

No. 53774-5

In re: Custody of B.M.

COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON

Laura TODD (Petitioner)

v.

Travis MILLAR, & Desiree TODD (Respondents)

APPELLANT'S REPLY to PETITIONER'S RESPONSE BRIEF

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Procedural Errors / Abuses of Discretion

Error #1 The Trial court erred by denying Desiree's motion for continuance to engage counsel.

Is due process satisfied where a mother fighting to maintain her relationship with her daughter is denied a continuance, her first continuance requested in the matter, to allow her newly engaged counsel a reasonable time to prepare for trial and is thus forced to conduct a trial Pro-Se, and unprepared? And further:

Should a mother expect no due process protection ; no opportunity to be fully heard in a fair forum or be given a meaningful opportunity to present her case in order to protect against the near complete loss of her daughter, years living several states away during her early life as an infant and toddler simply and solely because that type of loss has previously¹ been assumed to be technically “temporary”?

The question specifically regarding denial of continuance is: does the present case demonstrate a “myopic insistence upon expeditiousness in the face of a justifiable request for delay which has rendered the right to defend with counsel an empty formality”. [*Chandler v. Freitag*, 348 U. S. 3.](#) There are no mechanical tests for deciding when a denial of a continuance is so arbitrary as to violate due process. The answer must be found in the circumstances present in every case, particularly in the reasons presented to the trial judge at the time the request is denied. [*Ungar v. Sarafite*, 376 US 575 - Supreme Court 1964](#); [*v. Nilva* 352 U. S. 385](#); [*Torres v. United States*, 270 F. 2d 252\(C. A. 9th Cir.\)](#); [*cf. United States v. Arlen*, 252 F. 2d 491 \(C. A. 2d Cir.\)](#).

Petitioner inaccurately states the timing and nature of Desiree's request for a continuance. Two weeks prior to the trial, Desiree reached out to Laura's attorney in good faith to request her agreement to a continuance while she engaged with counsel. Desiree's request was rebuked. As a result, Desiree filed a motion for continuance on June 4, 2019 (*CP 152-153, RP 3*). Desiree made contact with the clerk of the Family Court (Judge Kirkendoll at the time) for the purpose of noting her motion for hearing, but was told the motion would just be heard the morning of trial. Incredibly, Laura calls the

¹ The current state of the law is much different: The decision in [*SM In re S.M.*, 9 Wn. App. 2d 325, 335, 444 P.3d 637 \(2019\)](#); has proclaimed the Washington State statutory provisions for seeking a modification of temporary non-parental custody orders (RCW 26.10.190) are unconstitutional as written and such parents could have no hope to modify a non-parental custody order citing changes only to the circumstances of the parent.

motion “last minute” or made “orally the morning of trial” as if she wasn’t well aware of the motion. In the written motion, and in response to Judge Blinn’s questions regarding the motion Desiree makes clear the reasons for requesting the motion:

- Petitioner had a deadline for disclosing witnesses to be called at trial of February 13, 2019. Petitioner disclosed no witness other than people named in the caption. Then on May 13, 2019 Petitioner changed the list of witnesses to include an out of state witness who had threatened to kill Desiree (*RP 167*) and was wanted by the Lynnwood police department for investigation of vehicular assault on Desiree. That surprise changed the estimated cost of trial, her approach, and the types of counsel Desiree was seeking to hire. Thus the surprise forced her to re-start her search and make contact.
- Desiree had been saving as much money as she could to hire a lawyer during the 8 months prior to trial. Desiree’s work is primarily in the field of parking lot striping and the work is sparse during wet winter and spring months, but then very busy from late spring through the summer and fall. (*RP 7*) It wasn’t until late May that she was able to afford a minimum of \$10,000 to hire an attorney for trial. Her ability to afford an attorney was further frustrated by Laura’s filing of motions to alter the temporary orders to require Desiree pay for her own lodging and transportation and meals while attending and paying for the activity of visits with BM in Arizona (Laura refused to let Desiree stay at her home, refused to pick her up from the airport, and refused to offer any food to Desiree during visits in Arizona) (*CP 74-79*) and Laura filed a motion on false pretenses to demand Desiree pay for professional supervision of visits despite there being none of the indications present in RCW 26.10.160 which would indicate justification for professionally or lay supervised visits. The financial burdens imposed lengthened the time it took Desiree to save the money required to hire an attorney. And
- The most important reason, that she is not capable of, nor prepared to represent herself and go through trial. (*RP 7-8*) But more specifically, the purpose of the continuance was to allow her newly hired counsel enough time to prepare for trial. Her attorney was out of town and instructed Desiree to obtain a continuance in her absence. The attorney indicated she would file a notice of appearance as soon as she returned.

