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No. 95184-5

SUPREME COURT
OF THE STATE OF WASHINGTON

C.L., a sexual abuse victim, and Simeon J. Osborn as litigation
guardian for S.L., a minor child and sexual abuse victim,

Respondents,

v.

STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND
HEALTH SERVICES, and JANE and JOHN DOES, 1-100,

Petitioners.

ANSWER TO PETITION FOR REVIEW

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A. Introduction.

The Court of Appeals affirmed a judgment holding petitioner Department of Social and Health Services (DSHS) liable for its negligence in placing C.L. and S.L., then ages 6 and 3, into a foster family after receiving a CPS referral alleging that the family's son had sexually abused his 5-year-old cousin. DSHS again ignored that referral when it recommended the girls' adoption into the family, where they suffered years of abuse. Division One's decision followed settled law in relying on legislative directives governing the Department's authority to place dependent children in foster care and with adoptive families to hold that DSHS has a duty to use reasonable care in investigating placements before sending vulnerable children to live in homes that pose a plain and obvious threat to their safety.

The Department's own caseworker testified that DSHS breached its duty of reasonable care in failing to discover a CPS referral that would have prevented the girls' foster care placement and subsequent adoption into an abusive home. This case does not turn on whether DSHS may be liable for injuries occurring after placement based on its continuing control over foster children. For that reason, this Court's pending review of Division Two's decision in *H.B.H. v.*

State, 197 Wn. App. 77, 387 P.3d 1093 (2016), *rev. granted* 189 Wn.2d 1002 (2017), will not affect the Court of Appeals decision affirming the Department's liability in this case.

B. Restatement of Issues Presented for Review.

1. Whether a child placed into an abusive foster and adoptive home by DSHS has a cause of action in tort based on the Legislature's statutory directives imposing a duty on the Department to protect dependent children when placing them in foster care and approving their adoptions?

2. Does the Department's special relationship with dependent children impose upon DSHS a duty to use reasonable care in investigating prospective foster and adoptive homes?

3. Whether DSHS failed on summary judgment to rebut its caseworker's testimony that before approving the placement of dependent sisters in the Lange home she should have discovered in the Department's own files a CPS referral alleging that the Langes' son had sexually abused a young cousin, and that had she discovered the referral she would not have placed the girls in an abusive home?

C. Restatement of the Case.

The Department's recitation of the facts omits the undisputed evidence and misstates other material facts that compelled the grant

of summary judgment on the issues of duty, breach, and causation. *See Folsom v. Burger King*, 135 Wn.2d 658, 663, 958 P.2d 301 (1998) (“An appellate court would not be properly accomplishing its charge if the appellate court did not examine *all* the evidence presented to the trial court”) (emphasis in original). This restatement relies upon the undisputed facts recognized by the Court of Appeals, with additional citations to the record:

1. **DSHS approved the foster care placement of dependent sisters C.L. and S.L. in the Lange home, and then approved their adoption by the Langes, without locating in its own files the CPS report relating to their son’s rape of his cousin.**

C.L., born in 1996, and S.L., born in 2000, became subject to the care and custody of DSHS as dependent children after CPS removed them from their mother’s care in 2002. (Op. 2, CP 549, 551) Carolyn and Benjamin Lange applied for a license to provide a foster home for C.L. and S.L. (Op. 2) DSHS investigates and licenses foster parents in order “[t]o safeguard the health, safety, and well-being of children.” RCW 74.15.010. The DSHS social worker responsible for the Langes’ application failed to discover a 2001 referral from CPS to law enforcement alleging that the Langes’ older son Dillon, then age 12, had placed his penis into the rectum of his 5-year-old cousin. (Op. 2-3, CP 273, 469, 573-76, 730-37) Because the CPS referral went

unnoticed, DSHS granted the Langes a foster home license on December 19, 2002, and approved the foster care placement of C.L. and S.L. in the Langes' home in June 2003. (CP 549, 581)

DSHS repeats in its petition the claim that it was barred from considering the 2001 report of sexual abuse by the Langes' son under former law, because it was "unfounded." (Pet. 4, citing RCW 74.15.130(2)(a)) As the Court of Appeals held, however, the "allegation in the referral was that Dillon engaged in criminal conduct; it was not a report of child abuse by Benjamin or Carolyn [Lange]." (Op. 12) CPS in fact referred the accusations against Dillon directly to the Whatcom County Sheriff; CPS never itself investigated or found the accusation "unfounded" as defined in the governing regulation. WAC 388-15-005 (a "determination *following an investigation by CPS* that based on available information it is more likely than not that child abuse or neglect did not occur or there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.") (emphasis added).

