

FILED
SUPREME COURT
STATE OF WASHINGTON
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NO. 95152-7

SUPREME COURT OF THE STATE OF WASHINGTON

OLIVIA MORA
Appellant,

v.

GREEN RIVER COLLEGE
Respondent.

Appeal from Superior Court of King County
Cause No. 16-2-00862-3KNT

ANSWER TO PETITION FOR REVIEW

ROBERT W. FERGUSON
Attorney General

KAYLYNN WHAT, WSBA No. 43442
Assistant Attorney General
800 Fifth Ave, Ste 2000
Seattle WA 98104
Tel: 206-464-7352
Fax: 206 587-4229
Email: kaylynnw@atg.wa.gov

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I. INTRODUCTION

Petitioner Olivia Mora's lawsuit against Green River College is time barred. The trial court properly dismissed the complaint and the Court of Appeals properly affirmed.

In her Petition for Review, Mora does not show that her case involves an issue of substantial public interest that should be determined by this Court. *See* RAP 13.4(b). Mora essentially argues that the statute of limitations should be tolled due to her developmental disability. A tolling statute already exists that allows for tolling when a plaintiff's disability renders her incapacitated. Mora provided no evidence showing this statute should apply here. Her failure to present evidence showing the tolling statute applies does not convert her case into one of substantial public importance. Review should therefore be denied.

II. STATEMENT OF CASE

Respondent Green River College generally agrees with Mora's recitation of the material facts of this case. Essentially, Mora filed the current suit on January 13, 2016. CP at 1. It concerns events that occurred in May 2007. CP at 3-4. Mora amended her complaint on March 28, 2016. CP at 19. In her Amended Complaint, Mora did not allege any additional conduct beyond that already described as having occurred in 2007. CP at 19-21. The trial court granted Green River College's motion to dismiss

Mora's lawsuit as barred by the statute of limitations. CP at 171-73. Mora appealed, and the Court of Appeals affirmed in an unpublished opinion.

III. REVIEW SHOULD BE DENIED BECAUSE A STATUTE ALREADY PROVIDES FOR TOLLING BASED ON DISABILITY

This case does not present an issue of substantial public interest under RAP 13.4(b) as Mora argues. According to Mora, justice requires that “the claims [of] a pro se litigant with a developmental disability related to discriminatory treatment suffered in the pursuit of educational opportunities [should] be heard on its merits.” Pet. at 6-7. But a tolling statute already provides that a statute of limitations may be tolled by the personal disability of the plaintiff. RCW 4.16.190. Mora presented no evidence showing that the tolling statute applied based on her disability.

To show that she was entitled to have the statute of limitations tolled here, Mora needed to present evidence showing that she could not understand the nature of the proceedings and that her disability rendered her incapacitated under 11.88 RCW, the Guardianship Act. RCW 4.16.190, *see also Rivas v. Overlake Hosp. Med. Ctr.*, 164 Wn.2d 261, 268, 189 P.3d 753 (2008). A person may be deemed incapacitated “when the superior court determines the individual is at significant risk of financial harm based upon a demonstrated inability to adequately manage property or financial affairs.” RCW 11.88.010(1)(a). The Court of Appeals already noted that

Mora did not allege any “facts related to minority, incompetency, or incarceration that would toll the limitations period.” Unpublished Opinion at 4, *citing* RCW 4.16.190. Without such evidence, the superior court could not make any determination related to tolling.

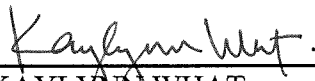
Mora’s failure to present evidence related to tolling does not convert the issue into one of substantial public importance. The issue has already been determined through legislative enactment. If Mora disagrees with the requirements of the tolling statute, her remedy is legislative, not judicial.

IV. CONCLUSION

Mora’s case against Green River College was properly dismissed as time-barred. She provided no evidence to show the trial court that the tolling statute applied. She does not present an issue of substantial public importance and her petition for review should therefore be denied.

RESPECTFULLY SUBMITTED this 31st day of October, 2017.

ROBERT W. FERGUSON
Attorney General



KAYLYNN WHAT
WSBA #43442, OID #91019
Assistant Attorney General
800 5th Ave., Ste 2000
Seattle, WA 98104-3188
Tel: 206-464-7352; Fax: 206-587-4229
Email: KaylynnW@atg.wa.gov
Attorneys for Defendant

DECLARATION OF SERVICE

I hereby declare that I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF E-filing system, and I also sent for service copy of this document to be served on all parties or their counsel of record on the date below as follows:

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Olivia Mora
P.O. Box 88603
Tukwila, WA 98138

Via email

Sanchos1901@gmail.com

I declare under penalty of perjury, under the laws of the State of Washington, that the foregoing is true and correct.

DATED this 31st day of October 2017 at Seattle, Washington.



Monica Tofoleanu, Legal Assistant
Assistant Attorney General
800 Fifth Ave., Suite 2000;
Seattle Wash. 98104
Tel: 206 464-7458
Email: monicat@atg.wa.gov

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Address:
800 5th Avenue, Suite 2000
Seattle, WA, 98104
Phone: (206) 464-7352

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