Judge Blinn considered all factors and denied the continuance reasoning that the Peitioner’s expense and inconvenience due to interstate travel should be given more consideration than Desiree’s right to

counsel, or due process rights to have access to a fair forum or be completely heard. (RP 8-9) This is precisely the sort of fact pattern that contemplated by the standard: “myopic insistence upon expeditiousness in the face of a justifiable request for delay which has rendered the right to defend with counsel an empty formality” [Ungar v. Sarafite, 376 US 575 - Supreme Court 1964; Chandler v. Fretag, 348 U. S. 3.](#)

Laura claims that Desiree was not prejudiced by the denial of the continuance. Yet Judge Blinn’s very first ruling is to admit all of the Petitioner’s exhibits which Desiree had made objection to orally, but didn’t know how to object to under ER 904. The exhibits were sourced from the witness not appearing on Petitioner’s witness list until May, and who had threatened to kill Desiree (RP 167), and had taken a bribe from the Petitioner to testify which was admitted by both parties under cross examination. (RP 191, 385). Judge Blinn admitted the evidence. (RP 13) Desiree was unaware of her right or ability to disqualify Judge Blinn at that time, or to move for a mistrial. Desiree was further prejudiced by forcing her to conduct a trial she was unprepared for in terms of education and training but also unprepared for as a result of the surprise new witness who produced very questionable photographs she claimed involved Desiree. Desiree was thus forced question and/or cross examine witnesses who, in the case of her mother, had emotionally abused, controlled, and unreasonably criticized her all of her life, and in the case of Misty Stephenson had threatened to kill her and vowed to do anything she could to make sure she never saw her daughter again.

Laura claims that because non-parental custody is deemed a temporary deprivation, Desiree should expect no protection at all under the 14th Amendment to the U.S. Constitution, nor under Article 1, § 3 of the Washington State Constitution. Laura cites [In re Custody of CD, 356 P. 3d 211 - Wash: Court of Appeals, 3rd Div. 2015](#) as authority for this proposition. However, the father in *CD* had been represented by counsel throughout the later case, and the overall controversy had been going on for over a decade by the time he was denied a continuance. Clearly, he had been given ample access to a fair forum. Here, Desiree didn’t wait until the morning of trial to attempt to obtain a continuance, it was the very first request made for a continuance, she had clearly stated multiple valid reasons for the continuance, Desiree was clearly indigent (CP 182-184), and yet she was able to do what her mother certainly doubted she could possibly do – save enough money to hire an attorney to oppose the allegations made against her. To deny her the ability to have counsel present to defend her was; unconscionable, unfair, untenable, and above all, unconstitutional. Accordingly, the denial of Desiree’s motion for a continuance should be ruled an abuse of discretion.

