No. **997586**

IN THE SUPREME COURT OF THE
STATE OF WASHINGTON

Donna Zink,
Petitioner,
v.
John Doe L, et al.
Respondent.

ANSWER TO PETITION FOR REVIEW
of John Doe D, Level II/III Class

Harry Williams IV, WSBA #41020
Law Office of Harry Williams
PO Box 22438
Seattle, Washington 98122
harry@harrywilliamslaw.com
206.451.7195

Reply to Petition

We represent the Level II/III class. In the complaint, filed by another attorney in 2014, the caption read "John Doe D." Once present counsel appeared, still in 2014, we determined there was no ground to proceed in pseudonym, and Zink has known the identity of John Doe D since, at the latest, January 2015. Zink never moved to have the caption changed. Indeed, she never even reached out informally to ask counsel to change the caption.

Because the case did not proceed in pseudonym, in 2018 Division II ruled that "we do not address whether Does G and D were correctly allowed to proceed under pseudonyms because this issue is moot as to them." *John Doe L v. Pierce County*, 7 Wn. App. 2d 157, 164, 433 P.3d 838 (2018). This Court denied review of that decision. *John Doe L v. Pierce Cty.*, 193 Wn.2d 1015, 441 P.3d 1191 (2019). When an issue is moot there is good cause for dismissal. CR41(a)(2).

Zink tries to create a constitutional issue out of her own dual failures: she failed either to ask or to move that the caption be changed. At a minimum, Zink waived her complaints by sitting on her rights for years and years. Nor is this an issue of any public import: it's a routine matter of a superior court dismissing a case after the merits were decided, with no outstanding cross claims or other pending motions, and after the court of appeals determined the substantive issues **and** that the specific issue of pseudonym was moot. Our courts simply lack the capacity to hear post-dismissal "oh, and another thing" motions.

Zink has been heard repeatedly. This is her second appeal. She has moved for reconsideration multiple times at the trial court, courts of appeal, and before this Court. Zink is not Charles Dickens and the caption here is not *Jarndyce v. Jarndyce*. Since there is nothing further to decide, the cases are just where they should be: dismissed, with Zink already having achieved the relief she requested.

The cases began in 2014 and the substantive matters were decided in 2016. *John Doe A v. Wash. State Patrol*, 185 Wn.2d 363, 371, 374 P.3d 63 (2016). All subsequent proceedings in Zink's myriad cases across the state have followed the rule laid out in *John Doe A*. *John Doe A* is still captioned *John Doe A* without undermining the openness of our courts.

A more sustained argument with further citations is in the Level II/III brief in the court of appeals. Even without reference to that detailed argument, review should be denied because Zink has not offered any significant, much less compelling, reason to reverse the routine dismissal of a moot case after a decision on the merits. As a matter of practice and common sense, what the superior court did here was correct, efficient, and necessary. This Court should deny Zink's petition.

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Conclusion

The Court should deny the Petition.

Respectfully submitted on May 13, 2021

s/ Harry Williams IV
Harry Williams IV
WSBA #41020
Law Office of Harry Williams
P.O. Box 22438
Seattle, Washington 98122
harry@harrywilliamslaw.com
206.451.7195
Attorney for the Level II/III class

Certificate of Service

On May 13, 2021, I served all parties by electronic service.

Dated May 13, 2021 in Seattle, Washington.

s/Harry Williams IV, WSBA #41020

LAW OFFICE OF HARRY WILLIAMS LLC

May 13, 2021 - 10:19 AM

Transmittal Information

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Sender Name: Harry Williams - Email: harry@harrywilliamslaw.com
Address:
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