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11 22 21

From: Minnie Thomas
Appellant

Subject: Thomas v Swedish Hospital
Case # 804183

Re: Motion to review the de-
cision not to publish the
decision of the court

Attn: Loni
Case manager

Hand delivered to the Court of Ap-
peals, drop box, on 12/2/21

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2021 DEC -1 PM 4:30

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

MINNIE THOMAS,
Appellant,
v.
SWEDISH HOSPITAL,
Respondent.

No. 80918-1-1

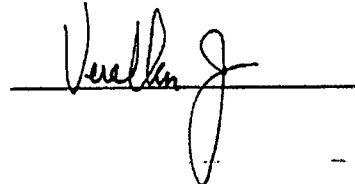
✓ ORDER DENYING MOTION
TO PUBLISH OPINION

FILED
COURT OF APPEALS DIV I
STATE OF WASHINGTON
2021 DEC - 1 PM 4:31

Appellant filed a motion to publish the court's September 27, 2021 opinion.
The panel has determined the motion should be denied. Now, therefore, it is
hereby

ORDERED that the appellant's motion to publish the opinion is denied.

FOR THE PANEL:



Question

Why was the motion Denied?

Court of Appeals
Decision 1

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2021 DEC -1 PM 4:31

NICHOLE THOMAS

Appellant Case No 80918-1

vs

SWEDESH HOSPITAL
Respondent

Re: A REQUEST TO REVERSE THE
DECISION NOT TO PUBLISH
THIS OPINION.

I, Nicole Thomas, appellant, am re-
questing / petitioning the court of appeals
to review the decision not to publish
the decision to affirm the trial
court's "certain" decision to set me up
to fail in this action on 10-18-2020
by ordering me to file a "Declaration"
from a "possible" expert witness by
11-18-19 which was not required by a
"Civil Rule" for me to do so by 11-19-
19 in order to "prevent" the trial
court from granting the defendant's

Motion for a Summary Judgment"
Over my Failure to hire a pre-
mature / sentimental declaration from
a "possible expert witness to save
my case by 11-18-2019.

In closing and to maintain, I
am petitioning the Court of ap-
peals to review the decision not
to publish the Order denying my
motion to have the "Denied" de-
cision / opinion published in the
Washington Appellant Reports, because
I sincerely believe that the general
Public will have an "interest" in
the "Outcome" of my complaint in
this action against the trial court
to the Court of Appeals over the
Violation of my Constitutional Right
for a Continuance under the CR 25B
to save my case after 11-18-2019
with a "Declaration" from my chosen
Designated medical expert penning

request by 12-30-2019 stating
precisely how the defendant, Swedish
Hospital, 'Refused' to 'medical care
in the 'emergency room' while I was
complaining about 'Severe chest pains'
and 'difficult breathing' fell far below
the standard of applicable 'medical'
care, especially for a person who
has a 'Family History' of 'Heart'
'Disease' in her 'medical Record'.

In maintenance, I believe the 'general'
'Public' will have an 'interest' in the 'out'
'come' of this complaint against the trial
court to the court of appeals. So I
am petitioning this court to review
it's decision 'not' to publish the 'out'
'come' of my complaint against the trial
court which was to 'affirm' that the
trial court made a 'fair' decision to 'dis-
'miss' my case against the defendant
on 11-22-2019 over my 'failure' to file
an 'untimely' declaration from a 'high'
'cost' 'possible' medical expert by 11-18-19

instead of granting my motion
for a continuance to do so after
11-18-19 with a "Declaration" from
my Designated medical expert to
save my "legit/meritorious" case
over the defendant "nearly" causing
my "Death" when I was "Refused"
medical care in the defendant's
emergency room for severe chest
pains and difficult breathing even
though I have a Family History of
Heart Disease" in my medical re-
cords. Again, the general public
will have an interest in the out
come of this complaint against
the trial court to the court of
appeals "denying" me my "Right
under the CR 56 to "Continue on"
seeking "Righteous Justice" over
the cruel, inhumane and "Illegal"
behavior of the defendant that
caused me "Harm."

DATED this 11th day of November,
2021

By *Minnie Thomas*
Pro Se Litigant

NOTION TO REVIEW
THE DECISION NOT
TO PURSUE THE
OPINION

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the state of Washington, that I am now, and at all times material hereto, a citizen of the United States, a resident of the state of Washington, over the age of 18 years, not a party to, nor interested in the above entitled action, and competent to be a witness herein. I caused to be served, pursuant to CR5(b)(7), on this date the foregoing in the manner indicated to the parties listed below:

A Horney
Michelle Dikins
700 5th Ave. #4750
Seattle, WA 98104

- Legal Messenger
- Facsimile
- ECF/Email
- 1st Class mail
- Federal Express

Signed in Redmond, Washington this
19th day of November, 2021

Minnie Thomas
Plu. SE
Minnie Thomas

NOTE TO REVIEW
THE DECISION NOT
TO PUBLISH THE
OPINION
Case No 86A183

Minnie Thomas
8208 161st Ave NE #A-226
Redmond, Washington 98052
425-891-1867

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the state of Washington, that I am now, and at all times material hereto, a citizen of the United States, a resident of the state of Washington, over the age of 18 years, not a party to, nor interested in the above entitled action, and competent to be a witness herein. I caused to be served, pursuant to CR5(b)(7), on this date the foregoing in the manner indicated to the parties listed below:

