67711-0

67711-0

No. 67711-0-1

IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION 1

MADHURI PATEL,

Appellants and Cross-Respondents,

v.

KENT SCHOOL DISTRICT,

Respondent and Cross-Appellant.

APPEAL FROM THE
SUPERIOR COURT OF KING COUNTY, WASHINGTON
HONORABLE HOLLIS HILL

RESPONDENT/CROSS-APPELLANT'S CROSS-APPEAL REPLY

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By this point, the court should be well aware that the plaintiffs proceeded to trial on a case that lacked any substantial merit, and the jury's rejection of the case was not only appropriate, but expected. The jury correctly concluded that neither Amanda nor her mother was damaged by the events at school, and even if there had been any damages, the Kent School District did not proximately cause them.

However, the fact that the School District overwhelmingly prevailed at trial does not mean that the trial court did not make certain errors affecting the School District's case. That is the basis for this cross appeal. Such a cross appeal is not, as the plaintiffs so blithely claim, "exceedingly rare."[1] Throughout their briefing, the plaintiffs frequently make wholly unsupported factual and legal assertions, which this court is urged to disregard. Statements that are not supported by references to the record should be stricken. *See, e.g. Hirata v. Evergreen State Limited Partnership No. 5*, 124 Wn. App. 631, 103 P.3d 812 (2004). Self-serving statements in an appellate brief that are unsupported in the record should not be considered. *Housing Authority of Grant County v. Newbigging*, 105 Wn. App. 178, 19 P.3d 1081 (2001). The School District respectfully asks this court to rule in its favor on the District's four assignments of error.

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[1] Plaintiffs' Reply at 37.

1. The plaintiffs' claims that the School District was liable for failing to report certain events pursuant to RCW 26.44.030 are neither legally nor factually supported, and the jury should not have been allowed to consider those claims.

The meaning of a statute is a question of law that is reviewed *de novo*. *Dep't of Ecology v. Campbell & Gwinn, LLC*, 146 Wn.2d 1, 9, 43 P.3d 4 (2002). In any question of statutory construction, courts look to ascertain the intention of the legislature by first examining a statute's plain meaning. *Campbell*, 146 Wn.2d at 9-10. Statutes must be interpreted and construed so that all the language used is given effect, with no portion rendered meaningless or superfluous. *State v. J.P.*, 149 Wn.2d 44, 450, 69 P.3d 318 (2003). If a statute's meaning is plain on its face, then the court must give effect to that plain meaning as an expression of legislative intent. *Campbell*, 146 Wn.2d at 9-10. Plain meaning is discerned from the ordinary meaning of the language at issue, the context of the statute in which that provision is found, related provisions, and the statutory scheme as a whole. *Christensen v. Ellsworth*, 162 Wn.2d 365, 373, 173 P.3d 228 (2007). Statutory provisions and rules should be harmonized whenever possible. *Christensen v. Ellsworth*, 162 Wn.2d 365, 373, 173 P.3d 228 (2007).

The child abuse reporting statute, RCW 26.44.030, reads in pertinent part,

> (1)(a) When any ... professional school personnel ... has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department [of social and health services] as provided in RCW 26.44.040.
>
> ...
>
> "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare or safety ... RCW 26.44.020(1).
>
> ...
>
> "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

RCW 26.44.020.

At trial, the plaintiffs argued that the School District was required to report three specific incidents: (1) that Amanda told the school nurse that she thought she was pregnant; (2) that Amanda was stealing money from her mother to give to other students; and (3) that Amanda's teacher asked another teacher if Amanda was possibly being groomed by a fellow student. However, as is more fully discussed below, none of those events triggered a child abuse reporting obligation.

