

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
2/10/2020 1:44 PM  
BY SUSAN L. CARLSON  
CLERK

NO. 97835-2

SUPREME COURT OF THE STATE OF WASHINGTON

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SAID FARZAD, individually,

Petitioner,

v.

STATE OF WASHINGTON, DEPARTMENT OF HEALTH-MEDICAL  
QUALITY ASSURANCE COMMISSION; WASHINGTON  
PHYSICIANS HEALTH PROGRAM, a Washington non-profit  
corporation doing business in Washington State, LARRY BERG AND  
“JANE DOE” BERG, and the marital community composed thereof,  
CHRIS BUNDY AND “JANE DOE” BUNDY, and the marital  
community composed thereof; MOLINA HEALTHCARE OF  
WASHINGTON, a Washington corporation, JOHN AND JANE DOES 1-  
10,

Respondents.

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RESPONDENTS CHRIS BUNDY, M.D.,  
AND WASHINGTON PHYSICIANS HEALTH PROGRAM’S  
ANSWER TO PETITIONER SAID FARZAD’S  
REQUEST FOR EXTENSION OF TIME  
IN WHICH TO FILE PETITION FOR REVIEW

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M.D., and Washington Physicians Health  
Program  
101 Yesler Way, Suite 400  
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## I. IDENTITY OF RESPONDENTS

Respondents Chris Bundy, M.D., and Washington Physicians Health Program (“WPHP”) respectfully submit this Answer to Petitioner Said Farzad’s request for extension of time in which to file the Amended Petition for Review.

## II. PROCEDURAL HISTORY

The Court of Appeals’ decision terminating review was filed on September 24, 2019. *See* Ex. 1. Under RAP 13.4(a), any petition for review was therefore due on or before October 24, 2019. Dr. Farzad, appearing pro se, did not submit his initial petition for review until November 8, 2019—more than two weeks after the petition was due. *See* Ex. 2. Dr. Farzad’s untimely petition for review was not served on the Respondents, was not filed via the web portal, was not accompanied by the requisite filing fee, and did not meet the formatting and content requirements for a petition for review. *See* Ex. 3. These deficiencies notwithstanding, the Supreme Court Deputy Clerk gave Dr. Farzad until November 26, 2019 to (1) file a motion for extension of time to file a petition for review, (2) pay the filing fee, and (3) file an amended petition for review that complies with the formatting and length requirements. *Id.* The November 26, 2019, deadline came and went without any further submissions from Dr. Farzad.

On November 27, 2019, Mr. Farzad called the Court and indicated he was out of the country but had mailed a motion for extension of time and that a friend would pay the filing fee. *See* Ex. 4. On December 10, 2019, the Court received the filing fee. *Id.* No other documents were received by the Court. *Id.* Accordingly, the matter was set on the Deputy Clerk's December 26, 2019, Motion Calendar to consider a Clerk's motion to dismiss for failure to timely file a proper petition for review. *Id.*

On December 23, 2019, Dr. Farzad sent the Court an amended "PETITION FOR REVIEW" *See* Ex. 5. Once again, Dr. Farzad did not serve the amended Petition for Review on the Respondents, and the amended Petition for Review did not comply with the formatting and length requirements. *Id.* In addition, and despite the Deputy Clerk's directive, Dr. Farzad failed to file a motion for extension of time. *Id.*

Because Dr. Farzad "made some attempts to meet the requirements of the Court," the Deputy Clerk gave him one final opportunity to file the proper documents in this case. *Id.* The Deputy Clerk instructed Dr. Farzad to file a motion for extension of time to file the petition for review and an amended petition for review by January 8, 2020, to avoid dismissal. *Id.*

On January 8, 2020, Dr. Farzad "filed" via email, but again failed to serve on Respondents, a Request for Extension of Time and an amended Petition for Review. *See* Ex. 6. As the basis for his request for an extension

of time in which to file his petition for review, Dr. Farzad states only that he is in Southern Turkey serving refugee children and does not have access to the internet and proper court forms. *See* Request for Extension. Nonetheless, he appears to have received the email communications from the Deputy Clerk, and has submitted all his submissions to this Court via email.

