

FILED
SUPREME COURT
STATE OF WASHINGTON
9/21/2020 2:58 PM
BY SUSAN L. CARLSON
CLERK

NO. 98854-4

SUPREME COURT OF THE STATE OF WASHINGTON

KENNETH LEE,
Petitioner,

v.

THE BOEING CO. &
DEP'T OF LABOR AND INDUSTRIES,
Respondents.

ANSWER
THE BOEING COMPANY

JENNIFER A. KRAMER (25226)
Reinisch Wilson Weier, PC
15395 SE 30th Pl., Ste 230
Bellevue, WA 98007
Phone: (206) 622-7940

TABLE OF CONTENTS

I. INTRODUCTION.....	1
II. ISSUES PRESENTED FOR REVIEW.....	1
III. COUNTER STATEMENT OF THE CASE	2
A. Jurisdictional history of this case	2
B. Substantial evidence supported the superior court jury verdict	4
C. Miscellaneous Superior Court rulings were properly based on the law	10
IV. ARGUMENT	11
A. Mr. Lee identifies no basis for review of the Superior Court’s rulings	12
B. Mr. Lee has not identified, or argued, any basis upon which review of the jury’s verdict can be granted.....	16
V. CONCLUSION	19

TABLE OF AUTHORITIES

Cases

<i>Havens v. C & D Plastics, Inc.</i> , 124 Wn.2d 158, 169, 876 P.2d 435 (1994).....	12
<i>Pappas v. Hershberger</i> , 85 Wn.2d 152, 153-54, 530 P.2d 642 (1975). ...	16
<i>Hastings v. Dep't of Labor & Indus.</i> , 24 Wn.2d 1, 5, 163 P.2d 142 (1945).....	16
<i>Omeitt v. Dep't of Labor & Indus.</i> , 21 Wn.2d 684, 686, 152 P.2d 973 (1944).....	16
<i>Hamilton v. Dep't of Labor & Indus.</i> , 111 Wn.2d 569, 761 P.2d 618 (1988).....	17

Statutes

RCW 51.32.240	1, 2
RCW 51.52.115	4

Rules and Regulations

WAC 296-20-01002.....	6
ER 103	14
CJC Canon 2.11(A).....	15

Court Rules

RAP 13.4(b).....	1, 11, 16
RAP 13.4(c)(9).....	4
RAP 9.1.....	4
RAP 13.4(a)(1-4)	11
RAP 13.4(a)(7).....	11, 12

RAP 13.4(a)(6).....	12
RAP 13.4(c)(6).....	13, 14, 15, 16
RAP 13.4(c)(7).....	13, 14, 15, 16
RAP 10.3(a)(6).....	13, 14
RAP 10.4(c)	14
RAP 10.3(g)	14, 15
CR 51(f)	15

I. INTRODUCTION

This case involves the routine application of well-accepted workers' compensation law arising under Title 51. Mr. Lee has not identified any viable basis for the Court's review of any issue raised by him. RAP 13.4(b). In fact, no basis exists.

In his Petition, Mr. Lee complained, *for the first time*, that substantial evidence did not support the verdict that determined he violated RCW 51.32.240(5) by willfully misrepresenting his industrially-related disability. Rather than assign error to this issue at the Court of Appeals, he largely avoided reference to that particular determination. He also again seeks review of various rulings by the Superior Court, though without establishing any qualifying bases for their review either.

No supportive citations to the record are provided. No supportive arguments regarding bases for review are provided. He leaves the Court with no choice, but to deny his Petition.

II. ISSUES PRESENTED FOR REVIEW

As explained in Section III herein, the issues raised in Mr. Lee's Petition do not meet the criterion for review under RAP 13.4(b). However, if this Court were to grant review, the issue before the Court would be:

Has Mr. Lee successfully identified a basis upon which review of any issue he has raised may be granted pursuant to RAP 13.4(b)(1-4)?

Alternatively, and only if a basis(es) for review were found applicable, the issues would include:

Whether substantial evidence supported the Superior Court's Verdict that:

Mr. Lee willfully misrepresented his injury and disability in order to wrongfully obtain workers' compensation benefits from February 5, 2003 through July 15, 2014; the June 1, 2000 industrial injury did not cause a left shoulder condition, reflex symmetric dystrophy (CRPS), or any mental health condition including bipolar disorder; Mr. Lee was able to engage in reasonably continuous gainful employment from July 16, 2014 through March 20, 2015; Mr. Lee was not entitled to further medical treatment because the claim-related condition reached maximum medical improvement; Mr. Lee suffered no permanent partial disability related to his industrial injury?

