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97637-6

Washington State
Supreme Court

SUPREME COURT OF THE STATE OF WASHINGTON

WASHINGTON STATE DEPARTMENT OF HEALTH

Respondent

v.

ARELY JIMENEZ

Appellant

ANSWER TO DOH'S MOTION TO DENY TIME EXTENSION REQUEST

ARELY JIMENEZ, LMFT, Pro-se
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Oak Harbor, WA 98277
360-421-9715

Table of Authorities

CASES

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<i>Shumway v. Payne</i> , 136 Wn.2d 383, 395, 964 P.2d 349 (1998)	P - 3
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<i>Weeks v. Chief of State Patrol</i> , 96 Wn.2d 893, 895-96, 639 P.2d 732 (1982).	P - 3

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RULES

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The Department of Health (DOH) starts their answer to Appellant's request for an extension of time, by stating that they are sympathetic(?) (p3, pB). DOH goes on to state that "grief" is not an "Extraordinary Circumstance that Outweighs the Desirability of Finality of the Court of Appeals' Decision". It appears that DOH operates in a world different than Appellant's. In the world that Appellant exists, when people have loved ones die, it changes the dynamic of an entire family and even the extended circle of friends is impacted. When a loved one becomes ill with a fatal illness like ALS (amyotrophic lateral sclerosis) everyone in the family grieves and is affected, the pain continues to grow as everyone becomes hyperaware that the loved one is not going to get better, but with every minute that passes that life becomes shorter and shorter. The most frustrating thing is that absolutely no one can do anything to stop it and the family becomes hopeless and helpless.

Appellant chose to be a psychotherapist because her profession is consistent with the world she interfaces with. A world where people's emotions have a great deal of influence in what they do; how they read, how they react to things, and how they conduct themselves. In the world where Appellant interacts, the word empathy means something totally different than what DOH describes in their response to Appellant's request. Empathy in Appellant's world dictionary means : "the ability to understand and share the feelings of another." Of course, for a psychotherapist, empathy is the capacity to feel what another is experiencing from within their frame of reference, or to sense other people's emotions. The capacity to place oneself in another's position. (*YourDictionary definition. Copyright @2018 by lovetoKnow Corp*).

Cases cited by DOH: 1. *State v. Hand*, 177 Wn. 2d 1015, 308 P.3d 588, 589 (2013). A case where an experienced attorney fails to file in a timely manner. 2) *Shumway v. Payne*, 136 Wn.2d 383, 395, 964 P.2d 349 (1998)) Is a murder case; 3) *Weeks v. Chief of State Patrol*, 96 Wn.2d 893, 895-96, 639 P.2d 732 (1982) Is related to work overtime issues where the filing was late but the court still said that: "*to interpret rules and statutes to reach the substance of matters so that it prevails over form.*" In this case *First Fed. Sav. & Loan Ass'n v. Eknger*, 22 Wn. App. 938, 944, 593 P.2d 170 (1979). The Court of Appeals in its order authorizing the filing of the notice of appeal stated: "*substance should prevail over form*".

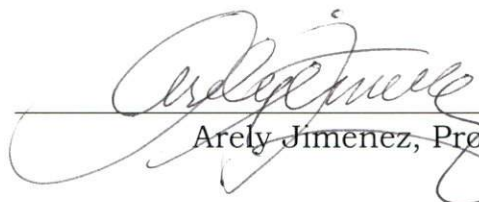
In essence these cases, with the exception of #1, the court determined that: "substance should prevail over form." Difficult to associate these cases to Appellants' case of grief and emotional state. According to DOH Appellant presented little evidence (P5, 1p) What could Appellant have presented? She did offer to submit the video of her niece's funeral. There was no time to prepare a memorial as she was buried the next day. Appellant could have sent the memorial page that she submitted, prior to the funeral but Appellant was overwhelmed with grief and did not think of that alternative. DOH states that Appellant's circumstances are not "compelling" (p5,1p). Appellant asks what can be more compelling than her circumstances? The only other circumstance would have been if Appellant had the audacity to die and then DOH would claim that she did not "keep track of the deadline".

In real time, Appellant's circumstances are more than compelling. It is difficult to understand how a person under those circumstances can be expected to think or focus in any other thing than the life of a loved one. Since Appellant

received the envelope from the Court of Appeals on the 10th of August 2019, it would stand to reason that Appellant inferred that she had until the 9th to submit her request. The death of one dear person would bring enough distress but two dear relatives, it can be overwhelming. It is incomprehensible how those circumstances are not compelling. Perhaps to a person that is used to seeing court papers the filing date is what they focus on, Appellant did not see the date until she was ready to respond to the court that there was no filing date, but then she realized that there it was.

Again, in requesting that the time extension be granted, Appellant hangs on to RAP 1.2(a) that states: *These rules will be liberally interpreted to promote justice and facilitate the decision of cases on the merits. Case and issues will not be determined on the basis of compliance or non-compliance with these rule...* It is Appellant's humble request that the time extension be granted and thus justice will be carried out.

Respectfully submitted this 22 day of October 2019



Arely Jimenez, Pro se

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Supreme Court

I declare under penalty of perjury, under the laws of the State of Washington that the following is true and correct:
I certify that I served a copy of this document on all parties or their counsel of record on October 21, 2019, via U.S. mail, postage prepaid.

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Dated: October 22, 2019


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