It is important to also distinguish the right which Desiree claims: the right to counsel, from a right to counsel *to be appointed for her at the cost of the State*. The Washington Supreme court in *King v King* has made clear no right to counsel exists for an indigent parent in a non-parental custody action. [King v. King, 174 P. 3d 659 - Wash: Supreme Court 2007](#) However, the right to be represented by counsel in order to be fully heard no doubt should be respected in the context of disturbing the parent-child relationship. [In re Dependency of Grove, 127 Wash.2d 221, 229 n. 6, 897 P.2d 1252 \(1995\)](#). In *Grove*, the court stated: "In civil cases, the constitutional right to legal representation is presumed to be limited to those cases in which the litigant's physical liberty is threatened,...or where a fundamental liberty interest, similar to the parent-child relationship, is at risk. (*Id*) As will be demonstrated throughout this reply, had Desiree not been denied her rights to Due Process, the result of the case would have been much different. Article I, section 3 of the Washington State Constitution provides that "[n]o person shall be deprived of life, liberty, or property, without due process of law." A parent's interest in the care, custody, and nurture of her child is a fundamental liberty interest protected under article I, section [In re Welfare of Luscier, 84 Wash.2d 135, 524 P.2d 906 \(1974\)](#)

Error #2. The trial court erred by re-assigning the case on the day of trial to a non-family court.

Is the trial court required to follow RCW statutes and local procedural rules requiring adjudication of contested non-parental custody cases in front of a designated family court? Or, as argued by Petitioner, do the generic rules of case assignment apply exclusively or they simply trump the specialized rules? Or as Laura further argues, even if the specialized rules did apply, since Family court designations and rules for their operation are really just completely superfluous as a practical matter, should the Trial courts thus enjoy the option of complying?

Pierce County has clearly established specialized rules for the assignment of cases such as this one.

PCLSPR 94.04 FAMILY LAW PROCEEDINGS (a) Uncontested Applications for Marital Dissolution, Decree of Invalidity or Legal Separation, Committed Intimate Relationships (Meretricious Relationships) or Domestic Partnerships.

(f) Non-parental Custody Proceedings.

(4) Case Assignment. All Non-parental Custody actions shall be assigned to Family Court.

The Petitioner offers no authority for her claim that the generic rules should control in this case. The rule clearly requires adjudication by an officially designated Family Court. Furthermore, transfer of cases or substitution of Judges requires action of the Presiding Judge pursuant to RCW 26.12.030 & 26.12.040. No such action was taken in this case. The case was transferred to Judge Blinn in clear violation of RCW 26.12 and PCLSPR 94.04. The statutes require no proof of prejudice.

Lack of Substantive Proof/Factual Basis - Assignment of errors #3-9

On appeal the standard of review is whether the record contains substantial evidence to support the trial court's findings of fact and conclusions of law in the context of the heightened standard of proof applicable to contested non-parental custody cases. [*In re Hall*, 99 Wn.2d 842, 849, 664 P.2d 1245 \(1983\)](#); [*In re Custody of Shields*, 157 Wn.2d 126, 142, 136 P.3d 117 \(2006\)](#) This burden [of proof] is so substantial that, when properly applied, it will be met in only extraordinary circumstances." [*Custody of C.C.M.*, 149 Wash.App. at 204, 202 P.3d 971](#)

#3 The Trial Court erred by placing significant weight on the testimony of a witness who was admittedly bribed and who demonstrated obvious and extreme bias.

Laura's response brief makes no effort to deny that both Laura (RP 385) and her witness, Misty Stephenson (RP 191) admitted to acts that indicate the commission of the essential elements of Bribery of a Witness in violation of RCW 9A.72.090. Laura and her witness both testified with an apparent misguided belief there is some threshold dollar amount to a benefit conferred under which the crime is excused. (*Id*) However, no such dollar limit or threshold is contained in the statute. Furthermore, Laura's attorney clarifies on re-direct examination of Misty Stephenson that the money was paid directly to "the dog pound" (RP 191) by Laura on Misty's behalf and thus no money was given directly to Misty. Ostensibly, Laura's attorney must have believed the statute required direct payment be made to Misty as opposed to just "conferring a benefit" upon her by making a payment on behalf of Misty for acquiring something she desired like, for example, the life of her long-time pet dog. The relevant RCW statute provides:

