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NO. 52404-0-II

COURT OF APPEALS, DIVISION II  
OF THE STATE OF WASHINGTON

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ESTATE OF HUNG NGUYEN, by and through PHUOC NHU,

Appellant,

v.

FRANCISCAN HEALTH SYSTEM; GILBERT JOHNSTON, M.D., dba  
ST. JOSEPH CARDIOTHORACIC SURGEONS; FRANCISCAN  
CARDIOTHORACIC SURGERY ASSOCIATES AT ST. JOSEPH;  
FRANCISCAN MEDICAL GROUP,

Respondents.

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BRIEF OF RESPONDENTS FRANCISCAN HEALTH SYSTEM,  
FRANCISCAN CARDIOTHORACIC SURGERY ASSOCIATES AT  
ST. JOSEPH, AND FRANCISCAN MEDICAL GROUP

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## I. INTRODUCTION

Appellant, the Estate of Hung Nguyen, argues the trial court abused its discretion when it denied the Estate's last minute motions to continue trial. Here, where this medical malpractice case was filed in 2012 and based on care provided in 2008; multiple courts found that the Estate and its beneficiaries had committed fraud on the court; and, there was a pattern of the Estate's attorneys withdrawing for reasons required under the Rules of Professional Conduct, the trial court did not abuse its discretion in denying the motion to continue and requiring the Estate to try the case on June 4, 2018. There was no error.

## II. COUNTERSTATEMENT OF THE CASE

### A. Gabrielle Nguyen-Aluskar's, December 3, 2012 complaint, and her "deliberate" and "intentional fraud" on the court.

The Estate of Hung Nguyen, "by and through Gabrielle Nguyen-Aluskar," CP 1, Mr. Nguyen's daughter who was not the personal representative of the Estate (nor could she be because she was a felon, CP 14) filed this medical malpractice lawsuit on December 3, 2012, based on care rendered in 2008. CP 1-3; *Estate of Hung Nguyen v. Franciscan Health Sys., et al.*, 191 Wn. App. 1010, 2015 WL 6951728 (2015).<sup>1</sup> Named

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<sup>1</sup> This case was previously heard before the Washington State Court of Appeals, Division I. This decision is not cited for legal authority, but rather for its recitation of facts. CP 585-600.

defendants included Franciscan Health System, Franciscan Cardiothoracic Surgery Associates at St. Joseph, and Franciscan Medical Group (collectively the Franciscan defendants), as well as Dr. Gilbert Johnston.<sup>2</sup> CP 1. The Franciscan Defendants and Dr. Johnston were, and continue to be, represented by separate counsel. At the time the complaint was filed, the attorney of record for the Estate was Carl Lopez.<sup>3</sup> CP 3.

In May of 2014, the Franciscan defendants filed a motion to dismiss the complaint arguing Gabrielle Nguyen-Aluskar was not a real party in interest because she was not the personal representative (this was discovered after the Estate continued to delay signing releases for medical records, presumably because Ms. Nguyen-Aluskar did not have authority to do so). *Estate Nguyen*, 2015 WL 6951728. After the motion was filed, Phuoc Nhu, the decedent's surviving spouse, appeared before a commissioner at Pierce County Superior Court seeking to be appointed as personal representative of the Estate. The Estate thereafter requested to substitute Phuoc Nhu as the real party in interest. *Id.* The superior court denied the motion to substitute and granted defendants' motion to dismiss;

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<sup>2</sup> Although the Franciscan defendants and Dr. Johnston were represented by different attorneys, it was agreed by all that the only theory of liability against the Franciscan defendants was one for vicarious liability for the alleged negligence of Dr. Johnston. CP 38-39.

<sup>3</sup> Although he never formally appeared, the Estate also worked with attorney Jack Connelley. *See e.g.* CP 658-63.

additionally, the court found Ms. Nguyen-Aluskar had held herself out as the personal representative in filing the complaint in this case and committed “**deliberate, intentional fraud upon the court,**” CP 18, such that dismissal was an appropriate sanction under CR 11. *Estate Nguyen*, 2015 WL 6951728 (2015).

Attorney Lopez filed a notice of withdrawal, to take effect August 8, 2014. CP 554-57. Ms. Nguyen-Aluskar and her mother, Phuoc Nhu, for the time being, purported to represent the Estate in the continued litigation in the state appellate court until they were able to retain an appellate attorney. CP 559.

