

FILED
Court of Appeals
Division II
State of Washington
2/28/2020 1:42 PM
No. 52833 – 9 – II

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

DAVID D. BLUHM,

Pro Se Appellant

and

SAMANTHA L. STARKEY (fka PETRONAVE)

Respondent

AMENDED BRIEF OF APPELLANT

David D. Bluhm
Pro Se Appellant
3835 McKinley Ave.
Tacoma, WA 98404

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[Note: Exhibits are attached following page 10]

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Constitutional Provisions

WA State Constitution Section 11 6, 7, 8

U.S. Constitution Amendment 1 6, 7, 8

Statutes

RCW26.19.065 5, 7, 8

RCW26.09.002 4, 7, 8

RCW26.09.184 4, 7, 8

Regulations and Rules

CR59 3, 7, 8

KCLCR59 3, 7, 8

CR60 9

1 I. ASSIGNMENTS OF ERROR and ISSUES PERTAINING

2 IV. ARGUMENT

3 ***[NOTE: These 2 sections are combined due to simplicity]***

4

5 **A.** The trial court erred in not allowing these simple and common
6 sense changes be made through Motion for Reconsideration. CR59
7 and KCLCR59 were both relevant. Specifically CR59(a)(3):
8 Accident or Surprise which ordinary prudence could not have
9 guarded against; and (a)(8) Error in law occurring at the trial and
10 objected to at the time by the party making the application; The
11 GAL flip-flopping his decision on the fourth day of trial was
12 traumatic and confounding for Bluhm and still is to this day. Please
13 see CP Sub # 208, page 23 – 25 Section XI vs Order of September
14 4, 2018 allowing relocation, Appendix Ex. 2. Also please see RP of
15 9/28/2018 page 11 lines 3 – 13. Also, please see CP sub # 242.

16

17 **B.** The trial court erred in not modifying the inherent
18 scheduling conflicts in the parenting plan of 10/3/2018 that are not
19 in the best interests of child that can be simply resolved through
20 minor adjustments (please see Amended Notice of Appeal lines 1 –
21 5 immediately below the header AND Declaration and
22 Memorandum of Points and Authorities in Support of Appeal page 4
23 lines 13 to end of page 4 for further explanation. These were filed in
24 COA and served to Ms. Starkey and her counsel at the initiation of
25 this appeal). These matters were also brought up in Objections to
26 Final Orders (CP Sub # 227 Objection Opposition) and specifically
27 relate to the interchange involved between Memorial Day weekend,

28

1 the end of each school year, the overall summer schedule, 4th of
2 July and Labor Day weekend as well as the need for an ordered
3 “agreed definition” of what constitutes beginning and end of school
4 breaks. It is also easy to see that there are inherent conflicts by
5 looking at the Final Parenting Plan entered October 3, 2018 (CP
6 sub # 230 page 2 section 5 through page 7 section 11 (eleven).

7
8 RCW26.09.184 reads, “(1) The objectives of the permanent
9 parenting plan are to: (e) Minimize the child’s exposure to harmful
10 parental conflict. RCW26.09.002 states, “Further, the best interest
11 of the child is ordinarily served when the existing pattern of inter-
12 action between a parent and child is altered only to the extent
13 necessitated by the changed relationship of the parents or as
14 required to protect the child from physical, mental, or emotional
15 harm.” These inherent conflicts were also brought up at Final
16 Presentation (RP 9/28 page 25 line 22 to page 30 line 23) then
17 clearly not considered with the child’s best interests in mind before
18 they were signed on October 3, 2018.

19
20 **C.** The trial court erred in not allowing Appellant opportunity to
21 discuss a graduated or step payment plan for a child support
22 obligation increase of such magnitude at Final Presentation on
23 September 28th. Please see CP Sub # 138, page 10 subsection C
24 re Transfer Amount Ordered in 2011 vs CP Sub # 231, page 1 line
25 17 showing back support due of \$2,781.96 and page 3 line 19
26 showing Transfer Amount ordered of of \$606.39 in 2018. Also,
27 please review the RP of 09/28/2018. There was no substantial
28 discussion of objections to proposed child support order nor work-

1 sheets due to another trial that briefly adjourned so Final
2 Presentation for our trial could be squeezed in.
3
4 Back child support should have been calculated based on the 2011
5 order for \$250 total. Respondent and her counsel deleted those
6 options for graduated or step payments from their Proposed Final
7 Orders; The combination of the exorbitant increase in child support
8 obligation, the fact step or graduated payment plans were not
9 allowed, the motor vehicle accidents and other serious health
10 issues that Bluhm has been addressing since 2013 (Appendix Ex 4,
11 also filed in CP sub # 229) have caused substantial and
12 “incomparable hardship”.
13
14 RCW26.19.065(1)(b) reads, “(1) Neither parent’s child support
15 obligation owed for all his or her biological or legal children may
16 exceed forty-five percent of net income except for good cause
17 shown. (b) Before determining whether to apply the forty-five
18 percent limitation, the court must consider whether it would be
19 unjust to apply the limitation after considering the best interests of
20 the child and the circumstances of each parent. Such
21 circumstances include, but are not limited to, leaving insufficient
22 funds in the custodial parent’s household to meet the basic needs
23 of the child, comparative hardship to the affected households,
24 assets or liabilities, and any involuntary limits on either parent’s
25 earning capacity including incarceration, disabilities, or incapacity.”
26 Please review CP Sub # 221.2, Trial Exhibit 116 (also included as
27 Appendix Ex 3), entitled in the Trial Exhibit List as “Medical
28 Records from Community Health Care dated 8/9-10/2018”.

