No. 95184-5

SUPREME COURT OF
OF THE STATE OF WASHINGTON

| | |
|---|---|
| C.L., a sexual abuse victim, and Simeon J. Osborn as litigation guardian for S.L., a minor child and sexual abuse victim,<br><br>Respondents,<br><br>v.<br><br>STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES, and JANE and JOHN DOES 1-100,<br><br>Petitioners. | RESPONDENTS' STATEMENT OF ADDITIONAL AUTHORITY<br><br>(RAP 10.8) |

Respondents C.L., and Simeon J. Osborn, as litigation guardian for S.L., submit the following additional authority:

*H.B.H. v. State of Washington*, \_\_Wn.2d \_\_, 429 P.3d 484, No. 94529-2 (Nov. 1, 2018). This Court held that "the establishment of a dependency imposes essential rights and duties on the State to care for dependent children," *id.* at ¶24, resulting in a protective "'special relationship' that imposes a duty of care to protect the plaintiff from foreseeable harm" within the meaning of *Restatement*

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*(Second) Torts* §§ 315(b) and 320, *id.* at ¶¶26-30, and rejected any requirement that "physical care and custody" is a necessary predicate "to establish a special protective relationship." *Id.* at ¶33. *See* Answer to Petition for Review 11-14 & n.2.

Dated this 27th day of November, 2018.

SMITH GOODFRIEND, P.S.

By:_____
    Howard M. Goodfriend
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Attorneys for Respondents

# 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 November 27, 2018, I arranged for service of Respondents' Statement of Additional Authority, to the Court and to the parties to this action as follows:

| | |
|---|---|
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| Raymond J. Dearie<br>Dearie Law Group, P.S.<br>2025 First Avenue, Suite 1200<br>Seattle, WA 98121-2510<br>rdearie@dearielawgroup.com<br>aglassman@dearielawgroup.com | ____ Facsimile<br>____ Messenger<br>____ U.S. Mail<br>_X_ E-Mail |
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| Kerri Ann Jorgensen<br>Office of the Attorney General<br>PO Box 40126<br>Olympia WA 98504-0126<br>KerriJ@atg.wa.gov | ____ Facsimile<br>____ Messenger<br>____ U.S. Mail<br>_X_ E-Mail |

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**DATED** at Seattle, Washington this 27th day of November, 2018.

Tara D. Friesen

**Filed with Court:**                Supreme Court
**Appellate Court Case Number:**     95184-5
**Appellate Court Case Title:**      C.L. and Simeon J. Osborn as litigation guardian for S.L. v. State of Washington
**Superior Court Case Number:**      14-2-02833-1

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