

RECEIVED *vs*
SUPREME COURT
STATE OF WASHINGTON
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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In Re Personal Restraint Petition of)
)
) NO. 86018-1
)
LOWELL FINSTAD,)
Petitioner,) STATEMENT OF
) ADDITIONAL
) AUTHORITY
)
_____)

Pursuant to RAP 10.8, petitioner cites the following additional authority:

State v. Turley, 149 Wn.2d 395, 400, 69 P.3d 338 (2003) (“When determining intent, we do not concern ourselves with unexpressed subjective intent, only objective manifestations of intent.”)

Dice v. City of Montesano, 131 Wn. App. 675, 684, 128 P.3d 1253 (2006) (“[A] court will not read an ambiguity into a contract that is otherwise clear and unambiguous. . . . A contract is ambiguous if its terms are uncertain or they are subject to more than one meaning. . . . A provision is not ambiguous simply because the parties suggest opposing meanings.”).

Oliver v. Flow Intern. Corp., 137 Wn. App. 655, 660, 155 P.3d 140 (2006) (“This is an improper use of extrinsic evidence because the result Oliver seeks is to

insert new obligations into the contract. The express terms of the contract do not create the obligation Oliver now attempts to impose, even in light of the context in which the agreement arose.”).

Pierce County v. State, 144 Wn. App. 783, 813-14, 185 P.3d 594 (2008)
 (“Although the State may have intended the contracts to require the County to absorb these costs, this intention is not made manifest in the contracts. . . . The trial court did not err in concluding that the contracts do not require the County to pay for a patient's long-term care.”).

DATED this ____ day of September, 2012.

Respectfully submitted,
NIELSEN, BROMAN & KOCH, PLLC

JENNIFER J. SWEIGERT, WSBA 38068
Office ID No. 91051
Attorneys for Petitioner

OFFICE RECEPTIONIST, CLERK

To: Jennifer Sweigert
Cc: Bartlett, Abbie
Subject: RE: No. 86018-1, In re Pers. Restraint of Finstad

Rec'd 9-21-12

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Jennifer Sweigert [<mailto:SweigertJ@nwattorney.net>]
Sent: Friday, September 21, 2012 9:48 AM
To: OFFICE RECEPTIONIST, CLERK
Cc: Bartlett, Abbie
Subject: No. 86018-1, In re Pers. Restraint of Finstad

Dear Supreme Court Clerk,

Attached for filing is petitioner Lowell Finstad's Statement of Additional Authorities in In re Personal Restraint of Finstad, no. 86018-1. Counsel for the State is being served by cc to this email by agreement. Thank you for your assistance.

Sincerely,

Jennifer J. Sweigert
WSBA no. 38068

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