Supreme Court No. 101417-1
(Court of Appeals No. 55859-9-II)

SUPREME COURT
STATE OF WASHINGTON

THOMAS J YOUNG

Petitioner,

v.

DEPARTMENT OF LABOR AND INDUSTRIES, STATE OF WASHINGTON

Respondent.

PETITIONER'S MOTION TO ACCEPT PETITIONER'S REPLY TO DEPARTMENT'S ANSWER

DR. THOMAS J. YOUNG
Pro se

DR. THOMAS J. YOUNG
8909 Gravelly Lake Drive SW
Lakewood, WA. 98499-3101
Telephone: (253) 584-1144
Facsimile: (253) 588-5060

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WAC

RCW

RAP

ABBREVIATIONS

Board .....Board of Industrial Insurance Appeals
DLI ..... Department of Labor and Industries
RCW .....Revised Code of Washington
WAC.....Washington Administrative Code
Young .....Dr. Thomas J. Young

I. IDENTITY OF PETITIONER

Dr. Thomas J. Young, pro se.

II. MOTION

On January 30, 2023, the Clerk of the Supreme Court of Washington reviewed Young's Reply to DLI's Answer and made a Notice that it would move to strike Young's Reply as:

"[t]he Rules of Appellate Procedure only allow for the filing of a reply to an answer if the answering party seeks review of issues, not raised in the petition for review. See RAP 13.4(d)". Any such reply "should be limited to addressing only the new issues raised in the answer". "In this case, it does not appear that the answer seeks review of issues, not raised in the petition for review. Therefore, the reply does not appear to be permitted under the rules". "Accordingly a clerk's motion to strike the reply will be set for consideration…". "Any party may file an answer to the motion to strike the reply by February 6, 2023."

Now presents Young, who motions that the Court does accept his reply in the interest of justice and because of untruthful statements which constitute bad behavior within DLI's January 20, 2023 Answer. RAP 1.2(a) and (c).

RAP 13.4(d) provides that a petitioner may reply to an Answer, when that Answer presents new and unique information in the form of false information, misinformation, and disinformation.

III. DISCUSSION

It is not the role or duty of the Supreme Court to differentiate and adjudicate trial facts. Rather, it is the role of this Court to reserve its strength toward adjudicating SC and COA errors in the interpretation and application of statutes, administrative codes, rules of procedure, courtroom doctrines such as the application of collateral estoppel and res judicata, contract law, and interpretation. The burden of approaching this Court is its high threshold for petitioners and there is prejudice engineered into the process toward the petitioner. Prejudicial statements that detract the Court from the unbiased, stoic adjudication of statutes, codes, rules, doctrines, provider and additional four corner contracts should be prohibited, especially

when those statements are untruthful, deceiving, or contradictory to the facts. The only known reason for any litigant to include such statements to the Court is to attempt to affect prejudicial influence upon the Court and its final, *unbiased* decision.

As a pro se litigant, Young is under microscopic scrutiny. Statements he makes will undergo an enhanced level of scrutiny not reserved for bar-certified professional attorneys. That is reasonable. It is also reasonable that the Court would accept unscrutinized statements from bar-certified professional attorneys because the risk of presenting unfounded, untruthful misinformation and disinformation is so profound that the Court loses the inherent trust that it should be demanding of professional attorneys.

All statements, to some extent, prejudice the Court. Even the effect of being a pro se litigant versus professional attorneys has some impact. Primary to this

appeal is a prayer by Young for this Court's deliberation of the application of statutes, codes, court rules, court doctrines, and written contract terms. Such deliberations should be stoic and independent of prejudice. In this case, Young petitioned this Court for it to deliberate and adjudicate DLI's and COA's wrongful application of the laws under which DLI providers are scrutinized. These laws include: 1) WAC 296-20-0103(8)(b), 2) RCW 51.52.050, 3) RCW 51.52.060, 4) RCW 51.52.070, 5) RCW 51.52.075, 6) RCW 51.52.102, 7) RCW 51.52.115, 8) WAC 263-12-115 9) WAC 263-12-117, 10) WAC 296-20-01050(3)(j), 11) WAC 296-20-01080(3)(4) and (6), 12) WAC 296-20-01090(4), 13) WAC 296-20-01100(4)(5)(b)(c)(d) 14) WAC 296-20-02705(1-4), 15) RCW 51.36.010(2)(a,b,c), 16) RCW 51.52.110, and additionally, 17) DLI violations of a provider contract, 18) DLI violations of January 26, 2015 contract, 19) application of collateral estoppel and res judicata, 20)