B. The Estate appealed the dismissal, and the appellate court noted that Ms. Nguyen-Aluskar’s “fraudulent conduct” was “troublesome,” but did not warrant dismissal.

Finding that Ms. Nguyen-Aluskar “**fraudulent conduct**” was “**troublesome**” and she was not a real party in interest, but that the plaintiff’s motion to substitute Phuoc Nhu as the real party in interest should have been granted, the appellate court reversed the trial court. The matter was reversed and a mandate was issued on January 15, 2016. CP 11, 585; *Estate Nguyen*, 2015 WL 6951728 (2015).<sup>4</sup>

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<sup>4</sup> Even in this current appeal, the Estate continues to, at best misunderstand, at worst intentionally misrepresent, who the plaintiff is. For example, the very first sentence of Appellant’s brief represents that Phuoc Nhu is the Plaintiff, *Br. of App.* at 1, 7. This is patently wrong. The Estate is the plaintiff, not Phuoc Nhu.

- C. On remand, the Estate was represented by numerous different attorneys and law-firms, most of whom withdrew for reasons that cannot be disclosed under the RPCs.

On remand, attorney John Messina of Sadler Ladenburg, LLP, appeared on behalf of the Estate. CP 27-28, 560-61. Mr. Messina was the third attorney to formally represent the Estate (Mr. Lopez, appellate counsel, and now Mr. Messina), and at least the fourth attorney to worked with or have been consulted by the Estate. Eventually, on June 8, 2017, Jonathan Nolley and Justin Dale of Emerald Law Group, LLC also associated in as counsel for plaintiff. CP 664-65.

Defendants attempted to engage in discovery, generally, though, plaintiff was uncooperative and did not provide answers to written discovery. *See e.g.* 5/14/18 RP 9-10 (May 14, 2018 representation from plaintiff's counsel that discovery had not been answered), 6-7, 8-9; CP 78-79, For the next nine months, the Estate continued to be represented by the two different law firms; then, on January 24, 2018, Attorneys Nolley and Dale withdrew as counsel, CP 666-68, for reasons which remain subject to the attorney-client privilege, *see* CP 56. According to Ms. Nguyen-Aluskar, she was "blind-sided" by the withdrawal. CP 53-57, 55 (email chain between counsel for all parties, which Ms. Nguyen-Aluskar (lawdiva@comcast.net) unilaterally forwarded to the court's chambers).

The withdrawal was effective shortly thereafter, and Mr. Messina proceeded as sole counsel for the Estate.

D. Order entered limiting Franciscan defendants' liability

Also in January of 2018, a formal order was entered that the only claim of liability against the Franciscan defendants was one for vicarious liability of the actions of Dr. Johnston. CP 38-39. Said differently, no claims could proceed against the Franciscan defendants based on care provided by the hospital or nurses.

E. Orders continuing trial

On February 7, 2018, Sadler law firm, on behalf of plaintiff, filed a motion to continue the trial date until April or May 2018. The grounds being that with the withdrawal of Emerald Law Group and plaintiff's other counsel, the Sadler law firm required more time to prepare the case for trial. CP 45-46.

Finally, on March 19, 2018, in response to defendants' motion for a firm trial date on June 4, 2018, an agreed order continuing the trial date to June 4, 2018 was entered. CP 48.

F. Attorney Messina withdrew for reasons required under the rules of professional conduct, but for which he is not able to disclose due to the confidential attorney-client relationship.

Then, on April 3, 2018, Attorney Messina proceeded to file a Notice of Withdrawal with the court. CP 50-51. In response to Attorney Messina's

notice of withdrawal, Ms. Nguyen-Aluskar (an individual who the Court of Appeals had already determined was not a real party in interest and who was not a licensed attorney) emailed Judge Whitner's chambers stating the Estate did not consent to Attorney Messina's withdrawal. CP 55. This email was followed by an email from Phuoc Nhu, the surviving spouse, reiterating she did not consent to withdrawal. CP 54.