The Langes approached DSHS about adoption after the girls had been in their home for four months. (CP 566-67) In furtherance of the statutory purpose of "provid[ing] [a] stable home[]," RCW 26.33.010, DSHS must prepare a preplacement report after

performing “an investigation of the home environment, family life, health, facilities, and resources” in order to ensure the fitness of the adoptive home. RCW 26.33.180, 26.33.190. (CP 317-18, 469, 273) DSHS once again failed to discover the 2001 CPS referral while investigating the Lange home environment pursuant to this statutory obligation. DSHS social worker Helen Anderson, the adoption coordinator responsible for determining whether the Langes would provide a safe home for the girls, conceded that the CPS file was available to her, that she “should have seen” the 2001 referral, but “obviously did not,” and that she “missed this one” when preparing her preplacement report. (CP 317-18) Ms. Anderson testified that had she seen the referral, she “would not” have placed the girls in the Lange home for adoption. (CP 318-19)

Before finalizing an adoption, DSHS must also prepare a post-placement report, “to determine the nature and adequacy of the placement and to determine if the placement is in the best interest of the child.” RCW 26.33.200. With no new investigation, the Department’s June 2004 postplacement report incorporated Ms. Anderson’s favorable preplacement report on the Lange “home environment, family life, health, facilities, and resources.” (CP 590-91) Based on the Department’s report, Whatcom County Superior

Court finalized the Langes' adoption of C.L. and S.L. on August 24, 2004. (CP 612-13) (Op. 3-4)

2. The Langes' sons subjected C.L. and S.L. to sexual abuse, including forcible rape and sodomy, on a regular basis over a period of years.

DSHS claims the girls "were 'thriving' in the Langes' care." (Petition 5) To the contrary, it is undisputed C.L. and S.L. were subjected to regular, repeated sexual abuse, including forcible rape, sodomy and assault by the Langes' teen-aged sons over a period of years, beginning when they were in foster care and continuing after their adoption.¹ Both C.L. and S.L. testified at trial, in tearful and halting terms, to their suffering after DSHS forced them to live in the Lange home. (RP 765-66, 1137; II RP 113-24, 260; III RP 355, 365-74)

The Langes' sons began terrorizing C.L. in 2004, when she was seven or eight years old, and S.L. when she was six. (RP 530, 914; II RP 113; III RP 368) C.L. was sexually abused almost "on a nightly basis" until she was 12, and S.L. weekly until she was 11. (RP 915-16; II RP 113, 120-21; III RP 365, 368) The Langes' older son threatened to kill the girls if they told anyone about the abuse. (II RP 117-18, III

¹ The Department's contention that the Langes' sexual abuse of the girls "did not begin until after they were adopted" (Petition 1) lacks any support in the record, but is irrelevant to the basis for its liability in this case. (Arg. §4 at 20, *infra*)

RP 368-69; Op. 4) When in 2011, C.L., then age 15, disclosed to her adoptive mother the sexual abuse she had endured, Carolyn Lange told C.L. that she had to “forgive her brothers.” (II RP 124-25) It was not until 2013, after C.L. disclosed the sexual abuse to a friend and her friend’s mother, that CPS intervened and removed the girls from the Lange home. (CP 619-23, 836-37; II RP 126; RP 610-11)

The older son confessed to some of the accusations. (I RP 6-7, 27) The younger son confessed that he had sexually assaulted C.L. but showed no signs of remorse or emotion, and laughed and joked on the way to jail. (RP 634-36; CP 838-39, 855)

3. The trial court granted summary judgment on liability. After a damages trial, the Court of Appeals affirmed, rejecting DSHS’s claim that it owed the girls no duty of care.

C.L.’s and S.L.’s guardian ad litem filed this action against DSHS in December 2014, alleging that the Department’s negligence in placing the girls with the Langes and in facilitating their adoption while ignoring information that the Langes’ son had been accused of anal intercourse with his younger cousin caused them permanent emotional trauma. (CP 1-8)

Citing DSHS investigator Helen Anderson’s admission that had she seen the 2001 CPS referral, she “would not have placed” C.L. and S.L. with the Langes, because theirs “was [not] an appropriate

home,” plaintiffs moved for partial summary judgment. (RP 39-40; CP 286-99, 318) The trial court granted partial summary judgment establishing the Department’s breach of duty and causation, and dismissed its affirmative defenses. (CP 754-55, 757-58) Following a trial on the issue of damages, the jury returned a verdict awarding \$4 million to each child. (CP 2351) The Court of Appeals affirmed. The Department’s petition for review challenges the Court of Appeals’ holding that it owed C.L. and S.L. a duty of care, that DSHS breached that duty, and that it caused the girls damages. The Department has abandoned its challenge to the dismissal of its affirmative defenses.

