

No. 94203-0

SUPREME COURT OF THE STATE OF WASHINGTON

JOHN DOE G, JOHN DOE I, and JOHN DOE H,
as individuals and on behalf of others similarly situated,

Respondents,

v.

DEPARTMENT OF CORRECTIONS, STATE OF WASHINGTON

Appellant,

v.

DONNA ZINK, a married woman,

Appellant.

**PETITIONER'S MOTION TO STRIKE PORTIONS OF
RESPONDENT'S ANSWER**

DONNA ZINK
Pro Se Appellant
P.O. Box 263
Mesa, WA 99343
(509) 265-4417
dlczink@outlook.com

I. IDENTITY OF PETITIONER

The moving party is the Appellant, Donna Zink, acting Pro Se.

I. STATEMENT OF RELIEF SOUGHT

Portions of the Answer Respondents, Doe, filed on March 23, 2017, is prohibited by RAP 13.4(d). The Rules of Appellate Procedure provide that:

If the party wants to seek review of any issue that is not raised in the petition for review, including any issues that were raised but not decided in the Court of Appeals, the party must raise those new issues in an answer.

RAP 13.4(d). Respondents have made argument on an issue not decided by the Court of Appeals in their answer, without requesting review.

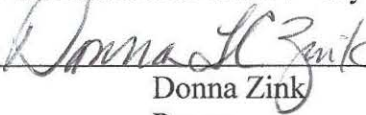
In their answer, Respondents devoted six (6) of their twenty-three (23) pages of answer to argue that SSOSA evaluations are mental health records and cannot be disclosed. (Respondent Answer pg. 11-17). Division I did not decide the issue of whether RCW 70.02.230(1) applies to SSOSA evaluations (*see slip op. 10 fn.30*). Therefore, either Respondents are requesting review of a new issue or it has been improperly briefed and cannot be relied on to bolster their argument that the records are exempt and discretionary review is unnecessary. Zink respectfully requests that the portion relating to SSOSA evaluations as mental health records (pg. 11-17) be stricken from the record as the issue was not decided by the Court of Appeals and Respondents are not requesting review of that issue.

Further, Respondents argue that Zink did not ask for review of RCW 42.56.540. (Respondent's Answer pg. 20-21). This is false. Zink did request

review of the requirements of RCW 42.56.540 and the trial court's decision to apply RCW 7.40.020 as well as provided briefing on RCW 42.56.540 in her reply brief. Zink respectfully requests this court to strike that portion of Respondents brief which erroneously characterizes Zink's request to Division I as not including review under RCW 42.56.540.

RESPECTFULLY SUBMITTED this 24th day of March, 2017.

By



Donna Zink

Pro se

II. CERTIFICATE OF MAILING

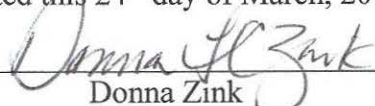
I, Donna Zink, declare that on March 24, 2017, I did send a true and correct copy of Appellant Zink's request for "*Motion to Strike Portions of Respondents Answer*" to the following parties via e-mail to the following e-mail Service Addresses:

- BENJAMIN GOULD
WSBA #44093
Keller Rohrback LLP
1201 Third Avenue, Suite 3200
Seattle, WA 98101
Phone: 206-623-1900/Fax: 206-623-3384
Email: bgould@kellerrohrback.com;

- PRACHI VIPINCHANDRA DAVE, ESQ
WSBA #
ACLU of Washington Foundation
901 5th Ave, Suite 630
Seattle, WA 98164
Phone: 206-624-2184/Fax:
Email: vhernandez@aclu-wa.org; and

- TIMOTHY J. FEULNER
WSBA #45396
Washington State Attorney General
Corrections Division OID #91025
800 Fifth Avenue, Suite 2000
PO Box 40116
Olympia, WA 98504-0116
Phone: 306-586-1445/Fax:
Email: TimF1@atg.wa.go.

Dated this 24th day of March, 2017.

By 
Donna Zink
Pro Se