

FILED
Court of Appeals
Division III
State of Washington
3/19/2018 9:56 AM

NO. 35612-4-III

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

WASTE CONNECTIONS OF WASHINGTON INC.
dba LAKESIDE DISPOSAL & RECYCLING CO.,

Appellant,

v.

DEPARTMENT OF LABOR AND INDUSTRIES
OF THE STATE OF WASHINGTON,

Respondent.

**DEPARTMENT OF LABOR AND INDUSTRIES
BRIEF OF RESPONDENT**

ROBERT W. FERGUSON
Attorney General

Cody L. Costello
Assistant Attorney General
WSBA No. 48225
Office Id. No. 91018
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7740

TABLE OF CONTENTS

I. INTRODUCTION.....1

II. ISSUE.....1

III. COUNTER STATEMENT OF THE CASE1

 A. The Department Cited Waste Connections for Safety
 Violations and It Had Until March 5, 2015, to Appeal.....1

 B. Waste Connections Tried to Mail Its Notice but It Used
 Insufficient Postage.....2

 C. The Board Found the Notice Untimely and the Superior
 Court Affirmed.....3

IV. STANDARD OF REVIEW.....3

V. ARGUMENT4

 A. Waste Connections Did Not Follow RCW 49.17.140
 Because Its Appeal Did Not Notify the Director of Its
 Dispute4

 B. Equity Does Not Aid Waste Connections Because It Did
 Not Preserve Such an Argument and Because It Does Not
 Meet the Two-Prong Test for Equitable Tolling.....10

VI. CONCLUSION15

TABLE OF AUTHORITIES

Cases

<i>B & J Roofing, Inc., v. Bd. of Indus. Ins. Appeals,</i> 66 Wn. App. 871, 832 P.2d 1386 (1992).....	14
<i>B & R Sales, Inc. v. Dep't of Labor & Indus.,</i> 186 Wn. App. 367, 344 P.3d 741 (2015).....	10
<i>Berjaminov v. City of Bellevue,</i> 144 Wn. App. 755, 183 P.3d 1127 (2008).....	12, 14
<i>Burns v. City of Seattle,</i> 161 Wn.2d 129, 164 P.3d 475 (2007).....	6
<i>City of Seattle v. Allison,</i> 148 Wn.2d 75, 59 P.3d 85 (2002).....	9
<i>City of Seattle v. Public Emp't Relations Comm'n,</i> 116 Wn.2d 923, 809 P.2d 1377 (1991).....	14
<i>Danzer v. Dep't of Labor & Indus.,</i> 104 Wn. App. 307, 16 P.2d 35 (2000).....	11
<i>Dep't of Licensing v. Cannon,</i> 147 Wn.2d 41, 50 P.3d 627 (2002).....	6, 8
<i>Frank Coluccio Constr. Co. v. Dep't of Labor & Indus.,</i> 181 Wn. App. 25, 329 P.3d 91 (2014).....	3, 4, 15
<i>Haines-Marchel v. Wash. State Liquor & Cannabis Bd.,</i> 1 Wn. App. 2d. 712, 406 P.3d 1199 (2017).....	8
<i>ITT Rayonier, Inc. v. Dalman,</i> 122 Wn.2d 801, 863 P.2d 64 (1993).....	8
<i>Joy v. Dep't of Labor & Indus.,</i> 170 Wn. App. 614, 285 P.3d 187 (2012).....	10

<i>Kaiser Aluminum & Chem. Corp. v. Dep't of Labor & Indus.</i> , 57 Wn. App. 886, 790 P.2d 1254 (1990).....	7
<i>Lieb v. Webster</i> , 30 Wn.2d 43, 190 P.2d 701 (1948).....	7
<i>Millay v. Cam</i> , 135 Wn.2d 193, 955 P.2d 791 (1998).....	11
<i>Pilchuck Contractors, Inc. v. Dep't of Labor & Indus.</i> , 170 Wn. App. 514, 286 P.3d 383 (2012).....	3
<i>Scannell v. State</i> , 128 Wn.2d 829, 912 P.2d 489 (1996).....	12
<i>State v. J.P.</i> , 149 Wn.2d 444, 69 P.3d 318 (2003).....	8
<i>State v. Larson</i> , 184 Wn.2d 843, 365 P.3d 740 (2015).....	5
<i>State v. Miller</i> , 19 Wn. App. 432, 576 P.2d 1300 (1978).....	13
<i>Wash. Cedar Supply Co. v. Dep't of Labor & Indus.</i> , 137 Wn. App. 592, 154 P.3d 287 (2007).....	9, 13
<i>Wesco Distribution, Inc. v. Westport Group, Inc.</i> , 150 S.W.3d 553 (Tex. 2004).....	9
<i>West v. Thurston Cty.</i> , 168 Wn. App. 162, 275 P.3d 1200 (2012).....	14

