

No. 36113-2-II

COURT OF APPEALS
DIVISION II
OF THE STATE OF WASHINGTON

LAURA BARDO,

Plaintiff/Appellant

v.

CLIFF COOPER, Personal Representative of the Estate of Alwin Winsten Cooper,

Defendant/Respondent

BRIEF OF APPELLANT

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STATE OF WASHINGTON
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CLIFF COOPER

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I. INTRODUCTION

In 1991, the Washington Legislature recognized the importance of allowing victims of childhood sexual abuse to seek redress against the persons and entities who caused or contributed to their harm when it modified RCW 4.16.340. The statute reads:

Actions based on childhood sexual abuse.

(1) All claims or causes of action based on intentional conduct brought by any person for recovery of damages for injury suffered as a result of childhood sexual abuse shall be commenced within the later of the following periods:

(a) Within three years of the act alleged to have caused the injury or condition;

(b) Within three years of the time the victim discovered or reasonably should have discovered that the injury or condition was caused by said act;
or

(c) Within three years of the time the victim discovered that the act caused the injury for which the claim is brought:

PROVIDED, That the time limit for commencement of an action under this section is tolled for a child until the child reaches the age of eighteen years.

(2) The victim need not establish which act in a series of continuing sexual abuse or exploitation incidents caused the injury complained of, but may compute the date of

discovery from the date of discovery of the last act by the same perpetrator which is part of a common scheme or plan of sexual abuse or exploitation.

(3) The knowledge of a custodial parent or guardian shall not be imputed to a person under the age of eighteen years.

(4) For purposes of this section, "child" means a person under the age of eighteen years.

(5) As used in this section, "childhood sexual abuse" means any act committed by the defendant against a complainant who was less than eighteen years of age at the time of the act and which act would have been a violation of chapter 9A.44 RCW or RCW 9.68A.040 or prior laws of similar effect at the time the act was committed.

RCW 4.16.340.

In amending the statute of limitations as it pertains to victims of childhood sexual abuse, the Legislature explicitly recognized that a child victim of sexual abuse may be unable to connect his or her harms to the sexual abuse due to the unique and perverse nature of the abuse. In fact, the legislative findings demonstrate the Legislature's knowledge of an abuse victim's potential inability to recognize the harms that flow from childhood sexual abuse and emphasized that the limitation periods set forth in RCW 4.16.340 are to be liberally construed in favor of childhood victims of sexual abuse. The Legislature noted:

- (1) Childhood sexual abuse is a pervasive problem that affects the safety and well-being of many of our citizens.
- (2) Childhood sexual abuse is a traumatic experience for the victim causing long-lasting damage.
- (3) The victim of childhood sexual abuse may repress the memory of the abuse or be unable to connect the abuse to any injury until after the statute of limitations has run.
- (4) The victim of childhood sexual abuse may be unable to understand *or make the connection* between childhood sexual abuse and emotional harm or damage until many years after the abuse occurs.
- (5) *Even though victims may be aware of injuries related to the childhood sexual abuse, more serious injuries may be discovered many years later.*
- (6) The legislature enacted RCW 4.16.340 to clarify the application of the discovery rule to childhood sexual abuse cases. At that time the legislature intended to reverse the Washington supreme court decision in *Tyson v. Tyson*, 107 Wn.2d 72, 727 P.2d 226 (1986).

It is still the legislature's intention that *Tyson v. Tyson*, 107 Wn.2d 72, 727 P.2d 226 (1986) be reversed, as well as the line of cases that state that discovery of any injury whatsoever caused by an act of childhood sexual abuse commences the statute of limitations. The legislature intends that the earlier discovery of less serious injuries should not affect the statute of limitations for injuries that are discovered later.

Laws of 1991, ch. 212, § 1 (emphasis added).

Additionally, the Washington Supreme Court held that, in enacting this statute, the Legislature “specifically provided for a broad

and generous application of the discovery rule to civil actions for injuries caused by childhood sexual abuse.” *C.J.C. v. Corporation of Catholic Bishop of Yakima*, 138 Wn.2d 699, 712, 985 P.2d 262 (1999). The court in *C.J.C* noted that, “the statute was broadened in order to make clear that the discovery of less serious injuries did not commence the period of limitations[]” for claims arising out of childhood sexual abuse. *Id.* at 713. Indeed, in enacting the statute, the Legislature specifically superseded a line of decisions that strictly applied the discovery rule in cases involving childhood sexual abuse. *Id.*

Accordingly, the standard for determining whether a plaintiff has timely filed a claim for damages arising out of childhood sexual abuse is a subjective one. That is, the statute of limitations will start to run only after the plaintiff *actually discovers the full extent of the harm* caused by the childhood sexual abuse.