The plaintiffs claim that RCW 26.44.030 should be interpreted extremely broadly, so that nearly any kind of injury or harm (or even the risk of harm) befalling a student, whether the result of the conduct of a parent, teacher, or other student, triggers an obligation to report the incident to CPS.[2] While some selected terms in the statute could arguably be stretched to support such a conclusion, the statute is clearly intended to have a different function and application. Surely, the legislature did not intend for the child abuse reporting statute to mean that every event, of every type, which could arguably result in harm to a child, requires teachers to make a report. In practice, such a broad definition would defeat the purpose of the statute. *See* RCW 26.44.010. The Washington state legislature described the purpose behind the mandatory reporting laws in RCW 26.44.010:

> The bond between a child and his or her parent, custodian, or guardian is of paramount importance, and any intervention into the life of a child is also an intervention in the life of the parent, custodian, or guardian; however, instances of nonaccidental injury, neglect, death, sexual abuse and cruelty to children by their parents, custodians or guardians have occurred, and in the instance where a child is deprived of his or her ***right to conditions of minimal nurture, health, and safety***, the state is justified in emergency intervention based upon verified information; and therefore the Washington state legislature hereby provides for the reporting of such cases to the appropriate public authorities.

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[2] Plaintiff's Reply at 37.

The goal of the mandatory child abuse reporting scheme is to prevent serious cases of child abuse, not to overwhelm the DSHS and police offices with reports of non-abuse issues. Endorsing an interpretation that requires reporting of non-child abuse issues defeats the purpose of the mandatory reporting laws. Indeed, the statute itself uses terms like "reasonable cause to believe," "circumstances which cause harm," "conditions that endanger the welfare of children," "sexual and other types of child abuse," "serious disregard of consequences," and "of such a magnitude as to constitute a clear and present danger"; all of which help us understand the intent of the statute. RCW 26.44.030. The legislature quite clearly appears to have intended the statute to deal with significant matters of abuse and neglect. Indeed, the title of the statute is "Abuse of Children," which tells us what areas the statute is intended to address, and that the statute is not designed to address the myriad of other issues and situations schools face.

Interpreting the Abuse of Children statute the way the plaintiffs suggest would have the effect of overburdening law enforcement and DSHS, and probably preventing them from properly allocating resources to address instances of actual abuse. Further, under the plaintiffs' overly broad interpretation, teachers would be criminally penalized and face

possible jail time and civil liability for failure to report non-abuse incidents. And importantly, children and families who are involved in non-abuse issues would unfairly be required to deal with law enforcement or CPS, which could have negative consequences within families. The interpretation the plaintiffs advocate is impractical and it fails to take account of the main purpose of the law: to prevent serious issues of child abuse.

While it is the legislature's job to make policy decisions, it is the court's job to determine the legislature's intent. This court should endeavor to apply the law as it was intended, not in a way that is unrealistically and impermissibly broad as the plaintiffs urge. While the goal of protecting children from abuse is laudable, the approach urged by the plaintiffs is not.

In this case, there are three instances the plaintiffs claim triggered the mandatory reporting laws. In each case, the plaintiffs are attempting to stretch the child abuse statute beyond its reasonable bounds. For example, the legislature surely did not intend for a nurse to call CPS when a student tells her that the student is confused about whether she is pregnant, in the absence of any abuse issues. Issues of confidentiality and privacy notwithstanding, in the case at hand, there is no evidence that the school nurse had any reason to suspect that Amanda was being abused in any

way. The plaintiffs would have us believe that a student who is sexually active is necessarily an abused child, and that simply is not the case.

Likewise, the plaintiffs would like the court to endorse the conclusion that a teacher who learns that a student stole $20 from her mother and gave it to another student, must always call CPS. Again, a teacher need only report problems in which there is a reasonable cause to believe that child has suffered abuse or neglect. That is not what the evidence showed was present in this case. Parents and schools face problems of children misbehaving in many ways, and they deal with many similar types of issues on a regular basis. Most of those problems do not involve child abuse or neglect. To refer to daily occurrences as "child abuse" is to dilute the term's actual meaning and it in some ways defeats the purpose of having abuse-reporting laws.

Finally, the court should reject the plaintiffs' assertion that a teacher wondering whether a fellow female student was "possibly grooming" Amanda triggers an obligation to report the question. As the teacher testified at trial, it was only a question that she had, and there was no evidence that any actual grooming was taking place. After looking into the matter more carefully, the teacher concluded that her initial suspicions were unfounded. RP 3119:23 – 3120:12. In other words, she had no reasonable cause to believe that a child suffered abuse or neglect. The

court should have ruled as a matter of law that there was no obligation to report the teacher's satisfactorily resolved question.

