

byh

SUPREME COURT  
OF THE STATE OF WASHINGTON

FRED BINSCHUS, individually and as  
Personal Representative of the Estate of  
JULIE ANN BINSCHUS; TONYA FENTON;  
TRISHA WOODS; TAMMY MORRIS;  
JOANN GILLUM, as Personal Representative  
of the Estate of GREGORY N. GILLUM;  
CARLA J. LANGE, individually and as  
Personal Representative of the Estate of  
LEROY B. LANGE; NICHOLAS LEE  
LANGE, individually; ANDREA ROSE,  
individually and as Personal Representative of  
the Estate of CHESTER M. ROSE; STACY  
ROSE, individually; RICHARD TRESTON  
and CAROL TRESTON, and the marital  
community thereof; BEN MERCADO;  
PAMELA RADCLIFFE, individually and as  
Personal Representative of the Estate of  
DAVID RADCLIFFE; and TROY  
GIDDINGS, individually,

Respondents,

v.

SKAGIT COUNTY, a political subdivision of  
the State of Washington,

Petitioner,

and

STATE OF WASHINGTON,  
DEPARTMENT OF CORRECTIONS;  
SKAGIT EMERGENCY  
COMMUNICATIONS CENTER d/b/a  
"Skagit 911," an interlocal government  
agency; and OKANOGAN COUNTY, a  
political subdivision of the State of  
Washington,

Defendants.

No. 91644-6

THIRD  
STATEMENT OF  
ADDITIONAL  
AUTHORITY

Third Statement of Additional  
Authority - 1

Talmadge/Fitzpatrick/Tribe  
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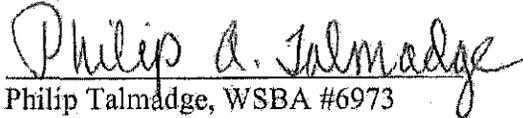
ORIGINAL

COME NOW respondents Binschus, et al., and submit the following additional authority to the Court pursuant to RAP 10.8:

- *N.L. v. Bethel School Dist.*, \_\_\_ Wn.2d \_\_\_, \_\_\_ P.3d \_\_\_, WL 4573928 (2016) (Court holds school district, given its special relationship with students, has duty of reasonable care toward students in its care to protect them from foreseeable dangers, including criminal conduct; Court rejects legal causation argument in light of assaulting student's status as registered sex offender whose sexual assault of plaintiff was foreseeable given his past conduct and determines plaintiff presented sufficient evidence of cause-in-fact).

DATED this 2d day of September, 2016.

Respectfully submitted,



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Mercado

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DECLARATION OF SERVICE

On said day below I emailed a copy for service a true and accurate copy of the Third Statement of Additional Authority in Supreme Court Cause No. 91644-6 to the following:

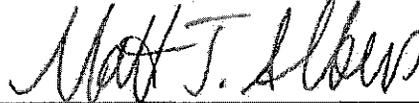
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Original E-filed with:  
Washington Supreme Court  
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415 12<sup>th</sup> Street W  
Olympia, WA 98504-0929

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: September 2, 2016, at Seattle, Washington.



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Matt J. Albers, Paralegal  
Talmadge/Fitzpatrick/Tribe

**TALMADGE/FITZPATRICK/TRIBE**

**September 02, 2016 - 11:57 AM**

**Confirmation of Filing**

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**Appellate Court Case Title:** Fred Binschus, et al. v. Skagit County

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**Comments:**

Third Statement of Additional Authority

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