Statutes

RCW 49.17	1
RCW 49.17.010	4, 15
RCW 49.17.140	passim

RCW 49.17.140(1).....	passim
RCW 49.17.150(1).....	3

Rules

CR 4	13
CR 5	9
CR 5(d)(2).....	13
CR 6	14
CR 6(b)(2).....	13
RAP 2.5.....	10
RAP 5.2(a)	12
RAP 15.2(a)	12
RAP 18.8.....	12
RAP 18.8(b).....	12

Regulations

WAC 263-12-125.....	13
WAC 296-900-17005(2).....	passim
WAC 296-900-17005(5).....	5

Other Authorities

<i>Webster's Third New International Dictionary</i> 1361 (2002)	7
---	---

I. INTRODUCTION

Mailing requires proper postage. Waste Connections of Washington, Inc. did not use sufficient postage when it tried to notify the Director of the Department of Labor & Industries that it intended to appeal a workplace-safety citation. The superior court properly affirmed the Board of Industrial Insurance Appeal's conclusion that Waste Connections did not timely appeal.

II. ISSUE

To contest a workplace-safety citation, RCW 49.17.140(1) directs a party to "notify the director that the employer intends to appeal." WAC 296-900-17005(2) provides that "[t]he postmark is considered the submission date of a mailed request." Waste Connections did not use sufficient postage when it placed its appeal in a mailbox. Does failing to use sufficient postage mean there is no "mailed request" or "submission" that would "notify the director that the employer intends to appeal"?

III. COUNTER STATEMENT OF THE CASE

A. **The Department Cited Waste Connections for Safety Violations and It Had Until March 5, 2015, to Appeal**

The Department issued a citation to Waste Connections for workplace-safety violations of RCW 49.17. CP 58-63. Two days later

Waste Connections received the citation from the Department. CP 65, 110.

The Department provided “Appeal Rights” with the citation:

If you are cited for a violation of Occupational Safety and/or Health rules, you have the right to appeal the citation. **You have 15 working days from the date you receive this citation to appeal.** (RCW 49.17.140(1)).

CP 62.

The parties agree March 5, 2015—the fifteenth working day after it received the citation—was the deadline to give the Department notice of the intent to appeal. Appellant’s Opening Brief (AB) 5.

B. Waste Connections Tried to Mail Its Notice but It Used Insufficient Postage

Before the appeal deadline, Waste Connections deposited a notice in the mail but failed to pay the correct postage. CP 66.¹ It requested but did not pay for certified mail delivery and the post office returned the letter, undelivered, for failure to pay proper postage. CP 112.

When the post office returned its letter for insufficient postage, it was after the appeal deadline. CP 112. Waste Connections then mailed the notice with proper postage on March 13; eight days after the appeal period ran. CP 53-55.

¹ For brevity’s sake, the Department will refer to Waste Connections’ letter giving notice of the intent to appeal that was required under RCW 49.17.140(1) as the “notice.”

The Department received only Waste Connections' second letter. CP 53, 112, 120. The Department did not consider it timely. CP 53, 114.

C. The Board Found the Notice Untimely and the Superior Court Affirmed

Waste Connections appealed to the Board. CP 87. The Board found that Waste Connections did not use the proper postage and that Waste Connections therefore did not give notice within 15 days of the date it received the citation. *See* CP 30, 47-51. The Board concluded that Waste Connections' notice was untimely and dismissed its appeal. CP 50. In a written decision, the superior court affirmed the Boards' conclusions. CP 192-97.

IV. STANDARD OF REVIEW

In Washington Industrial Safety & Health Act (WISHA) appeals, the court reviews the Board's decision directly based on the record before the Board. *Frank Coluccio Constr. Co. v. Dep't of Labor & Indus.*, 181 Wn. App. 25, 35, 329 P.3d 91 (2014). The Board's findings are conclusive if substantial evidence supports them. *Id.*; RCW 49.17.150(1).

The court reviews questions of law, including an agency's construction of a regulation, de novo. *Pilchuck Contractors, Inc. v. Dep't of Labor & Indus.*, 170 Wn. App. 514, 517, 286 P.3d 383 (2012). The court construes WISHA statutes and regulations "liberally to achieve their

purpose of providing safe working conditions for workers in Washington.”

