NO. 466023

COURT OF APPEALS
DIVISION II
OF THE STATE OF WASHINGTON

CSILLA MUHL
Plaintiff/Appellant

v.

DAVIES PEARSON PC
Defendant/Respondent

REPLY BRIEF OF APPELLANT CSILLA MUHL

Pierce County Cause No. 13-2-07742-1

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I. SUMMARY OF REPLY ARGUMENT

Plaintiff/Appellant Csilla Muhl,[1] having experienced unlawful discrimination and retaliation within her work environment, sufficiently established material issues of genuine fact in response to Defendant Davies Pearson's Motion for Summary Judgment. Plaintiff demonstrated her successful performance ratings as a long-term attorney for Davies Pearson, her termination at a point when the employer provided more favorable treatment to her male colleagues, in addition to the fact that she was replaced by a lesser experienced male attorney. Ms. Muhl further established her complaints of gender inequities within the firm, which led to her loss of intra-firm referrals, removal from eligibility for partnership status and ultimately being terminated.

As part of Plaintiff's response on summary judgment, Ms. Muhl provided the declaration of Dr. Rosalind Barnett, a leading expert and published author in the field of gender studies. Dr. Barnett opined that Davies Pearson criticized Ms. Muhl for a communication style and behaviors that were inextricably linked to her gender, whereas the firm readily accepted the gender-normative attitudes and actions of its male attorneys that it deemed more desirable. Unfortunately, the trial court inappropriately eliminated Dr. Barnett as a witness before it ever

[1] Plaintiff is of Hungarian ancestry; her first name is pronounced 'chil-lə. (CP 311).

considered the substance of her opinions and the influence of these opinions in relation to summary judgment. When excluding this witness, the trial court refused to consider any lesser sanction.

The Brief of Respondent only serves to bolster the existence of disputed facts and, therefore, unintentionally affirms the assertions by Ms. Muhl that the trial court erred by granting relief in the forms of witness exclusion and summary judgment. When considering a plain reading of the hearing transcript, it is clear that Judge Stolz misconstrued the record, errantly interpreted factual contentions in Defendant's favor and hastily excluded Dr. Barnett as a witness without the requisite analysis. These actions were clear error and violative of the appearance of fairness doctrine. Finally, Davies Pearson is without the ability to offer any argument that could possibly resuscitate the failure by the trial court to engage in the *Burnet* analysis, much less cure the hostile and wildly inaccurate factual interpretations that skewed against Plaintiff and in favor of the employer – the moving party on summary judgment.

II. COUNTERSTATEMENT TO DEFENDANT'S FACTUAL RECITATION

In response to Ms. Muhl's appeal, Davies Pearson offers its depiction of factual disputes that simply highlights the existence of genuine issues of material fact. (Rsp. Br. p. 3-22). Many of these factual assertions are

fairly straightforward, while others are twisted or downplayed in the hope of destabilizing Ms. Muhl's chances on appeal. Plaintiff identifies the following factual issues that require additional clarification:

A. Employer Replaced Ms. Muhl with a Male Attorney

The employer goes to great lengths in its attempt to distinguish Mr. Nelson from Ms. Muhl; Defendant argues against the notion that he effectively replaced Ms. Muhl. (Rsp. Br. p. 4-5). However, Davies Pearson admitted that it hired Mr. Nelson in the absence of a staffing vacancy, and it specifically made this hiring decision on the basis of his gender. (CP 289). Mr. Nelson immediately began servicing a family law case load, which comprised approximately 70% of his practice. (CP 539). Because Mr. Nelson did not arrive with his own book of business, he depended on Davies Pearson to supply him with billable work. When Davies Pearson needed to keep this new attorney busy with work, it informed Ms. Muhl that she should not expect intra-firm referrals in the future. (CP 309-10).

Where Ms. Muhl previously worked as one of two attorneys with a practice emphasis in family law, Mr. Nelson became the second full-time family law attorney following Ms. Muhl's termination. (CP 289). Davies Pearson did not endeavor to hire a third family law attorney following Plaintiff's termination, thereby evidencing continued lack of demand for

this staffing level and unlawful favoritism for Mr. Nelson's gender. (*Id.*) Moreover, Judge Stolz incorrectly inferred that Ms. Muhl was one of three full-time family law attorneys prior to Mr. Nelson's hire, with no substantiating facts on the record. (RP 29:3-21; 32:18-33:7).

