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SUPREME COURT
OF THE STATE OF WASHINGTON

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12/1

ESTHER KIM, as Personal Representative of
the Estate of HO IM BAE on behalf of Mi-
Soon Kim, Jae C. Kim, Chang Soon Kim, Jae
Hong Kim, and Kyoung Soon Kim, surviving
family members, and the ESTATE OF HO IM
BAE,

No. 91536-9

STATEMENT OF
ADDITIONAL
AUTHORITIES

Petitioner,

v.

LAKESIDE ADULT FAMILY HOME,
GRETCHEN DHALIWAL
INCORPORATION, (G.D. INC.) a
Washington Corporation d/b/a LAKESIDE
AFH, GRETCHEN DHALIWAL,
individually, ALPHA NURSING AND
SERVICES INCORPORATED, a Washington
Corporation, CHRISTINE THOMAS,
individually, and "JANE AND JOHN DOES"
I-V, individually,

Respondents.

COMES NOW petitioners Esther Kim, et al., and submit the following additional authorities to the Court pursuant to RAP 10.8, in response to inquiry at oral argument regarding cases in which an implied right of action was found despite the Legislature having also created an express right of action in the same comprehensive statutory scheme:

- *Bennett v. Hardy*, 113 Wn.2d 912, 918, 784 P.2d 1258 (1990) (finding implied right of action for "prohibited practice" of age discrimination in WLAD, RCW ch. 49.44,

Statement of Additional Authorities - 1

Talmadge/Fitzpatrick/Tribe
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despite fact that Legislature created express private right of action for other types of discrimination in RCW 49.60.030;

- *Wingert v. Yellow Freight Sys., Inc.*, 146 Wn.2d 841, 850, 50 P.3d 256 (2002) (finding implied cause of action for violation of mandatory rest periods, despite fact that same comprehensive statute provided explicit cause of action for withholding of wages, noting Legislature did not state that express civil remedies provided were exclusive).

DATED this 12th day of November, 2015.

Respectfully submitted,



Sidney Tribe, WSBA #33160
Philip A. Talmadge, WSBA #6973
Talmadge/Fitzpatrick/Tribe
2775 Harbor Ave. SW
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Scott F. Lundberg, WSBA #16178
Alex French, WSBA #40168
Graham Lundberg Peschel, P.S., Inc.
2601 Fourth Ave., Floor 6
Seattle, WA 98121
(206) 448-1992

Attorneys for Esther Kim and
the Estate of Ho Im Bae

DECLARATION OF SERVICE

On said day below, I emailed for service a true and accurate copy of the Statement of Additional Authorities in Supreme Court Cause No. 91536-9 to the following parties:

Scott F. Lundberg
Alex French
Graham Lundberg Peschel, P.S., Inc.
2601 Fourth Ave., Floor 6
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Cozen O'Connor
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Curt H. Feig
Nicoll Black & Feig PLLC
1325 Fourth Ave., Suite 1650
Seattle, WA 98101

On said day below, I deposited in the U.S. Mail for service a true and accurate copy of the Statement of Additional Authorities in Supreme Court Cause No. 91536-9 to the following party:

Aaron Lukken
Legal Services
8014 State Line Road, Suite 110
Leawood, KS 66208

Original efiled with:
Washington Supreme Court
Clerk's Office
415 12th Street W
Olympia, WA 98504-0929

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: November 12th, 2015, at Seattle, Washington.



Kelley Carroll, Legal assistant
Talmadge/Fitzpatrick/Tribe

OFFICE RECEPTIONIST, CLERK

To: Kelley Carroll; Sidney Tribe; sflundberg@glpattorneys.com; afrench@glpattorneys.com; cwilliams@glpattorneys.com; wknowles@cozen.com; rbowman@cozen.com; cfeig@nicollblack.com
Subject: RE: Esther Kim, et al., v. Lakeside Adult Family Home, et al. No. 91536-9

Received on 11-12-2015

Supreme Court Clerk's Office

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: Kelley Carroll [mailto:assistant@talmadgeg.com]
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To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>; Sidney Tribe <sidney@tal-fitzlaw.com>; sflundberg@glpattorneys.com; afrench@glpattorneys.com; cwilliams@glpattorneys.com; wknowles@cozen.com; rbowman@cozen.com; cfeig@nicollblack.com
Subject: Esther Kim, et al., v. Lakeside Adult Family Home, et al. No. 91536-9

Good afternoon:

Attached please find the following document for filing with the Supreme Court:

Document to be filed: Statement of Additional Authorities

Case Name: Esther Kim, et al., v. Lakeside Adult Family Home, et al.

Case Cause Number: 91536-9

Attorney Names and WSBA#s: Sidney Tribe, WSBA #33160 and Philip A. Talmadge, WSBA #6973

Hard copies to the parties will follow by U.S. Mail. Thank you.

Kelley Carroll, Legal Assistant
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