As discussed in detail below, Laura Bardo (hereinafter, “Plaintiff”) did not begin to truly understand the extent of the harm she suffers as a result of the childhood sexual abuse until February 21, 2006, roughly seven months before she filed this suit for damages. In fact, to this day the Plaintiff continues to discover and better understand the

causal connection between the childhood sexual abuse she endured, and
the psychological harm she suffers.

II. ASSIGNMENTS OF ERROR

1. The trial court incorrectly applied RCW 4.16.340 to the Plaintiff's claim for damages based on childhood sexual abuse.
2. The trial court erred in granting the Defendant's¹ motion for Summary Judgment with regard to the Plaintiff's claim for damages based on childhood sexual abuse.

¹Cliff Cooper is the personal representative for the Estate of Alwin Winsten Cooper, the Plaintiff's mother and alleged abuser. The Estate generally, and the mother specifically, will hereinafter be referred to as "Defendant."

III. STATEMENT OF RELEVANT FACTS

As a child, the Plaintiff was physically, emotionally, and sexually abused by the Defendant, Alwin Winsten Cooper, now deceased. Plaintiff's earliest memory of abuse dates back to when she was still wearing diapers. (CP 26, 53). Every time she needed her diaper changed the Defendant would, "probe around inside me to make 'sure' I was clean and tell me I had better stay that way." (CP 26, 53). This abuse suffered by the Plaintiff as a toddler continued through adolescence. (CP 26, 34, 53). In high school, the Plaintiff remembers asking the Defendant if she could go on a date. In response, the Defendant grabbed the Plaintiff's crotch and "wiggled her fingers around, telling me that this was all a man was good for and that I should stay home and she could take care of that instead." (CP 19, 34, 53).

After high school, the Plaintiff left home for college. The summer after her second year in college was the last time the Plaintiff saw the Defendant until a few years ago. (CP 36, 53). Plaintiff has spent the majority of her adult life estranged from the Defendant and her two younger siblings. (CP 17, 53).

The Plaintiff has sought psychiatric care since her early thirties

because of the physical, emotional and sexual abuse she suffered at the hands of the Defendant. (CP 38, 53-54). Through counseling, the Plaintiff learned and understands that she suffers depression and that the depression likely started when she was a very young child. (CP 38, 53-55). The Plaintiff learned and understands that she has been diagnosed with Post- Traumatic Stress Disorder (PTSD) related to the different forms of abuse she suffered as a child at the hands of the Defendant. (CP 19, 38, 54-55). Even though different counselors have explained to the Plaintiff that the different kinds of abuse she suffered was not her fault, the Plaintiff always believed until recently that she was abused because of something she did or because she simply did not deserve to be treated any better. (CP 38-39, 54-55). Only recently has the Plaintiff started to understand that her depression and PTSD was caused in part by the Defendant's sexual abuse, and that the sexual abuse was not her fault. (CP 19, 39, 54-56).

The circumstances leading to the Plaintiff's recent understanding of the casual connection between the sexual abuse she endured and the psychological harm she suffers, involved an email exchange she had with her sister on February 21, 2006, a little less than a month before the

Defendant's death. (CP 39, 54-56). During this exchange, the Plaintiff learned that the defendant began to abuse her little sister after the Plaintiff left the Defendant's home many years ago. (CP 19, 39, 54-56). This exchange assisted the Plaintiff in better understanding the extent of the harm she suffered as a result of the sexual abuse because now, with the new information regarding the subsequent sexual abuse of her sister at the hands of the Defendant, the Plaintiff is able to accept that the sexual abuse was not her fault and instead occurred because the Defendant was sick. (CP 20, 39, 54-56). This newfound understanding has allowed the Plaintiff to better understand the casual connection between the sexual abuse and the depression and PTSD she currently suffers. (CP 39, 54-55).

The Defendant died on March 15, 2006. (CP 5, 17). On August 11, 2006, the Plaintiff filed a Creditor's Claim in Thurston County in the amount of \$1 million alleging personal injuries and PTSD caused by the physical, emotional, and sexual abuse she suffered at the hands of the Defendant. (CP 5, 17). The Plaintiff's Creditor's Claim was rejected by the Personal Representative's attorney on August 16, 2006. (CP 6, 18). The Plaintiff then filed this claim for damages based upon

the childhood sexual abuse in Thurston County Superior Court on September 13, 2006. (CP 5-7).