Whether prejudicial error was committed regarding: redaction of the administrative record; wrongful admission of an unidentified exhibit(s); denial of recusal; failure to serve of an unidentified document, at an unidentified time; and, erroneous submission of an unidentified instruction(s) to the jury?

III. COUNTER STATEMENT OF THE CASE

A. Jurisdictional history of this case.

Mr. Lee filed a workers' compensation claim for a right elbow injury sustained on June 1, 2000. CP 1543. The claim was allowed by the Department of Labor and Industries (hereinafter "Department"). CP 285.

On March 20, 2015, the Department issued an order affirming a prior order that closed Mr. Lee's claim and found he had committed willful misrepresentation in order to obtain benefits to which he was not entitled, pursuant to RCW 51.32.240. CP 277-81. The order directed Mr.

Lee to repay Boeing the time-loss benefits wrongfully received, and to pay the Department a fifty percent penalty. CP 279. It also closed his claim. Mr. Lee appealed the March 20, 2015 Department order to the Board of Industrial Insurance Appeals (hereinafter “Board”). CP 299-301.

The testimony and exhibits were presented to an Industrial Appeals Judge. After the Board issued its decision, the matter continued to the Pierce County Superior Court, where it was heard by a 12-person jury. CP 2598-2600. The jury found that Mr. Lee willfully misrepresented his disability in order to obtain benefits from February 5, 2003 through July 15, 2014. *Id.* Accordingly, the jury also found the industrial injury did not cause reflex sympathetic dystrophy (CRPS),¹ a left shoulder condition, or any mental health condition. *Id.* Furthermore, Mr. Lee was able to perform or obtain continuous gainful employment from July 15, 2014 through March 20, 2015, and his injury related condition was not in need of further treatment and resulted in no permanent partial disability. *Id.*

Mr. Lee appealed the unanimous jury verdict to the Court of Appeals. The Court of Appeals affirmed the Superior Court Judgment and Order. This matter is now before this Court upon Mr. Lee’s Petition for Review.

¹ Reflex sympathetic dystrophy (RSD) is currently known as Complex Regional Pain Syndrome (CRPS). CP 1891, 2355, 2405.

With regard to his Petition, Mr. Lee surreptitiously attempts to introduce new hearsay evidence via his “Appendix.” Rather than include copies of statutes and constitutional provisions relevant to the issues, he included medical records. RAP 13.4(c)(9). There is no basis to consider the materials contained in Mr. Lee’s “Appendix” as they do not meet the criteria established in RAP 13.4(c)(9), and all evidence is contained in the record already compiled. RCW 51.52.115; RAP 9.1.

B. Substantial evidence supported the Superior Court jury verdict.

Boeing presented testimony of five medical doctors, including Mr. Lee’s long time attending physician, Paul Nutter, M.D. and two psychiatrists. Boeing also presented the testimony of a vocational expert, an occupational therapist, the claims examiner, and four investigators.

Mr. Lee injured his right elbow at work on June 1, 2000. CP 1187. Surgery was performed on September 6, 2001. CP 1871. The procedure did not improve claimant’s reported complaints or his alleged disability. *Id.* Mr. Lee began treating with Paul Nutter, M.D. in 2003, and he continued to see Dr. Nutter through 2014. CP 1642. Throughout that time, Dr. Nutter provided medical certification for wage replacement (time loss) benefits relative to this claim. CP 1645. When doing so, he relied upon

Mr. Lee's truthfulness about physical limitations and his presentation at the clinic. *Id.*

Mr. Lee adopted an extreme presentation of injury and disability during appointments related to his workers' compensation claim. Dr. Nutter explained that in 2003, Mr. Lee always held his right arm close to his body or with the right elbow flexed. CP 1647. He claimed a complete inability to move the arm. CP 1647. His right arm condition purportedly worsened between 2007 and 2013. CP 1661. By 2013, he claimed a complete inability to use *either* arm. CP 1661-62.

