P.2d 193 (1962) ("Where no authorities are cited in support of a proposition, the court is not required to search out authorities, but may assume that counsel, after diligent search, has found none.")

2. This matter presents no issue of law under constitutions of the State of Washington or the United States.

Ms. Zaitsev contends nearly every decision of the Court of Appeals raises an issue of law under the constitutions of the State of Washington and the United States because they violate her right to due process. Specifically, she claims her due process rights were violated in

the following ways: (1) by being held to the same standards as an attorney; (2) by not being provided with an attorney to assist her; (3) by the way the court calculated the statute of limitations; (4) by not being provided with an interpreter; (5) by not allowing her to raise the issue of waiver for the first time on appeal; (6) by not finding her failure to properly serve Dr. Keller was the result of excusable neglect; (7) by not allowing her the opportunity to cure her defective service of process; and (8) by not requiring defense counsel to alert her to her defective service of process. Petition, pp. 4-6.

As an initial matter, Ms. Zaitsev does not cite any authority for her contention the various decisions of the Court of Appeals violate her due process rights, other than her own subjective belief. Accordingly, this Court should decline to consider them in that context. RAP 10.3(a)(6); *DeHeer*, 60 Wn.2d at 126. Furthermore, none of her arguments have merit.

- It does not violate a pro se party's due process rights to be held to the same standards as an attorney; rather, such a standard is the long-standing rule in Washington. *In re Marriage of Olson*, 69 Wn. App. 621, 626, 850 P.2d 527 (1993) ("The law does not distinguish between one who elects to conduct his or her own legal affairs and

one who seeks the assistance of counsel – both are subject to the same procedural and substantive laws.");

- There is no right to assigned counsel in a civil health care malpractice claim. *See Miranda v. Sims*, 98 Wn. App. 898, 902, 991 P.2d 681 (2000) ("The civil litigants right to access, however, has never been construed by our courts to provide a right to counsel at public expense in every proceeding. Rather, our courts have limited the right to appointed counsel in civil cases to proceedings where the litigant's physical liberty is threatened or where a fundamental liberty interest, similar to the parent-child relationship, is at risk.")
- Statutes of limitation do not violate due process, and their enactment is a valid exercise of legislative authority. *Ruth v. Dight*, 75 Wn.2d 660, 666, 453 P.2d 631 (1969) (Legislature has constitutional power to strike balance between harm of being deprived remedy versus harm of being sued and by establishing a clear line of demarcation to fix time certain beyond which no remedy will be available.) Furthermore, Ms. Zaitsev's continuing care doctrine argument was raised for the first time on appeal, and should not be considered by this Court. RAP 2.5(a); *State v. Strine*, 176 Wn.2d 742, 293 P.3d 1177 (2013).

- A litigant's right to have an interpreter present is not violated if that individual waives the right to have one present, which the record demonstrates was done in this case. Verbatim Report, p. 5:5-22. RCW 2.43.060; *State v. Woo Won Choi*, 55 Wn. App. 895, 900-03, 781 P.2d 895 (1989).
- Declining to consider Ms. Zaitsev's waiver argument, raised for the first time on appeal, is a proper exercise of the court's discretion, not a deprivation of Ms. Zaitsev's due process rights. RAP 2.5(a); *State v. Strine*, 176 Wn.2d 742, 293 P.3d 1177 (2013) (generally, the Supreme Court will not review any claim of error that was not raised in the trial court; this rule affords the trial court an opportunity to rule correctly upon a matter before it can be presented on appeal).
- Excusable neglect, which requires showing elements of honesty in belief or purpose and reasonable diligence, and requires reasonable efforts to determine proper service of process, does not excuse Ms. Zaitsev's failure to properly serve Dr. Keller, because the Court of Appeals found her reason for not personally serving Dr. Keller was unreasonable under the circumstances. *James v. McMurry*, 195 Wn. App. 144, 156, 380 P.3d 591 (2016).
- Ms. Zaitsev's right to due process was not violated by the court not giving her an opportunity to cure her defective service of process

because, by the time she learned of her mistake and sought to re-serve, the statute of limitations has run. *O'Neill v. Farmers Inc. Co. of Wash.*, 124 Wn. App. 516, 528-29, 125 P.3d 134 (2004).