### III. ARGUMENT AND AUTHORITY

Under RAP 13.4(a), “a petition for review *must* be filed within 30 days after the decision is filed.” RAP 13.4(a) (emphasis added). RAP 18.8(b) governs the disposition of untimely petitions for review. RAP 18.8(b) provides in relevant part:

The appellate court will only in *extraordinary circumstances and to prevent a gross miscarriage of justice* extend the time within which a party must file a...petition for review....The appellate court will ordinarily hold the desirability of finality of decisions outweighs the privilege of a litigant to obtain an extension of time under this section.

RAP 18.8(b) (emphasis added).

RAP 18.8(b) expressly applies a narrow application, and Washington courts apply this test rigorously. *Beckman v. State*, 102 Wn. App. 687, 695, 11 P.3d 313 (2000); *State v. Moon*, 130 Wn. App. 256, 260, 122 P.3d 192 (2005). As this Court articulated in *State v. Hand*:

“Extraordinary circumstances” include instances in which “the filing, despite reasonable diligence, was defective due

to excusable error or circumstances beyond the party's control.” *Reichelt v. Raymark Indus., Inc.*, 52 Wash.App. 763, 765, 764 P.2d 653 (1988); *Shumway v. Payne*, 136 Wash.2d 383, 395, 964 P.2d 349 (1998). Negligence, or lack of “reasonable diligence,” does not amount to “extraordinary circumstances.” *Beckman*, 102 Wash.App. at 695, 11 P.3d 313. Application of this rule does not turn on prejudice to the opposing party, since if it did the court would rarely deny a motion for extension of time. *Reichelt*, 52 Wash.App. at 766, 764 P.2d 653. Even if the appeal raises important issues, it would be improper to consider those issues absent sufficient grounds for granting an extension of time. *Schaefco, Inc. v. Columbia River Gorge Comm'n*, 121 Wash.2d 366, 368, 849 P.2d 1225 (1993). The court will ordinarily hold that the interest in finality of decisions outweighs the privilege of a litigant to obtain an extension of time. RAP 18.8(b). In light of this policy, the standard set forth in RAP 18.8(b) is rarely satisfied. *Shumway*, 136 Wash.2d at 395, 964 P.2d 349; *Reichelt*, 52 Wash.App. at 765, 764 P.2d 653.

177 Wn.2d 1015, 308 P.3d 588 (2013). The burden is on Dr. Farzad to provide “sufficient excuse for [his] failure to file a timely notice of appeal” and to demonstrate “sound reasons to abandon the preference for finality.” *Schaefco, Inc. v. Columbia River Gorge Comm'n*, 121 Wash.2d 366, 368, 849 P.2d 1225 (1993).

Here, Dr. Farzad failed to meet his burden. Pro se litigants are held to the same standards as attorneys and must comply with all procedural rules. *In re Marriage of Olson*, 69 Wn. App. 621, 626, 850 P.2d 527 (1993). Dr. Farzad’s sole “excuse” for filing his initial petition for review fifteen days after it was due—a deficiency which was compounded by his failure

to abide multiple subsequent directives from the Deputy Clerk—is that he is currently located outside of the country without “access to [the] internet and proper court papers.” Dr. Farzad has not come forward with any evidence demonstrating that he acted with reasonable diligence in filing his petition for review fifteen days late, much less that his untimeliness was the result of excusable error or circumstances out of his control. On the contrary, Dr. Farzad’s current location is a matter within his control, and any purported inability to access the internet at his current location is a circumstance of his own making. Moreover, his contention that he is unable to regularly access the internet is belied by the fact that he received and responded to multiple email communications from the Deputy Clerk, and “filed” papers with this Court via email on November 8, 2019, December 23, 2019, and January 8, 2020, respectively.

At best, Dr. Farzad’s untimely filings amount to negligence, not “extraordinary circumstances,” and there are no sound reasons warranting the abandonment of the preference for finality. Dr. Farzad’s conduct was not reasonably diligent, and the lost opportunity to appeal will not constitute a gross miscarriage of justice. Indeed, an extension of time is especially unwarranted in this case given that Dr. Farzad’s untimely petition for review, like his underlying appeal, is nothing more than a litany of disputed factual assumptions devoid of legal argument or citation to legal authority,

and fails to articulate any basis under RAP 13.4(b) justifying acceptance of review. This is precisely the type of case in which the desirability of finality of decisions outweighs the privilege of a litigant to obtain an extension of time. Accordingly, Dr. Farzad's Request for Extension of Time should be denied, and this matter should be dismissed based on Dr. Farzad's failure to timely file a proper petition for review.