RCW 9A.72.090 Bribery of a Witness

(1) A person is guilty of bribing a witness if he or she offers, confers, or agrees to confer

any benefit upon a witness or a person he or she has reason to believe is about to be called as a witness in any official proceeding or upon a person whom he or she has reason to believe may have information relevant to a criminal investigation or the abuse or neglect of a minor child, with intent to:

- (a) Influence the testimony of that person; or
- (b) Induce that person to avoid legal process summoning him or her to testify; or
- (c) Induce that person to absent himself or herself from an official proceeding to which he or she has been legally summoned; or
- (d) Induce that person to refrain from reporting information relevant to a criminal investigation or the abuse or neglect of a minor child.

(2) Bribing a witness is a class B felony.

Here, Misty is providing witness testimony in an official proceeding which is primarily concerned with the abuse or neglect of a minor child, Laura admitted to conferring a benefit upon her by paying to have Misty's dog released from the pound. Laura clearly had reason to believe Misty might be called as a witness or have information relevant. Laura's intent is also made clear by her statement to Misty that, "We'll just call it an early Christmas present" Conspiring to relabel the transaction as something innocent can be used to infer criminal intent. The normal language for the giving of a Christmas present would be to simply say, "Merry Christmas". The only reason to say "We'll call it..." is to attempt to disguise the criminal nature of what she was doing, and she knew it was criminal. Its only later in testifying that Laura and Misty both state a false belief that their crime is excused because the dollar figure involved was only around \$300, though the life of Misty's dog could arguably be worth any sum to her. None of that is relevant within any portion of RCW 9A.72.090, however.

Laura appears to argue that the text messages sent from Misty's phone to Desiree threatening to kill Desiree (*RP 167*) and do whatever she could possibly do to keep Desiree's daughter away from her; (*RP 173-174*) and/or the Facebook messages containing the conversation between Laura and her witness, Misty Stephenson, which contain the dialogue discussing the bribe (among other things) were never marked or admitted as evidence and thus not considered by the court. She cites the verbatim report, pg 369 for support of this point. (*Petitioner's Response Brief pg. 9*) Laura also claims that this evidence was offered only pursuant to ER 609. However, no further challenge was made pursuant to ER 609 upon the revelation that her felony conviction being older than 10 years, and page 369 of the verbatim report has nothing at all to do with whether the Facebook Messages and/or text messages were properly admitted by the court.

This point is actually never clarified on the record. Judge Blinn made a partial ruling to allow the messages to be read as part of witness examination (*RP 171*), and Desiree (through Mr. Millar) offered the written evidence to be marked and admitted (*RP 160*), but Judge Blinn never came back to the question of admissibility for the remainder of the trial despite subsequent references to the same materials being made throughout the rest of the trial.

Laura claims there is nothing in the trial record demonstrating that the Trial Court prejudiced Desiree by putting significant weight on the testimony of Misty Stephenson. This is false. The very first thing Judge Blinn cites as a reason for finding Desiree has a “long term substance abuse problem” was the photographs which were taken by Misty Stephenson’s minor daughter (*RP 157*) with no information from the photographs that could establish when the photographs were taken (*Id*). When questioned by Laura’s attorney, Misty only identifies items in the photo which belong to her, not Desiree. (*RP 151*) But yet she still insists the photo was taken after she left and when Desiree was living there. (*Id*) Before Desiree began residing in that house, a restraining order was filed preventing Misty Stephenson from coming within 500 feet of the house or it’s residents as a result of her vandalizing the house, threatening to shoot or harm the other residents when she was asked to leave, and the vehicular assault/hit and run.

Misty frequently changes her testimony as she delivers it including blaming Desiree for her dog going to the pound and then immediately changing her story seconds later. (*RP 176, 186-187*) Misty first attempts to say she “borrowed” the money from Laura (*RP 159*) but later abandons that notion (*RP 191*).