D. Argument Why Review Should Be Denied.

- 1. The Court of Appeals correctly held that the statutory duty to protect dependent children when placing them in foster care and in adoptive homes imposes upon DSHS a duty of care enforceable in tort.**

The Department focuses on whether “DSHS owes foster children a special relationship duty under *Restatement (Second) of Torts* § 315(b).” (Petition 10) But the Court of Appeals did not rely solely on a continuing “protective relationship.” (Petition 8) Instead, it correctly relied upon the statutory directives that “the department . . . protect children by doing a careful evaluation of a foster or adoptive home before recommending placement” of

dependent children. (Op. 7) The Court of Appeals' reliance on these "statutory imperatives" (Op. 7) follows settled law; this Court has long held that the Legislature intended to protect a discrete class in directing DSHS to investigate before placing vulnerable children in foster and adoptive homes.

This Court held in *Halvorson v. Dahl*, 89 Wn.2d 673, 676-77, 574 P.2d 1190 (1978) that statutory directives that impose a duty on state and local government to a circumscribed class, as opposed to the public as a whole, may be enforceable in tort:

By our language in *Halvorson*, we advised legislative bodies that, when they impose a duty on public officials as a whole, no duty in tort is owed to a particular individual. If, on the other hand, the legislation evidences a clear intent to identify a particular and circumscribed class of persons, such persons may bring an action in tort for violation of the statute or ordinance.

Munich v. Skagit Emergency Comm. Ctr., 175 Wn.2d 871, 889, ¶ 34, 288 P.3d 328 (2012) (Chambers, J., concurring, quoting *Baerlein v. State*, 92 Wn.2d 229, 232, 595 P.2d 930 (1979)).

This Court has relied on this "legislative intent" exception to the public duty doctrine in holding DSHS to a duty of reasonable care to children and their families, enforceable in tort, when investigating allegations of child abuse or neglect under RCW ch. 26.44. *Tyner v. Dep't of Soc. & Health Servs.*, 141 Wn.2d 68, 77-82, 1 P.3d 1148

(2000). Similarly, this Court held that the Department's statutory duty to disclose a child's medical and familial background information to prospective adoptive parents under RCW 26.33.350 gave rise to an actionable tort claim in *McKinney v. State*, 134 Wn.2d 388, 395-96, 950 P.2d 461 (1998). Citing *McKinney*, the Court of Appeals here correctly held that the statutory imperatives governing the Department's duties to evaluate prospective foster or adoptive homes before recommending placement imposed upon the Department an actionable duty to do so with reasonable care. (Op. 7)

DSHS ignores the "statutory imperatives" relied upon by the Court of Appeals in this case. The statutory purpose of foster home licensing is "[t]o safeguard the health, safety, and well-being of children." RCW 74.15.010(1). In investigating the qualifications of a prospective foster family, DSHS is required to assess "[t]he physical and mental health of all members of the household." WAC 388-148-1370. Similarly, "the purpose of adoption is to provide stable homes for children." RCW 26.33.010. RCW 26.33.180 requires DSHS to prepare a preplacement report that "include[s] a recommendation as to the fitness" of prospective adoptive parents. RCW 26.33.190(2). The preplacement report "shall be based on a study which shall include an investigation of the home environment" and "family life"

of the prospective adoptive parents. RCW 26.33.190(2). DSHS also is statutorily obligated to prepare a postplacement adoption report “contain[ing] all reasonably available information concerning the . . . home environment, family life,” in order “to determine the nature and adequacy of the placement and to determine if the placement is in the best interest of the child.” RCW 26.33.200.

These statutory duties are not “owed to the public in general.” *Munich*, 175 Wn.2d at 878, ¶ 13. Instead, they are expressly intended “to safeguard the health and welfare of dependent children” who are placed in foster care and adoptive homes. *Sheikh v. Choe*, 156 Wn.2d 441, 452, ¶ 18, 128 P.3d 574 (2006) (Petition 15). The Court of Appeals correctly relied on established law in holding that these statutory obligations evinced a legislative intent to impose upon DSHS an enforceable tort duty on behalf of the narrow and circumscribed class of vulnerable children the legislature intended to protect.