#### IV. CONCLUSION

For the foregoing reasons, this Court should deny Dr. Farzad's Request for Extension of Time to File His Amended Petition for Review.

RESPECTFULLY SUBMITTED this 10<sup>th</sup> day of February, 2020.

MULLIN, ALLEN & STEINER, PLLC



Justin A. Steiner, WSBA #45314

Tracy A. Duany, WSBA #32287

Attorneys for Respondents Chris Bundy, M.D., and  
Washington Physicians Health Program

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically served a true and correct copy of the foregoing in Supreme Court No. 97835-2 upon the following parties:

**Appellant:**

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Gig Harbor, WA 98355

*And at*

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**Counsel for Respondent**

**Molina Healthcare:**

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**Counsel for Respondents Berg  
and WA-DOH:**

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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 10<sup>th</sup> day of February, 2020.

MULLIN, ALLEN & STEINER PLLC



Emily Boehmer  
Paralegal



# EXHIBIT 1

September 24, 2019

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

**DIVISION II**

SAID FARZAD, Individually,

Appellant,

v.

STATE OF WASHINGTON DEPARTMENT  
OF HEALTH-MEDICAL QUALITY  
ASSURANCE COMMISSION;  
WASHINGTON PHYSICIANS HEALTH  
PROGRAM, a Washington non-profit  
Corporation doing business in Washington  
State; LARRY BERG AND “JANE DOE”  
BERG, and the marital community composed  
thereof; CHRIS BUNDY AND “JANE DOE”  
BUNDY, and the marital community  
composed thereof; MOLINA HEALTHCARE  
OF WASHINGTON, a Washington  
Corporation, John and Jane Does 1-10,

Defendants.

No. 51340-4-II

UNPUBLISHED OPINION

LEE, A.C.J. — Said Farzad appeals the superior court’s order granting all the defendants’ motions for summary judgment. The superior court agreed that all the defendants were entitled to immunity and dismissed Farzad’s claims. We affirm the superior court’s orders granting the defendants’ motions for summary judgment.

## FACTS

Farzad was a licensed psychiatrist. The Medical Quality Assurance Commission (MQAC), as the disciplinary authority for medical practitioners, received complaints regarding alleged boundary violations Farzad committed with two of his patients. Larry Berg, an MQAC staff attorney, was assigned to work on the investigation and subsequent disciplinary proceedings. Farzad did not deny any of the allegations; instead, Farzad insisted that his behavior was appropriate. Because Farzad admitted to the conduct alleged in the complaints, MQAC decided to pursue a Stipulation to Informal Disposition regarding the boundary violations. MQAC sent Farzad a Statement of Allegations, Summary of Evidence, and the Stipulation to Informal Disposition. However, Farzad rejected the Stipulation to Informal Disposition.

While this initial investigation was occurring, MQAC learned that Farzad had been arrested for making telephone threats to Molina Healthcare. Molina employees had called 911 to report that Farzad had called Molina and threatened to shoot everyone and bomb the building.<sup>1</sup> Based on Farzad's arrest, MQAC summarily suspended Farzad's medical license pending a hearing.

After a hearing regarding Farzad's license to practice medicine, MQAC determined that Farzad's attitude regarding his conduct was indicative of an underlying mental condition which rendered him unable to practice with reasonable skill and safety. Specifically, MQAC found,

the ongoing "inability to practice with reasonable skill and safety" issue in this case can be seen in regular conversation with the Respondent and was clearly apparent to the Commission: It is the manner in which the Respondent attempts to dominate and manipulate everyone with whom he interacts in a constant effort to gain their

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<sup>1</sup> The State later charged Farzad with telephone harassment and threats to bomb or injure property. A jury found Farzad guilty of telephone harassment. After the superior court granted summary judgment in this case, Farzad's conviction was reversed by the Ninth Circuit Court of Appeals. *Farzad v. Snohomish County Superior Court*, 769 Fed. Appx. 499 (2019).

attention and admiration, whether it is through his grandiose presentation of self; his misleading and hyperbolic answers; his contemptuous and impatient dismissal of others; blame-shifting; launching into lengthy stories that overestimate his accomplishments or abilities; or his flagrant attempts to control every discourse to prove his superiority. The Respondent's demeanor and presentation during his testimony was simply and fundamentally manipulative, controlling, and grandiose, and indicates some type of underlying mental condition that does interfere with his ability to practice as a physician with reasonable skill and safety. The Respondent's testimony, the testimony of all the witnesses, the transcripts of the Respondent's text messages to patients, and the transcripts of the interviews with Molina employees, were all consistent in portraying someone whose behavior and mental state are destructively contaminated by a sense of personal entitlement.

