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SUPREME COURT
OF THE STATE OF WASHINGTON

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b/h

MITCH DOWLER and IN CHA
DOWLER, individually and as limited
guardian ad litem for NAM SU CHONG,
et al.,

Appellants,

vs.

CLOVER PARK SCHOOL DISTRICT,
NO 400,

Respondent.

NO. 84048-2

SECOND
STATEMENT OF
ADDITIONAL
AUTHORITIES

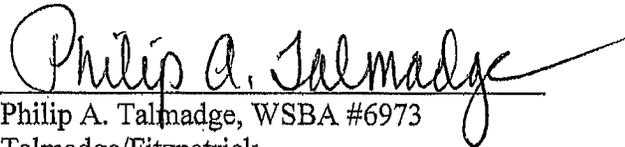
COME NOW the appellants and submit the following additional
authorities to the Court pursuant to RAP 10.8:

- *Ronnie Lee S. v. Mingo Cy. Bd. of Education*, 500 S.E.2d 292 (W. Va. 1997) (No exhaustion required under IDEA where parents sought monetary damages from county board of education and its personnel for frequent use of a devise to strap child to chair while attending school);
- *M.Y. v. Special Sch. Dist. No. 1*, 519 F. Supp.2d 995 (D. Minn. 2007) (disabled student was not required to exhaust IDEA administrative procedures in connection with a claim of sexual mistreatment by a school bus driver as such claim did not relate to her individualized education plan or otherwise involve her education);
- *Lopez v. Metro. Government of Nashville and Davidson Cy.*, 646 F. Supp.2d 891 (M. D. Tenn. 2009) (claim seeking redress for injuries resulting from an alleged rape involved noneducational injury and did not require IDEA exhaustion);

- *Sabaski v. Wilson Cy. Bd. of Education*, 2010 WL 5289798 (Tenn. App. 2010) (parents of disabled child who sued county board of education and its employees for assault and battery and false imprisonment for use of physical force in compelling student to comply with class expectations were not required to exhaust IDEA administrative remedies);
- *Sagan v. Sumner County Bd. of Education*, 726 F. Supp.2d 868 (M. D. Tenn. 2010) (claims for damages involving use of unlawful force and negligence were not subject to IDEA exhaustion requirement).

DATED this 15th day of May, 2011.

Respectfully submitted,



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Attorneys for Appellants

DECLARATION OF SERVICE

On this day said below, I emailed and deposited with the U.S. Postal Service and sent by email a true and accurate copy of the Second Statement of Additional Authorities in Supreme Court Cause No. 84048-2 to the following parties:

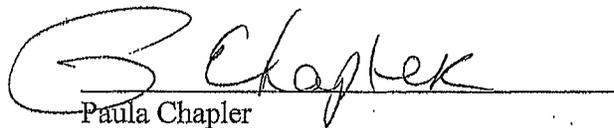
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I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

DATED: May 15, 2011, at Tukwila, Washington.


Paula Chapler
Talmadge/Fitzpatrick