Orthopedic surgeon Joan Sullivan, M.D. examined Mr. Lee on July 8, 2008. CP 1866. Related to the June 1, 2000 injury, Dr. Sullivan diagnosed a right elbow contusion with a partial avulsion of the biceps tendon, which was surgically repaired. CP 1871-72, 1894. The examination was inconsistent and consisted of marked pain behavior and non-physiologic findings. CP 1890-1894. Mr. Lee groaned, grimaced, and cried. CP 1894. Dr. Sullivan testified that throughout her examination, Mr. Lee held his right arm close to his side and clutched the bottom of his shirt. CP 1883. He claimed a complete inability to use the right arm, yet belying that claim, there was no disuse atrophy of the arm muscles. CP 1883, 1889. Dr. Sullivan suggested that Mr. Lee was malingering, meaning that he was engaging in intentional behavior intended to convey

false disability. CP 1897. Dr. Sullivan found the right elbow injury had reached maximum medical improvement² and Mr. Lee could return to work. CP 1899.

Mr. Lee continued to demonstrate his bizarre behavior at an appointment with vocational counselor Allison Baldwin in May of 2013. CP 1785. He informed Ms. Baldwin that he could not use his arms to remove his wallet from his pants to retrieve his driver's license, so he asked Ms. Baldwin to retrieve it from the pocket of his pants. CP 1782.

Mr. Lee reported an inability to perform even simple activities of daily living such as washing his face or combing his hair when seen by occupational therapist Steven Hasady for a physical capacities evaluation in August of 2013. CP 1797, 1806. He informed Mr. Hasady that he had to drive his car using his knees to steer the wheel. CP 1806. Mr. Lee requested discontinuation of the evaluation because he said he could not sit, stand, walk, move his arms, squat, bend, or kneel. CP 1808.

² Maximum medical improvement: An industrially-related condition has reached maximum medical improvement when no fundamental or marked change in an accepted condition can be expected, with or without treatment. WAC 296-20-01002. Maximum medical improvement is equivalent to "fixed and stable."

At an examination on January 30, 2016, Mr. Lee informed orthopedic surgeon Matthew Drake, M.D. that he could not move his shoulders or right elbow. CP 1489, 1497. He stood with his head against the wall. CP 1492. Next, Mr. Lee asked Dr. Drake to disrobe him and place him in the examination gown, presumably due to disability related to his arms. CP 1495.

Surveillance was obtained between 2013 and 2015. Mr. Lee's observed physical abilities and use of his arms was dramatically different when he was engaged in normal activities, versus attending claim-related appointments. CP 1835. He gestured freely with both arms, folding his arms across his chest, scratching his head, feeding himself, and driving normally with both hands. CP 1833, 1835-36, 1841, 1843; Ex. 1; Ex. 2.

The surveillance also showed that Mr. Lee changed his behavior for claim-related medical appointments. Demonstrating his intent to deceive, on several occasions he was observed leaving home as a driver, but switched places in the car with one of his children before reaching the medical clinic where he was examined for reasons related to his claim. CP 1936, 1846-48, 1939, 1949-50; Ex. 3; Ex. 5; Ex. 6; Ex. 7. He was seen driving normally with both hands and pumping gas when not in the proximity of a claim-related medical appointment. *Id.* Further evidence of

his deliberate scheme, he drove himself to the dentist, a medical provider unrelated to his industrial claim. CP 1845; Ex. 2.

On October 17, 2013, Mr. Lee was observed as he drove to a scrap metal yard. CP 1924-25; Ex. 4. He unloaded scrap metal from the back of his truck by using both hands and arms to pick up and throw the pieces. *Id.*

The day after he was seen throwing scrap metal, on October 18, 2013, he resumed his ploy and his daughter drove him to a medical appointment. CP 1933; Ex. 4. He walked slowly into the appointment with both arms held close to his sides. CP 1975; Ex. 4. He did not move his arms and his daughter opened the doors for him. *Id.* When he exited, he held his right arm close to his side and grasped the bottom of his shirt. *Id.* His daughter opened the car door for him, fastened his seat belt, wiped his face, and then drove away. *Id.*

Dr. Nutter watched the surveillance in 2014. CP 1662. He was shocked by Mr. Lee's presentation on the films. CP 1663. Dr. Nutter confronted Mr. Lee about the surveillance footage on July 16, 2014, and at first, Mr. Lee denied it was him in the videos. CP 1672. Then Mr. Lee fainted. *Id.* When he regained his wits, he rolled onto his stomach, put both hands on the ground, and pushed himself into a kneeling position with his arms. *Id.* He then stood with his arms folded, but once he became

aware of his surroundings, he resumed his typical disabled posture with his arms to his sides. CP 1673.

Dr. Nutter testified that Mr. Lee's presentation in his office over the past 11 years had been nothing more than an act. CP 1676. He opined that Mr. Lee willfully and intentionally misrepresented his physical capabilities during the time that he treated him. *Id.* Mr. Lee required no further treatment and was actually capable of full-time, continuous, gainful employment without restrictions since he had started treating him in 2003. CP 1677.