Clerk's Papers (CP) at 639-40 (internal footnotes omitted).

MQAC suspended Farzad's license. MQAC's order required Farzad to submit to a neuropsychological evaluation. After completing the neuropsychological evaluation Farzad was required to do the following:

1. Sign all releases necessary to allow the evaluators to speak to MQAC and Washington Physicians Health Program (WPHP).
2. Provide a copy of the evaluation to MQAC and WPHP.
3. Make an appointment with WPHP to discuss the evaluation.
4. Follow WPHP's referrals for further examination and assessment.
5. Obtain a report from WPHP regarding whether Farzad is safe to return to practice or whether further treatment is necessary.

The order stated that Farzad could not apply for reinstatement of his license until WPHP provided MQAC with a final assessment indicating that Farzad is safe to return to practice. WPHP was contracted with the Washington Department of Health, through MQAC, "to obtain the services of a qualified provider for potentially impaired physicians, physician assistants, osteopathic

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physicians, osteopathic physician assistants, podiatric physicians, veterinarians, and dentists.” CP at 851 (emphasis omitted) (boldface omitted). Under the contract, WPHP was required to provide “education, assessment, intervention and referral, client support, administration and reporting.” CP at 851 (emphasis omitted) (boldface omitted). Chris Bundy was the director of WPHP at the time of Farzad’s lawsuit.

Farzad appealed MQAC’s order to the superior court. While judicial review of MQAC’s order was pending, Farzad completed the neuropsychological evaluation. Following receipt of the neuropsychological evaluation, WPHP recommended that Farzad obtain a neurology evaluation and begin psychotherapy. Farzad completed the neurology evaluation, which raised concerns that Farzad was suffering from a “neurodegenerative condition called frontal temporal lobar degeneration (FTLD), behavioral variant.” CP at 828. At the same time, Farzad’s relationship with WPHP became strained because Farzad engaged in threatening and aggressive communications with WPHP staff.

Ultimately, WPHP determined that Farzad would not likely be able to safely return to the practice of medicine. WPHP provided MQAC with notice of its recommendation. As a result, MQAC denied Farzad’s repeated requests to reinstate his medical license.

Farzad filed a civil complaint for damages against MQAC, WPHP, and Molina. Farzad also individually named Larry Berg and Chris Bundy as defendants. The complaint related to MQAC’s decision to suspend Farzad’s medical license and alleged negligence, gross negligence, civil conspiracy, disparate treatment, unlawful retaliation, negligent and intentional infliction of emotional distress, libel, slander, false light, and defamation.

MQAC and Berg filed a motion for summary judgment, asserting absolute immunity from suit under RCW 18.130.300(1)<sup>2</sup> and the common law quasi-judicial immunity doctrine.<sup>3</sup> WPHP and Bundy filed a motion for summary judgment, alleging immunity from suit under RCW 18.130.300(2).<sup>4</sup> Molina filed a motion for summary judgment, asserting immunity for making reports to law enforcement under RCW 4.24.510.<sup>5</sup> The superior court granted all the defendants' motions for summary judgment based on their respective claims of immunity.

Farzad appeals.

#### ANALYSIS

Farzad appeals the superior court's orders granting the defendants' motions for summary judgment. Farzad's arguments focus on whether the superior court erred in granting summary judgment because there were genuine issues of material fact as to the factual issues he raised.

Farzad assigns error to the superior court's order granting the defendants' motions for summary judgment and presents four issues related to his assignment of error. One issue is

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<sup>2</sup> RCW 18.130.300(1) provides, "The secretary, members of the boards or commissions, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any disciplinary proceedings or other official acts performed in the course of their duties."

<sup>3</sup> *Janaszak v. State*, 173 Wn. App. 703, 718-19, 297 P.3d 723 (2013).

