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STATE OF WASHINGTON
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No. 90341-7

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SUPREME COURT
OF THE STATE OF WASHINGTON

Tari Jane Anderson, Petitioner

v.

Jane M. Hession, Respondent

Jane M. Hession's Answer to Tari Jane
Anderson's Petition for Review

Dennis P. Hession
Attorney for Respondent
Jane M. Hession

1402 W. Broadway
Spokane, WA 99201
(509) 323-9595
WSBA No. 9655

 ORIGINAL

Jane M. Hession, through counsel, respectfully submits the following in answer to the Petition of Tari Jane Anderson for discretionary review to this Court.

INTRODUCTION

Throughout the already lengthy duration of this case, from the Small Claims Division of Spokane District Court, to the Spokane County Superior Court and on to the Division III of the Court of Appeals of the State of Washington, and even to this Court on a couple of occasions in this process, the Petitioner has advocated for the protection of her First Amendment rights to free speech in the form of protest and sign waiving in opposition to the then Mayor of the City of Spokane. She takes umbrage at the decisions of the various judicial officers, along the way, and at times shown disrespect to them personally, as we have taken this very emotional excursion which continues to pulse with the question of fundamental rights to garbage collection. But through all of this it was her fundamental failure to prove that the physical encounter between herself and Jane Hession was either an intentional battery or negligent conduct. From the lengthy investigation by the Spokane County Sheriff's Department of Jane Hession, initiated by the Petitioner, and eventually resulting in a civil action in the Small Claims Division of Spokane District Court, it was Petitioner's failure to prove the elements of a civil battery or negligence that was determinative

at all levels.

STATEMENT OF THE CASE

This lawsuit was initiated by the Petitioner, Tari Jane Anderson, in the Small Claims Division of Spokane County District Court. The original claim was limited to an allegation of civil battery, but at the suggestion of the Respondent, the District Court considered it as a claim for both civil battery and negligence. The District Court Judge ruled in favor of Jane Hession, finding that the Petitioner had failed to prove the element of intent to support her battery claim and the elements of breach of duty and proximate cause on the negligence claim. On appeal to the Spokane County Superior Court, the Superior Court Judge on a de novo review on the record reached the same conclusions as the District Court. On appeal to the Division III Court of Appeals the three Judge panel unanimously affirmed the decisions of the District Court and the Superior Court on all issues raised by the Petitioner. The Petitioner timely seeks review of the decision of the Division III Court of Appeals to this body.

ARGUMENT

A party seeking discretionary review to the Washington State Supreme Court is required to satisfy the dictates of RAP 13.4 (b) which states as follows:

JANE M. HESSION'S ANSWER TO TARI JANE
ANDERSON'S PETITION FOR DISCRETIONARY
REVIEW
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"(b) Considerations Governing Acceptance of Review. A petition for review will be accepted by the Supreme Court only:

- (1) If the decision of the Court of Appeals is in conflict with the decision of the Supreme Court; or
- (2) If the decision of the Court of Appeals is in conflict with another decision of the Court of Appeals; or
- (3) If a significant question of law under the Constitution of the State Washington or the United States is involved; or
- (4) If the Petition involves an issue of substantial public interest that should be determined by the Supreme Court."

The Court of Appeals, in its decision affirming the Superior Court and Trial Court, very respectfully and systematically disposed of each of Petitioner's asserted Assignments of Error. The Court also provided this Court with such fundamentally sound reasons for each of its dispositions that it provides a foundation for this Court to deny review under the criteria set forth in RAP 13.4(b).

Neither has the Petitioner made the case under any of the criteria of RAP 13.4(b) for this Court to grant review. She attempts to blend RAP 13.4(b) (3) with 13.4(b) (4) by asserting a claim rooted in the Constitution of the State of Washington and the United States Constitution with the assertion that the so called Constitutional issue is of substantial public interest. In fact she has established neither.

At not one of these multi-levels of appeal has she presented a credible legal basis for an invasion of her Constitutional

freedom by the individual, Jane Hession. She speaks loudly and often about being denied the opportunity to express her opposition to the change in residential City garbage collection. Even if she was able to prove her claim for assault or negligence, she still has not made the legal connection to the invasion by Jane Hession of her First Amendment Rights.

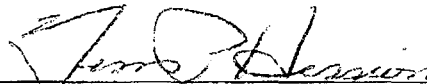
Concomitantly her statements that this Court should grant review because to do so would be "enlightening public knowledge and reassuring public awareness" (Page 3 - Petition for Review), are not connected to the issue or the identified public interest.

Conclusion

The Petitioner having not satisfied the criteria of RAP 13.4(b) upon which this Court could establish a basis for granting review, the Respondent, Jane M. Hession, respectfully requests this Court deny the Petitioner's Petition for Review.

Dated this 30th day of June, 2014.

Law Office of Dennis P. Hession



Dennis P. Hession WSBA #9655
Attorney for Defendant

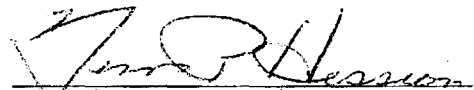
CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the State of Washington that on the 30th day of June, 2014, at Spokane, Washington, the foregoing was caused to be served on the following person(s) in the manner indicated:

Tari Jane Anderson
504 W. Cleveland Avenue
Spokane, WA 99205

VIA HAND DELIVERY

Pro Se Plaintiff


Dennis P. Hession

OFFICE RECEPTIONIST, CLERK

From: OFFICE RECEPTIONIST, CLERK
Sent: Tuesday, July 01, 2014 8:12 AM
To: 'Lori Quick'
Cc: Dennis Hession
Subject: RE: Case No. 90341-7

Rec'd 7-1-14

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From: Lori Quick [mailto:lori@frankhoover.com]
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To: OFFICE RECEPTIONIST, CLERK
Cc: Dennis Hession
Subject: Case No. 90341-7

Tari Jane Anderson, Petitioner v. Jane M. Hession, Respondent
Case No. 90341-7

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Please see attached Jane M. Hession's Answer to Tari Jane Anderson's Petition for Review for filing.

Thank you.

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