

SUPREME COURT OF THE STATE OF WASHINGTON

JEROME GREEN,

Appellant,

v.

DEPARTMENT OF SOCIAL
AND HEALTH SERVICES,

Respondent.

MOTION TO
SUPPLEMENT
RECORD

**I. IDENTITY OF MOVANT AND RELIEF
REQUESTED**

The Department of Social and Health Services, through its attorney, Dawn Vidoni, Assistant Attorney General, requests the court for an order granting the Department permission to supplement the record with evidence that Mary Green has passed away. Specifically, the Department asks that the Notice of Death of Incapacitated Person, attached as Appendix A to this motion, be added to the appellate record.

Ms. Green passed away in September 2020. Her death occurred after the trial court proceedings in this matter. RAP 9.11 allows for additional evidence on the merits if

(a) additional proof of facts is needed to fairly resolve the issues on review, (2) the additional evidence would probably change the decision being reviewed, (3) it is equitable to excuse a party's failure to present the evidence to the trial court, (4) the remedy available to a party through postjudgment motions in the trial court is inadequate or unnecessarily expensive, (5) the appellate court remedy of granting a new trial is inadequate or unnecessarily expensive, and (6) it would be inequitable to decide the case solely on the evidence already taken in the trial court.

As discussed more fully in the Department's Answer to Petition for Review, Ms. Green's death makes this case moot and it is therefore an important fact that would affect the Court's review of the petition. Moreover, the Department could not have presented this evidence to the trial court. The remaining factors are either met or inapplicable, and the Department respectfully submits that the Court should be made aware of this significant fact.

Accordingly, the Department requests permission to supplement the record with the Notice of Death of Incapacitated Person, attached to this motion as Appendix A.

RESPECTFULLY SUBMITTED this 8th day of April,
2021.



DAWN VIDONI, WSBA # 36753
Assistant Attorney General
Attorney for Respondent

CERTIFICATE OF SERVICE

I certify that I served a copy of this document on all parties or their counsel of record on the date below as follows:

ROBERT CRITCHLOW
ATTORNEY AT LAW
208 E ROCKWELL AVENUE
SPOKANE, WA 99207-1651

- US Mail
- Legal Messenger
- Hand delivered by _____
- E-mail: _____

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 9th day of April, 2021 at Spokane, Washington.



Legal Assistant

CN: 1940029832
SN: 195
PG: 1

FILED

2020 SEP -9 A 11: 35

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

**Superior Court of Washington
County of Spokane**

In the Guardianship of:

No. 19-4-00298-32

MARY JEWEL GREEN
Incapacitated Person

**Notice of
Death of
Incapacitated
Person
(NT)**

The Guardian hereby notifies the court and interested parties that the above-named Incapacitated Person died on SEPTEMBER 6, 2020, in Spokane, WA. At the time of death, the Incapacitated Person was 100 years of age, and was receiving custodial care at home by her daughter, Sherri Green, ADDUS and Horizon Hospice. The Guardian has or will commence the preparation of a Final Report and Accounting to present to the court and interested parties within 30 days of the death, as required by State law.

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

Signed at Spokane, WA on 9/9/2020.

Suzanne K. Bartleson
Signature of Guardian #13545

Suzanne K. Bartleson
Print Name of Guardian CPG#13545

1307 W. 8th Ave.
Address

Spokane, WA 99204
City, State, Zip Code

ORIGINAL

***If you do not want your personal phone number on this public form, you may list your telephone number on a separate form which may be available to parties and the court, as well as its staff and volunteers, but will not be made available to the public. Use Form WPF GDN 03.0100, Guardianship Confidential Information form (Telephone Numbers), for this purpose.**

SPOKANE DIVISION - SHS / AGO

April 09, 2021 - 11:41 AM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 99567-2
Appellate Court Case Title: In re: Mary J. Green v. Jerome Keith Green
Superior Court Case Number: 19-2-00542-9

The following documents have been uploaded:

- 995672_Answer_Reply_20210409112832SC590230_5788.pdf
This File Contains:
Answer/Reply - Answer to Petition for Review
The Original File Name was 2021_04_09_DeptFinalizedBrief.pdf
- 995672_Motion_20210409112832SC590230_5991.pdf
This File Contains:
Motion 1 - Other
The Original File Name was 2021_04_09_MotSupplementRecord.pdf

A copy of the uploaded files will be sent to:

- Karen.Casselmann@atg.wa.gov
- Marcie.Bergman@atg.wa.gov
- critchie747@comcast.net
- sposhsunit@atg.wa.gov

Comments:

Motion to Supplement Record

Sender Name: Karen Casselman - Email: Karen.Casselmann@atg.wa.gov

Filing on Behalf of: Dawn T Vidoni - Email: DawnT.Vidoni@atg.wa.gov (Alternate Email:)

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