Frank Coluccio, 181 Wn. App. at 36; RCW 49.17.010.

V. ARGUMENT

The statute and rule governing perfecting an appeal of a WISHA citation require an employer to give notice to the Director of its intent to appeal a citation or the employer loses the right to appeal the citation. RCW 49.17.140(1); WAC 296-900-17005(2). A notice that a party places in the mailbox without sufficient postage, and that was never delivered to the Director, does not notify the Director of the intent to appeal. Waste Connections relies on WAC 296-900-17005(2) to say that a postmark on a letter with insufficient postage provides notice, but the rule’s language belies this argument: it states there must be a “submission” and a “mailed request.” AB 12. A party has not “submitted” a document or “mailed” a letter if the letter was returned to the party as undeliverable instead of being delivered to the recipient.

And equity does not aid Waste Connections because it has not shown the two prerequisites to equitable tolling—that Waste Connections exercised due diligence and that the Department did something that caused Waste Connections’ delay.

A. **Waste Connections Did Not Follow RCW 49.17.140 Because Its Appeal Did Not Notify the Director of Its Dispute**

To appeal a citation issued by the Department, an employer must notify the Director of its intent to appeal a citation within fifteen working days after the employer receives the citation:

If, within fifteen working days from the communication of the notice issued by the director the employer fails to notify the director that the employer intends to appeal the citation or assessment penalty, and no notice is filed by any employee or representative of employees under subsection (3) of this section within such time, the citation and the assessment shall be deemed a final order of the department and not subject to review by any court or agency.

RCW 49.17.140(1). The Department allows a party to mail, fax, or personally deliver this notice. WAC 296-900-17005(2). The rule's note provides that "[t]he postmark is considered the submission date of a mailed request." WAC 296-900-17005(2) (regulation part's note). To act on the notice, the Department requires that a party "mail" the document so the Department may receive it. WAC 296-900-17005(2) (party may "mail" its notice and there must be a "submission" and a "mailed request"); WAC 296-900-17005(5) (Department acts "[a]fter receiving an appeal");² RCW 49.17.140 (party must "notify" the Director of intent to appeal).

The fundamental purpose in interpreting a statute is to give effect to the Legislature's intent. *State v. Larson*, 184 Wn.2d 843, 848, 365 P.3d

² WAC 296-900-17005(5) refers to the document giving notice of the intent to appeal as an "appeal."

740 (2015). If the statute's meaning is plain then the court must give effect to that plain meaning as an expression of the Legislature's intent. *Id.* The rules of statutory construction apply to administrative rules just as they do to statutes. *Dep't of Licensing v. Cannon*, 147 Wn.2d 41, 56, 50 P.3d 627 (2002). Under plain language analysis, the court determines a statute's and rule's meaning from their terms "to give effect to [their] underlying policy and intent." *Id.* at 56; *Burns v. City of Seattle*, 161 Wn.2d 129, 146, 164 P.3d 475 (2007).

The plain language of RCW 49.17.140(1) requires actual notice to the Director of an intent to appeal. "If, within fifteen working days from the communication of the notice issued by the director the employer *fails to notify* the director," the citation becomes final. RCW 49.17.140(1) (emphasis added). The employer must "notify" the Director of the intent to appeal. Failing to put postage on an appeal notice means the Director would not be "notif[ed]" of the intent to appeal. *Id.*

Under the regulation and its accompanying note, to perfect filing by mailing, WAC 296-900-17005(2) requires a party to "mail" the notice: "The postmark is considered the submission date of a mailed request." Thus, the Department considers the postmark the "submission date" only if there is a "mailed request." WAC 296-900-17005(2) (regulation part's note). Placing something in a mailbox without sufficient postage is not

“mailing” because it cannot reach the addressed party. The plain meaning of the verb “mail” is “to send postal matter by mail.” *Webster’s Third New International Dictionary* 1361 (2002). Sending by mail means it will reach a destination. Failing to have sufficient postage means it will not reach its destination. Thus, failing to have sufficient postage means the party did not mail the letter. As the court has held under the mailbox rule, a party does not prove mailing when a party presents no evidence of “sufficient postage stamps placed thereon.” *Kaiser Aluminum & Chem. Corp. v. Dep’t of Labor & Indus.*, 57 Wn. App. 886, 892, 790 P.2d 1254 (1990) (substantial evidence there was no evidence of proper mailing when “There is no evidence any envelopes were prepared, sufficient postage stamps placed thereon, or what happened to the letters after they left Mr. Stuart’s ‘out’ basket.”); *Lieb v. Webster*, 30 Wn.2d 43, 47, 190 P.2d 701 (1948) (proof of mailing custom to prepare notice with addressed and stamped envelope, without proof of compliance with custom, uniformly held insufficient to establish proof of mailing) (internal citations omitted).