1 This child support order also does not follow the Oral Ruling (see
2 RP of 9/4/2018 page 13 lines 13 – 16), Final Presentation on the
3 28th, (RP 9/28/2018 page 16 line 7 to page 17 line 9), nor the
4 Sealed Financial Documents I filed timely (CP sub # 229). There are
5 27 lines in that segment of Final Presentation, including an abrupt
6 move in discussion from child support order/worksheets to
7 parenting plan. There was no further discussion of child support
8 options nor the fact that the court already acknowledged the
9 financial hardship it would be to have to travel to the mid-point for
10 transitions of care between her mother and me at the Oral Ruling.
11

12 **D.** The trial court erred in not changing the language and
13 reference to previous sections of the parenting plan regarding
14 freedom of religion practiced with child being allowed for both
15 parties in violation of Washington state and United States
16 Constitutional Law. [(WA State Constitution Section 11, U.S.
17 Constitution Amendment 1) (CP # 134, page 8 lines 19 – 20 vs CP
18 # 230, page 2 lines 8 – 16 and page 10 line 25 to page 11 line 3).
19

20 This was also contrary to trial court oral rulings (RP of 9/4/2018
21 page 22 lines 9 – 25) and Final Presentation (RP of 9/28/2018 page
22 22 lines 10 to page 24 line 8).
23

24 **E.** The trial court erred in not changing the language allowing
25 child to exercise special occasions with each family based on the
26 Final Order and Findings entered 10/03/2018 (CP sub # 232), on
27 the previous parenting plan of 2011 (CP # 134), on the deep and
28 meaningful relationship the court found child had with each parent

1 (see RP of 9/4/2018 page 4 line 24, page 7 lines 15 – 23 and page
2 11 lines 9 – 25 AND RP of 9/28 page 6 line 17 to page 7 line 3),
3 and the courts obligation to enter final orders that are in the best
4 interests of child.) RCW26.09.002 states, “In any proceeding
5 between parents under this chapter, the best interests of the child
6 shall be the standard by which the court determines and allocates
7 the parties’ parental responsibilities.” RCW26.09.184 reads, “(1)
8 Objectives: The objectives of the permanent parenting plan are to:
9 (g) To otherwise protect the best interests of the child consistent
10 with RCW26.09.002.
11

12 **F.** The trial court erred in allowing Respondent and her Counsel
13 to both serve me prior to and submit day of Final Presentation
14 Proposed Final Orders that had directly referenced yet were
15 missing mandatory language. Please see CP Sub #138, page 8
16 lines 10 to end of document. Mandatory Warnings were deleted.
17 Please see Appendix Ex 1 for copy of those warnings
18
19

20 II. STATEMENT OF THE CASE

21 The trial court erred in not allowing the simple, common sense
22 changes that are supported by RCW, CR, and Constitutional
23 law as well as the Orders and Findings entered October 3, 2018
24 declaring that the child had a deep and meaningful relationship
25 with both parents. The RPs of September 4 and 28, 2018, the
26 Clerk’s Papers, and other documents previously filed and
27 served for the Appeal that are referenced throughout this brief
28 also support the simple yet appropriate changes that are in the

1 best interests of the child and never should have gone further than
2 Final Presentation, let alone Motion for Consideration and Appeal.

3

4 III. SUMMARY OF ARGUMENT

5 There are inherent conflicts of scheduling and interest built into the
6 parenting plan that were not corrected through the final
7 presentation nor motion for reconsideration processes. Despite the
8 Trial Court finding and ruling that child could practice the religious
9 preferences of each household when residing in that household,
10 the parenting plan was not changed to reflect that finding and
11 ruling. The child support worksheets and order do not account for
12 findings and final orders and create an incomparable hardship for
13 Appellant based on his previous earnings history, health issues
14 impacting his earning ability, and the fact that the transfer amount
15 increased by over 1,200% from the previous child support order.

16

17 IV. ARGUMENT

18 [This segment was included within Section I, Items A – E
19 Assignments of Error and Issues Pertaining, and Section III,
20 Summary of Argument on pages 3 – 6 above.]

21

22 V. CONCLUSION

23 The trial court erred in not allowing the simple, common sense
24 changes that are supported by RCW, CR, and Constitutional law as
25 well as the Orders and Findings entered October 3, 2018 declaring
26 that the child had a deep and meaningful relationship with both
27 parents. The RPs of September 4 and 28, 2018 also support the
28 simple, appropriate changes that are in the best interests of the

1 child and should not have gone past Final Presentation. Some of
2 these changes could have been made in an agreed CR60 Motion
3 but Respondent and her legal counsel refused to attempt to reach
4 agreed changes. (Please see email attached to Motion to Extend
5 Time uploaded 12/13/2019 as Exhibit A page 5 of 7. Motion granted
6 12/16/2019.)
7

I hereby attest and authorize that any electronic signatures below shall suffice in lieu of and be considered valid and binding as if they were originals. Signed and dated this 28th day of February, 2020.