<sup>4</sup> RCW 18.130.300(2) provides, "A voluntary substance abuse monitoring program or an impaired practitioner program approved by a disciplining authority, or individuals acting on their behalf, are immune from suit in a civil action based on any disciplinary proceedings or other official acts performed in the course of their duties."

<sup>5</sup> RCW 4.24.510 provides, "A person who communicates a complaint or information to any branch or agency of federal, state, or local government . . . is immune from civil liability for claims based upon the communication to the agency or organization regarding any matter reasonably of concern to that agency or organization."

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dispositive of this case—whether the superior court erred in concluding that the defendants were immune from suit as a matter of law.

With regard to immunity, Farzad included the following issue: “Did the trial court err when it dismissed this case on summary judgment by giving absolute immunity to the State of Washington and MQAC and the other defendants?” Br. of App. at 4. However, Farzad provides no argument or authority supporting this issue. We will not consider issues or assignments of error that are not supported by argument or citation to authority. RAP 10.3(a)(6); *Bercier v. Kiga*, 127 Wn. App. 809, 824, 103 P.3d 232 (2004), *review denied*, 155 Wn.2d 1015 (2005). “Passing treatment of an issue or lack of reasoned argument is insufficient to merit judicial consideration.” *Holland v. City of Tacoma*, 90 Wn. App. 533, 538, 954 P.2d 290, *review denied*, 136 Wn.2d 1015 (1998).

Here, Farzad cites only to legal authority for the fundamental standard of review for summary judgment. However, these well-established legal principles are unrelated to the specific issues regarding immunity that were decided on summary judgment.


Farzad provides no citation to relevant legal authority related to the immunity claims argued by the defendants. In fact, Farzad fails to even cite to the statutes granting immunity to the defendants in this case, RCW 18.130.300 and RCW 4.24.510. Instead of addressing the legal issues regarding the defendants’ immunity from suit, Farzad simply provides a litany of factual assumptions he believes were perpetuated by the defendants and which he disputes.

Farzad highlights the factual disputes and disregards the issue of legal immunity, to which the superior court determined the defendants were entitled. But factual disputes regarding the underlying facts of a case are not relevant if the defendants are immune from suit. Because Farzad

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does not provide any argument or citation to authority regarding the defendants' claims of immunity, we decline to consider his assignment of error relating to immunity. *Bercier*, 127 Wn. App. at 824. Therefore, we affirm the superior court's orders granting the defendants' motions for summary judgment.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.

 *Les A.C.J.*  
\_\_\_\_\_  
Les A.C.J.

We concur:

  
\_\_\_\_\_  
Worswick, J.

  
\_\_\_\_\_  
Cruiser, J.



# EXHIBIT 2

REJECTED - see letter dated 11/12/19

RECEIVED

NOV 08 2019

WASHINGTON STATE  
SUPREME COURT

In the Supreme Court of the State Of Washington

Respondent: **REJECTED FOR FILING**

Department of Health Of The State Of Washington and Molina  
Insurance Company

Pettitioner:

Said Farzad MD, Child & Adolescent Psychiatrist:

Petition for review

Said Farzad MD

Address: 4614 Holly Lane

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Tel: (253)606-2635

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- C - Issues presented for review
- D - Statement of the case
- E - Argument why review should be accepted
- F - Conclusion

FILED AS  
ATTACHMENT TO EMAIL

# EXHIBIT 3

SUSAN L. CARLSON  
SUPREME COURT CLERK

ERIN L. LENNON  
DEPUTY CLERK/  
CHIEF STAFF ATTORNEY

**THE SUPREME COURT**  
STATE OF WASHINGTON



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November 13, 2019

**LETTER SENT BY E-MAIL ONLY**

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Hon. Derek Byrne, Clerk  
Division II, Court of Appeals  
950 Broadway, Suite 300  
MS-TB-06  
Tacoma, WA 98402

Re: Supreme Court No. 97835-2 - Said Farzad v. State of WA, Dept. of Health-Medical  
Quality Assurance, et al.  
Court of Appeals No. 51340-4-II

Clerk, Counsel and Mr. Farzad:

On November 8, 2019, this Court received the "PETITION FOR REVIEW". The matter has been assigned the Supreme Court cause number indicated above. The following issues must be addressed before the case may proceed.