Likewise, to perfect service by mailing, WAC 296-900-17005(2) requires a “submission” to the Director. The relevant meaning of “submission” is “an act of submitting something (as for consideration, inspection, or comment).” *Webster’s* 2277. “Submit” means “to send or commit for consideration, study, or decision.” *Id.* Necessarily to have a

“submission date” the party must provide the notice to the Director and the failure to use sufficient postage means the Director will not receive it.

The court cannot view the rule’s reference to a postmark in isolation, contrary to Waste Connections’ arguments. AB 12-13. Waste Connections interprets the rule to mean that if a postmark date is within the filing period, then it is a timely notice, regardless of whether the document was ever actually delivered by mail to the recipient. AB 12-13. This argument fails for two reasons. First, this interpretation ignores the words “submission” and “mailed” even though the court cannot ignore words in a rule. *See Cannon*, 147 Wn.2d at 57; *State v. J.P.*, 149 Wn.2d 444, 450, 69 P.3d 318 (2003) (court cannot delete words from a statute).

Second, Waste Connections’ interpretation gives no meaning to RCW 49.17.140’s notice requirement. RCW 49.17.140(1) requires the employer to *notify* the Director of an appeal and if “the employer fails to *notify* the director that the employer intends to appeal,” the citation becomes final. RCW 49.17.140(1) (emphasis added). The court reads a rule within the context of the statutory scheme. *ITT Rayonier, Inc. v. Dalman*, 122 Wn.2d 801, 807, 863 P.2d 64 (1993). The court cannot interpret a rule to contradict a statute. *Haines-Marchel v. Wash. State Liquor & Cannabis Bd.*, 1 Wn. App. 2d. 712, 744, 406 P.3d 1199 (2017). Waste Connections’ interpretation contradicts the statutory requirement to

notify the Director of the appeal. Putting an envelope in a mailbox without sufficient postage, and having the envelope returned as undeliverable, does not notify the Director of anything, let alone that an employer intends to appeal a citation. Under RCW 49.17.140(1) case law, “Notice must be reasonably calculated, under all circumstances to apprise all interested parties of the action . . .” *Wash. Cedar Supply Co. v. Dep’t of Labor & Indus.*, 137 Wn. App. 592, 606, 154 P.3d 287 (2007) (serving yard manager sufficient service of notice of citation). Sending a letter without sufficient postage is not reasonably calculated to notify the Director of the appeal.

Waste Connections also argues that if the Department intended sufficient postage to be a prerequisite of filing it should have included it in the rule, as CR 5 does. AB 13. The Texas Supreme Court rejected the same argument in *Wesco Distribution, Inc. v. Westport Group, Inc.*, 150 S.W.3d 553, 556 (Tex. 2004). The statute allowed notice of a lien by mailing, but did not specify if a party had to use adequate postage. *Id.* at 557. The court said it would be absurd to say it is effective notice by mailing without postage because this did not provide “timely written notice” as required by the statute. *Id.* at 558. Washington too does not “construe a regulation in a manner that is strained or leads to absurd results.” *City of Seattle v. Allison*, 148 Wn.2d 75, 81, 59 P.3d 85 (2002). It

leads to absurd results to say that placing a document in the mailbox without sufficient postage, and having it returned as undeliverable, will either “notify” the Director of the intent to appeal under the statute or “mail” the document to the Director as required under the rule. *See* RCW 49.17.140(1); WAC 296-900-17005(2).

B. Equity Does Not Aid Waste Connections Because It Did Not Preserve Such an Argument and Because It Does Not Meet the Two-Prong Test for Equitable Tolling

Waste Connections has waived its equitable relief argument because it did not sufficiently argue it below. RAP 2.5. Waste Connections points to a single sentence of argument in its superior court brief:

I am arguing [the] equity argument to the extent that it’s the right thing to do, your Honor, to allow my client to be able to have a hearing on the merits here.