B. Ms. Muhl Clearly Disagreed with Her Forced Termination

In a contradictory fashion, Davies Pearson suggests that Ms. Muhl endorsed her own employment separation, yet simultaneously insists that performance deficiencies were a justifiable basis for her termination. (Rsp. Br. p. 3-10; 14-16).[2] The employer conflated three alleged performance transgressions as having occurred in a sequence and, therefore, justified her termination. (CP 445-47). In reality, Davies Pearson viewed two of these events to be fully resolved more than a year prior. (CP 290; 312-14; 349). More significantly, Ms. Muhl never received a deficient performance review or warnings that her performance could result in her termination; she received evaluations from her employer to indicate satisfactory to above average performance. (CP 306-07). The firm administrator, Angela Cooper, admitted that Davies Pearson used warning letters to correct faulty performance, but Ms. Muhl never received such a document. (CP 306; 408).

[2] Defendant inaccurately states that unresolved performance deficiencies preceded "[Ms.] Muhl's own expression of her desire to "transition out" of Davies [Pearson]." (Rsp. Br. p. 3-4).

Ms. Muhl acknowledged receipt of supervisory coaching and general practice management tips. Specifically, she received recommendations to work on her communication style, efficiency and a perceived need to improve her self-confidence. (CP 309-11). These discussions involved obscure suggestions for improvement, as the employer never communicated concerns in the form of a directive, reprimand or complaint regarding what it now claims to be deficient performance. (CP 287-88). The firm also did not initiate any corrective action or require Ms. Muhl to attend skill-based training in an effort to address her alleged performance deficiencies. (CP 420-22; 448). As a result, Ms. Muhl could not perceive that mere suggestions would later form the basis for termination.

Defendant is also disingenuous when asserting, at multiple points throughout its brief, that Ms. Muhl self-initiated a discussion about a transition out of the firm. (Rsp. Br. p. 14-16).[3] Without any reliable reference to the record, Judge Stolz likewise stated in an abrupt fashion that Ms. Muhl voluntarily resigned her position. (RP 21:21-22:10). Ms. Muhl did not recall actually discussing a transition plan with Mr. Coleman in December 2011. Rather, Mr. Coleman encouraged Plaintiff's consideration of a transition in June 2012, but only if she desired to pursue

[3] Davies Pearson references CP 561 as Ms. Muhl's admission that "she was the one who decided to characterize her departure as a termination." (Rsp. Br. p. 15). However, the cited document does not include any reference to the term "termination."

shareholder status elsewhere. (CP 310-11). The abused notion that Ms. Muhl desired to transition out of Davies Pearson also belies the fact that Mr. Coleman determined her to be terminated. (CP 415-16). As an experienced attorney and partner in the firm, Mr. Coleman acknowledged the negative stigma caused when labeling a professional as having been terminated. (CP 419).

C. Ms. Muhl Established Differential Treatment Favoring Males

Despite an abundance of evidence that Davies Pearson treated Ms. Muhl in a negatively disproportionate manner based on her gender, the firm attempts in vain to obscure these facts. (Rsp. Br. p. 10-14). It is undisputed that the employer criticized Ms. Muhl as talkative, emotional, having a meltdown and being "all strung out." (CP 420-22). Dr. Barnett, an expert in gender studies, disapproved of these subjective criticisms on the basis of their gender-specificity; it is hard to imagine Davies Pearson as rating a male attorney lower for being expressive or emotionally "strung out." (CP 592-634). Instead of considering these subversive gender-stereotyping criticisms, Judge Stolz inexplicably stated that Dr. Barnett failed to conduct an investigation or consider case evidence. (RP 10:5-10).

Because it is abundantly clear that male attorneys were afforded better treatment than Ms. Muhl, the trial court should have considered the same

in denying summary judgment. For example, Davies Pearson recorded the separation of a male attorney for serious misconduct as a "resignation," but chose to encumber Ms. Muhl with the label of termination. (CP 314-15; 360). Despite knowledge of the negative professional consequences by labeling Ms. Muhl as "terminated," Mr. Coleman determined this label to be accurate. (CP 415-16; 419). This is the same supervisor who questioned Ms. Muhl's personal integrity when she missed a lunch meeting, but offered no such reaction when a male colleague committed the exact same oversight. (CP 289-91; 314).