D. Horner
Minnie Thomas
1301 N.E. A 200
Redmond, WA 98052

- Legal Messenger
- Facsimile
- ECF/Email
- 1st Class mail
- Federal Express

Signed in Redmond, Washington this
day of November, 2021

Minnie Thomas
Pro Se Litant
Minnie Thomas

NOTION TO REVIEW
THE DECISION NOT
TO PUBLISH THE
OPINION
Case No 900243

Minnie Thomas
8208 161st Ave NE #A-226
Redmond, Washington 98052
425-891-1867

Addendum

1. I did not know:

1. Copy of the CR 56 (t)
a. "Continuance" was "legit"
Good Causes.

Factual Statements

I requested a continuance for
after 11-18-19 "precisely" for 12-
30-2019 to save my case. My
reasons for a continuance were
for extremely "good causes" to
save my case. Therefore, with
out any reasonable doubt, the
trial court was "unkind" to
deny me the "Right" under the
CR 56 for the Superior Court,
to save my case with a "Con-
tinuance after the date I reluctantly had
to proceed to Summary Judgment." me

RCW 7.70.150

Actions alleging violation of accepted standard of care—Certificate of merit required.

(1) In an action against an individual health care provider under this chapter for personal injury or wrongful death in which the injury is alleged to have been caused by an act or omission that violates the accepted standard of care, the plaintiff must file a certificate of merit at the time of commencing the action. If the action is commenced within forty-five days prior to the expiration of the applicable statute of limitations, the plaintiff must file the certificate of merit no later than forty-five days after commencing the action.

(2) The certificate of merit must be executed by a health care provider who meets the qualifications of an expert in the action. If there is more than one defendant in the action, the person commencing the action must file a certificate of merit for each defendant.

(3) The certificate of merit must contain a statement that the person executing the certificate of merit believes, based on the information known at the time of executing the certificate of merit, that there is a reasonable probability that the defendant's conduct did not follow the accepted standard of care required to be exercised by the defendant.

✓ (4) Upon motion of the plaintiff, the court may grant an additional period of time to file the certificate of merit, not to exceed ninety days, if the court finds there is good cause for the extension.

(5)(a) Failure to file a certificate of merit that complies with the requirements of this section is grounds for dismissal of the case.

(b) If a case is dismissed for failure to file a certificate of merit that complies with the requirements of this section, the filing of the claim against the health care provider shall not be used against the health care provider in professional liability insurance rate setting, personal credit history, or professional licensing and credentialing.

[2006 c 8 § 304.]

NOTES:

Findings—Intent—Part headings and subheadings not law—Severability—2006 c 8:
See notes following RCW 5.64.010.

Re Intervention

✓ Requesting additional time to Disclose or retain a "medical expert" on to ob.tain "Irrefutable evidence from my medical Record was a "good cause to request a continuance that did not exceed 90 days to save my case after 11-18-19.

C 12 5 6 (f)

Superior Court Civil Rules

CR 56
SUMMARY JUDGMENT

(a) For Claimant. A party seeking to recover upon a claim, counterclaim, or cross claim, or to obtain a declaratory judgment may, after the expiration of the period within which the defendant is required to appear, or after service of a motion for summary judgment by the adverse party, move with or without supporting affidavits for a summary judgment in the party's favor upon all or any part thereof.

(b) For Defending Party. A party against whom a claim, counterclaim, or cross claim is asserted or a declaratory judgment is sought may move with or without supporting affidavits for a summary judgment in such party's favor as to all or any part thereof.

(c) Motion and Proceedings. The motion and any supporting affidavits, memoranda of law, or other documentation shall be filed and served not later than 28 calendar days before the hearing. The adverse party may file and serve opposing affidavits, memoranda of law or other documentation not later than 11 calendar days before the hearing. The moving party may file and serve any rebuttal documents not later than 5 calendar days prior to the hearing. If the date for filing either the response or rebuttal falls on a Saturday, Sunday, or legal holiday, then it shall be filed and served not later than the next day nearer the hearing which is neither a Saturday, Sunday, or legal holiday. Summary judgment motions shall be heard more than 14 calendar days before the date set for trial unless leave of court is granted to allow otherwise. Confirmation of the hearing may be required by local rules. The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

(d) Case Not Fully Adjudicated on Motion. If on motion under the rule judgment is not rendered upon the whole case or for all the relief asked and a trial is necessary, the court at the hearing of the motion, by examining the pleadings and the evidence before it and by interrogating counsel, shall if practicable ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. It shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which the amount of damages or other relief is not in controversy, and directing such further proceedings in the action as are just. Upon the trial of the action, the facts so specified shall be deemed established, and the trial shall be conducted accordingly.

(e) Form of Affidavits; Further Testimony; Defense Required. Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The court may permit affidavits to be supplemented or opposed by depositions, answers to interrogatories, or further affidavits. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of a pleading, but a response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If the adverse party does not so respond, summary judgment, if appropriate, shall be entered against the adverse party.

(f) When Affidavits Are Unavailable. Should it appear from the affidavits of a party opposing the motion that for reasons stated, the party cannot present by affidavit facts essential to justify the party's opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such other order as is just.

(g) Affidavits Made in Bad Faith. Should it appear to the satisfaction of the court at any time that any of the affidavits presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused the other party to incur, including reasonable attorney fees, and any offending party or attorney may be adjudged guilty of contempt.

(h) Form of Order. The order granting or denying the motion for summary judgment shall designate the documents and other evidence called to the attention of the trial court before the order on summary judgment was entered.

[Originally effective July 1, 1967; amended effective September 1, 1978; September 1, 1985; September 1, 1988; September 1, 1990; September 1, 1993; April 28, 2015.]

A Luck

The motion that I filed with the Trial Court on 10-9-2019 for a continuance for 12-30-19 should have been granted by the Trial Court on or prior to 10-18-19, for "good causes, to give me an opportunity to save my case either 11-18-2019.