- Not requiring defense counsel to alert Ms. Zaitsev of her defective service of process did not violate her due process rights, because a defendant is under no obligation to alert a plaintiff prior to the expiration of the statute of limitations that a motion to dismiss will be forthcoming. *Gerean v. Martin-Joven*, 108 Wn. App. 963, 973-74, 33 P.3d 427 (Div. 3 2001).

Given that Ms. Zaitsev's arguments do not actually implicate her right to due process, and she offers no legal argument or authority to the contrary, this Court should decline to accept review under RAP 13.4(b)(3).

3. This case does not present a genuine issue of substantial public interest.

Ms. Zaitsev argues an issue of substantial public interest warrants review. However, she does not meaningfully explain why any issue raised in her petition has ramifications for anyone beyond the parties to this case.

For a substantial public interest to exist, Ms. Zaitsev must show "the particular issue has ramifications beyond the particular parties and the particular facts of an individual case." *Wash. Appellate Prac. Deskbook* §18.2(3) (4th ed. 2016). Detailed analysis of the "substantial public interest" criterion of RAP 13.4(b)(4) is scant, but this Court weighed what

amounts to "public interest" when considering the related question of whether to decide a moot issue:

> When determining the requisite degree of public interest, court should consider (1) the public or private nature of the question presented, (2) the desirability of an authoritative determination for the future guidance of public officers, and (3) the likelihood of future recurrence of the question.

In re Mines, 146 Wn.2d 279, 285, 45 P.3d 535 (2002) (internal quotation marks omitted). *Dept. of Ecology v. Adsit*, 103 Wn.2d 698, 705, 694 P.2d 1065 (1985); *Sorenson v. City of Bellingham*, 80 Wn.2d 547, 558, 496 P.2d 512 (1972). Where the Court has directly addressed the "substantial public interest" criterion of RAP 13.4(b)(4), it has used these principles. *State v. Watson*, 155 Wn.2d 574, 577, 122 P.3d 903 (2005).

In *Watson*, the issue was whether a prosecutor's office delivered a memo to all members of the bench regarding its decision not to recommend drug offender sentencing alternative (DOSA) sentences was an improper ex parte communication. This Court held that the Court of Appeals' decision was reviewable under RAP 13.4(b)(4) because the ruling (1) could affect every sentencing proceeding involving a DOSA sentence; (2) created confusion and invited unnecessary litigation; and (3) could chill policy actions by both attorneys and judges in the future. *Id.*

In contrast, this case involves only the parties to this action and affects no one but them. This is a private dental malpractice case based on

unique facts applicable to this case only, which are highly unlikely to recur, and the legal issues involved in this case are well-settled. Therefore, RAP 13.4(b)(4) does not provide a basis for review of the decision.

Furthermore, the decision in this case is unpublished, and has no precedential value, and thus cannot possibly disrupt the current state of Washington common law. RCW 2.06.040. *State v. Fitzpatrick*, 5 Wn. App. 661, 668, 491 P.2d 262 (1971) (Washington law has long held that unpublished opinions do not have precedential value.) Unpublished opinions in the Court of Appeals will not be considered in the Court of Appeals and should not be considered in the trial courts. *Id.* They do not become part of the common law of the State of Washington. *Id.* Since this case establishes no precedent, a further reason to decline review under RAP 13.4(b)(4) exists.

C. The Court of Appeals' decision was correct on the merits.

In addition to not satisfying any of the requirements of RAP 13.4(b), this Court should decline review because the Court of Appeals' decision was correct on the merits.

1. The Court of Appeals correctly determined Ms. Zaitsev did not properly effect service of process.

The Court of Appeals correctly held Ms. Zaitsev did not properly serve Dr. Keller.

Service of process must satisfy the constitutional and statutory requirements to be effective. *Farmer v. Davis*, 161 Wn. App. 420, 432, 250 P.3d 138 (2011); *Powell v. Sphere Drake, Ins. P.L.C.*, 97 Wn. App. 890, 999, 988 P.2d 12 (1999). RCW 4.28.080(16) requires a plaintiff to serve the defendant with a copy of the summons and the complaint "personally or by leaving a copy of the summons at the house of his or her usual abode with some person of suitable age and discretion then resident therein." Service of process must be done either personally or through the substituted service of process provided for by the statute. *Lepeska v. Farley*, 67 Wn. App. 548, 551, 833 P.2d 437 (1992).