2. DSHS’s control over dependent children gives rise to a common law duty to use reasonable care to prevent a harmful placement.

The Court of Appeals properly held that DSHS, as custodian of dependent children, has a duty to exercise reasonable care before placing vulnerable children in an abusive home. While that special relationship is enough to impose a common law duty of care, at a

minimum DSHS had a duty to avoid affirmatively increasing the danger faced by C.L. and S.L. once taking them from their mother.

Mischaracterizing the basis for the claims here as negligent supervision, not negligent investigation and placement, DSHS contends that only the foster parent, not the Department, has the “direct control over foster children and foster homes required to create a special relationship.” (Petition 14-15) But as the Court of Appeals held, the Department’s duty also “arises from the special relationship between the department as a placement agency and dependent children, allowing such children to seek a tort remedy when they are damaged by the department’s negligent failure to uncover pertinent information about their prospective adoptive home.” (Op. 7) Established law supports the Court of Appeals decision, most notably *Babcock v. State*, 116 Wn.2d 596, 601, 809 P.2d 143 (1991), in which this Court held that DSHS could be liable for its negligence in placing dependent children in foster care in the home of a sex offender without discovering his criminal history, “which included charges of forcible rape, sexual assault, and attempted rape.”

Although the “specific holding of *Babcock* dealt with immunity,” this Court has since made clear that “the gravamen of the plaintiff’s claim [in *Babcock*] was ‘negligent investigation.’” *Tyner*,

141 Wn.2d at 79; *see also M.W. v. Dep't of Soc. & Health Servs.*, 149 Wn.2d 589, 597, 70 P.3d 954 (2003) (recognizing “an actionable duty that flows from DSHS to both children and parents who are harmed by DSHS negligence that results in . . . placing a child into an abusive home.”). *Babcock* refutes the Department’s argument that its only actionable duty to dependent children arises from the statutory obligation under RCW ch. 26.44 to investigate allegations of child abuse or neglect (Petition 17-18 & n.11; App. Br. 21, 23); the Court of Appeals properly rejected this contention. (Op. 8: “The special relationship duty exists regardless of whether the department breached the duty imposed by RCW 26.44.050”)

The “special relationship” duty of care assumed by DSHS when it takes charge of dependent children and approves their placement is based on the fact that dependent children are unable to protect themselves. *Restatement (Second) of Torts* §320, cmt. b (1965). And contrary to the Department’s astounding argument that the waiver of sovereign immunity under RCW 4.92.090 precludes its liability “to the same extent as if it were a private person” because “DSHS actions challenged by Plaintiffs have no private sector analog” (Petition 16-17), both governmental agencies and private parties

have consistently been held to a duty to protect vulnerable persons under their supervision who are incapable of protecting themselves.²

Even absent its special relationship with dependent children, DSHS had an independent duty to protect C.L. and S.L. from criminal acts in the Lange home because the Department's own actions in placing the girls there exposed them to a significantly increased risk of harm. *See Washburn v. City of Federal Way*, 178 Wn.2d 732, 760, ¶ 65, 310 P.3d 1275 (2013) (leaving assailant home alone with victim after serving anti-harassment order "created a new and very real risk to [victim's] safety"); *Parrilla v. King County*, 138 Wn. App. 427, 440-41, ¶¶ 29-30, 157 P.3d 879 (2007) (bus driver increased risk of harm by leaving deranged passenger on board bus

² *See, e.g., N.L. v. Bethel Sch. Dist.*, 186 Wn.2d 422, 430, ¶ 12, 378 P.3d 162 (2016) (schools have "an enhanced and solemn duty of reasonable care to protect their students" from harm inflicted by third persons) (internal quotation marks and quoted source omitted); *Gregoire v. City of Oak Harbor*, 170 Wn.2d 628, 639, ¶ 19, 244 P.3d 924 (2010) ("jailors have a special relationship with inmates, creating an affirmative duty to provide for inmate health, welfare, and safety"); *C.J.C. v. Corp. of Catholic Bishop of Yakima*, 138 Wn.2d 699, 985 P.2d 262 (1999) (church owed duty to protect children from sexual abuse given church's knowledge that deacon had been previously accused of inappropriate sexual contact); *Caulfield v. Kitsap Cnty.*, 108 Wn. App. 242, 255-56, 29 P.3d 738 (2001) ("Profoundly disabled persons are totally unable to protect themselves and are thus completely dependent not only on their caregivers but also their case managers for their personal safety."); *Hunt v. King Cnty.*, 4 Wn. App. 14, 481 P.2d 593 (county psychiatric hospital liable for failing to protect psychotic patient), *rev. denied*, 79 Wn.2d 1001 (1971); *Restatement (Second) of Torts* §§ 315(b), 320 (1965) and notes of decisions.