In response to what was an improperly made objection from the Estate to Attorney Messina's withdrawal, Dr. Johnston requested a pretrial status conference, a hearing on attorney Messina's withdrawal, and sanctions against the Estate for its continued failure to cooperate in discovery. CP 74-80. The Franciscan defendants joined, and Mr. Messina likewise joined in the request to confirm his withdrawal. CP 81-82, CP 83-85. Mr. Messina, who was then represented by counsel from his law firm, argued in his joinder that **"it has become clear that John Messina can no longer zealously represent the clients through trial,"** and that "[t]he reasons for withdrawal have been expressly explained to the plaintiff." CP 82 (emphasis added).

The hearing was noted to occur on April 20, 2018. *See* CP 74. In another email to the court, Ms. Nguyen-Aluskar "objected" to the hearing. CP 106-07.

On April 20, the hearing went forward as noted. At the hearing was counsel for Dr. Johnston, counsel for the Franciscan defendants, Mr. Messina and his attorney from Sadler Law Group. 4/20/18 RP 6.

During the hearing, the Franciscan defendants and Dr. Johnston made their concerns about scheduling known, and reiterated that while they did not believe Mr. Messina should be held in servitude and that the court should permit him to withdraw, they did not want the Estate to use the withdrawal as a means to obtain yet another continuance. 4/20/18 RP 7-8. The superior court echoed this concern noting the age of the case (filed in 2012) and the pattern of turnover in counsel. *Id.*

In regard to the withdrawal, Mr. Sadler argued on behalf of Mr. Messina and indicated that that under “the ethical rules,” Mr. Messina (who had recently been in a bad car accident) could no longer represent the Estate, nor could anyone at the Sadler law firm, and that by rule, he was not permitted to “disclose those reasons,” to the court. 4/20/18 RP 10-11. The court clarified that the withdrawal was not only necessary for Mr. Messina’s medical needs, but that there were **“other things that [they were] prohibited from disclosing because of your attorney-client— . . . confidentiality requirements,”** 4/20/18 RP 11, which Mr. Sadler confirmed to be true. *Id.* The motion to withdraw was granted over the objection of Ms. Nhu. 4/20/18 RP 12-13; CP 124-25.

After granting the withdrawal of Ms. Messina and Sadler Law Group, the court considered the propriety of holding a pretrial status conference with no representative present for the plaintiff. The court indicated again that it felt strongly the trial date needed to be kept, and communicated that the Estate needed to have an attorney present at the upcoming May 14 hearing: “If the individual does not—and that’s Ms. Nhu—does not appear with counsel, that is not going to be an excuse for a continuance to get counsel.” 4/20/18 RP 18. The court continued the “pretrial status conference” to May 14, and *sua sponte* confirmed the hearing. 4/20/18 RP 18-20; CP 124-25.

G. Although he had not formally appeared yet, attorney William Budigan was present on behalf of the Estate at the May 14 pretrial hearing.

The Estate retained attorney William C. Budigan to represent it at the May 14, 2018 hearing. *See e.g.* 5/14/18 RP 5-6. At the hearing, all parties were heard on the issue of whether or not the upcoming trial date should remain. Both counsel for Dr. Johnston and counsel for the Franciscan defendants expressed their desire that the trial go forward on June 4, and argued that the matter had already been delayed long enough. 5/14/18 RP 6-9. In response, Mr. Budigan informed the court that he was willing to accept the case, but that in order to do so he would like a continuance. 5/14/18 RP 9-10. He represented to the court that he was

contacted a week prior (two and a half weeks after the April 20 hearing) and had been diligently working to review the case file, 5/14/18 RP 5, but that the amount of work required to prepare the case for trial in the short amount of time available was a “herculean task.” 5/14/18 RP 9.

The court noted that asking to prolong trial on this 2012 case filing—which had already been delayed six years—was “**getting really close, if it’s not there, to an abuse of the process.**” 5/14/18 RP 11

(emphasis added). The court continued:

I’m concerned about granting yet another continuance with new counsel. And you just made the record that you just came on a week ago, if that, and the Personal Representative knew as recent as April 3rd that an attorney for the Estate would be needed; yet, you were only contacted less than a week ago with the intent to come to court and ask for yet [another] continuance to get this case going.

5/14/18 RP 11.

Mr. Budigan proceeded to ask for a 90-day continuance. 5/14/18 RP 11. In response, defense counsel represented that they were not available for a 90-day continuance, and the earliest trial availability they had was in the next calendar year. 5/14/18 RP 15, 16. Each made a record concerning the prejudice a continuance would have to their party, including additional expenses as well as annual reporting implications. 5/14/18 RP 15-16.