Ms. Zaitsev concedes she served Dr. Keller's counsel, not Dr. Keller. Such service is insufficient, as the Court of Appeals determined, in the absence of evidence of express authority.

2. The Court of Appeals correctly found service on Dr. Keller's attorney was insufficient.

The Court of Appeals correctly found Dr. Keller's counsel did not have the requisite authority to accept service of process.

An attorney may not surrender a substantial right of his client without special authority granted by the client. *Graves v. P.J. Taggares Co.*, 94 Wn.2d 298, 303, 616 P.2d 1223 (1980). For this reason, an attorney needs his client's express authority to accept service of process. *Russell v. Maas*, 166 Wn. App. 885, 890, 272 P.3d 273 (2012), *rev. denied* 174 Wn.2d 1016 (2012). Requiring express authority is necessary to protect clients from possibly serious consequences arising from a misunderstanding between the client and the attorney. *Graves v. P.J. Taggeres Co.*, 94 Wn.2d. 298, 304, 616 P.2d 1223 (1980).

Here, there was no evidence Dr. Keller expressly authorized his attorney to accept service of process. The January 2015 letter Ms. Zaitsev claims instructed her to serve Dr. Keller's counsel instead of Dr. Keller, was not addressed to Ms. Zaitsev, predated the filing of the complaint by nearly four months, and did not mention service of process, let alone indicate Dr. Keller's authority. Rather, it was a response to Ms. Zaitsev's daughter contacting Dr. Keller directly to obtain records at her former attorney's request, in violation of RPC 4.2. If Ms. Zaitsev was unsure or had any doubt as to who she should serve, it was incumbent on her to ascertain the correct individual. *Streeter-Dybdahl v. Nguyet Huynh*, 157 Wn. App. 408, 415, 236 P.3d 986 (2010) (Responsibility for overcoming challenges regarding service due to misunderstandings rests on the

plaintiff, not the defendant). Absent evidence of Dr. Keller's express authority, service on his attorney was insufficient.

3. The Court of Appeals correctly found equitable estoppel did not apply.

The Court of Appeals ruled equitable estoppel did prevent Dr. Keller from relying on the procedural defense of lack of service of process. Equitable estoppel requires (1) an admission, statement, or act inconsistent with a claim afterwards asserted; (2) action by another in reasonable reliance upon that act, statement, or admission; and (3) injury to the relying party from allowing the first party to contradict or repudiate the prior act, statement, or admission. *Lybbert v. Grant County*, 141 Wn.2d 29, 35, 1 P.3d 1124 (2000). The party asserting equitable estoppel must show each element by clear and convincing evidence. *Id.*

The Court of Appeals correctly determined these elements were not satisfied because Dr. Keller acted consistently with the intent to argue insufficient service of process. In *Lybbert*, cited by the Court of Appeals, this Court found it "readily apparent" the County acted inconsistently with the intent to assert the defense where, for nine months following the County's appearance, it gave multiple indications it was litigating the case, including engaging in discovery, discussing insurance coverage and mediation, and associating counsel, without mentioning service of process. *Lybbert*, at 35-36.

Despite these acts, this Court concluded the Lybberts failed to establish justifiable reliance on the conduct of defense counsel because the statute governing service of process explicitly required service on the county auditor. *Id.* at 36.

In contrast, Dr. Keller acted consistently with the intent to assert the defense of service of process. There was no correspondence between the parties after Ms. Zaitsev filed her lawsuit, the parties did not engage in discovery, or even exchange written discovery requests. Other than the filing of a required witness disclosure, which disclosed only those witnesses with knowledge about service of process, there was no action on the case after it was filed at all. Because Ms. Zaitsev failed to properly serve him, Dr. Keller took no action on case, including not filing an answer. Such conduct was consistent with asserting the defense, defeating the first element of equitable estoppel.

Additionally, Ms. Zaitsev's reliance was unreasonable, given the clarity of the statute governing service of process. In Washington, the failure to comply with clear statutory directives precludes reasonable reliance. *See, e.g., Lybbert*, 42 Wn.2d at 36 (failure to comply with requirements of RCW 4.28.080(1) precluded reasonable reliance); *Davidheiser v. Pierce County*, 92 Wn. App. 146, 154, 960 P.2d 998 (1998) (rejecting equitable estoppel claim because clarity of statute precluded

reasonable reliance), *review denied* 137 Wn.2d 1016, 978 P.2d 1097 (1999).