Finally, Davies Pearson principally relies on Ms. Muhl's decision against attending a contempt hearing after her client had severed their relationship. (Rsp. Br. p. 7-9). Ms. Muhl felt bound to follow the instructions of her client based on knowledge of the ethics rules. RPC 1.2, 1.6; (CP 313-14). It is undisputed that Ms. Caulkins attended the hearing, but neither Ms. Caulkins nor Mr. Tomlinson found it necessary to contact Ms. Muhl in order to state their expectations that she appear on behalf of the client. (*Id.*) Ultimately, Ms. Caulkins' attendance made no difference and the client stated no concern about the outcome. (CP 386). More importantly, Davies Pearson did not view Ms. Muhl's lack of presence at this hearing to be a terminable offense. (CP 431). When considering Ms. Muhl's pragmatic absence at this hearing, her action pales in comparison

with Mr. Nelson's admitted failure to communicate with a client and subsequent entry of an undesired divorce decree. (CP 401-02). Mr. Nelson did not experience any negative repercussions for his transgression, but Judge Stolz erroneously altered the facts by stating that Davies Pearson had, in fact, disciplined Mr. Nelson as a comparator family law attorney. (RP 34:4-13; CP 289).

III. REPLY ARGUMENT

A. Plaintiff Met Her Burden on Summary Judgment

The Washington Supreme Court frequently cites the principle that the Washington Law Against Discrimination (WLAD) expresses a "public policy of the highest priority." *Int'l Union of Operating Eng'rs, AFL-CIO Local 286 v. Port of Seattle*, 176 Wn.2d 712, 722, 295 P.2d 736 (2013) (internal quotation marks omitted) (*quoting Antonius v. King County*, 153 Wn.2d 256, 267-68, 103 P.3d 729 (2004)). The remedies of the WLAD "shall be construed liberally for the accomplishment" of its intended purposes. RCW 49.60.020. When Plaintiff establishes facts of a *prima facie* case, together with evidence sufficient to discount the employer's proffered explanation for the adverse employment action, this will generally defeat summary judgment and require that the case be evaluated before a jury. *Hill v. BCTI Income Fund-I*, 144 Wn.2d 172, 185, 23 P.3d

440 (2001), *superseded by statute in Frisino v. Seattle Sch. Dist. No. 1*, 160 Wn. App. 765, 778, 249 P.3d 1044 (2011).

In the context of employment litigation, Plaintiff need only establish an inference of discriminatory motive because employers rarely, if ever, announce their true intentions. *Sellsted v. Wash,. Mut. Sav. Bank*, 69 Wn. App. 852, 859-60, 851 P.2d 716 (1993); *Johnson v. Dep't of Soc. & Health Servs.*, 80 Wn. App. 212, 227-30, 907 P.2d 1223 (1996). As above, Plaintiff adequately demonstrated Defendant's bias in favor of male attorneys and the false pretense behind the employer's decision to terminate Ms. Muhl due to supposedly faulty conduct. Ms. Muhl substantiated the basic elements of her discrimination case, but the elements of proof are not absolute and may be adjusted based on the unique facts of the case. *Grimwood v. Univ. of Puget Sound*, 100 Wn.2d 355, 362-63, 753 P.2d 517 (1988). A fundamental tenet to determining cases on summary judgment obligates the trial court to consider all facts and reasonable inferences to the benefit of Ms. Muhl. *Wilson v. Steinbach*, 98 Wn.2d 434, 437, 656 P.2d 1030 (1982). The trial court breached its obligation to consider evidence in this manner. (*See* RP 18:11-34:14).

Simply stated, Judge Stolz resolved factual disputes in favor of Defendant, even when unsupported by the evidence. In the face of the employer's own admission and arguments of counsel that Ms. Muhl

suffered the adverse action of termination, Judge Stolz blindly proclaimed that Ms. Muhl voluntarily resigned. (RP 21-21-22:10). At a very minimum, Ms. Muhl presented a genuine issue of material fact on the issue of her termination. *Flower v. T.R.A. Indus., Inc.*, 127 Wn. App. 13, 26, 111 P.3d 1192 (2005) (Division III addressing conflicting assertions whether Mr. Flower was terminated or had quit).

B. Davies Pearson Concedes that Judge Stolz Failed to Engage in the *Burnet* Analysis

Both in her briefing and during oral argument, Plaintiff insisted that the trial court engage in the *Burnet* analysis and consider whether another sanction, besides witness exclusion, could reasonably remedy the situation. *Burnet v. Spokane Ambulance*, 131 Wn.2d 484, 494, 933 P.3d 1036 (1997); (CP 365-38; RP 5:4-10:14). Prior to the ruling to exclude this witness, Defendant still intended to depose Dr. Barnett. (RP 5:14-25). Unfortunately, Judge Stolz seemed to equate Dr. Barnett's expertise to that of a workplace investigator and mistakenly asserted that she failed to conduct an investigation or review the evidence in this case. (RP 7:8-25; 10:3-10).

