IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

KIMME PUTMAN, Appellant, vs. WENATCHEE VALLEY MEDICAL CENTER, P.S., a Washington professional service corporation, Respondents, and PATRICK J. WENDT, M.D.; DAVID B. LEVITSKY, M.D., SHAWN C. KELLEY, M.D.; and JOHN DOE NO. 1; JOHN DOE NO. 2; JANE DOE NO. 1 and JANE DOE NO. 2, Defendants.	No. 80888-1 RESPONDENT'S SECOND STATEMENT OF SUPPLEMENTAL AUTHORITIES

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STATE OF WASHINGTON
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Pursuant to RAP 10.8, respondent submits the following as supplemental authority:

1. On the separation of powers issue:

a. *Morgan v. Johnson,* 137 Wn.2d 887, 896, 976 P.2d 619 (1999).

b. *Hale v. Wellpinit School District No. 49,* ___ Wn.2d ___, 198 P.3d 1021 (2009).

c. 1975-76 WASH. LAWS, 2d Ex. Sess., ch. 56, § 14, and 2006 WASH. LAWS ch. 8, § 304, prior to subsection (1).

d. *State ex rel. Foster-Wyman Lumber Co. v. Superior Court,* 148 Wash. 1, 267 P.770 (1928).

e. *City of Seattle v. Hesler,* 98 Wn.2d 73, 653 P.2d 631 (1982).

f. Spitzer, *Court Rulemaking in Washington State,* 6 U. PUGET SOUND LAW. REV. 31 (1982).

2. On the separation of powers issue vis-à-vis CR 11 and RCW 7.70.150 discussed at Amicus Curiae Brief of Washington State Medical Association et al., page 2:

a. *State v. Holland,* 7 Wn. App. 676, 680, 501 P.2d 1243 (1972).

b. *Gordon v. Seattle-First Nat'l Bank,* 49 Wn.2d 728, 731, 306 P.2d 739 (1957).

c. *People v. Kasparis,* 107 Mich. App. 294, 309 N.W.2d 241 (1981).

d. RCW 69.04.780

e. CR 5(b)(2)(B)

f. RCW 25.10.520

g. RCW 26.33.190(1)

h. RCW 38.32.080

i. RCW 70.158.030(1)

j. RCW 70.158.070(2)

k. RCW 84.52.080(3)

l. RCW 87.25.070

m. RCW 9.96.020

n. RCW 58.09.080

o. RCW 65.12.235

p. 7C C. Wright & A. Miller, FEDERAL PRACTICE & PROCEDURE § 1827, p. 51 (1986).

q. *McClendon v. Callahan,* 46 Wn.2d 733, 284 P.2d 323 (1955).

r. *Flag Construction Co. v. Olympic Boulevard Partners,* 109 Wn. App. 286, 34 P.3d 1250 (2001).

s. *Levy v. State,* 91 Wn. App. 934, 957 P.2d 1272 (1998).

t. *State v. Monson,* 53 Wn. App. 854, 771 P.2d 359, *aff'd,* 113 Wn.2d 833, 784 P.2d 485 (1989).

u. *Cady v. Case,* 11 Wash. 124, 39 P. 375 (1895).

v. *State v. Cronin,* 20 Wash. 512, 56 P. 26 (1899).

3. Regarding the access to courts and due process issues:

a. *Yurtis v. Phipps,* 143 Wn. App. 680, 683, 694, 181 P.3d 849, *rev. denied*, 164 Wn.2d 1037 (2008).

b. *Wolfe v. George,* 486 F.3d 1120, 1125-26 (9th Cir. 2007).

4. *Breuer v. Douglas D. Presta, D.P.M.,* ___ Wn. App. ___, ___ P.3d ____ (2009) (2009 WL 198241), re the WASH. CONST. art. I, § 12, issue.

5. On the special legislation issue:

a. *Pfeifer v. City of Bellingham,* 112 Wn.2d 562, 570, 772 P.2d 1018 (1989).

b. *Haberman v. Washington Public Power Supply System,* 109 Wn.2d 107, 142, 744 P.2d 1032, 750 P.2d 254 (1987).

c. *Swanson v. School District No. 15,* 109 Wash. 652, 187 P. 386 (1920) (citing *State ex rel. Vance v. Frater,* 84 Wash. 466, 147 P. 25, *aff'd*, 88 Wash. 699, 152 P. 1018 (1915)).

DATED this 20th day of February, 2009.

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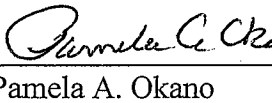
By 

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