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STATE OF WASHINGTON
SUPERIOR COURT
NO. 68711-5-1
2012 FEB 1:25

**COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON**

CHANCE GOODMAN, Appellant,

v.

WAYNE OLSEN, Respondent.

NO. 68711-5-1

BRIEF OF APPELLANT

Chance Goodman pro se
PO Box 1801
Anacortes, WA 98221
(360) 299-2239

ORIGINAL

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I. ASSIGNMENT OF ERRORS

No. 1. The trial court erred in granting Respondent Wayne Olsen Summary Judgment when there exists a genuine issue of material fact of unprivileged communication.

No. 2. The trial court erred in granting Respondent Wayne Olsen Summary Judgment when there exists a genuine issue of material fact that he reported false injuries.

No. 3. The trial court erred in awarding \$10,000 pursuant to RCW 4.24.510 and attorneys fees in the amount of \$5,500 in favor of Olsen and against Chance Goodman.

ISSUES PERTAINING TO ASSIGNMENT OF ERROR.

No. 1. Whether the trial court erred in granting summary judgment to Respondent when there exists evidence of unprivileged communication and there is a genuine issue of material fact regarding the unprivileged communication?

No. 2. Whether the trial court erred in granting summary judgment when there exists a genuine issue of material fact that Respondent Wayne Olsen injuries are false and if privilege would

even apply?

No. 3. Whether the trial court erred when awarding statutory damages pursuant to RCW 4.24.510 and attorney's fees when the false injuries reported to the authorities was clearly done in bad faith?

II. STATEMENT OF THE CASE

This case arises from the Respondent Wayne Olsen (Olsen) action to falsely arrest and prosecute Appellant Chance Goodman (Goodman), under the deception of false injuries. Goodman was charged with assault which was dismissed but led to defamation damages to Goodman. CP 47. Goodman filed a defamation suit against Olsen and Olsen moved for summary judgment claiming all his communication is privileged under *Twelker v Shannon & Wilson*, 88 Wn.2d 473, 475, 564, P.2d 1131 (1977).

There is a legal conclusion if privilege would even apply to an accuser who presented false injuries to authorities and gave a false statement. The exhibits presented to the trial court by Goodman includes three experts who claim that the injuries by

Olsen are false, including forensic pathologist Dr. Carl Wigren. Metadata exhibits indicate the photos of false injuries were staged. An eyewitness to the incident declared under oath that the injuries by Olsen are false. CP 32-47.

Goodman also presented to the trial court exhibits that there exists un-privileged communication by a declaration of service filed in a civil case CP 97-98. Articles published online by go anacortes.com, printed in the Skagit Valley Herald and Anacortes American. CP 114-116. Olsen has not refuted interrogatory No. 6 item 5) *Any statements that Chance Goodman assaulted or injured Wayne Olsen or committed any crime.* CP 87, 128-133. Olsen has not refuted any false statements made in trial testimony, Skagit County Sheriff's Office, or answers given in Plaintiffs interrogatories. CP 87-105.

III. ARGUMENT

The court reviews a summary judgment order do novo, engaging in the same inquiry as the trial court. Summary judgment is proper if, after viewing all facts and reasonable inferences in the

light most favorable to the nonmoving party, there are no genuine issues as to any material fact and the moving party is entitled to judgment as a matter of law. The interpretation and applicability of a statute also presents questions of law reviewed do novo.

No. 1 Un-privileged communication is a genuine issue of material fact. *Torgerson v N. Pac. Ins. Co.*, 109 Wn. App. 131, 136, 34 P. 3d 830 (2001) has held that there must be no issues of material fact and summary judgment must be denied.

No. 2 Would privilege apply to false injuries under *Twelker v Shannon & Wilson*, 88 Wn.2d 473, 475, 564, P.2d 1131 (1977). Thus making false injuries a genuine issue of material fact. *Torgerson v N. Pac. Ins. Co.*, 109 Wn. App. 131, 136, 34 P. 3d 830 (2001) has held there must be no issues of material fact.

No. 3. Statutory damages under RCW 4.24.510 only apply to reports made to government bodies in good faith. CP 23. False injuries reported by Olsen is clearly deceptive and in bad faith. *Quality Food Ctrs v Mary Jewell T, LLC*, 134 Wn. App. 814, 817, 142, P.3d 206 (2006) has held that the statute must apply.

IV. CONCLUSION

The court should find that there exists two genuine issues of material fact; 1) Un-privileged communication 2) False injuries, and RCW 4.24.510 does not apply to reporting false injuries. Therefore, Appellant respectfully request this Court to deny summary judgment and remand to the trial court for further proceeding, and reverse the award for statutory damages and attorney's fees.

Respectfully submitted this 11th day of September 2012.



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V.

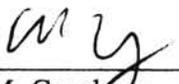
Declaration of Service

WAYNE OLSEN
Respondent

Chance M. Goodman, under penalty of perjury under the laws
of the State of Washington Declares as follows:

On September 11th, 2012, I served to Mr. Thomas L.
Schwanz, via U.S. Postal Mail to 400 112th Ave. NE, Ste 340
Bellevue, WA. 98004, a copy of Appellants' Brief, along with a
copy of this Declaration.

Signed this 11th day of September at Anacortes, WA.



Chance M. Goodman