It is also notable that RCW 26.44.030 is a criminal statute with penalties for failure to report, including up to 364 days in jail and up to a $5,000 fine, and that the statute has an implied civil remedy. RCW 26.44.080; RCW 9.92.020, *Beggs v. Dep't of Soc. & Health Servs.*, 171 Wn.2d 69, 77, 247 P.3d 421 (2011). Surely, the legislature did not intend to subject teachers to criminal (and civil) penalties for not reporting events that do not "reasonably cause" the teacher to believe that child abuse has occurred or will occur.

In the case at hand, Amanda was not the victim of child abuse, and the child abuse reporting laws were not triggered. The judge erred when she allowed the jury to consider whether the School District had an obligation to report Amanda's issues at school and at home. That conclusion is buttressed by the fact that Amanda's mother – a health care provider and mandatory reporter herself – apparently did not believe the events constituted child abuse and reportable, since there is no evidence that she ever made any report. Likewise, there is no evidence that any of the other numerous counselors and medical personnel who dealt with Amanda over the years made child abuse reports. The plaintiffs' claims that the School District was required to make CPS reports should have

been dismissed as a matter of law.

2. The School District was not legally allowed to obtain Amanda's counseling records, and any failure to request them was not negligent.

The plaintiffs claim that the School District had an obligation to request Amanda's counseling records from counselor Marnie Crawford. That argument ignores, though, Ms. Crawford's undisputed testimony at trial. Ms. Crawford testified that none of the releases at issue here permitted her to give information to the school, because Amanda asked the counselor to keep the information confidential. RP 3534:24-3536:3; RP 3517:16-3523:11. Ms. Crawford testified that Amanda held the exclusive, legal right to control her own medical information, and as a health care provider, Ms. Crawford was required to honor Amanda's wishes. Private health care information could not – and would not – be shared with anyone, including Amanda's mother and the School District. *Id.*

Ms. Crawford's supervisor, Dennis Ballinger, confirmed to her that the health care information was confidential and may not be released without Amanda's permission. RP 3435:25-3438:13. It is undisputed that Amanda Hingorani specifically told Ms. Crawford not to release information about her sexual activities. The only evidence in the case shows beyond any doubt that the counselor would not have provided the records in response to a request accompanied by a written release.

A young woman who is thirteen years or older may request and receive outpatient treatment of mental health and other services without her mother's consent. RCW 71.34.530. And, the law is clear: health care providers may not disclose healthcare information absent the patient's approval. RCW 70.02.020. When – as is true here – a patient is a minor but is authorized by federal and state law to obtain health care without parental consent, the minor holds the exclusive right to agree to provide, or to withhold, approval for disclosure of her records. RCW 70.02.130 (1). A release from the mother is not valid. In the case at hand, the counselor was not authorized to disclose Amanda's records without Amanda's express consent. The counselor's unimpeached testimony is that Amanda withheld her consent.

Interestingly, although the School District did not use the release forms the plaintiffs claim should have been presented to the counselor, the trial evidence showed that at meetings, the School District did in fact attempt to get information from Ms. Crawford about Amanda's activities in the school restroom. Ms. Crawford consistently and strongly declined to provide such information because Amanda would not allow disclosure of the information. RP 3523:23-3526:19. Ms. Crawford testified that, even if the Kent School District had asked her ten times for further information about Amanda, she would not have told the District what she knew. RP

3539:1-6.

Neither the mother nor the School District had any legal right to force the counselor to disclose Amanda's confidential medical records, and any claim that using the releases would have changed the outcome is pure speculation, and it is contrary to the trial evidence. There was ample evidence that the School District took steps to obtain the confidential information about Amanda, and they were legally rebuffed. The School District was not, as a matter of law, negligent, and the trial court erred by not granting the District's motion on that issue and by presenting the issue for determination by the jury.

3. The mother did not present any competent testimony about damages she may have suffered, and a directed verdict should have been entered against her on the issue of damages.