on public street with engine running); compare *Robb v. City of Seattle*, 176 Wn.2d 427, 437-38, ¶ 22, 295 P.3d 212 (2013) (officers engaged in no affirmative malfeasance by failing to pick up shot gun shells dropped by suspect); *Restatement (Second) of Torts* § 302B (1965) (“An act or an omission may be negligent if the actor realizes or should realize that it involves an unreasonable risk of harm to another through the conduct of the other or a third person which is intended to cause harm, even though such conduct is criminal.”).

The Department’s attempt to distance itself from the grievous abuse that befell C.L. and S.L. after it placed the girls in the Lange home ignores both its custodial duties to dependent children and its own actions in manifestly increasing the risk of harm by placing the girls with a family that contained an accused rapist. The Court of Appeals properly held that DSHS owed C.L. and S.L. a common law duty of reasonable care to avoid a harmful placement.

3. The Court of Appeals decision will be unaffected by the Court’s review in *H.B.H. v. State*, in which Division Two relied on a common law special relationship duty to protect dependent children after placement.

The Department’s statutory and common law duty to perform a reasonable investigation *before* placing a dependent child into a dangerous home is distinct and much narrower than the ongoing

duty to dependent children *after* they have been placed in foster care that is at issue in *H.B.H. v. State*, 197 Wn. App. 77, 387 P.3d 1093 (2016). The Department’s contention that the Court of Appeals here, as in *H.B.H.*, imposed a continuing duty to protect dependent children from harm after a placement has been made, is without merit. This Court should deny review because Division One’s decision does not impose upon DSHS a duty to protect every child under its supervision from future abuse at the hands of adoptive parents (Petition 1, 15-16), and will in no event be affected by the outcome of this Court’s review in *H.B.H.*

In *H.B.H.*, DSHS placed five foster children with the Hamricks over a two-year period; the Hamricks abused at least three, if not all, of the children prior to adopting them. 197 Wn. App. at 81-82, ¶¶ 6-8. Nothing in the Department’s files indicated a risk of harm; plaintiffs instead contended that a DSHS social worker had not conducted health and safety checks every 90 days as required. *H.B.H.*, 197 Wn. App. at 81-82, ¶¶ 4-8. Reasoning that DSHS had a “protective special relationship” with the children, Division Two reversed the trial court’s dismissal of the children’s tort claims, holding that “DSHS owed the children a duty . . . to take ordinary

care to protect them from the tortious or criminal conduct of their foster parents.” *H.B.H.*, 197 Wn. App. at 85, ¶ 21, 91-92, ¶¶ 33-36.

H.B.H.’s holding that DSHS has a “common law duty of reasonable care to protect the children it places in foster homes,” 197 Wn. App. at 85, ¶ 21, goes far beyond Division One’s recognition in this case that DSHS has both a statutory duty to “protect children by doing a careful evaluation of a foster or adoptive home *before* recommending placement” (Op. 7) (emphasis added), and a common law duty to refrain from affirmatively increasing the risk that C.L. and S.L. would be sexually abused by placing them into a home, for foster care or adoption, that DSHS knew or should have known was dangerous. (Op. 7-8)

By contrast, there is no issue concerning the Department’s investigation prior to foster placement in *H.B.H.*, 197 Wn. App. at 81-82, ¶¶ 4-10. The *H.B.H.* plaintiffs do not argue that DSHS knew or should have known that it was placing children in a dangerous home, but that DSHS has a “broad, ongoing duty to dependent children who arrive in foster care” to protect them from any harm arising after placement. (Resp. Supp. Br. No. 94529-2 at 14-18) Indeed, DSHS concedes in *H.B.H.* that a duty may exist under the facts here, arguing that there can be no “special relationship duty” in the absence of “past

known behavior of a third-party that made the plaintiff ‘the foreseeable victim.’” (Petition for Review No. 94529-2 at 17, quoting *Caulfield v. Kitsap Cnty.*, 108 Wn. App. 242, 253, 29 P.3d 738 (2001).)