Proof of Service

The Petitioner did not file proof of service indicating that the petition for review has been properly served on the Respondent. A copy of the petition is enclosed for the Respondent. The Petitioner is advised that RAP 18.5(a) requires that all court filings to be served on other parties to the case and proof of service filed in this Court. In the future, filings that are not properly served on the Respondent may be rejected for filing.

Filing by Portal



It is noted that the petition for review was filed by e-mail. The Petitioner is advised that e-mail filing was discontinued at the Supreme Court on July 3, 2017. If a party wishes to file documents electronically, the documents should be filed via our web portal: <https://ac.courts.wa.gov/>. Registration for the web portal is free. Documents filed via the web portal are automatically served on other parties that have an e-mail address on file. In the future, documents filed by e-mail rather than the web portal may be rejected for filing.

#### Untimely Petition for Review

A review of the Court of Appeals case indicates the Court of Appeals decision terminating review was filed on September 24, 2019. RAP 13.4(a) requires the filing of a petition for review within 30 days after a decision terminating review is filed. The petition was due for filing on October 24, 2019, but was not received until November 8, 2019; see RAP 18.6(c). Therefore, the petition for review is untimely.

The Petitioner may seek an extension of time in which to file the petition for review by filing a motion for extension of time to file a petition for review. Any such motion should be served and filed in this Court by November 26, 2019. The motion should be supported by an appropriate affidavit establishing good cause for the delay in filing the petition for review; see RAP 18.8 for information on extension of time for filings and RAP Title 17 for the general rules governing motions. A motion for extension of time to file is normally not granted; see RAP 18.8(b). If a motion for extension of time is not filed by November 26, 2019, it is likely that this matter will be dismissed.

#### Filing Fee

It is also noted that the \$200 filing fee has not been received. If the filing fee is not received by November 26, 2019, it is likely that this matter will be dismissed. RAP 18.9(b).

#### Improper Formatting and Attachments to Petition for Review

A review of the petition review reveals that it does not meet the formatting and content requirements for a petition review. The petition review should be in the correct form and should contain the appropriate information as specified in RAP 13.4. As explained in the rule, the petition for review should be double-spaced and the margins should comply with RAP 10.4(a). The statement of the case should contain appropriate references to the record. RAP 13.4(c)(6). The petition for review should also have page numbers.

The Petitioner is also advised that a petition for review is limited to 20 double-spaced pages. While this petition for review was presented as only three pages long, the petition for review refers readers to "Exhibit (1) and Exhibit (2)" for the statement of the case. These

exhibits to the petition for review contain narrative descriptions of the history of this case. These are improper appendices under RAP 13.4(c)(9), which explains that an appendix to a petition for review may be attached that contains “a copy of the Court of Appeals decision, any order granting or denying a motion for reconsideration of the decision, and copies of statutes and constitutional provisions relevant to the issues presented for review.” The attached “exhibits” contain information that should be contained in the body of the petition for review, see RAP 13.4(c)(6). When the pages of the narrative exhibits are included in the page count, the petition for review exceeds the 20 pages limit.

The other attachments are also improper. A Petitioner should not attach copies of parts of the record. Such documents can be referenced through citation to the clerk’s papers or transcripts. If a document is not part of the appellate record, it should not be attached to the petition for review.

It is also noted that the attachments to the petition for review appeared to contain health information. The Petitioner is advised that petitions for review are posted on a public website and should not contain any private information. If a party wishes for a document to be sealed from the public, they must file a motion to seal.

Because of the formatting and improper attachments, the petition for review has been rejected for filing. To proceed with this case, the Petitioner must file an amended petition for review that complies with the formatting and length requirements by November 26, 2019. I have enclosed for the Petitioner a copy of RAP 13.4 and Forms 9, 5, and 6, and part F of Form 3 from the appendix to the RULES OF APPELLATE PROCEDURE (RAP). If an amended petition for review is not served and filed by November 26, 2019, it is likely that this matter will be dismissed.

#### Answer Due Dates

At such time as the Petitioner serves and files a motion for extension of time to file a petition for review, an amended petition for review, and the \$200 filing fee, a date will be established by which the Respondent may serve and file both an answer to the motion for extension of time and an answer to the petition for review.