Error #4. The Trial court erred by finding that Desiree was an unfit parent simply because she defended herself against the false accusations made against her (CP at 172).

Does substantial evidence exist which supports a finding that Desiree is an unfit parent simply because she had the audacity to defend herself against the allegations of her mother?

Petitioner offers no comment on this assignment of error. That the Trial court abused its discretion by finding Desiree unfit because she tried to defend herself is self-evident and is also conceded by the Petitioner.

Error #5. The Trial court erred by finding Desiree had a long term substance abuse problem.

Laura argues there is substantial evidence in the record to support a finding Desiree has a long-term substance abuse problem separate from Misty's biased testimony obtained by bribery as discussed above in #3. Her first example is her own testimony claiming to have found unidentifiable pills left behind when Desiree had visited her home. (*RP 390*). This claim typifies the repeated bad faith and poor ethics employed by Laura and her attorney. To call the testimony referenced an established fact grossly mis-characterizes the testimony given. Laura would have this Court believe that her claim of finding "pills" which she couldn't identify and she alleges were left by Desiree is clear, cogent, and convincing evidence of Desiree's "long term pattern of substance abuse". Laura believes it is completely rational, despite her having no background in medicine and no medical training, for her to nevertheless have an expert knowledge in illicit pill identification. She figures that because she is 50 years old and has taken a lot of medications in that time, and also given lots of medications to her children, that she has gained knowledge of all pills, and all origins, and the ones she claims to have found loose outside of any container didn't look like anything she was familiar with, and therefore they must be illicit drugs (*RP 342-343*). No physical evidence is produced, no corroborating information regarding a history of pill-based drug abuse is offered. Nothing. Just a bare allegation with nothing to tie it to reality. Essentially a lie. On cross-examination Laura eventually admits after initial insistence upon her infallible expertise in medication identification that she might not be familiar with every form of natural medication for teething ever created. (*RP 390*) The confidence necessary to claim with a straight face that she is an expert in medicine identification perhaps is the same type of confidence that Judge Blinn was referring to when he cites Laura's confidence as the second and final stated reason for his finding that Desiree has a long term substance abuse problem. (*RP 477*) Immediately thereafter, Judge Blinn admits, incredibly, that he doesn't know what is causing the parents not to be able to perform parenting functions (the only function mentioned is getting BM to medical appointments) even though he was convinced it was drugs just in the previous sentence.

And still, in her response, Laura insists that this Court should find her unrecognized pill testimony as both an established fact of the discovery of drugs in Desiree's possession, and also "substantial" enough to be capable of providing clear, cogent, & convincing evidence to support taking a 2 year old child away from her mother.

Laura also claims that Desiree admitted methamphetamine use to her, but with zero supporting information to describe how such a conversation could have possibly come to pass and despite

Desiree's repeated vehement denial of drug use. (RP 342) It's another completely bare allegation that Laura asks this Court to believe is sufficient and substantial enough to overcome Desiree's constitutionally protected right to raise her child free from the toxic relationship and paranoid, baseless accusations of her mother.

No other witness testified that they had ever witnessed Desiree using illegal drugs. They only speculated and repeated what they had been told by Laura, as admitted by Alex Almonte (RP 260).

The Trial court ignored the two UA test results provided by Desiree in accordance with court mandated protocols. Neither test returned a positive result for illegal drugs. One test had a positive reading for Marijuana, which is completely legal. Instead of even mentioning the two UA tests, the Trial court relies instead on the mere inference of a positive drug test result even though Desiree presented evidence explaining the inability to take the test ordered on 9/24/18.

Does substantial evidence exist which supports a finding that Desiree has a long term substance abuse problem? The only rational conclusion that could be drawn from the evidence taken as whole is such a finding is doubtful at best, but certainly not "Highly Probable".