After reviewing the surveillance videos, Dr. Sullivan and Dr. Drake, as well as psychiatrists Aaron Hunt, M.D. and Douglas Robinson, M.D. agreed that Mr. Lee consciously and deliberately portrayed disability in order to obtain benefits including medical treatment and time loss compensation. CP 1510, 1597, 1740, 1907-1908. Dr. Robinson clarified that even if Mr. Lee had a mental disorder (which Dr. Robinson did not diagnose) he still altered his presentation as part of a conscious and volitional play for benefits. CP 1617.

In contrast, Mr. Lee presented the testimony of chiropractor and naturopathic doctor, Dr. Thomas Young, who began to provide treatment only after Dr. Nutter dismissed Mr. Lee from his care. CP 1991. Dr. Young had reviewed only limited portions of the surveillance videos that

were provided to him by Mr. Lee. CP 2053-2054, CP 2081-2082.

Psychiatrist Daniel Wanwig, M.D. testified that Mr. Lee's mental health conditions were fixed and stable, and agreed on cross-examination that Mr. Lee's mental health did not affect his ability to work. CP 1145-1154.

C. Miscellaneous Superior Court rulings were properly based on the law.

The superior court jury trial proceeded in customary fashion.

Before the trial commenced, Mr. Lee filed a motion for case reassignment based on his mistaken belief that The Honorable Susan K. Serko was a traffic court judge, and on the basis that she made him feel "uncomfortable." CP 1452-54; RP (10/12/18) at 3. He did not raise any conflict of interest argument at that time, and the motion was denied. *Id.*

When the trial commenced, Judge Serko reviewed the Certified Appeal Board Record (hereinafter "CABR") with the parties, during which time objections were waived, or renewed, and ruled upon. CP 1461-67; RP (10/22/18) at 35-87; RP (10/23/18) at 99-188. The record was redacted accordingly before it was read to the jury. CP 1468-2469; RP (10/22/18) at 35-87; RP (10/23/18) at 99-188. Innocuous redactions were made as discussed in Respondent's Brief at 32.

As the testimony neared completion, the parties discussed the jury instructions with Judge Serko. RP (11/01/18) at 8-19; CP 2539-69 (agreed

set). The final set of jury instructions were addressed by Judge Serko on the record. RP at 19. Mr. Lee was asked whether he had anything to add to the jury instructions in terms of concerns or revisions, and he responded with a simple, “No.” *Id.*

IV. ARGUMENT

In order to obtain this Court’s review, Mr. Lee must support his Petition with a clearly articulated and legally sound theory upon which discretionary review could be based. RAP 13.4(b) provides the *only* four bases that support this Court’s review.

- (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(a)(1-4). Mr. Lee’s Petition does not contend that any of these considerations support acceptance of review. RAP 13.4(a)(7). The issues Mr. Lee raises do not meet any of these criterion.

Mr. Lee’s Petition does not identify any significant question of law under the Constitution of the State of Washington or the United States,

and indeed, there are no constitutional issues presented by this case. It involved the routine application of statutes and case law under Title 51. Even if he had identified a constitutional argument, he did not provide any briefing to entitle review on this basis. RAP 13.4(a)(6)&(7); *Havens v. C & D Plastics, Inc.*, 124 Wn.2d 158, 169, 876 P.2d 435 (1994).

Nor does Mr. Lee identify any conflict between the other decisions of this Court or any other Court of Appeals' decisions regarding the issues raised by him. RAP 13.4(a)(6)&(7). Moreover, Mr. Lee's Petition does not identify an issue of substantial public interest requiring a determination by this Court. *Id.* Ironically, public interest would likely support the outcome of this case as society supports penalizing one who misuses workers' compensation benefits, such as Mr. Lee. There is no identification of any basis to grant review, or argument in its support. RAP 13.4(a)(7).

A. Mr. Lee identifies no basis for review of the Superior Court's rulings.

For the most part, the same complaints raised by Mr. Lee in the Court of Appeals are raised in Petitioner's Brief. He failed to support his assignment of errors at the Court of Appeals, and he continues to do so before this Court. The Petitioner's Brief again fails to cite to the record, but also fatefully fails to state why review should be accepted under one or

more of the tests by which review is governed, and the Brief offers no argument in support of his position. RAP 13.4(c)(6)&(7). He simply replicates his arguments with meager details offered.