#### Personal Identifiers

The parties are referred to the provisions of General Rule 31(e) in regards to the requirement to omit certain personal identifiers from all documents filed in this court. This rule provides that parties “shall not include, and if present shall redact” social security numbers, financial account numbers and driver’s license numbers. As indicated in the rule, the responsibility for redacting the personal identifiers rests solely with counsel and the parties. The

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No. 97835-2  
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Clerk's Office does not review documents for compliance with the rule. Because briefs and other documents in cases that are not sealed may be made available to the public on the court's internet website, or viewed in our office, it is imperative that such personal identifiers not be included in filed documents.

Correspondence by E-mail

The parties are advised that future correspondence from this Court regarding this matter will most likely only be sent by an e-mail attachment, not by regular mail. For attorneys, this office uses the e-mail address that appears on the Washington State Bar Association lawyer directory. Counsel are responsible for maintaining a current business-related e-mail address in that directory. For the Petitioner, this Court has an e-mail address of [sfarzad1950@gmail.com](mailto:sfarzad1950@gmail.com). If this e-mail address is incorrect or changed, the Petitioner should immediately advise this Court in writing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erin L. Lennon', with a stylized flourish extending to the right.

Erin L. Lennon  
Supreme Court Deputy Clerk

ELL:sk

Enclosure as stated

# EXHIBIT 4



SUSAN L. CARLSON  
SUPREME COURT CLERK

ERIN L. LENNON  
DEPUTY CLERK/  
CHIEF STAFF ATTORNEY

**THE SUPREME COURT**  
STATE OF WASHINGTON



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December 12, 2019

**LETTER SENT BY E-MAIL ONLY**

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101 Yesler Way, Suite 400  
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Timothy James Parker  
Jason Wayne Anderson  
Carney Badley Spellman  
701 5th Avenue, Suite 3600  
Seattle, WA 98104-7010

Re: Supreme Court No. 97835-2 - Said Farzad v. State of WA, Dept. of Health-Medical  
Quality Assurance, et al.  
Court of Appeals No. 51340-4-II

Counsel and Mr. Farzad:

By letter dated November 13, 2019, Petitioner Mr. Farzad was advised that in order to proceed with this case, he must do the following by November 26, 2019: (1) file a motion for extension of time to file a petition for review, (2) pay the \$200 filing fee, and (3) file an amended petition for review that complies with the formatting and length requirements.

On November 27, 2019, Mr. Farzad called the Court and indicated that he was out of the country but that he had mailed a motion for extension of time and that a friend would pay the filing fee. On December 10, 2019, the Court received the filing fee (check #228). No other documents or correspondence have been received from Mr. Farzad.

Because the requirements to proceed with this case have not been met, I have set this matter on my Deputy Clerk's December 26, 2019, Motion Calendar to consider a Clerk's motion to dismiss this matter for failure to timely file a proper petition for review. See RAP 18.9(b).

Page 2  
No. 97868-5  
December 12, 2019

Sincerely,

A handwritten signature in black ink, appearing to read "Erin L. Lennon". The signature is fluid and cursive, with a prominent initial "E" and a long, sweeping underline.

Erin L. Lennon  
Supreme Court Deputy Clerk

ELL:tl

# EXHIBIT 5

SUSAN L. CARLSON  
SUPREME COURT CLERK

ERIN L. LENNON  
DEPUTY CLERK/  
CHIEF STAFF ATTORNEY

**THE SUPREME COURT**  
STATE OF WASHINGTON



TEMPLE OF JUSTICE  
P.O. BOX 40929  
OLYMPIA, WA 98504-0929

(360) 357-2077  
e-mail: [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov)  
[www.courts.wa.gov](http://www.courts.wa.gov)

December 30, 2019

**LETTER SENT BY E-MAIL ONLY**

Said Farzad  
4614 Holly Lane  
Gig Harbor, WA 98335

Patricia D. Todd  
Office of the Attorney General  
7141 Cleanwater Drive SW  
P.O. Box 40126  
Olympia, WA 98504-0126

Justin Andrew Steiner  
Tracy A. Duany  
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101 Yesler Way, Suite 400  
Seattle, WA 98104-3425

Timothy James Parker  
Jason Wayne Anderson  
Carney Badley Spellman  
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Seattle, WA 98104-7010

Re: Supreme Court No. 97835-2 - Said Farzad v. State of WA, Dept. of Health-Medical  
Quality Assurance, et al.  
Court of Appeals No. 51340-4-II