The mother, Madhuri Patel, chose not to attend trial (save for a brief appearance during jury selection), and she presented no evidence of damages she claims to have suffered as the result of the school incidents. When a party has been fully heard with respect to an issue, and there is no legally sufficient evidentiary basis for a reasonable jury to find for that party with respect to that issue, judgment as a matter of law is appropriate and may be granted at the close of the plaintiff's case. CR 50 (a)(1). A trial court should grant a motion for directed verdict if, as a matter of law, no competent evidence or reasonable inferences exist to sustain a verdict

for the nonmoving party. *Harris v. Drake*, 152 Wn.2d 480, 493, 99 P.3d 872 (2004).

An appellate court reviews *de novo* a trial court's order denying a CR 50 motion for judgment as a matter of law. *Hume v. Am. Disposal Co.*, 124 Wn.2d 656, 667, 880 P.2d 988 (1994). The reviewing court must view conflicting evidence in the light most favorable to the non-moving party and determine whether the proffered result is the only reasonable conclusion. *Hollmann v. Corcoran*, 89 Wn. App. 323, 331, 949 P.2d 386 (1997). A directed verdict on the issue of the mother's damages was appropriate in this case.

In response to this issue, the plaintiffs inaccurately describe the School District's position, claiming that "Defendant KSD suggests that Amanda's mother can only recover damages under RCW 4.24.010 if an expert renders a medical diagnosis to support such damages." Plaintiff's Reply pg. 43. That conclusion is never suggested in the District's brief. Rather, the District's position is that the plaintiffs' claim of damages must be supported by some type of evidence other than inadmissible hearsay from a medical expert. Here, there was no evidence supporting the mother's claim for damages, and the trial court erred in allowing her claim to be presented to the jury.

As the party seeking damages, the mother had the burden of producing sufficient evidence to support her claim. *Modern Builders, Inc. of Tacoma v. Manke,* 27 Wn. App. 86, 95, 615 P.2d 1332, review denied, 94 Wash. 2d 1023 (1980). Although damages need not be established with mathematical precision, they must be supported by competent evidence in the record. *Federal Signal Corp. v. Safety Factors*, 125 Wn.2d 413, 443, 886 P.2d 172 (1994) [citing *Interlake Porsche & Audi, Inc. v. Bucholz*, 45Wn. App. 502, 510, 728 P.2d 597 (1986), review denied, 107 Wn.2d 1022 (1987)]; *ESCA Corp. v. KPMG Peat Marwick*, 86 Wn. App. 628, 639, 939 P.2d 1228 (1997). To meet her obligation of providing proof, the mother was required to establish a reasonable basis for estimating her damages without resorting to speculation or conjecture. *Federal Signal*, 125 Wn.2d at 443 (citing *Bucholz*, 45 Wn. App. at 510); *ESCA*, 86 Wn. App. at 639; *Sign-O-Lite Signs, Inc. v. DeLaurenti Florists, Inc.*, 64 Wn. App. 553, 566, 825 P.2d 714, review denied, 120 Wn.2d 1002, 838 P.2d 1143 (1992). The amount of evidence sufficient to prove damages necessarily depends on the circumstances in each case, but the evidence must be sufficient to afford a reasonable basis for estimating losses. *Jacqueline's Wash., Inc. v. Mercantile Stores Co.*, 80 Wn.2d 784, 786-87, 498 P.2d 870 (1972). Damages must be proved with reasonable certainty or be supported by competent evidence in the record. *Iverson v. Marine*

Bancorporation, 86 Wn.2d 562, 546 P.2d 454 (1976).

Ms. Patel claimed damages for the loss of love and companionship of her daughter and destruction of the parent-child relationship pursuant to RCW 4.24.010. There was simply no evidence offered at trial to support those claims. It is certainly unusual for a plaintiff to fail to attend even part of her own trial (and that of her daughter), and it is even more unusual for a plaintiff to choose not to testify about her own damages. Having taken that calculated and risky approach, the mother cannot now be heard to complain about the lack of admissible damages evidence.

The mother claims that Dr. Urquiza's testimony provided sufficient damages evidence, but that claim is incorrect. Dr. Urquiza merely testified that "Ms. Patel was devastated and I think eventually she became very angry because the school should have protected her. ***That was her opinion to me."*** (Transcript pg. 17) (emphasis added). Despite his lengthy testimony, the only actual testimony Dr. Urquiza offered about Ms. Patel's damages was what she told him; Dr. Urquiza did not offer any expert opinions of his own.