The court concluded the June 4th trial date would be held, but that it would entertain another motion to continue come June 4th, if necessary. 5/14/18 RP 21. The court acknowledged that Mr. Budigan had not fully committed to representing the Estate at trial, 5/14/18 RP 22, but reiterated that trial was set to begin June 4, 2018 and recommended he have a discussion with his clients regarding his ability to assist them. 5/14/18 RP 22. It concluded, “we’ll see everyone on June 4th, with or without you.” 5/14/18 RP 22.<sup>5</sup>

H. June 4, 2018 first day of trial, hearing of pretrial motions in limine and another motion to continue by the Estate.

On June 4, 2018, Mr. Budigan appeared in court representing the Estate. 6/4/18 RP 12. He filed his Notice of Appearance that day. CP 355. That same morning, prior to court starting, though, the Estate attempted, albeit improperly, 6/4/18 RP 14, to file another motion to continue (this was actually filed on June 20, 2019 after trial had concluded, but the court considered the oral motion). CP 409-10. Titling its motion to continue a “Motion in Limine,” the Estate argued that counsel had not been able to prepare the case for trial and that unless “expert” witnesses Dr. McMinimum and Karen Wilinkson were allowed to testify —witnesses

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<sup>5</sup> Contrary to the Estate’s allegations, Judge Whitener did not compel Mr. Budigan to act as the Estate’s attorney; rather, she encouraged him to have a conversation about the realities of his representation with the Estate, a conversation, which he later reported resulted in his formal retention.

disclosed late in the day on May 23, 2018, CP 290—a continuance was necessary. CP 409-10. A correlative joint defense motion to exclude Karen Wilkinson’s testimony was also filed. CP 288.

At the hearing, Mr. Budigan represented that after the May 14 hearing, the Estate confirmed they wanted to hire him, and he agreed to “take the case.” 6/4/18 RP 26. He continued his oration and moved the court for a 90-day continuance. 6/4/18 RP 30-31. He argued that the prior attorneys had not properly worked up the Estate’s case and with two weeks between being formally retained and trial, he did not have the opportunity to conduct the necessary discovery, including expert depositions, to adequately prepare to try the case. 6/4/18 RP 30-33. The court reserved on ruling on the continuance, and requested to hear argument on the other pending motions, including motions to exclude witnesses. 6/4/18 RP 35-36.

The Franciscan defendants moved to exclude a nursing administrator expert, Ms. Wilkinson, who intended to offer opinions criticizing the Franciscan defendants’ nursing care and hospital administration (claims that all parties had previously stipulated to dismissing) and criticizing Dr. Johnston (care for which she was not qualified to criticize). 6/4/18 RP 37-40. Finding the expert’s testimony not

relevant to any existing claim, the court granted the motion to exclude.<sup>6</sup>

6/4/18 RP 43, 44, 50-53.

The purpose of ruling on the motions in limine, was much of the parties' arguments related to late disclosures, and the lack of adequate discovery of opinions—something which plaintiff contended could be resolved via a short continuance. During the consideration of these motions the court observed:

Counsel when you came on the case—because you indicated last time that you weren't sure you were going to take the case; it would have depended on the decisions I gave then. You then chose to take the case with the decisions I made then, and we're here today for trial; and I'm trying my best to work with the handicap you have placed yourself in, but I have to keep going back to the overarching question that you started with which was a continuance which you keep trying to make a basis for any ruling that the Court makes, 'Well, if you give me a continuance, counsels will get an opportunity to provide the Plaintiff with certain things,' But it's the day of trial, and there's a different analysis the Court has to take.

6/4/18 RP 86.

Finally, after hearing argument on the motions to exclude, the court returned to its consideration of the pending motion to continue. "Given the

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<sup>6</sup> Although not clear from Appellant's brief, and no error assigned to it, to the extent the Estate argues that the trial court erred when it excluded the nursing administrator expert, there was no error. The parties (including the Estate) stipulated that the only claim against the Franciscan defendants was one for vicarious liability of Dr. Johnston. As a result, the testimony from a nursing administrator expert, an expert who was not qualified to offer opinions on Dr. Johnston's care, was not relevant or even admissible. Moreover, even if it were error, the Estate wholly fails to argue or even suggest that it was a harmful error.

rulings the Court has made parsing through the witnesses, the discovery issues, and the streamlining of the motions that were brought, the request for a continuance is going to be denied. This matter will be proceeding.”  
6/4/18 RP 182.