Error #6. The Trial court erred by finding Desiree had "substantially refused to perform parenting functions"

The Trial court offers no explanation as to what parenting functions are alleged to have been refused to be performed other than the function of providing medical care for BM – simply put: to ensure BM made it to her doctors's appointments . Since the discussion is just redundant to assignment of error #8 and no new information is provided in the response, this item will be discussed as part of Error #8.

Error #7. The Trial court erred by finding Desiree is currently an unfit parent.

A court determines a parent's fitness by her present condition, not past conduct. [*In re Custody of A.L.D.*, 191 Wn. App. 474, 506, 363 P.3d 604 \(2015\)](#). A parent's past conduct alone cannot establish current unfitness. [*In re Dependency of Brown*, 149 Wn.2d 836, 841, 72 P.3d 757 \(2003\)](#). No witness who testified had any contact with Desiree for the year prior to trial. They testified to patterns of behavior which were benign to an inquiry of parental fitness and many of which took place before

BM's birth, and others a year or more prior to the trial. The Court failed to appointment a GAL or even a family investigator to make any independent assessment of Desiree's current fitness as a parent. The Petitioner never made any attempt at discovery other than sending a request to verify Desiree's employment to a company that Desiree doesn't work for. Unstable housing, unstable employment are claimed both without any factual basis other than the thoughts and opinions of people recalling Desiree's past who have admitted they don't have any current contact with her to form such opinions.

Error #8. The trial court erred by finding that Desiree had engaged in medical neglect contrary to the factual record.

Desiree produced a table which summarizes every appointment and every comment or outcome from each of them with page number references to the source records. Those records are found in their entirety at Clerk's Papers Exhibit #5. There were 34 total appointments which were attended by BM with one or more parents present. Of those 34, 4 required re-scheduling with some of those 4 being rescheduled as late 3 to 4 weeks past the original appointment dates. The reason for 3 out of 4 of those missed appointments was the constant insistence of Laura that Desiree bring the baby to Arizona to visit. All of those trips were planned and paid for by Laura.

To reasonable people, 4 out of 34 appointments being re-scheduled in a year and a half cannot provide substantial evidence capable of supporting anything more than a gentle admonishment. Which appeared to be precisely the approach employed by BM's physician.

As with the completely false reporting of facts in Number #5 above, here too, Laura has repeatedly lied about the contents of the medical records as she has throughout the entirety of the case. It is Laura's accusation (and hers only) which claims that Desiree is wholly at fault for BM's need to have a second surgery due to the rescheduled appointments the majority of which were related to trips that Laura herself paid for and insisted were made so she could see and visit her granddaughter. That strategy is remarkable if for no other reason than how brash it is considering the irrefutable evidence on the written record which easily demonstrates her claims are 100% false once again. That evidence follows:

The Doctor himself clearly states in his letter that compliance of the parents has not been a factor in the course of treatment. "...not been the usual case with or without good compliance" (CP Ex. #2, pg. 2) Even more importantly, in his own notes taken during, and/or just after, BM's first surgery the Doctor notes very clearly: He exercised his learned medical judgment to elect a conservative approach to BM's care by

refraining from performing some portions of the procedures contemplated in the first surgery. (*CP Ex. #5, pgs. 236-237*) He concludes that the likely result will be a need to perform a second or even third surgery on BM to completely cure her clubfoot. (*Id at pgs. 298, 326, 345*)

Error #9. The Trial court erred in finding that BM would suffer actual detriment if left in Desiree's care.

No further comment is required on this error. The appeal brief was not specifically refuted by the response. The only reason given for the actual detriment finding remains a supposed inability to attend doctors appointments despite the fact that 3 out of 4 missed and re-scheduled appointments were caused by Laura not Desiree. Regardless of who caused the missed appointments the possibility that a Dr. appointment might be missed in the future is purely speculative detriment not actual detriment as required by the prevailing standard.