Respectfully submitted,

David D. Bluhm

David D. Bluhm, Pro Se Appellant

CERTIFICATE OF SERVICE

I certify that on the 28th day of February, 2020, I caused a true and correct copy of this Corrected Appellant Brief to be served on the following in the manner indicated below:

Counsel for Samantha Petronave (X) via Court of Appeals
Leyna Harris and/or Newbry Law Office online Portal
623 Dwight Street
Port Orchard, WA 98366

By: *David D. Bluhm*
David D. Bluhm

VI. APPENDIX

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Ex 2	Order Allowing Relocation	3
Ex 3	Insurance Statements	5
Ex 4	Trial Exhibit 116	5

(Exhibits listed above are attached following this page)

DAVID BLUHM

February 28, 2020 - 1:42 PM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 52833-9
Appellate Court Case Title: David D. Bluhm, Appellant v. Samantha L. Petronave, Respondent
Superior Court Case Number: 10-3-01453-1

The following documents have been uploaded:

- 528339_Briefs_20200228133722D2550444_7650.pdf
This File Contains:
Briefs - Appellants - Modifier: Amended
The Original File Name was AmendedBrief.pdf
- 528339_Other_20200228133722D2550444_9601.pdf
This File Contains:
Other - Appellant's Brief Appendix Exhibits
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A copy of the uploaded files will be sent to:

- leyna@newbrylaw.com
- wholenightsky@gmail.com

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Address:
3835 McKinley Ave.
Tacoma, WA, 98404
Phone: (253) 566-2498

Note: The Filing Id is 20200228133722D2550444

All the warnings below are required by law and are part of the order. Do not remove.

Warnings!

If you don't follow this child support order...

- DOL or other licensing agencies may deny, suspend, or refuse to renew your licenses, including your driver's license and business or professional licenses, and
- Dept. of Fish and Wildlife may suspend or refuse to issue your fishing and hunting licenses and you may not be able to get permits. (RCW 74.20A.320)

If you receive child support...

You may have to:

- Document how that support and any cash received for the children's health care was spent.
- Repay the other parent for any day care or special expenses included in the support if you didn't actually have those expenses. (RCW 26.19.080)

Medical Support Warnings!

The parents must keep the Support Registry informed whether or not they have access to health care coverage for the children at a reasonable cost, and provide the policy information for any such coverage.

* * *

If you are ordered to provide children's health care coverage...

You have **20 days** from the date of this order to send:

- proof that the children are covered, or
- proof that health care coverage is not available as ordered.

Send your proof to the other parent or to the Support Registry (if your payments go there).

If you do **not** provide proof of health care coverage:

- The other parent or the support agency may contact your employer or union, without notifying you, to ask for direct enforcement of this order (RCW 26.18.170), and
- The other parent may:
 - Ask the Division of Child Support (DCS) for help,
 - Ask the court for a contempt order, or
 - File a Petition in court.

Don't cancel your employer or union health insurance for your children unless the court approves or your job ends and you no longer qualify for insurance as ordered in section **19**.

If an insurer sends you payment for a medical provider's service:

- you must send it to the medical provider if the provider has not been paid; or
- you must send the payment to whoever paid the provider if someone else paid the provider; or
- you may keep the payment if you paid the provider.

If the children have public health care coverage, the state can make you pay for the cost of the monthly premium.

Always inform the Support Registry and any parent if your access to health care coverage changes or ends.

Ex. 2

RECEIVED AND FILED
IN OPEN COURT

SEP 04 2018

KITSAP COUNTY CLERK
ALISON H. SONNTAG

Superior Court of Washington, County of Kitsap

In re:

Petitioner/s (person/s who started this case):

David Bluhm

No. 10-3-01453-1

Order: _____

(OR)

And Respondent/s (other party/parties):

Samantha Petronave

Order: _____

1. A relocation trial was held on: _____

2. The Court has considered the testimony and argument from the *Trial* and any supporting documents, response from the other party, other documents from the court record identified by the court, if any.

3. The court finds good cause to approve this Order.

Other findings (if any): the mother's Petition for Relocation shall be GRANTED and the child shall be able to immediately relocate to Albany, Oregon. The child shall be enrolled at Periwinkle Elementary in Albany, Oregon.
The parties shall meet at 2:30 p.m. on Tuesday, September 4, 2018 at the Tacoma Police Station on Pine St. in Tacoma, WA.



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4. The Court Orders:

Blank lined area for court orders, crossed out with diagonal lines.

Ordered.

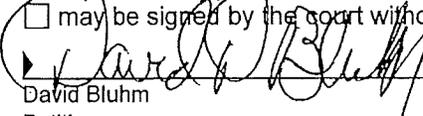
September 4, 2018
Date


Judge Hull KEVIN D. HULL

Petitioner and Respondent or their lawyers fill out below.