Judge Stolz excluded Dr. Barnett and her opinions on the limited basis that Plaintiff failed to disclose the witness in a timely manner. (RP 10:11-13). It is an understatement to suggest that the exclusion of a witness is an

extreme sanction. *In re Estate of Foster*, 55 Wn. App. 545, 548, 779 P.2d 272 (1989). In response, Davies Pearson asserts that Plaintiff raised no challenge to the failure by the trial court to consider Dr. Barnett's opinions on summary judgment. (Rsp. Br. p. 19). This assertion fails to observe the sequence of events in this case; Judge Stolz excluded Dr. Barnett before she considered Defendant's summary judgment motion. (RP 10:11-13).

Judge Stolz substantially failed to create a record that reveals her analysis of giving due consideration to both parties and evaluating whether a less severe sanction existed. *Carlson v. Lake Chelan Community Hosp.*, 116 Wn.App. 718, 740-41, 66 P.2d 1080 (2003).[4] According to *Burnet*, evaluating the existence of lesser sanctions is imperative to the fair and impartial administration of justice. *Burnet*, 131 Wn.2d at 494. Instead, Judge Stolz summarily ruled on the absence of any lesser sanction. (RP 9:7-8). This is clear error, as Judge Stolz should have considered one or more of the following lesser sanctions:

1. Monetary sanctions awarded in favor of Defendant;
2. Plaintiff's payment of costs associated with Dr. Barnett's deposition;

[4] Division III evaluated the exclusion of witness testimony mid-trial based on admissions made in discovery and concession by Plaintiff's counsel to limit arguments about employer discipline.

3. Additional leeway granted to Defendant when procuring and disclosing its own expert; or

4. Plaintiff's restricted ability to depose Defendant's expert.

C. Ms. Muhl Presented Sufficient Evidence of Unfair Treatment and Employer Pretext

After many years of employment with Davies Pearson, Ms. Muhl performed admirably and never received written feedback to suggest performance deficiencies worthy of termination. (CP 306-07). Nevertheless, the employer terminated Ms. Muhl based on several alleged instances of misconduct. (Rsp. Br. p. 5-9). These events are mere pretext and unworthy of belief. The first two of these events were fully resolved more than a year before to the satisfaction of the employer. (CP 290; 312-14; 349). In an effort to bolster the validity of its termination decision, Davies Pearson condensed the timeline of events and exaggerated the gravity of the alleged transgressions. (CP 445-47). The employee need only produce enough evidence so that a reasonable trier of fact could, but not necessarily would, draw an inference that Ms. Muhl's sex was a factor in the challenged employment decision. *Sellsted v. Wash,. Mut. Sav. Bank*, 69 Wn. App. 852, 860, 851 P.2d 716 (1993) (*citing deLisle v. FMC Corp.*, 57 Wn. App. 79, 83, 786 P.2d 839 (1990)).

Ms. Muhl far surpassed her obligation to proffer evidence that the alleged performance deficiencies are mere pretext. Leading up to her termination, the employer criticized Ms. Muhl with gender-related descriptors like being talkative and emotional, as having a meltdown and being "all strung out." (CP 420-22). These are modern-day terms of traits attributed to the behaviors of women, much like more historic slurs, such as suffering from "the vapors" or acting "hysterical."

In addition, the employer offered its male attorneys better outcomes and less harsh treatment. A male employee that committed a terminable offense received the benefit of "resignation," but the employer imparted Ms. Muhl with the label of termination. (CP 314-15; 360). Ms. Muhl's supervisor openly questioned whether she was a person worthy of belief when she missed a lunch meeting, but declined to extend this judgment upon a male colleague that made the exact same oversight. (CP 289-91; 314). Moreover, Davies Pearson terminated Ms. Muhl, but chose not even to discipline Mr. Nelson for mistakenly divorcing a client. (CP 401-02). When considering that Mr. Nelson did not face discipline for this mistake, it is clear that Davies Pearson chose to terminate Ms. Muhl based on gender stereotypes and an underlying discriminatory motive.

