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MEMORIAL IN SERVICE
(Retired)

September 14, 2016

Office of Clerk
Washington Supreme Court
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Olympia, WA 98504-0929

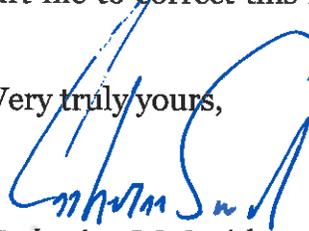
Re: Roake v. Delman, Supreme Court Cause No. 93456-8

Dear Clerk:

We have received respondent Roake's answer to the petition for review. The answer contains several misstatements and unsupported claims that the Court can check against the record on review. But we need to correct a falsehood outside the record. The answer claims that "Delman's counsel also represented the respondent Gourley in the appeal to the Supreme Court" in *Gourley v. Gourley*, 158 Wn.2d 460, 467, 145 P.3d 1185 (2006) (Answer 8). Although the relevance of this claim to whether review should be accepted is hard to grasp, the statement is not true. Contrary to Roake's claim, I filed an amicus curiae brief on behalf of the Washington State Trial Lawyers Association Foundation in *Gourley*. Unlike this case, *Gourley* did not consider a facial challenge to a statute that was interpreted by the Court of Appeals to not require a petitioner to prove what must be plead under the statute.

Please place this record in the Court file to correct this misstatement in Roake's answer to the petition for review.

Very truly yours,


Catherine W. Smith

CWS/tdf
cc: All counsel of record

DECLARATION OF SERVICE

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct:

That on September 14, 2016, I arranged for service of the foregoing Letter, to the court and to the parties to this action as follows:

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Laura K. Jones King County Sexual Assault Resource Center P.O. Box 300 Renton, WA 98057 ljones@kcsarc.org	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail
Kymberly Evanson Pacifica Law Group, LLP 1191 Second Avenue, Suite 2000 Seattle, WA 98101 Kymberly.evanson@pacificallawgroup.com	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail
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Leslie Savina Northwest Justice Project 401 2nd Ave S Ste 407 Seattle, WA 98104 lsavina@nwjustice.org	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail
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DATED at Seattle, Washington this 14th day of September,
2016.


Jenna L. Sanders

SMITH GOODFRIEND, PS

September 14, 2016 - 3:49 PM

Confirmation of Filing

Filed with Court: Supreme Court
Appellate Court Case Number: 93456-8
Appellate Court Case Title: Megan Roake v. Maxwell Delman

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Comments:

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Filing on Behalf of: Catherine Wright Smith - Email: cate@washingtonappeals.com (Alternate Email:)

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