The mother's statements to expert witness Urquiza were nothing more than rank hearsay. Hearsay is an out-of-court statement offered to prove the truth of the matter asserted and it is generally not admissible into evidence. ER 801 (c), ER 802. Ms. Patel's out-of-court statements,

repeated by Dr. Urquiza, were offered to prove the truth of the matter asserted; that she was devastated and angry following the incidents at school. However, it is up to the mother herself to present evidence; she is not entitled to rely on hearsay provided by others for that purpose. That approach violates the fundamental purpose of the hearsay rules.

Any reliance on ER 703, which deals with expert testimony, is likewise misplaced. ER 703 provides:

> The facts or data in the particular case upon which an expert bases an opinion or inference may be those perceived by or made known to the expert at or before the hearing. If of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject, the facts or data need not be admissible in evidence.

While Rule 703 permits an expert witness to take into account matters which are not admitted into evidence, and which may be inadmissible, ER 703 does not allow an expert witness to simply repeat the absent mother's statements to the trier of fact. ER 703 was not designed to enable a witness to summarize and reiterate all manner of inadmissible evidence. *State v. DeVries*, 149 Wn.2d 842, 848 n.2, 72 P.3d 748 (2003); *State v. Martinez*, 78 Wn. App. 870, 880, 899 P.2d 1302 (1995). And, ER 703 should not be construed so as to bootstrap into evidence hearsay that is not necessary to help the jury understand the expert's opinion. *Martinez*, 78 Wn. App. at 880.

While ER 703 allows an expert to base an opinion on facts or data reasonably relied on by experts in his field, even if those facts or data are otherwise inadmissible, ***when the court admits such testimony it is not substantive evidence.*** *Group Health Coop. of Puget Sound, Inc. v. Dep't of Revenue*, 106 Wn.2d 391, 399-400, 722 P.2d 787 (1986); *Martinez*, 78 Wn. App. at 879. That is, such evidence is not offered to prove its truth and thus does not contravene the rule against hearsay. *Martinez*, 78 Wn. App. at 879. Importantly, in *Martinez,* the court affirmed the trial court's refusal to allow the defendant's expert to repeat hearsay statements, because allowing such hearsay evidence could have been misleading and would likely result in the jury construing it as substantive evidence. *Martinez*, 78 Wn. App. at 880, 881. Hearsay repeated by experts is still hearsay.

In addition, expert psychological testimony may only be admitted to assist juries in understanding phenomena not within the competence of the ordinary lay juror. *See State v. Cheatam*, 150 Wn.2d 626, 646, 81 P.3d 830 (2003). Dr. Urquiza's sole opinion regarding Ms. Patel's damages was that she was angry and devastated because of the events at school. There was no testimony about a single medical condition from which Ms. Patel might be suffering, no diagnosis of depression or any other ailment which would require medical testimony, but only that Ms. Patel was

"devastated" and "angry." Those are not expert medical diagnoses, and that is not competent evidence of any damages. Anger and "devastation" are within the competence of the ordinary layman (and note that the terms were the mother's words, not those of a doctor) and they are not the subject of expert opinion.

The plaintiffs claim that, because Dr. Urquiza performed an evaluation of Ms. Patel and testified regarding the "desperation," "intense stress," "enormous amount of distress," and "feelings of betrayal" she felt, his testimony provided proper medical evidence.[3] Absent from that list, however, is any medical diagnosis which required expert testimony. It is the mother who should have told the jury about how she felt, not an expert witness. Trying to use an expert witness to turn inadmissible hearsay into competent evidence is not proper. In reality, expert Urquiza never offered any diagnosis or provided any testimony that required an expert's opinion.

It is within the competence of an ordinary lay juror to understand the words used to describe the mother's feelings and mental state; no expert testimony is necessary. It would be natural, for example, that Ms. Patel would be upset by the fact that her 16 year old daughter had sexual relations with a classmate. Many parents would feel similarly. The Urquiza testimony did not add any scientific or professional analysis on

[3] Plaintiffs' Reply at 44.

top of what any ordinary juror would easily understand.