Finally, Defendant argues without merit that Mr. Coleman was one of several partners in the firm who voted to terminate Ms. Muhl. Davies

Pearson, as an employer with the WLAD definition, terminated Ms. Muhl and subjected her to unlawful discrimination. Even assuming that Mr. Coleman supervised Ms. Muhl and held one of several votes leading to her termination, his influence on the process is a question for the jury. As an owner in the firm, Mr. Coleman's actions and statements in the course of supervising Ms. Muhl are imputed upon the employer. *Brown v. Scott Paper Worldwide Co.*, 143 Wn.2d 349, 359-60, 20 P.3d 921 (2001) (fn. 3 referencing *respondeat superior* liability of an employer based upon the conduct of a management-level employee).

D. Plaintiff Established Her Case of Retaliation

The WLAD prohibits retaliation against an employee who complains about a perceived violation of her civil rights. RCW 49.60.120. An employee asserting a complaint is protected from retaliation, so long as that complaint also makes some reference to her protected status. *Alonso v. Qwest Communications Co., LLC*, 178 Wn. App. 734, 754, 315 P.3d 610 (2013). It is abundantly clear that Ms. Muhl met with an owner of the firm and complained about differences in treatment and compensation that favored male attorneys. (CP 309-11). She specifically complained about her treatment as a female attorney and the firm's neglect to recognize the value of its female attorneys. (CP 341).

As in cases of discrimination, employers are reticent to admit their retaliatory motive. *Wilmot v. Kaiser Aluminum & Chem. Corp.*, 118 Wn.2d 46, 69, 821 P.2d 18 (1991). An employer will typically mask its retaliatory purpose with an excuse like faulty performance, as Davies Pearson did here. Ms. Muhl sufficiently rebutted the performance-based excuses offered by the employer; Davies Pearson expressed satisfaction that Ms. Muhl successfully resolved the first two events more than a year prior to her termination, and her lack of attendance at the contempt hearing was not viewed to be worthy of termination. (CP 290; 312-14; 349; 431). Evidence of satisfactory performance evaluations, a lack of documented performance deficiencies and the employer's inconsistent accounts of events, taken together, amounts to sufficient evidence of retaliatory motive. *Kahn v. Salerno*, 90 Wn. App 110, 130-31, 951 P.2d 321 (1998), *rev. denied* 136 Wn.2d 1016, 966 P.2d 1277 (1998); *Currier v. Northland Servs., Inc.*, 182 Wn. App. 733, 748-49, 332 P.3d 1006 (2014).

Ms. Muhl also adequately demonstrated a causal link when Davies Pearson proceeded with adverse action following its receipt of her complaints. *Currier*, 182 Wn. App. at 746-47; *Graves v. Dep't of Game*, 76 Wn. App. 705, 712, 887 P.2d 424 (1994). Davies Pearson refused to refer business to Ms. Muhl, removed her from the partnership track, and eventually terminated her employment. (CP 309-11; 314-15). When an

employee is satisfactorily performing her duties, makes complaints of discriminatory conduct and is subsequently terminated, there is a rebuttable presumption of retaliation that precludes summary judgment. *Currier*, 182 Wn. App. at 747; *Kahn*, 90 Wn. App at 131. While proximity of the complaint and retaliation are a factor, the court should refrain from engaging in a "mechanical inquiry into the amount of time between the [protected activity] and the alleged retaliatory action." *Anthoine v. North Central Co. Consortium*, 605 F.3d 740, 751 (9th Cir. 2010). It is certainly desirable for these events to be close in time, but Defendant failed to establish that the passage of seven months is too long to support temporal proximity, especially when the employer is composed of attorneys. Even more compelling, Judge Stolz did not make any findings or specifically decide that Ms. Muhl failed to establish any of the elements of her retaliation claim. (RP 28:23-34:14; CP 660-61). As such, the jury should be allowed to examine the timeline and decide whether Davies Pearson subjected Ms. Muhl to unlawful retaliation.

Lastly, Davies Pearson avers the impossibility of its retaliation against Ms. Muhl on the basis that the firm decided to hire her back in 2006. In support of this assertion, the employer refers to Mr. Coleman's involvement in the selection process for Ms. Muhl, but without citation to the record. (Rsp. Br. 37-38). First, Ms. Muhl's complaints of gender inequities occurred

much later into her tenure, thus making retaliation both possible and probable under the facts presented herein. Second, Mr. Coleman is a partner in the firm and, as such, the employer is responsible to answer for his actions. *Brown v. Scott Paper Worldwide Co.*, 143 Wn.2d 349, 359-60, 20 P.3d 921 (2001). Plaintiff is also deeply troubled by the tactic of Davies Pearson to falsely elevate Mr. Coleman as a partner that actively participated in the selection process relating to Ms. Muhl.[5] Not only did Mr. Coleman refrain from the selection process for Ms. Muhl, he abstained from voicing any support or opposition. (CP 429). As such, this Court should disregard in their entirety these assertions by Davies Pearson.