At the Court of Appeals, Mr. Lee broadly assigned error to “denied redactions” of the CABR. Appellant’s Br. at ii & ix. The lone citation to the record offered by Mr. Lee referenced an exchange between attorneys concerning an objection during the testimony of Matthew Drake, M.D. *Id.* at ix. The two lines about which he complained *were* redacted. CP 1296 (pre-redaction), 2369 (post-redaction). Mr. Lee failed to identify any *additional* alleged errors in regard to redaction in violation of RAP 10.3(a)(6). Thus, the Court of Appeals correctly ruled that the Superior Court did not err in its redaction of the testimony. Op. at 10. He offers the same scant information to this Court. Pet’r Br. at 2.

Without any identification of one of the grounds permitting acceptance for review of this issue, coupled with appropriate legal argument supporting the asserted justification for review, the issue simply cannot be accepted for review. RAP 13.4(c)(7).

Mr. Lee again alleges improper service of court papers. Pet’r Br. at 2. The Court of Appeals did not consider this assignment of error as Mr. Lee did not include any argument or citation to the record in his Appellant’s Brief. Op. at 10.

Even if he were permitted to only now identify the incident about which he complains, Mr. Lee has once again failed to do so. Pet'r Br. at 2 & 5. Without any identification of one of the grounds for acceptance of review, with argument in support, the issue simply cannot be accepted for review. RAP 13.4(c)(7).

An issue has again been raised regarding the admission of exhibits. Pet'r Br. at 2. At the Court of Appeals, Mr. Lee failed to: cite any preserved objection in the court record regarding the admission of an exhibit (ER 103); identify any exhibit, and assign error to its admission per RAP 10.4(c) and RAP 10.3(g); and/or provide argument in support of his position as required by RAP 10.3(a)(6). *See* Appellant's Br. at ix. The Court of Appeals found no error. Op. at 11. Those same deficits are replicated before this Court.

Without any identification of one of the grounds for acceptance of review, argument in support (with references to the record per RAP 13.4(c)(6)), the issue simply cannot be accepted for review. RAP 13.4(c)(7).

Mr. Lee continues to allege a vaguely identified issue regarding the jury instructions. Pet'r Br. at 2; Appellant's Br. at x. Mr. Lee did not submit any jury instructions; he submitted legal argument. RP (11/01/18) at 8-19. Though given the chance, he failed to place on the record any

objections or exceptions to the final set of instructions. He failed to adequately address this issue before the Court of Appeals. CR 51(f); RAP 10.3(g). Accordingly, the Court of Appeals correctly ruled that Mr. Lee failed to present any argument regarding the insufficiency of the jury instructions utilized by the Superior Court, and found no error. Op. at 11. His failures persist.

Without any identification of one of the grounds for acceptance of review, argument in support (with references to the record per RAP 13.4(c)(6)), the issue simply cannot be accepted for review. RAP 13.4(c)(7).

Lastly, the Court of Appeals chose to address Mr. Lee's complaint that Judge Serko wrongly failed to recuse herself, and it concluded that Mr. Lee failed to establish any reason why she should have recused herself per CJC Canon 2.11(A). Op. at 11-12 (response to Appellant's Br. at iii). He again states Judge Serko should have recused herself, but because she had been "involved in a wrongful death case that included Dr. Nutter." Pet'r Br. at 3 & 15. There is no citation to the record offered with regard to this renewed issue even at this late stage. *Id.*

Without any identification of one of the grounds for acceptance of review, argument in support (with references to the record per RAP

13.4(c)(6)), the issue simply cannot be accepted for review. RAP

13.4(c)(7).

B. Mr. Lee has not identified, or argued, any basis upon which review of the jury's verdict can be granted.

Mr. Lee also broadly contends that substantial evidence did not support the conclusions of the Court of Appeals or the verdict. Mr. Lee failed to assign error to this issue in the Court of Appeals, thus precluding its consideration now. *Pappas v. Hershberger*, 85 Wn.2d 152, 153-54, 530 P.2d 642 (1975). Furthermore, as with all other issues raised by Mr. Lee, he fails to explain how this issue might qualify for review, and he fails to provide argument in support of its review. RAP 13.4(b), RAP 13.4(c)(6) & (7). The issue does not qualify for review.