The mother also argues – without specificity – that trial exhibits 30, 46, and 47 support the mother's damages claims. Those arguments are inaccurate and misleading. In reality, none of those exhibits show substantive evidence of damages. For example, Exhibit 30 was authored before the subject events, and it simply cannot support any subsequent damages. Exhibit 46, the mother's e-mail to a teacher, written shortly after Amanda's conduct came to light, states "Francine I am in shock. Amanda will not come back to school till these issues [are] worked out..." That e-mail does not even come close to supporting the mother's claimed damages. Similarly, Exhibit 47 lacks any evidence of damages; the mother simply told the principal that she felt that the "school has not provided supervision [Amanda] needs," the "school is [not] doing enough to keep her safe," and "I am taking my daughter out of school till I am reassured of her safety, I am seeking legal counsel for legal representation." Simply put, none of the referenced exhibits support the mother's damages claims.

Without any testimony from either the mother or Amanda, the jury could not assess the extent of any alleged loss of love and companionship or claimed destruction of their parent-child relationship. The jury never learned what their relationship was like before the incident or after the

incident. In reality, the jury learned nothing about any possible impact the events had on Ms. Patel.

Of course, the jury found that the mother did not suffer any damages at all, which is completely consistent with the total lack of any evidence of damages. In order for the jury to make an award of damages for the mother, it would have had to speculate about the mother, Amanda, their relationship, and how the events might have affected the mother. That is exactly the kind of speculation that is not permitted by law.

By not participating in the legal process, the mother willingly gave away her opportunity to present damages evidence. The trial court should have directed a verdict against the mother, and she cannot be allowed to present such evidence in the unlikely event of remand.

4. The trial court gave inaccurate jury instructions regarding the School District's duty.

In its cross appeal briefing, the School District set forth the text of the jury instructions that inaccurately reflect Washington law, in which the trial court interchangeably used the terms "harm" and "danger." In particular, the error involves the trial court's use of "harm" in Instructions 5 and 11. Jury Instruction No. 10 accurately describes the District's duty to students [per *McLeod v. Grant County School District,* 42 Wn.2d 316, 255 P.2d 360 (1953)], but Instructions 5 and 11 do not properly reflect the

law.

This court will notice that the plaintiffs do not disagree with the School District's jury instruction analysis. They simply state: "Regarding Defendant KSD's argument that the jury instructions do not accurately reflect the law, Appellants leave it to this court to determine whether the argument has merit."[4] Because the plaintiffs do not disagree with the School District on the appropriate language to be used in the jury instructions, further comment will not be made here. The matter is fully briefed in the cross appeal, and the court's attention is directed to those arguments.

CONCLUSION

This appeal arises after a long and thorough trial in which the plaintiffs were afforded every opportunity to present their claims to the jury. After choosing risky and unusual trial tactics that included hiding both Amanda and her mother from the jury, the plaintiffs now claim that the trial court erred in several ways. The record on appeal demonstrates that the plaintiffs received a fair and appropriate trial, and this Court is urged to uphold the jury's conclusion that neither Amanda nor her mother suffered any damages, and that even if they did, they were not proximately caused by the School District. The jury apparently understood that the

[4] Reply Brief at 45, 46.

plaintiffs' case was based on hyperbole and innuendo, and not on facts.

This Court is further urged to rule in favor of the School District on its four assignments of error.

DATED this 4th day of March, 2013.

NORTHCRAFT, BIGBY & BIGGS, P.C.

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CERTIFICATE OF SERVICE

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I, Michelle A. Tomczak, declare under penalty of perjury of the state of Washington, that the following facts are true and correct:

I am a citizen of the United States, over the age of 18 years, and not a party to or interested in the within-entitled cause. I am an employee of Northcraft, Bigby & Biggs, P.C. and my business address is 819 Virginia Street, Suite C-2, Seattle, Washington 98101.

On March 4, 2013, I caused an original of the following document(s) to be filed with the Clerk of the Court, Washington State Court of Appeals, Division 1: RESPONDENT/CROSS-APPELLANT'S CROSS-APPEAL REPLY.

On March 4, 2013, I caused a copy of the preceding document to be served on the parties in the manner indicated:

David P. Moody ***(via Hand Delivery)***
Hagens Berman Sobol Shapiro, LLP
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Dated this 4th day of March, 2013, at Seattle, Washington.

Michelle A. Tomczak