State and Federal constitutional violations of DLI regarding Young's rights to due process, 21) unconstitutional framework of DLI's provider network. Through Young's advancement of this case, this Court is presented with the lamentable circumstance to stoically consider the application and interpretation of multiple appeal related statutes and administrative codes as well as the principles of contract breach and adherence to four corners contract interpretation which affects all DLI providers. Additionally, Young prays that the Court will adjudicate the application of two foundational Court doctrines and DLI's violations of Young's constitutional rights to judicial hearings prior to DLI takings are also at issue in this appeal.

This Court's deliberations should not have the Court discerning truth versus lie. The Court's deliberations should be free of prejudice incited by untruths. In Young's Reply, he highlighted untruths, misinformation, and

disinformation embedded within DLI's Answer. For example, Young, in his Reply responding to DLI's Answer, a., "Young surrendered his United States (DEA) registration after he illegally prescribed narcotics to his patients". Answer p.1. DLI's statement that Young illegally prescribed "narcotics" was a smokescreen to detract the justices away from the foundational issues of the factual language of the statutes, codes, rules, doctrines, and contracts, which are legislatively designed to direct the appeals algorithm in a succinct, understandable and clear way but have now drifted into a judicial whim of inconsistency, and prejudice.

DLI's statement in their Answer is intended to be inflammatory, prejudicial, and leading. The term "narcotics", considering those compounds sinister reputation in this day and age, is employed by DLI in an attempt to link Young and his petition to the soiled and abused reputation of said narcotics. Yet, that is an

untruthful statement written by DLI, who may have expected that it would be the last statement made on the matter before the justice's review. DLI's miscalculation is just that, because "narcotics" was never the issue, this now qualifies as a new and unique issue; thus, Young's Reply is acceptable.

The same argument by Young applies to each subject heading within Young's Reply. On the other hand, unless DLI can support the newly advanced plural term "narcotics", in addition to the balance of the issues recorded in Young's reply, it should be DLI's Answer that should be struck from the record.

IV. CONCLUSION

DLI has gone rogue under the influence of its immense power. Young appeals to this Court to bring correction and guidance to the legislatively designed appeal pathway. The board, SC and COA are in grave need of judicial advisement.

Young prays that the Court would accept his Reply or, if stricken, also strike DLI's Answer.

This document contains 1341 words, excluding the parts of the document exempt from the word count by RAP 18.17.

Respectfully submitted,

Thomas J. Young

CERTIFICATION OF SERVICE

The undersigned, under penalty of perjury pursuant to the laws of the state of Washington, declares that on the below date, I served the Petition for Review and this Declaration of Service in the below-described manner:

E-Filing via Washington State Appellate Courts Portal:

Erin L. Lennon
Supreme Court Clerk
Washington State Supreme Court

E-Mail via Washington State Appellate Courts Portal:

Anastasia Sandstrom, AAG, Senior Counsel, WSBA #24163
Steve Vinyard, WSBA #29737
Valerie Balch,
AAG Office of the Attorney General of Washington

Dated this 6 day of February, 2023, at Pierce County, Washington.

THOMAS YOUNG - FILING PRO SE

February 06, 2023 - 3:17 PM

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Sender Name: Thomas Young - Email: healthybak@aol.com
Address:
8909 GRAVELLY LAKE DR SW STE B
LAKEWOOD, WA, 98499-3109
Phone: (253) 318-5667

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