I. At the conclusion of trial, the jury returned a unanimous defense verdict.<sup>7</sup>

Trial concluded and on June 19, 2018, the jury returned a verdict, finding conclusively that Dr. Johnston was not negligent and returning a defense verdict. CP 381-82. A judgment was entered on July 10, 2018. CP 497-99.

J. The Estate’s appeal.

After the verdict, Phuoc Nhu, Gabrielle Nguyen-Aluskar, and Tram B. Nguyen (a potential heir of the Estate) “filed” a letter with the court, “terminating” Mr. Budigan. CP 465. Mr. Budigan thereafter formally withdrew on July 5.

A notice of appeal was filed by the Estate on August 6, 2018, signed by Phuoc Nhu, pro se, in her role as the personal representative.

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<sup>7</sup> Although Appellant’s brief makes some vague references to problems with a translator at trial, this is not supported by the record. In reality, the court allowed Ms. Nhu to use the private translator she hired to translate for herself. The court certified translator translated for the court. See 6/4/18 RP 1-12.

Prior to this Court receiving any payment to initiate the appeal, Ms. Nguyen-Aluskar deceptively sought an order that the Estate was not required to pay the filing fee for her appeal. CP 634-35 ¶¶ 9-13.

Due to the highly irregular proceedings post-verdict, an order to clarify the record was entered pursuant to RAP 7.2. CP 633-37. The court found that Ms. Nguyen Aluskar “engaged in concerning behaviors” on numerous occasions during the litigation, CP 634, including in post-verdict proceedings involving the appeal. CP 634-35 ¶¶ 9-13. No error has been assigned to any of the findings of fact contained in this order; they are verities on appeal.

K. Appeal challenging the trial court’s denial of a motion for continuance

In its appeal, the Estate limits its challenge to an allegation that the trial court abused its discretion when it denied the motion for a continuance, *App.’s Br.* at 12.

### III. ARGUMENT

Without specifying which order denying trial continuance it challenges (May 14, 2018 or June 4, 2018), the Estate claims it is entitled to a new trial because the trial court abused its discretion when it denied the motion to continue. Because there was no abuse of discretion and the trial court’s decisions were well-grounded in reason and fact, there was no error.

“[A] party does not have an absolute right to a continuance, and the granting or denial of a motion for a continuance is reversible error only if the ruling was a manifest abuse of discretion.” *Willapa Trading Co. v. Muscanto, Inc.*, 45 Wn. App. 779, 785, 727 P.2d 687 (1986).

In exercising its discretion, a court may consider the necessity of reasonably prompt disposition of litigation; the needs of the party moving for continuance; the possible prejudice to the adverse party; the prior history of the litigation, including prior continuances; any conditions imposed in the continuances previously granted; and any other matters that have a material bearing on the court's exercise of discretion. *Balandzich v. Demeroto*, 10 Wn. App. 718, 720, 519 P.2d 994 (1974) (cited as authority in *Trummel v. Mitchell*, 156 Wn.2d 653, 670, 131 P.3d 305 (2006)); see also *State v. Downing*, 151 Wn.2d 265, 273, 87 P.3d 1169 (2003) (courts may consider surprise, diligence, redundancy, due process, materiality, and maintenance of orderly procedure). Likewise, this court has previously noted that a “long delay in prosecution of [the] cause, earlier continuances, and the interests of the defendant” justified the denial of a trial continuance. *Martonik v. Durkan*, 23 Wn. App. 47, 51, 596 P.2d 1054 (1979) (quoting *Friedlander v. Friedlander*, 80 Wn.2d 293, 298, 494 P.2d 208 (1972)).