AB 18 n.2 (quoting RP 23). To obtain judicial review over an issue, “there must be more than a hint or a slight reference to an issue” *B & R Sales, Inc. v. Dep’t of Labor & Indus.*, 186 Wn. App. 367, 382, 344 P.3d 741 (2015). Citing no authority is fatal to its argument, as authority would have allowed the superior court to meaningfully review the issue. *See Joy v. Dep’t of Labor & Indus.*, 170 Wn. App. 614, 629, 285 P.3d 187 (2012) (appellate court does not consider assertions that are only given passing treatment and are unsupported by reasoned argument.).

In any event, the equitable tolling argument fails on the merits. The predicates for equitable tolling are (1) bad faith, deception, or some other action by the defendant that confused or misled the plaintiff, and (2) a plaintiff who has exercised due diligence. *See Millay v. Cam*, 135 Wn.2d 193, 206, 955 P.2d 791 (1998); *Danzer v. Dep't of Labor & Indus.*, 104 Wn. App. 307, 318, 16 P.2d 35 (2000). Waste Connections fails both prongs. First, equitable tolling only applies under RCW 49.17.140 if the delay in filing is caused by some action on the agency's part, such as deception, the agency's failure to follow proper procedures, or some other action by the agency that misled or confused the appealing party. *Danzer*, 104 Wn. App. at 318. Here the Department had nothing to do with Waste Connections failing to place adequate postage on the envelope. Instead, the Department provided notice that the employer had to file an appeal in 15 working days. CP 62. Since Waste Connections cannot point to any action by the Department that caused it to delay filing a proper notice, its plea for equity fails.

Second, while Waste Connections argues it was diligent because it did not place the first notice in the mailbox late, it cannot show it was diligent when it neglected to put the proper postage on the envelope—a cardinal rule of mailing. Courts typically permit equitable tolling to occur only sparingly, and does not “extend it to a garden variety claim of

excusable neglect.” *Benyaminov v. City of Bellevue*, 144 Wn. App. 755, 761, 183 P.3d 1127 (2008) (quotation omitted). Waste Connections’ failure to diligently use proper postage dooms its equity-based argument.

The appellate and civil court rules similarly provide no basis to apply equity here. Referencing the appellate court’s inherent authority under RAP 18.8(b), Waste Connections cites *Scannell v. State*, 128 Wn.2d 829, 832-33, 912 P.2d 489 (1996), which addressed a pro se litigant’s confusion over an amended Rule of Appellate procedure. The pro se litigant believed that the previous version of RAP 15.2(a) governed his rights and obligations in appeal, and acted on that understanding. *Scannell*, 128 Wn.2d at 833. After an unsuccessful appeal to superior court, Scannell moved for an order of indigency, incorrectly believing it would toll the notice of appeal deadline. *Id.* at 831. His confusion stemmed from a cross-reference in RAP 5.2(a) to RAP 15.2(a). The Court’s leniency in *Scannell* was not because of the “innocent” nature of the mistake, as Waste Connections suggests at AB 19, but because of (1) the confusing nature of the rule, (2) compounded by a recent amendment that obviated the cross-referenced sections, and (3) because Scannell would have timely complied based on the pre-amended RAP 15.2(a). *Id.* at 834-36. Not one factor is present here, even if RAP 18.8 applied to superior court appeals under RCW 49.17.140, which it does not.

Nor does Waste Connections' status as a pro se litigant shield it from the consequences of its own mailing error; "an orderly judicial system cannot have one set of rules for cases handled by attorneys, and another set for those who wish to take the risk of representing themselves." *State v. Miller*, 19 Wn. App. 432, 436, 576 P.2d 1300 (1978).

CR 5(d)(2) and CR 6(b)(2) similarly provide no equitable basis for relief. *Contra* AB 19. First, the civil rules do not apply to RCW 49.17.140's procedures about citations. *Wash. Cedar*, 137 Wn. App. at 608 (CR 4 rules do not apply under RCW 49.17.140). Waste Connections cites WAC 263-12-125, but it only applies to Board proceedings, the time in which the civil rules apply. *Wash. Cedar*, 137 Wn. App. at 608. A Department citation is not a proceeding before the Board. RCW 49.17.140. The Civil Rules do not apply to Department actions before the Board proceedings. *Wash. Cedar*, 137 Wn. App. at 608. Even if Waste Connections could relate the Civil Rules to this matter, the more specific provisions of RCW 49.17.140(1) govern the parties' obligations over the general Civil Rules. *Id.*