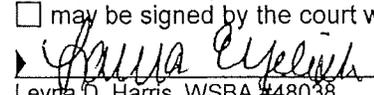
This order (check any that apply):

- is an agreement of the parties
- is presented by me
- may be signed by the court without notice to me


David Bluhm
Petitioner Date

This order (check any that apply):

- is an agreement of the parties
- is presented by me
- may be signed by the court without notice to me


Leyna D. Harris, WSBA #48038
Attorney for Respondent 4/8/18

118
Admitted
116

Ex 3
COMMUNITY
HEALTH
Care

Page 1 of 9

Lakewood Clinic
10510 Gravelly Lake Dr. SW
Lakewood, WA 98499
Phone: 253-589-7030
Fax: 253-284-9314

* context of prevailing stressors and complex family systems have presented as areas of primary therapeutic focus.

* A client-centered approach supported by cognitive-behavioral intervention strategies is being used to support the development of adaptive behavioral strategies for presenting symptoms.

Treatment/Intervention Strategies

- Cognitive challenging, refocusing, and reframing,
- Exploration of emotions and communication, coping, and relationship patterns
- Interactive feedback
- Interpersonal resolutions
- Psycho-education
- Relaxation/Deep breathing exercises
- Review of treatment plan/progress
- Structured problem solving
- Symptom management
- Therapeutic support and reassurance

Current Treatment Plan

- Collaborate with PCP and BHC, as needed.
- Develop and support adaptive strategies to reduce symptoms of anxiety and depression
 - Engage in strategies intended to foster different ways of thinking, behaving, and reacting to situations and to effectively manage maladaptive thoughts, reduce maladaptive coping behavior, and increase personal insight and sense of competency and agency
- Support Patient's use of concrete coping strategies for symptom relief
 - Develop and engage in anxiety/stress management strategies, particularly integrating personal interests such as hiking, meaningful social interactions
 - Support the development of or continued participation in recreational activities that promote social engagement, i.e. community groups
 - Support recognition of internal resources and competencies
 - Appropriately accessing family and community supports and resources
- Support the development of and continued participation in physical wellness activities

COMMUNITY
HEALTH
Care

Lakewood Clinic
10510 Gravelly Lake Dr. SW
Lakewood, WA 98499
Phone: 253-589-7030
Fax: 253-284-9314

- Bolster patient's adaptive communication skills and strategies within a social systems context
 - Support affective expression and strategies to identify, express and process affective experience
 - Support opportunities for meaningful and fun social interactions

Comments on progress: David initiated behavioral health services on May 30, 2018 and has attended individual behavioral health consults on an intermittent basis since then. David has consistently engaged cooperatively and insightfully in the therapeutic process.

Recommendations: The current treatment plan was collaboratively developed and will be followed, reviewed and modified if applicable over time. Based on his self-reports and clinical observation, it is highly recommended that David continue routine participation in counseling services to support remediation of presenting symptoms. David is concurrently working with his PCP to support his health and wellness needs.

Estimated Completion of Treatment: 6 Months

X 

Summary Prepared By:
Laura Peñalver-Vargas, Psy.D.

COMMUNITY HEALTH Care

Hilltop Regional Health Care
Medical Clinic

Phone: (253) 441-4742
536-2020

Fax: (253) 442-8680

Lakewood Family Medical Clinic

Phone: (253) 589-7030

Fax: (253) 589-7083

Parkland Family

Phone: (253)

Fax: (253) 536-5327

MEDICAL • DENTAL • PHARMACY

442-8690

Spanaway Family Medical Clinic
Phone: (253) 847-2304

Fax: (253) 847-8657

Tanbara Family Health Center
Phone: (253) 471-4553

Fax: (253) 474-5395

Urgent Care Clinic
Phone: (253)

Fax: (253) 442-8623

Patient: David Bluhm
Date of Birth: 05/04/1966
Date: 08/09/2018 1:00 PM
Type: Patient Summary

Active Medications (started before visit)

Medication	Start Date	Stop Date	Sig Desc
FLUTICASONE PROPIONATE	05/18/2018		spray 1 - 2 spray by intranasal route 2 times every day in each nostril as needed
PSEUDOEPHEDRINE HCL	05/18/2018		take 1 tablet by oral route every 12 hours
PATANOL	05/18/2018		instill 1 drop by ophthalmic route 2 times every day into affected eye(s) at an interval of 6 to 8 hours
HYDROXYZINE HCL	06/23/2018		take 1 tablet by oral route 2 times every day
FLONASE	04/23/2018		spray 1 spray by intranasal route every day in each nostril

Allergies:

Ingredient	Reaction	Medication Name	Comment
NO KNOWN ALLERGIES			

PROBLEM LIST:

Problem Description	Onset Date	Chronic	Clinical Status
Low back pain	12/04/2014	Y	
Neck pain	12/04/2014	Y	
Screening cholesterol level	11/24/2015		
Screening for diabetes mellitus	11/24/2015		
Neck pain, chronic	11/24/2015		
Depression	11/24/2015		
Osteoarthritis of cervical spine, unspecified spinal osteoarthritis complication status	12/29/2015		
Elevated LDL	12/02/2015		