Here, the service requirements under RCW 4.28.080 were clear, and required personal service on Dr. Keller, not on his attorney, which Ms. Zaitsev admits she did. This is plainly insufficient under the clear language of the statute. Accordingly, the Court of Appeals correctly found Ms. Zaitsev failed to show reasonable reliance.

4. The Court of Appeals correctly held Ms. Zaitsev to the standards of an attorney.

In Washington, those who proceed pro se are held to the same standards as an attorney. "The law does not distinguish between one who elects to conduct his or her own legal affairs and one who seeks the assistance of counsel." *In re Marriage of Olson*, 69 Wn. App. 621, 626, 850 P.2d 527 (1993) (citation omitted). In fact, a *pro se* litigant is to be held to the same standard as an attorney unless they suffer from a significant mental disability that prevents her from understanding the law. *Carver v. State*, 147 Wn. App. 567, 575, 197 P.3d 678 (2008) (holding that collateral estoppel did not apply to a *pro se* plaintiff who suffered from dementia and could not perform basic office work); *Edwards v. Le Duc,* 157 Wn. App. 455, 460, 238 P.3d 1187 (2010) ("A trial court must hold pro se parties to the same standards to which it holds attorneys."), Although Ms. Zaitsev says she suffers handicaps, her pleadings

demonstrate she understands the nature of these proceedings. As such, the Court of Appeals correctly held her to the same standards of a practicing attorney, and did not err by holding her to the same standard.

D. The Court should award Dr. Keller his fees in responding to this petition.

RAP 18.9 permits an appellate court to award a party its attorney's fees as sanctions, terms, or compensatory damages when the opposing party files a frivolous appellate action. *Reid v. Dalton*, 124 Wn. App. 113, 128, 100 P.3d 349 (2004). An appeal is frivolous if, considering the entire record, the court is convinced that the appeal presents no debatable issues upon which reasonable minds might differ, and the appeal is so devoid of merit that there is no possibility of reversal. *Tiffany Family Trust Corp. v. City of Kent*, 155 Wn.2d 225, 241, 119 P.3d 325 (2005); *Yurtis v. Phipps*, 143 Wn. App. 680, 693, 183 P.3d 849 (2008) (pro se litigant's multiple, frivolous appeals and motions to modify warranted imposition of attorney's fees and costs).

Dr. Keller should be awarded his attorney's fees and costs under RAP 18.9. Ms. Zaitsev's petition for review is devoid of merit and based on arguments with no relation to the law. Ms. Zaitsev's petition appears intended to delay Dr. Keller's efforts to put this matter behind him and have peace of mind. This is precisely the abuse of the appellate process

that RAP 18.9 is intended to deter. Dr. Keller should be awarded his reasonable attorney fees and costs opposing this petition for review.

VI. CONCLUSION

RAP 13.4 enumerates the four narrow grounds for review by the Supreme Court. This case presents no such issue for review; Ms. Zaitsev fails to meet the strict standards of RAP 13.4 in any regard. This Court should deny review and award Dr. Keller his reasonable attorney's fees and costs incurred in responding to this petition for review.

Respectfully submitted this 22nd day of December, 2017.

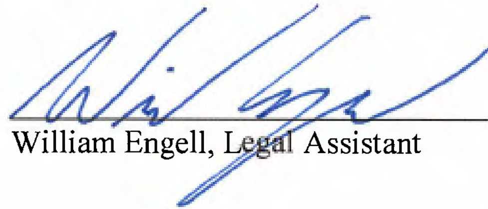
LEE SMART, P.S., INC.

By: ______________________________
John C. Versnel, III, WSBA No. 17755
Daniel C. Mooney, WSBA No. 44521
Of Attorneys for Respondent

CERTIFICATE OF SERVICE

I, the undersigned, certify under penalty of perjury and the laws of the State of Washington that on December 22, 2017, I caused service of the *Respondent's Answer to Petition for Review* via ABC Legal Messengers, Inc., to:

Ms. Tamara Zaitsev
15409 NE 12th Street, Apt. G-351
Bellevue, WA 98007



William Engell, Legal Assistant

LEE SMART, P.S., INC.

December 22, 2017 - 10:16 AM

Transmittal Information

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Appellate Court Case Number:	95030-0
Appellate Court Case Title:	Tamara Zaitsev v. Shawn Keller, DDS
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