Second, even if those rules applied here, they would not provide a basis for relief. CR 5(d)(2) allows a party to avoid sanctions if it shows good cause to support an extension of time and CR 6(b)(2) allows a court to expand a deadline based on excusable neglect. But RCW 49.17.140

does not incorporate these rules in the statute, and they are not the standard. *See B & J Roofing, Inc., v. Bd. of Indus. Ins. Appeals*, 66 Wn. App. 871, 876, 832 P.2d 1386 (1992) (RCW 49.17.140 deadline a statutory deadline not extended by CR 6). In any event, a party shows no good cause or excusable neglect by failing to do something that is essential to ensure filing. Failure to comply with a statutorily set time limitation cannot be compliance with the statute. *See City of Seattle v. Public Emp't Relations Comm'n*, 116 Wn.2d 923, 928, 809 P.2d 1377 (1991).³

Waste Connections argues that the court should hear the case on its merits. AB 18. It ignores the Legislature's prerogative to establish appeal deadlines and appellate courts' assumption that the Legislature "means exactly what it says." *West v. Thurston Cty.*, 168 Wn. App. 162, 183, 275 P.3d 1200 (2012) (quotation omitted). It disregards case law that the court should apply equitable tolling sparingly and should not extend it to garden variety claims of excusable neglect. *See, e.g., Benjaminov*, 144 Wn. App. at 761.

Allowing a late appeal when the party cannot meet the two-prong test of equitable tolling would frustrate worker safety. The court construes

³ Waste Connections conceded below it was not arguing substantial compliance. RP 24.

WISHA statutes and regulations “liberally to achieve their purpose of providing safe working conditions for workers in Washington.” *Frank Coluccio*, 181 Wn. App. at 36; RCW 49.17.010. Consistent deadlines ensure worker safety by providing finality to workplace-safety citations.

VI. CONCLUSION

Mailing requires proper postage. By supplying insufficient postage, Waste Connections failed to notify the Director it intended to appeal and the Board properly dismissed its appeal. This Court should affirm.

RESPECTFULLY SUBMITTED this 19th day of March, 2018.

ROBERT W. FERGUSON
Attorney General

A handwritten signature in black ink that reads "Cody Costello". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Cody L. Costello
Assistant Attorney General
WSBA No. 48225
Office Id. No. 91018
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7740

NO. 35612-4-III

COURT OF APPEALS, DIVISION III
OF THE STATE OF WASHINGTON

WASTE CONNECTIONS OF
WASHINGTON, INC., DBA
LAKESIDE DISPOSAL & RECYCLING
COMPANY,

Appellant,

v.

WASHINGTON STATE
DEPARTMENT OF LABOR AND
INDUSTRIES,

Respondent.

DECLARATION OF
MAILING

The undersigned, under penalty of perjury pursuant to the laws of the State of Washington, declares that on March 19, 2018, I E-filed the Department's Brief of Respondent and this Declaration of Mailing in the below described manner:

Via E-file to:

Renee Townsey, Clerk/Administrator
Court Of Appeals Division III
500 N Cedar St
Spokane WA 99201-1905

Via ABC Legal Messengers to:

Erik Laiho
David Grimm Payne & Marra
701 Fifth Ave., Ste 4040
Seattle WA 98104

DATED this 19th day of March, 2018.

Doris Roger
DORIS ROGER, Legal Assistant

WASHINGTON ST. ATTORNEY GENERAL - LABOR & INDUSTRIES DIVISION - SEATTLE

March 19, 2018 - 9:56 AM

Transmittal Information

Filed with Court: Court of Appeals Division III
Appellate Court Case Number: 35612-4
Appellate Court Case Title: Waste Connections of Washington, Inc. v. Washington Dept. of Labor & Industries, et al
Superior Court Case Number: 16-2-00312-1

The following documents have been uploaded:

- 356124_Briefs_Plus_20180319095015D3169100_5918.pdf
This File Contains:
Affidavit/Declaration - Service
Briefs - Respondents
The Original File Name was RespondentsBrief.pdf

A copy of the uploaded files will be sent to:

- codyc@atg.wa.gov
- elaiho@davisgrimmpayne.com

Comments:

Sender Name: Doris Rogers - Email: dorisr@atg.wa.gov

Filing on Behalf of: Cody Costello - Email: codyc@atg.wa.gov (Alternate Email:)

Address:
800 Fifth Avenue, Ste. 2000
Seattle, WA, 98104
Phone: (206) 464-7740

Note: The Filing Id is 20180319095015D3169100