cholesterol level
Chronic neck pain 12/02/2015

Assessment History

Encounter Date	Diagnosis	Diagnosis Code	Status
08/09/2018 01:00 PM	Anxiety	F41.9	
08/09/2018 01:00 PM	Custody issue	Z65.3	
08/09/2018 01:00 PM	Depression, unspecified depression type	F32.9	
08/09/2018 09:30 AM	Anxiety	F41.9	
08/09/2018 09:30 AM	Custody issue	Z65.3	
08/09/2018 09:30 AM	Depression, unspecified depression type	F32.9	
07/24/2018 11:00 AM	Depression, unspecified depression type	F32.9	
07/24/2018 11:00 AM	Anxiety	F41.9	
07/24/2018 11:00 AM	Custody issue	Z65.3	
07/19/2018 10:00 AM	Anxiety	F41.9	
07/19/2018 10:00 AM	Depression, unspecified depression type	F32.9	
07/19/2018 10:00 AM	Custody issue	Z65.3	
07/10/2018 03:30 PM	Custody issue	Z65.3	
07/10/2018 03:30 PM	Depression, unspecified depression type	F32.9	
07/10/2018 03:30 PM	Anxiety	F41.9	
07/06/2018 03:30 PM	Anxiety	F41.9	
07/06/2018 03:30 PM	Custody issue	Z65.3	
07/06/2018 03:30 PM	Depression, unspecified depression type	F32.9	
07/02/2018 03:30 PM	Custody issue	Z65.3	
07/02/2018 03:30 PM	Anxiety	F41.9	
07/02/2018 03:30 PM	Depression, unspecified depression type	F32.9	
06/25/2018 03:30 PM	Depression, unspecified depression type	F32.9	
06/25/2018 03:30 PM	Anxiety	F41.9	
06/25/2018 03:30 PM	Custody issue	Z65.3	
06/18/2018 03:30 PM	Anxiety	F41.9	
06/18/2018 03:30 PM	Custody issue	Z65.3	
06/18/2018 03:30 PM	Depression, unspecified depression type	F32.9	
06/07/2018 09:30 AM	Custody issue	Z65.3	
06/07/2018 09:30 AM	Anxiety	F41.9	
06/07/2018 09:30 AM	Depression, unspecified depression type	F32.9	
05/30/2018 03:00 PM	Anxiety	F41.9	
05/30/2018 03:00 PM	Depression, unspecified depression type	F32.9	
05/30/2018 03:00 PM	Custody issue	Z65.3	
05/18/2018 08:30 AM	Upper respiratory tract infection, unspecified type	J06.9	
05/14/2018 09:15 AM	Depression, unspecified depression type	F32.9	
03/28/2018 07:15 AM	DENTAL EXAMINATION	V72.2	
01/09/2018 01:30 PM	DENTAL EXAMINATION	V72.2	
11/30/2017 01:30 PM	Encounter for general adult medical examination without abnormal findings	Z00.00	
11/30/2017 01:30 PM	Depression, unspecified depression type	F32.9	
10/26/2017 10:05 AM	Cervical neck pain with evidence of disc disease	M50.90	
02/16/2017 03:30 PM	Cervical neck pain with evidence of disc disease	M50.90	
11/30/2016 10:15 AM	Encntr for general adult medical exam w/o abnormal findings	Z00.00	
11/30/2016 10:15 AM	Screening for diabetes mellitus	Z13.1	
11/30/2016 10:15 AM	Elevated LDL cholesterol level	E78.00	
11/30/2016 10:15 AM	Encounter for screening colonoscopy	Z12.11	
11/15/2016 09:46 AM	Chronic neck pain	M54.2	