E. Plaintiff's Request for Fees Pursuant to RAP 18.1 is Appropriate, But Defendant's Request is Misplaced

The Washington Supreme Court has recognized that, when bringing an employment discrimination action, a plaintiff acts as a "private attorney general" by enforcing a public policy of substantial importance. *Allison v. Seattle Housing Authority*, 118 Wn.2d 79, 86, 821 P.2d 34 (1991). As such, the law favors the full recovery of attorneys' fees and costs by a successful plaintiff. *Blair v. Wash. State Univ.*, 108 Wn.2d 558, 571, 740 P.2d 1379 (*citing Anderson v. Gold Seal Vineyard, Inc.*, 81 Wn.2d 863, 505 P.2d 790 (1985)); *Pham v. City of Seattle*, 159 Wn.2d 527, 538, 151 P.3d 976 (2007).

[5] When asked about Ms. Muhl's hire, Mr. Coleman referred to the decision as a mistake, and said that, "I wasn't part of that process one iota." (Coleman Dep. 122:18-25).

The WLAD specifically provides that victims of discrimination are entitled to recover fees and costs. RCW 49.60.030(2). Pursuant to this statutory provision and RAP 18.1, Ms. Muhl is favored to recover her appellate attorneys' fees and costs under circumstances of remand. RAP 18.1; *Blair*, 108 Wn.2d at 577.

While fees and costs are awardable to a successful plaintiff in a discrimination action, an employer does not have a similar right of reimbursement. *See* RCW 49.60.030(2). Nevertheless, Davies Pearson misconstrues case law and requests that its attorneys' fees and costs be assessed against Plaintiff. In a unique case where a County Clerk could not rely upon legal representation by the Grant County Prosecutor in a budgetary administrative matter, the Supreme Court denied recovery of a vast majority of the County Clerk's legal fees that were incurred through a private firm. *Osborn v. Grant County*, 130 Wn.2d 615, 628-29, 929 P.2d 911 (1996). Ms. Osborn received relief under RAP 18.1, but she also substantially prevailed on appeal as the recipient of affirmative relief. *Osborn*, 130 Wn.2d at 630.

The facts in *Osborn* are separate and distinct from the action brought by Ms. Muhl. In this case, Davies Pearson received only a dismissal at the trial court level. The company has not appealed and will not gain any affirmative relief regardless of outcome, thereby making it impossible for

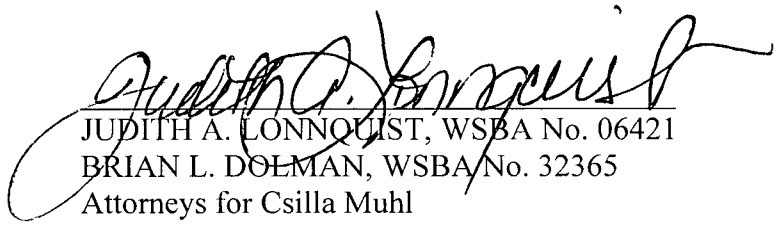
Davies Pearson to be a prevailing party. As a result, Davies Pearson should "remain subject to the well-established rule that they must bear their own fees even if the claims against them were dismissed." *Perkumpulan Investor Crisis Ctr. Dressel-WBG v. Wong*, 2014 U.S. Dist. LEXIS 103885, 16-17 (2014).

CONCLUSION

For all of the reasons set forth in Appellant's Opening Brief and herein, Ms. Muhl respectfully requests this Court reverse the trial court decisions on witness exclusion and summary judgment. Upon remand, Ms. Muhl requests reassignment and consideration by another judge due to violation of the doctrine that requires an appearance of fairness in our courts. Ms. Muhl further request that she be awarded her attorney's fees and costs on appeal pursuant to RAP 18.1

RESPECTFULLY SUBMITTED this 26th day of February 2015.

LAW OFFICES OF
JUDITH A. LONNQUIST, P.S.



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CERTIFICATE OF SERVICE

I, Ann Holiday, an employee of the Law Offices of Judith A. Lonnquist, P.S., declare under penalty of perjury that on February 26, 2015, I caused to be served upon the below-listed parties, via the method of service listed below, a true and correct copy of the foregoing document.

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Ann Holiday