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No 93617-0

CoA NO. 73843-7-I

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

JAMIE WALLIN,

Appellant,

v.

CITY OF EVERETT,

Respondent

RESPONDENT'S BRIEF IN OPPOSITION TO DISCRETIONARY
REVIEW

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ORIGINAL

TABLE OF AUTHORITIES

CASES	Page(s)
<i>Belenski v. Jefferson County</i> , -- Wn.2d --, 378 P.3d 176 (2016)	1
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I. RESPONSE

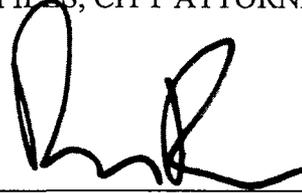
This case is governed by the Public Records Act's one-year statute of limitations. RCW 42.56.550(6). In *Belenski v. Jefferson County*, -- Wn.2d --, 378 P.3d 176, 177 ¶2 (2016), this Court held that "the one year statute of limitations in the PRA ... usually begins to run on an agency's final, definitive response to a records request." The Court rejected court of appeals decisions that had held the one-year provision only applied to some PRA claims. *Belenski*, 379 P.3d at 180-81, ¶18.

In his complaint, Jamie Wallin alleged that the City's January 17, 2013 letter constituted the City's "final response." CP 124 (Complaint, ¶5.34). Thus, Wallin alleged that his "cause of action accrued, at a minimum, on or after January 17, 2013, when the City made their final response by letter of that same date." CP 126 (Complaint ¶5.45). Wallin did not allege that the limitations period should be equitably tolled; rather he argued that the two-year statute of limitations applied instead of the one-year period. CP 126 (Complaint, ¶5.44).

Wallin's lawsuit was filed January 5, 2015, nearly two years after Wallin alleged his cause of action accrued. (CP 112 Clerk's Stamp). The Court of Appeals therefore properly ruled Wallin's claim was barred by the one-year statute of limitations. Thus, this Court should deny Wallin's petition for review.

RESPECTFULLY SUBMITTED this 5th day of October, 2016.

CITY OF EVERETT
JIM ILES, CITY ATTORNEY

A handwritten signature in black ink, appearing to be 'Ramsey Ramerman', written over a horizontal line.

By: _____
Ramsey Ramerman WSBA # 30423
Katie Rathbun, WSBA #40299
Assistant City Attorneys
Attorney for City of Everett,
Defendant and Respondent

CERTIFICATE OF SERVICE

I, Chris Muth-Schultz, certify under penalty of perjury that true and correct copies of the above attached document were delivered via U.S. mail:

Plaintiff : Jamie Wallin, DOC. No 729164 Washington State Penitentiary R-A-304 1313 N. 13 th Ave. Walla Walla, WA 99362	(X) By U.S. Mail, Postage Prepaid () By Facsimile () By Electronic Mail () By Legal Messenger () Express Mail
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Executed at Everett, Washington, this 5th day of October, 2016.


Chris Muth-Schulz