10/11/2016 01:00 PM	Congestion of right ear	H93.8x1	
08/12/2016 12:08 PM	Chronic neck pain	M54.2	
05/03/2016 01:15 PM	SOB (shortness of breath) on exertion	R06.02	
05/03/2016 01:15 PM	Fatigue, unspecified type	R53.83	
12/29/2015 01:33 PM	Chronic neck pain	M54.2	
12/29/2015 01:33 PM	Osteoarthritis of cervical spine, unspecified spinal osteoarthritis complication status	M47.812	
12/10/2015 02:25 PM	Cervical neck pain with evidence of disc disease	M50.90	
12/02/2015 02:41 PM	Chronic neck pain	M54.2	
12/02/2015 02:41 PM	Other chronic pain	G89.29	
12/02/2015 01:15 PM	Elevated LDL cholesterol level	E78.0	
11/24/2015 10:15 AM	Screening cholesterol level	Z13.220	
11/24/2015 10:15 AM	Blurry vision	H53.8	
11/24/2015 10:15 AM	Screening for diabetes mellitus	Z13.1	
11/24/2015 10:15 AM	Encntr for general adult medical exam w/o abnormal findings	Z00.00	
11/24/2015 10:15 AM	Neck pain, chronic	M54.2	
11/24/2015 10:15 AM	Other chronic pain	G89.29	
11/24/2015 10:15 AM	Depression	F32.9	
11/05/2015 09:30 AM	DENTAL EXAMINATION	V72.2	
11/02/2015 06:30 AM	DENTAL EXAMINATION	V72.2	
10/19/2015 09:00 AM	DENTAL EXAMINATION	V72.2	
07/28/2015 06:45 AM	DENTAL EXAMINATION	V72.2	
07/07/2015 07:30 AM	DENTAL EXAMINATION	V72.2	
06/23/2015 09:00 AM	Stress	V62.89	
04/23/2015 11:15 AM	Snoring	786.09	
04/23/2015 11:15 AM	Sleep disorder	780.50	
04/23/2015 11:15 AM	Sinusitis	473.9	
03/19/2015 12:15 PM	Upper airway cough syndrome	786.2	
01/15/2015 01:00 PM	Depression, Unspecified	311	
12/04/2014 04:18 PM	Low Back Pain	724.2	
12/04/2014 04:18 PM	Neck Pain / Cervical Spine Pain	723.1	
12/04/2014 11:00 AM	Neck pain	723.1	
12/04/2014 11:00 AM	Bilateral ankle pain	719.47	
12/04/2014 11:00 AM	Lumbar pain	724.2	
10/14/2014 09:45 AM	DENTAL EXAMINATION	V72.2	
09/16/2014 09:30 AM	DENTAL EXAMINATION	V72.2	
08/19/2014 09:30 AM	DENTAL EXAMINATION	V72.2	
06/24/2014 01:00 PM	Cerumen Impaction	380.4	
06/13/2014 08:00 AM	DENTAL EXAMINATION	V72.2	
06/04/2014 08:45 AM	DENTAL EXAMINATION	V72.2	
03/03/2014 10:00 AM	Hyperlipidemia LDL goal < 130	272.4	Routine
03/03/2014 10:00 AM	MVA (motor vehicle accident)	E819.9	Routine
02/24/2014 09:00 AM	General Medical Exam / MHE	V70.0	Routine
02/24/2014 09:00 AM	Physical exam, annual	V70.0	Routine
09/23/2013 09:00 AM	Non-healing skin lesion of nose	478.19	
08/30/2013 01:00 PM	Cerumen impaction	380.4	
09/11/2012 01:30 PM	General Medical Exam / MHE	V70.0	Routine
09/11/2012 01:30 PM	VACCINATION FOR TD-DT	V06.5	
09/11/2012 01:30 PM	Depression, Unspecified	311	
09/11/2012 01:30 PM	General Medical Exam / MHE	V70.0	
08/28/2012 08:45 AM	Knee pain, left	719.46	
08/28/2012 08:45 AM	Depression	311	
11/30/2011 02:15 PM	Arthralgia / Joint Pain, Wrist	719.43	

10/21/2011 11:00 AM	SPRAIN NEC	848.8
03/10/2011 03:45 PM	Sprain / Strain: Hand, Unspecified	842.10
03/03/2011 08:45 AM	General Medical Exam / MHE	V70.0
03/03/2011 08:45 AM	URI / Upper Respirator Infection, Acute	465.9
02/01/2011 10:15 AM	Depression, Unspecified	311
01/12/2010 02:45 PM	STD / STI / Sexually Transmitted Disease Screen	V74.5
01/12/2010 02:45 PM	PSYCHOLOGICAL STRESS NEC	V62.89
06/04/2009 01:00 PM	STD / STI / Sexually Transmitted Disease Screen	V74.5
06/04/2009 01:00 PM	Onychomycosis	110.1
02/12/2009 11:15 AM	Depression, Unspecified	311
01/29/2009 10:30 AM	DEPRESSION	311
01/29/2009 10:30 AM	General Medical Exam / MHE	V70.0
01/06/2009 01:05 PM	FAMILY CIRCUMSTANCE NOS	V61.9
01/06/2009 01:05 PM	SPRAIN OF WRIST NOS	842.00

Social History

Pharmacy: CHC Hilltop Pharmacy, CHC Hilltop Pharmacy

Immunizations

Vaccine	Given
Td (7 yrs or older)	09/11/2012
Flu (split) (3 yrs or older)	
Tdap	

Test(s)/Exam(s) Declined by Patient

guidelines	status	due	Action	last addressed
Influenza vaccine	Declined	02/16/2017	refused	

Provider:

Penalver-Vargas PsyD, Laura 08/10/2018 4:23 PM

Document generated by: Brenda Palmer 08/10/2018

NextGen HealthCare Information Systems
795 Horsham Road | Horsham, PA 19044

COMMUNITY HEALTH *Care*

Lakewood Clinic
10510 Gravelly Lake Dr. SW
Lakewood, WA 98499
Phone: 253-589-7030
Fax: 253-284-9314

Treatment Summary

Date: August 10, 2018

Client: Bluhm, David

DOB: 5-4-66

Behavioral Health Consultant: Laura Peñalver-Vargas, Psy.D.

Client Identifying Information: David Bluhm is a 52 year-old male referred by his Primary Care Provider (PCP) Armando Garcia, PAC for behavioral health services in response to presenting concerns about depression and anxiety.

Current Diagnosis: Information for the initial behavioral health consult was derived from review of patient medical chart notes, direct interview of David, patient history form completed by David, and supports a current diagnosis of:

ICD-10	Description
F33.9	Major depressive disorder, Recurrent episode, Unspecified
F41.9	Anxiety
Z65.3	Custody issue

Presenting Problem: David presented with concerns about recurrent and worsening symptoms of seasonal-affective depression, which he reported included, but were not limited to, increased feelings of sadness, hopelessness, helplessness, loneliness, low self-worth, guilt and shame, irritability, anhedonia, fatigue, difficulty sleeping, concentrating, and attending to tasks. Patient endorsed symptoms of anxiety such as excessive and general worrying about small or large concerns primarily about family, political and environmental issues and other issues outside of patient's control, racing thoughts and heartbeat, general restlessness and difficulty relaxing, increased distractibility and poor memory or confusion. Patient reported that the depression was greater than the anxiety. Patient denied suicidal ideation, intent, plan or attempt. Patient reported that the constellation of symptoms made it "very difficult" to complete daily tasks and was undermining functionality across domains. Patient reported that his episodic depression has been aggravated by recently escalating custodial stressors.