When a case arising under Title 51 is tried by a jury, the weight of the evidence and the credibility of the witnesses is to be determined by the jury. *Hastings v. Dep't of Labor & Indus.*, 24 Wn.2d 1, 5, 163 P.2d 142 (1945). A verdict must stand if there is any substantial evidence to support it, meaning evidence that would convince an unprejudiced thinking mind of the truth of the fact to which the evidence was directed. *Omeitt v. Dep't of Labor & Indus.*, 21 Wn.2d 684, 686, 152 P.2d 973 (1944). This standard was exceeded in Mr. Lee's case.

Mr. Lee's presentation at medical examinations became more and more extreme as the years passed following his innocuous right biceps injury, culminating with his preposterous claim that he was unable to use either one of his arms. His outlandish behavior begged for an objective assessment, which was obtained via surveillance.

In contrast to his slow-moving walk, with his arms pinned to his sides, he was captured driving, eating, twirling his car keys, shopping, using his arms to toss scrap metal, and gesturing with his arms. When Dr. Nutter reviewed the footage, he concluded Mr. Lee had been putting on nothing more than an act the entire time he treated him. Notably, his opinion as the attending physician required the jury's "special consideration." *Hamilton v. Dep't of Labor & Indus.*, 111 Wn.2d 569, 761 P.2d 618 (1988).

When confronted by Dr. Nutter, he tried to claim a case of mistaken identity, and when that failed, he fainted. Arising from the floor in a daze, he used his healthy arms to push himself off the floor, and momentarily forgot that his arms were folded in a manner inconsistent with his usual, disabled presentation. Upon realizing the disruption of his ruse, he then placed his arms rigidly at his sides. His intent to deceive was openly advertised when he pulled over to switch positions in the car with one of his older children so that he would not be seen arriving at a

claim-related appointment as the driver of the car. The willful misrepresentation determination was amply supported by the evidence, which included a parade of medical professionals such as Dr. Sullivan, Dr. Nutter, Dr. Drake, Dr. Hunt, and Dr. Robinson.

From that determination, the rest of the determinations flowed. The doctors agreed that Mr. Lee suffered a right biceps injury that fully recovered years ago, with no impairment, and with no work restrictions having resulted. They found no condition involving his left shoulder, and certainly no other conditions, that were related to his original injury. The only doctors who testified on behalf of Mr. Lee lacked the benefit of review of any, or all, of the surveillance materials.

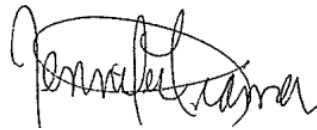
The totality of evidence was easily sufficient to convince an unprejudiced thinking mind that Mr. Lee willfully misrepresented his physical condition to obtain workers' compensation benefits, and that his claim was appropriately closed upon discovery of his fraud. The Court of Appeals had the foresight to detail the facts of this case in its decision, though it certainly was not required to do so in order to support its rulings about exhibits, jury instructions, and the like. However, in doing so, it left no question that the substantial evidence did indeed support the verdict regarding all issues it addressed.

Mr. Lee's Petition for Review wholly lacks the required legal substance to obtain review by this Court. Instead, he argues issues of perceived unfairness, none of which were found to have been even marginally substantiated by the Court of Appeals.

V. CONCLUSION

Mr. Lee failed to preserve and/or raise and argue any bases that would support this Court's review. For the reasons discussed above, the Court should deny review.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jennifer A. Kramer". The signature is written in a cursive, flowing style with some overlapping letters.

Jennifer A. Kramer, WSBA 25226
Attorney for Boeing Co.

REINISCH WILSON WEIER, PC

September 21, 2020 - 2:58 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 98854-4
Appellate Court Case Title: The Boeing Company v. Kenneth Lee
Superior Court Case Number: 18-2-04583-1

The following documents have been uploaded:

- 988544_Answer_Reply_20200921145551SC682946_8174.pdf
This File Contains:
Answer/Reply - Answer to Petition for Review
The Original File Name was Lee Answer.pdf
- 988544_Cert_of_Service_20200921145551SC682946_0399.pdf
This File Contains:
Certificate of Service
The Original File Name was Lee COM.pdf

A copy of the uploaded files will be sent to:

- LITacCal@atg.wa.gov
- jamesm7@atg.wa.gov
- kristiet@rwwcomplaw.co
- kristiet@rwwcomplaw.com

Comments:

Sender Name: Kristie Thomas - Email: kristiet@rwwcomplaw.com

Filing on Behalf of: Jennifer Anne Kramer - Email: jenniferk@rwwcomplaw.com (Alternate Email:)

Address:
10260 SW Greenburg Road Suite 1250
Portland, OR, 97223
Phone: (503) 452-7277

Note: The Filing Id is 20200921145551SC682946