Counsel and Mr. Farzad:

By letter dated December 12, 2019, Petitioner Mr. Farzad was notified that I had set this matter on my Deputy Clerk's December 26, 2019, Motion Calendar to consider a Clerk's motion to dismiss this matter for failure to timely file a proper petition for review. Mr. Farzad had previously been notified in a letter dated November 13, 2019, that in order to proceed with this case, he must do the following by November 26, 2019: (1) file a motion for extension of time to file a petition for review, (2) pay the \$200 filing fee, and (3) file an amended petition for review that complies with the formatting and length requirements.

On December 10, 2019, the Court received the filing fee. On December 23, 2019, the Court received an amended "PETITION FOR REVIEW". The amended petition for review is 28 single-spaced pages. Mr. Farzad was previously advised that petitions for review are limited to 20 pages and must be double-spaced and contain the proper margins described in RAP 10.4(a). The amended petition for review is overlength, not properly spaced and does not contain the

Page 2  
No. 97835-2  
December 30, 2019

proper margins. It is rejected for filing. In addition, Mr. Farzad has failed to file a motion for extension of time.

Because Mr. Farzad has made some attempts to meet the requirements of the Court, he will be given one final opportunity to file the proper documents in this case. If Mr. Farzad wishes to continue with this case, he must file two documents by January 8, 2020: (1) a motion for extension of time to file the petition for review, as described in detail in the Court's letter dated November 13, 2019, and (2) an amended petition for review that is double-spaced, is no more than 20 pages, and complies with the margins requirements described in RAP 10.4(a).

If Mr. Farzad does not file those two documents by January 8, 2020, this case will be dismissed without further notice for failure to timely file a proper petition for review. See RAP 18.9(b).

Sincerely,

A handwritten signature in black ink, appearing to read "E. Lennon", with a stylized flourish at the end.

Erin L. Lennon  
Supreme Court Deputy Clerk

ELL:tl

# EXHIBIT 6

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## OFFICE RECEPTIONIST, CLERK

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**From:** OFFICE RECEPTIONIST, CLERK  
**Sent:** Wednesday, January 8, 2020 8:15 AM  
**To:** 'Said Farzad'  
**Subject:** RE: Said Farzad MD, Case 97835-2

Received 1-8-2020

**From:** Said Farzad [mailto:sfarzad1950@gmail.com]  
**Sent:** Wednesday, January 8, 2020 1:10 AM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Said Farzad MD, Case 97835-2

Honorable Supreme Court Clerk: the following are my corrected petition, my 9 Exhibits, and request for extension up until January / 8 / 2020. I apologize for all my deficiencies in filing due to my location away from civilization, and not having regular access to the internet and proper court forms. This does not deny the severe injustice which is done on my behalf and being the victim of insurance corporations for simply protecting my patients and the general public.

**MULLIN ALLEN AND STEINER PLLC**

**February 10, 2020 - 1:44 PM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 97835-2  
**Appellate Court Case Title:** Said Farzad v. State of WA, Dept. of Health-Medical Quality Assurance, et al.  
**Superior Court Case Number:** 17-2-07459-0

**The following documents have been uploaded:**

- 978352\_Answer\_Reply\_20200210134152SC429372\_7467.pdf  
This File Contains:  
Answer/Reply - Answer to Motion  
*The Original File Name was WPHP Answer to Request for Extension of Time.pdf*

**A copy of the uploaded files will be sent to:**

- CynthiaM4@atg.wa.gov
- Patricia.Todd@atg.wa.gov
- TOROlyEF@atg.wa.gov
- TrishJ@atg.wa.gov
- anderson@carneylaw.com
- awilliams@carneylaw.com
- doyle@carneylaw.com
- jsteiner@masattorneys.com
- parker@carneylaw.com
- saiden@carneylaw.com
- sfarzad1950@gmail.com

**Comments:**

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Sender Name: Emily Boehmer - Email: eflanik@masattorneys.com

**Filing on Behalf of:** Tracy A Duany - Email: tduany@masattorneys.com (Alternate Email: )

Address:  
101 Yesler Way  
400  
Seattle, WA, 98104  
Phone: (206) 957-7007

**Note: The Filing Id is 20200210134152SC429372**