Treatment Goals and Approach: Supporting the development of adaptive strategies to address/remediate symptoms of anxiety and depression, bolstering patient's personal sense of agency and esteem, and promoting constructive communication skills and strategies within the

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Lakewood, WA 98499
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Fax: 253-284-9314

context of prevailing stressors and complex family systems have presented as areas of primary therapeutic focus.

A client-centered approach supported by cognitive-behavioral intervention strategies is being used to support the development of adaptive behavioral strategies for presenting symptoms.

Treatment/Intervention Strategies

- Cognitive challenging, refocusing, and reframing,
- Exploration of emotions and communication, coping, and relationship patterns
- Interactive feedback
- Interpersonal resolutions
- Psycho-education
- Relaxation/Deep breathing exercises
- Review of treatment plan/progress
- Structured problem solving
- Symptom management
- Therapeutic support and reassurance

Current Treatment Plan

- Collaborate with PCP and BHC, as needed.
- Develop and support adaptive strategies to reduce symptoms of anxiety and depression
 - Engage in strategies intended to foster different ways of thinking, behaving, and reacting to situations and to effectively manage maladaptive thoughts, reduce maladaptive coping behavior, and increase personal insight and sense of competency and agency
- Support Patient's use of concrete coping strategies for symptom relief
 - Develop and engage in anxiety/stress management strategies, particularly integrating personal interests such as hiking, meaningful social interactions
 - Support the development of or continued participation in recreational activities that promote social engagement, i.e. community groups
 - Support recognition of internal resources and competencies
 - Appropriately accessing family and community supports and resources
- Support the development of and continued participation in physical wellness activities

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- Bolster patient's adaptive communication skills and strategies within a social systems context
 - Support affective expression and strategies to identify, express and process affective experience
 - Support opportunities for meaningful and fun social interactions

Comments on progress: David initiated behavioral health services on May 30, 2018 and has attended individual behavioral health consults on an intermittent basis since then. David has consistently engaged cooperatively and insightfully in the therapeutic process.

Recommendations: The current treatment plan was collaboratively developed and will be followed, reviewed and modified if applicable over time. Based on his self-reports and clinical observation, it is highly recommended that David continue routine participation in counseling services to support remediation of presenting symptoms. David is concurrently working with his PCP to support his health and wellness needs.

Estimated Completion of Treatment: 6 Months

X



Summary Prepared By:
Laura Peñalver-Vargas, Psy.D.



Gerber Collision & Glass - Tacoma

Workfile ID:
Federal ID:

e6b24f0b
912018286

6240 S Tacoma Way, Tacoma, WA 98409
Phone: (253) 926-2225
FAX: (253) 474-2667

Ex 4 Page 1 of 3

Estimate of Record

RO Number: 311081098

Written By: Ashley Thompson, 1/10/2014 10:39:10 AM
Adjuster: Granzow, Brandon, (800) 811-4832 Business

Insured: Policy #: 55PHA279724 Claim #: 0723669532
Type of Loss: Liability Date of Loss: 12/29/2013 12:00:00 PM Days to Repair: 99
Point of Impact: 15 Total Loss

Owner:	Inspection Location:	Insurance Company:
BLUM, DAVID	Gerber Collision & Glass - Tacoma	HARTFORD UNDERWRITERS INS. CO.
9801 52nd street west	6240 S Tacoma Way	WPLCSC PHOENIX CI
UNIVERSITY PLACE, WA 98467	Tacoma, WA 98409	P.O. BOX 2905
(253) 566-2498 Day	Repair Facility	PHOENIX, AR 85062-2905
	(253) 926-2225 Business	(800) 811-4832 Business

VEHICLE

Year: 2004	Body Style: 4D WGN	VIN: 3C4FY48B64T222275	Mileage In: 109692
Make: CHRY	Engine: 4-2.4L-FI	License: AHD7907	Mileage Out:
Model: PT CRUISER	Production Date: 7/2003	State: WA	Vehicle Out: 1/17/2014
Color: RED Int:	Condition:	Job #:	

TRANSMISSION

Overdrive
5 Speed Transmission

POWER

Power Steering
Power Brakes
Power Windows

DECOR

Dual Mirrors

Body Side Moldings

Tinted Glass
Console/Storage

CONVENIENCE

Air Conditioning
Intermittent Wipers
Tilt Wheel

Rear Defogger
Rear Window Wiper

RADIO

AM Radio
FM Radio
Stereo
Search/Seek

CD Player

SAFETY

Drivers Side Air Bag
Passenger Air Bag

4 Wheel Disc Brakes

SEATS

Cloth Seats
Bucket Seats

WHEELS

Aluminum/Alloy Wheels

PAINT

Clear Coat Paint

Page 1 of 3



FARMERS
INSURANCE

Toll Free: (800) 435-7764
Email: myclaim@farmersinsurance.com
National Document Center
P.O. Box 268993
Oklahoma City, OK 73126-8993
Fax: (877) 217-1389

September 15, 2016

DAVID BLUHM
3209 N 7TH ST
TACOMA WA 98406

RE: Claim Unit Number: 3007043683-1-6
Insured: Angela Yoder
Policy Number: 0189420155
Loss Date: 09/10/2016
Injured Party: David Bluhm
Subject: We Have Received Your Claim

Dear Mr. Bluhm:

Thank you for choosing us to provide for your insurance needs. We value you as a customer and appreciate the opportunity to be of service.

