

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
6/3/2020 12:41 PM  
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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

<b>EVETTE BURGESS,</b>	<b>SUPREME COURT NO. 98083-7</b>
Petitioner,	<b>COA No. 36594-8-III</b>
v.	<b>ADDITIONAL AUTHORITIES</b>
<b>LITHIA MOTORS, INC.; BMW OF SPOKANE d/b/a CAMP AUTOMOTIVE, INC. d/b/a BMW OF SPOKANE,</b>	RAP 10.8
Respondents.	

Petitioner Evette Burgess, by and through Mary Schultz of Mary Schultz Law, P.S., submits the following additional authorities per RAP 10.8:

*Rent-A-Ctr., W., Inc. v. Jackson*, 561 U.S. 63, 130 S. Ct. 2772, 177 L. Ed. 2d 403 (2010), for the proposition that 9 U.S.C. §2 contains two avenues which may be the subject of enforcement, the first avenue being enforcement of the agreement to arbitrate as a whole, and the second avenue being enforcement of the written provisions within that contract, the latter of which are severable from the remainder of the

contract and “enforceable apart from the remainder of the contract.”<sup>1</sup>

*Lamie v. U.S. Tr.*, 540 U.S. 526, 536, 124 S. Ct. 1023, 157 L. Ed. 2d 1024 (2004), for the proposition that 9 U.S.C. §2 must be read according to its plain language, by its holding that where a statute’s language is plain, the sole function of the court is to enforce the statute according to its terms, and further holding that even where a statute is awkward, and “even ungrammatical,” such does not make the statute ambiguous on the point at issue.

DATED this 3<sup>rd</sup> day of June, 2020.

**MARY SCHULTZ LAW, P.S.**

/s/Mary Schultz

**Mary Schultz**, WSBA # 14198

Attorney for Petitioner

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<sup>1</sup> Also citing *Buckeye Check Cashing, Inc. v. Cardegna*, 546 U.S. 440, 443, 126 S.Ct. 1204, 163 L.Ed.2d 1038 (2006), and *Volt Information Sciences, Inc. v. Board of Trustees of Leland Stanford Junior Univ.*, 489 U.S. 468, 478, 109 S.Ct. 1248, 103 L.Ed.2d 488 (1989).

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is a person of such age and discretion as to be competent to serve papers, and that on the 3<sup>rd</sup> day of June, 2020, she electronically filed the foregoing document with the Supreme Court of the State of Washington, and thereby served a copy to the following individuals:

<b>Service List</b>	
<b>John M. Silk</b> <b>Gabriella Wagner</b> Wilson Smith Cochran Dickerson 901 Fifth Avenue, Suite 1700 Seattle, WA 98164 <i>Attorneys for Respondents</i>	<input checked="" type="checkbox"/> <b>E-filing and email:</b> <a href="mailto:silk@wscd.com">silk@wscd.com</a> ; <a href="mailto:Wagner@wscd.com">Wagner@wscd.com</a> <a href="mailto:james@wscd.com">james@wscd.com</a> ; <a href="mailto:jay@wscd.com">jay@wscd.com</a>

**DATED** this 3<sup>rd</sup> day of June, 2020.

**MARY SCHULTZ LAW, P.S.**

/s/Mary Schultz

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## Transmittal Information

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 98083-7  
**Appellate Court Case Title:** Evette Burgess v. Lithia Motors, Inc., et al.  
**Superior Court Case Number:** 18-2-00200-6

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