The withdrawal of an attorney in a civil case does not give the party an absolute right to a continuance. *Jankelson v. Cisel*, 3 Wn. App. 139, 141, 473 P.2d 202 (1970). “The rationale for this rule is that if a contrary rule should prevail, all a party desiring a continuance, under such circumstances, would have to do would be to discharge his counsel or induce him to file a notice of withdrawal.” *Id.*

Contrary to this well-established law, the Estate claims that two cases, *Coggle v. Snow*, 56 Wn. App. 499, 784 P.2d 554 (1990) and *Butler v. Joy*, 116 Wn. App. 291, 65 P.3d 671 (2003) stand for the proposition that a party is entitled to a continuance when they have recently retained new representation. The Estate is wrong. Neither *Coggle* nor *Butler* address a motion to continue trial, and instead they each address the propriety of granting a CR 56(f) motion for continuance of a summary judgment hearing in order to permit the new counsel to obtain the requisite affidavits. This is patently different from a motion to continue trial and different considerations govern the decision. *Compare Butler*, 116 Wn. App. at 299 (a CR 56(f) motion may be denied for three separate considerations: (1) the reason for the delay in obtaining evidence, (2) what evidence would actually be established through further discovery, or (3) the new evidence would fail to raise a genuine issue of fact) *with Balandzich*, 10 Wn. App. at 720 (listing

factors a court may consider in exercising its discretion to deny in a motion to continue trial). This argument is unpersuasive.

Here, considering the entirety of the circumstances, there was no abuse of discretion. First, the litigation began in 2012, and had been ongoing for five and a half years. As indicated by the Franciscan defendants and Dr. Johnston counsel was not available for trial in the remainder of 2018, and any continuance would necessarily push the trial until 2019, 5/14/18 RP 15, 16—this would not be a reasonably prompt resolution to the matter.

Second, the Estate's needs for a continuance were arguably created by the Estate. Here, the Estate exhibited a pattern of hiring attorneys who later withdrew for reasons they could not disclose to the court. *See e.g.* CP 56, 82; 4/20/18 RP 10-11. This pattern, coupled with previous superior judge's and the appellate court's recognition of misconduct on the part of individuals who purported to represent the Estate CP 18; *Estate Nguyen*, 2015 WL 6951728 (2015), as well as the trial court judge's recognition that this case was approaching an abuse of process, 5/14/18 RP 11, justify the trial court judge's reasoned decision to deny a continuance. Moreover, contrary to the urging of the Estate, the withdrawal of counsel does not create valid grounds to support the need for a continuance. *See Jankelson*, 3 Wn. App. at 141.

Third, the Franciscan defendants and Dr. Johnston articulated the prejudice they would suffer from yet another continuance. 5/14/18 RP 15-16. The case had been expensive to work up and a continuance would only increase the cost of litigation as well as prolong administrative reporting obligations for the healthcare providers.

Fourth, numerous continuances had been sought by the parties. Most recently, a stipulated continuance was filed by all parties, including the Estate due to the lack of discovery provided by the Estate. CP 48. The case was already stale and a “short continuance” as proposed by the plaintiff was not possible with the trial attorneys schedule, nor fair when considering witnesses had already been scheduled and taken time off work for the June 4 date.

Fifth, at the May 14, 2018 hearing, the trial court judge was clear that she did not want to continue this matter, but that she would entertain another motion for continuance on the June 4 trial date. After that ruling, attorney Budigan agreed to accept the case and represent the Estate, 6/4/18 RP 26; he should not have done so if he could not be ready to try the case in two and a half weeks as ordered by the court.

Sixth, and lastly, as indicated earlier, the findings and acknowledgement by numerous courts and judges that the Estate has a

pattern of acting fraudulently, creates a question around the intent to actually have this case tried.

The court's decision to deny the continuance was well-reasoned. There was no manifest abuse of discretion, and there was no error.

#### IV. CONCLUSION

For the foregoing reasons this Court should find the court did not err when it denied the Estate's motion to continue.

RESPECTFULLY SUBMITTED this 9th day of January 2020.

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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that under the laws of the State of Washington that on the 9th day of January 2020, I caused a true and correct copy of the foregoing document, "Brief of Respondent Franciscan Health System," to be delivered in the manner indicated below to the following counsel of record:

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DATED this 9th day of January 2020, at Seattle, Washington.

*s/Carrie A. Custer*  
Carrie A. Custer, Legal Assistant

# FAVROS LAW

January 09, 2020 - 10:15 AM

## Transmittal Information

**Filed with Court:** Court of Appeals Division II  
**Appellate Court Case Number:** 52404-0  
**Appellate Court Case Title:** Estate of Hung Nguyen, Appellant v. Franciscan Health System, Respondent  
**Superior Court Case Number:** 12-2-15257-3

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