We're sorry you were injured in the accident on 09/10/2016. We're writing to let you know that we received your Personal Injury Protection (PIP) claim. Please complete the enclosed application even if you haven't received any medical bills yet. Answer all questions to the best of your ability and return the form to the above address as soon as possible.

The enclosed authorization may be used by all Farmers Insurance Company of Washington claim handlers associated with this loss.

As you receive medical bills related to this accident, send them to the address below with the claim number written on each bill. Please submit all bills as itemized statements. We'll consider payments as our office receives the bills.

Send all medical bills and other correspondence to:

National Document Center
P.O. Box 268993
Oklahoma City, OK 73126-8993
Email: myclaim@farmersinsurance.com
Fax: (877) 217-1389

The policy provides benefits for reasonable, necessary, and related medical expenses incurred within three years from the accident date. This benefit's limit is \$10,000.

This policy also provides income continuation benefits if you're unable to work due to the accident. You must have a regular income from an occupation at the time of the accident. This coverage provides 85 percent of lost

2 of 3



FARMERS
INSURANCE

Toll Free: (800) 435-7764
Email: myclaim@farmersinsurance.com
National Document Center
P.O. Box 268992
Oklahoma City, OK 73126-8992
Fax: (877) 217-1389

02 02 010794 JZ058J7D1 CB0919P1 02 | 010794

09/18/2016

Angela Yoder
3209 N 7th St
Tacoma, WA 98406

RE:

Insured: Angela Yoder
Claim number: 099 SUB 3007043683-1
Policy number: 0189420155
Date of loss: 09/10/2016
Subject: Subrogation Opened

Dear Angela Yoder:

Thank you for choosing us to provide for your insurance needs. We value you as a customer and appreciate the opportunity to be of service.

Your claim has been referred to the Subrogation Department. Our role is to review the facts of your claim and determine if there is a responsible party from whom we can attempt to recover any payments made for your damages.

Our records show that your deductible has been waived as you were not at fault for the loss. If you have any out of pocket expenses related to the loss, please contact us as soon as possible. If you should receive a deductible check from the responsible party, please do not cash the check as your deductible has been waived.

We will serve as your advocate throughout the recovery process. In the meantime, please do not hesitate to either call or email me with any questions or concerns you may have.

Sincerely,

Carson King
Auto Subrogation Representative
Farmers Insurance Company of Washington
616-974-7698
carson.king@farmersinsurance.com

3 of 3

DAVID BLUHM

February 12, 2020 - 3:23 PM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 52833-9
Appellate Court Case Title: David D. Bluhm, Appellant v. Samantha L. Petronave, Respondent
Superior Court Case Number: 10-3-01453-1

The following documents have been uploaded:

- 528339_Briefs_20200212150116D2159199_7205.pdf
This File Contains:
Briefs - Appellants - Modifier: Amended
The Original File Name was FinallyCorrected.pdf
- 528339_Other_20200212150116D2159199_9967.pdf
This File Contains:
Other - Mtn to Extend Time filed 12/13/2019 (as reference)
The Original File Name was Mtn to Extend Newbry Not Willing 12132019.pdf
- 528339_Other_Filings_20200212150116D2159199_7954.pdf
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Other Filings - Other
The Original File Name was Section VI Appendix Exhibits.pdf

A copy of the uploaded files will be sent to:

- leyna@newbrylaw.com
- wholenightsky@gmail.com

Comments:

Please consider Appellant's Brief Exhibits 1 - 4 uploaded as a separate document ("Other Filings") to be attached to and a part of Corrected Appellant's Brief. Those exhibits are referenced within the document and should follow page 10. Also, the attached Motion to Extend Time uploaded December 13, 2019 is attached for reference as it is referred to on page 9 of the brief. Thank you

Sender Name: David Bluhm - Email: d_bluhm@hotmail.com
Address:
3835 McKinley Ave.
Tacoma, WA, 98404
Phone: (253) 566-2498

Note: The Filing Id is 20200212150116D2159199

DAVID BLUHM

February 28, 2020 - 1:42 PM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 52833-9
Appellate Court Case Title: David D. Bluhm, Appellant v. Samantha L. Petronave, Respondent
Superior Court Case Number: 10-3-01453-1

The following documents have been uploaded:

- 528339_Briefs_20200228133722D2550444_7650.pdf
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Briefs - Appellants - Modifier: Amended
The Original File Name was AmendedBrief.pdf
- 528339_Other_20200228133722D2550444_9601.pdf
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Other - Appellant's Brief Appendix Exhibits
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