I Desiree Todd, respectfully submit the foregoing and hereby certify under penalty of perjury that it is true and correct to the best of my abilities and knowledge. On this 4th Day of August, 2020 at Bellevue, Washington.

/s/ Desiree Todd

Bexleigh's Appointments at Mary Bridge**Medical Rec. page**

2/7/2017	1 Consultation and begin Serial Casting	No Issues	2
2/14/2017	2 Normal	No Issues	23
2/23/2017	3 Normal	No Issues	33
3/2/2017	4 Normal	No Issues	40
3/9/2017	5 Change Providers Noted very stiff foot	No Issues	49
3/16/2017	6 Difficult to make progress	No Issues	55
3/23/2017	7 Stiff foot mention	No Issues	67
4/3/2017	8 Normal	No Issues	80
4/11/2017	9 Hack saw mentioned, advised to have Dr remove if cast becomes that tough again	No Issues	94
5/18/2017	10 in AZ at Petitioner demand "stubborn club foot" mild relapse	AZ Issues	101
5/25/2017	11 Normal	No Issues	114
6/14/2017	12 First mention of surgery needed, foot relapsed despite cast in place all 3 weeks.	No Issues	124
7/26/2017	13 Cast was removed this morning it was on during absence due to "car trouble"	Car But No effect	129
8/2/2017	14 Slowly Improving	No Issues	156
8/9/2017	15 Normal	No Issues	165
8/14/2017	16 soiled went in to redo. Dr mentions well developed and well nourished no distress	No Issues	174
9/13/2017	17 In AZ again, but cast remained on. "Doing well" Surgery now in planning Progress is slow due to her age	AZ Issues	180
9/25/2017	18 Cast came off 2 days early due to wetness but "Doing well"	No Issues	190
10/16/2017	19 "We are a little late but not severely so" "a little bit of trouble with delays"	No Issues	197
10/25/2017	20 Doing well	No Issues	207
11/6/2017	21 Surgery Left ankle posterior release and Achilles lengthening. A second surgery is mentioned. Doc specifically held back on further procedures planned	No Issues	236
11/15/2017	22 Surgery follow up looking good – come back in 3 weeks	No Issues	244
12/6/2017	23 Throw up incident in Az Ortho wouldn't do Cast went to Banner Relapse But still "doing very well"	AZ Throw up	254
12/8/2017	24 Surgery for Abscess and recast under anesthesia	Abscess	268
12/20/2017	25 Significant equinas but also significantly improved Cast was on all 2 weeks	No Issues	285
1/3/2018	26 Back early as soft cast became wet. Respondents in for new cast the next day. Doctor mentions his frustration with the reistance of the foot (not frustration over Parents)	No Issues	'292-293
1/11/2018	27 Normal Significant Improvement	No Issues	300
1/18/2018	28 Cast came off 20 hrs early due to wetness (normally off 12hr prior to appointment) relapse	20 hours cast wet	316
2/1/2018	29 Persistent Equinas is troubling Dr. R mentions likelihood of needing another surgery	No Issues	319
2/5/2018	30 Normal	No Issues	330
2/15/2018	31 Normal	No Issues	335
3/5/2018	32 Dr. notes that her clubfoot is very difficult switching to braces because cast is coming off	No Issues	346
3/14/2018	33 Bar shoe brace follow up	No Issues	357
09/24/18	34 3 people couldn't hold her down in order to manipulate the foot.	in AZ again	387
	NO ISSUES APPOINTMENTS 28 OUT OF 34		82%
	DELAYS CAUSED BY PETITIONER'S INSISTENCE ON VISITING IN AZ 4 OUT OF 34		12%
	CAR TROUBLES MENTIONED 1 OUT OF 34		3%
	WET CAST REMOVED EARLY BY MOTHER 1 OUT OF 34 (FOR 20 HOURS)		3%