This Court should reject the Department’s reliance on the grant of review in *H.B.H.* as a basis for review here because the decision whether to impose a continuing duty of care to dependent children *after* placing them into foster care has no bearing on DSHS’s duty in the first instance to investigate *before* placing dependent children in an abusive home. Rather than prolong the uncertainty for these emotionally traumatized children pending this Court’s decision on a different issue in *H.B.H.*, this Court should deny review.

4. DSHS clearly breached its duty and caused the plaintiffs harm when it failed to discover the CPS referral hiding in plain sight in its files.

The Department’s own caseworker conceded that she “should have seen” the 2001 CPS referral to law enforcement when evaluating the Langes but just “missed it,” and that she “would not have placed” the girls with the Langes had she known of the referral, because abuse “was foreseeable.” (CP 317-18, 320; *see also* CP 271: testimony of expert Barbara Stone that DSHS breached the standard of care by placing the girls in foster care with the Langes and recommending the Langes’ adoption) The Court of Appeals properly

held that the conclusory assertion of the Department's expert that its actions "were reasonable and met the social work standard of care" (CP 471) failed to raise a factual issue. (Op. 10-11) That fact-specific application of CR 56 presents no issue that merits review by this Court under RAP 13.4(b).

DSHS misapprehends the rule that "an affidavit containing expert opinion on an ultimate issue of fact [i]s sufficient" to defeat summary judgment. (Petition 19-20, quoting *Lamon v. McDonnell Douglas Corp.*, 91 Wn.2d 345, 352, 588 P.2d 1346 (1979).) (alteration in original) Expert declarations are not exempt from CR 56(e)'s requirement that "opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence." See *Bellevue Plaza, Inc. v. City of Bellevue*, 121 Wn.2d 397, 418, 851 P.2d 662 (1993). The Court of Appeals properly held that "conclusory statements of fact will not suffice to defeat a motion for summary judgment." (Op. 10, citing *Grimwood v. Univ. of Puget Sound, Inc.*, 110 Wn.2d 355, 359-60, 753 P.2d 517 (1988).) See *Guile v. Ballard Cmty. Hosp.*, 70 Wn. App. 18, 25, 851 P.2d 689, *rev. denied*, 122 Wn.2d 1010 (1993); *Griswold v. Kilpatrick*, 107 Wn. App. 757, 760-61, 27 P.3d 246 (2001).

The courts below properly held that the plaintiffs were entitled to judgment as a matter of law because “reasonable minds could reach but one conclusion” – the Department’s breach of duty was the cause in fact of the sexual abuse suffered by C.L. and S.L. (Op. 9, 11-13) The Department’s focus on the foster licensing statute (Petition 20-22) is both misplaced and ignores that C.L. and S.L. suffered years of abuse after DSHS negligently approved the adoption placement. The Department’s speculation that a superior court judge may have nonetheless approved the adoption even if made aware of the 2001 referral of Dillon Lange to law enforcement (Petition 22-23), does not create a disputed question of cause in fact. *See Elcon Const., Inc. v. Eastern Wash. Univ.*, 174 Wn.2d 157, 169, ¶ 21, 273 P.3d 965 (2012) (speculation does not defeat summary judgment).

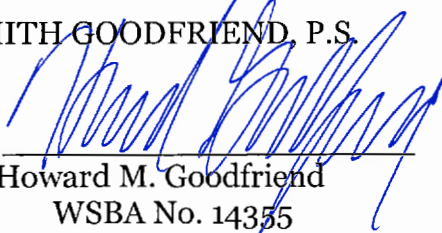
E. Conclusion

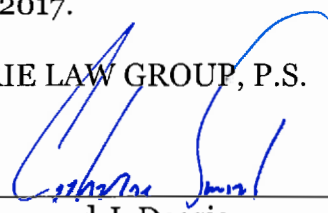
This Court should deny the petition for review.

Dated this 8th day of December, 2017.

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DECLARATION OF SERVICE


The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct:

That on December 11, 2017, I arranged for service of the foregoing Answer to Petition for Review, to the court and to the parties to this action as follows:

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DATED at Seattle, Washington this 11th day of December, 2017.



Peyush Soni

SMITH GOODFRIEND, PS

December 11, 2017 - 12:52 PM

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