

**YAKIMA OFFICE**  
1340 N. 16th Ave., Ste. C  
Yakima, WA 98902  
Ph 509.248.8338  
Fx 509.452.4228

**TRI-CITIES OFFICE**  
8900 W. Tucannon Ave.  
Kennewick, WA 99336  
Ph 509.783.8333  
Fx 509.735.7020

**FILED**  
**SUPREME COURT**  
**STATE OF WASHINGTON**  
**3/4/2024 4:35 PM**  
**BY ERIN L. LENNON**  
**CLERK**  
www.tamaki.com

**BLAINE TAMAKI**  
Attorney at Law

**BRYAN SMITH**  
Attorney at Law  
Also licensed in OR, ID, NM

**MEGAN CHANG-NGARUIYA**  
Attorney at Law

**JEFF KREUTZ**  
Attorney at Law

**MEGAN HALE**  
Attorney at Law

March 4, 2024

Via Email Only

[supreme@courts.wa.gov](mailto:supreme@courts.wa.gov)  
[Becky.Woodrow@courts.wa.gov](mailto:Becky.Woodrow@courts.wa.gov)

The Supreme Court  
Attn: Erin L. Lennon  
Supreme Court Clerk  
P.O. Box 40929  
Olympia, WA 98504-0929

Re: Supreme Court Case No. 102795-8 - Ian Atkerson, et al v. State of Washington Dept. of  
Children, Youth and Families

Court of Appeals No. 394832-III

Dear Ms. Lennon:

We have identified a problem with the Clerk's Papers associated with the Atkerson v. DCYF (Supreme Court Case No. 102795-8). It appears that all of the documents filed by the Plaintiffs/Respondents with the Chelan County Superior Court were legible and contained no redactions. However, when the Chelan County Clerk scanned those documents and transmitted them as Clerk's Papers in the instant appeal, yellow highlights on these records resulted in some text being illegible. Some text is so dark that it appears redacted, when, in fact, none of the documents were redacted as filed.

The Chelan County Clerk advised us that she would not be able to rescan the Clerk's Papers and suggested that we seek guidance from the Division 3 Clerk. After several communications with their office, we reached out to Appellant's attorney, Joshua Schaer, and asked him if he would be willing to stipulate to my office replacing the illegible records contained in certain volumes of the Clerk's Papers. He graciously agreed to allow this substitution. However, when we submitted them to the Court of Appeals, Ms. Worthen indicated that given an opinion has been issued in this case, no action would be taken and suggested we address our concerns with the Supreme Court.

Thus, below is a DB link to replacements to Suppl Clerk's Papers Vol. 1, 2, and 3. If you have any questions or concerns, let us know.

<https://www.dropbox.com/scl/fo/i8uoe1i0qmiq5rmp3vddy/h?rlkey=eck4otnu01aj9m93agp83a54&dl=0>

Thank you for your cooperation and professional courtesies on this issue.

The Supreme Court  
Attn: Erin L. Lennon  
March 4, 2024  
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Sincerely,

TAMAKI LAW OFFICES

A handwritten signature in black ink, appearing to read 'BGS', with a stylized flourish at the end.

Bryan G. Smith

BGS:mg

cc: Chelan County Superior Court, Attn: The Honorable Kristin Ferrera  
Joshua Schaer  
Philip Talmadge

DECLARATION OF SERVICE

On said day below I electronically delivered a true and accurate copy of the *Letter from Bryan G. Smith re: Clerk's Papers* in Supreme Court Cause No. 102795-8 to the following:

Joshua Schaer  
Assistant Attorney General, OID #91019  
Attorney General of Washington  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104

Bryan G. Smith  
Megan Hale  
Natalie McNeill  
Tamaki Law Offices  
2820 Northup Way, Suite 235  
Bellevue, WA 98004

Original delivered by appellate portal to:  
Supreme Court  
Clerk's Office

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: March 4, 2024 at Seattle, Washington.

/s/ Brad Roberts  
Brad Roberts, Legal Assistant  
Talmadge/Fitzpatrick

# TALMADGE/FITZPATRICK

March 04, 2024 - 4:35 PM

## Transmittal Information

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 102,795-8  
**Appellate Court Case Title:** Ian Atkerson v. State of Washington Dept. of Children, Youth and Families, et al.  
**Superior Court Case Number:** 20-2-00357-8

### The following documents have been uploaded:

- 1027958\_Letters\_Memos\_20240304163358SC787998\_0452.pdf  
This File Contains:  
Letters/Memos - Other  
*The Original File Name was Letter from Bryan G. Smith re Clerk's Papers.pdf*

### A copy of the uploaded files will be sent to:

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- christine@tal-fitzlaw.com
- joshua.schaer@atg.wa.gov
- matt@tal-fitzlaw.com
- mhale@tamakilaw.com

### Comments:

Letter from Bryan G. Smith re Clerk's Papers

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Sender Name: Brad Roberts - Email: brad@tal-fitzlaw.com

**Filing on Behalf of:** Philip Albert Talmadge - Email: phil@tal-fitzlaw.com (Alternate Email: matt@tal-fitzlaw.com)

Address:  
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Third Floor Ste C  
Seattle, WA, 98126  
Phone: (206) 574-6661

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