After answering the Plaintiff's complaint for damages, the Defendant moved to dismiss the action based upon the argument that the applicable statute of limitations for the physical, emotional, and sexual abuse had expired. (CP 11-17). The Plaintiff, who was unrepresented at the time, responded by filing a declaration. (CP 26-39).

Subsequently, the Plaintiff sought counsel and a response to the Defendant's motion was filed with the superior court. (CP 41-51, 57-58). The Plaintiff's opposition to the Defendant's motion focused primarily on the childhood sexual abuse claims. (CP 41-51).

Oral argument on the motion took place on December 15, 2006, and the trial court treated the Defendant's motion as a motion for summary judgment. (RP Dec. 15, 2006 at 3; CP 75-85). At oral argument, the trial court granted the Defendant's motion for summary judgment in part and dismissed the Plaintiff's personal injury claims as barred by the applicable statute of limitations. (RP Dec. 15, 2006; RP Jan. 15, 2007; CP 75-85). With regard to the childhood sexual abuse claim, the trial court requested the parties supply additional briefing to

determine whether the acts alleged fell within the purview of RCW 9A.44 or RCW 9.68A.040. (RP Dec. 15, 2006 at 16).

The parties submitted additional briefing on the remaining childhood sexual abuse issue, and oral argument took place on January 5, 2007. (CP 59-73). At oral argument, the trial court found that a jury could find at least some of the Defendant's conduct violated RCW 9A.44.100, the indecent liberties statute, thereby triggering the statute of limitations applicable to claims of childhood sexual abuse found within RCW 4.16.340. (RP Jan. 15, 2007 at 12-13; CP 76-77).

Applying RCW 4.16.340, the trial court found that the Plaintiff could have reasonably discovered and understood the conditions she suffered were the consequence of the Defendant's sexual abuse more than three years before the September 13, 2006 filing of the Plaintiff's complaint for damages. (RP Jan. 15, 2007 at 10-12; CP 75-85). As such, the trial court granted the Defendant's motion for summary judgment on the childhood sexual abuse claims. (RP Jan. 15, 2007 at 12-13; CP 75-85).

The Plaintiff now appeals the trial court's decision. (CP 74-85).

IV. ARGUMENT

A. Standard of Review.

Summary judgment is appropriate “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” CR 56(c). “The motion will be granted, after considering the evidence in the light most favorable to the nonmoving party, only if reasonable persons could reach but one conclusion.” *Reynolds v. Hicks*, 134 Wn.2d 491, 495, 951 P.2d 761 (1998). “When reviewing a summary judgment order, an appellate court engages in the same inquiry as the trial court.” *Id.*

B. Whether the trial court properly applied RCW 4.16.340 to the Plaintiff's claim for damages based on childhood sexual abuse.

RCW 4.16.340(1) provides a special statute of limitations for childhood sexual abuse cases. Given the unique and perverse nature of this type of abuse, the statute of limitations for a claim based on childhood sexual abuse is triggered when the victim subjectively makes the connection between the abuse endured, and the subsequent harm

suffered. *Hollmann v. Corcoran*, 89 Wn. App. 323, 949 P.2d 386 (1997). Indeed, the limitations period is tolled until the “victim of childhood sexual abuse in fact discovers the causal connection between the defendant's acts and the injuries for which the claim is brought.” *Id.* at 334; *see also Korst v. McMahon*, 136 Wn. App. 202, 208, 148 P. 3d 1081 (2006). Although a victim may know they are suffering emotional harm or damage, they still may not be able to understand and appreciate the connection between their symptoms and the abuse. *Korst*, 136 Wn. App. at 208.

Additionally, the defendant bears the burden of proof as to the statute of limitations defense in childhood sexual abuse claims. *Korst*, 136 Wn. App. At 208. In other words, the Defendant must prove that the Plaintiff actually knew that the sexual abuse caused her symptoms, and that she failed to bring her claim before the statute of limitations had expired. *Id.*

1. RCW 4.16.340(1)(b) vs. RCW 4.16.340(1)(c).

Section 1(b) of the above-referenced statute addresses repressed memory claims where the victim discovers his or her injury or condition was caused by a previously undiscovered act. *Hollmann*, 89 Wn. App.

at 334. In contrast, Section 1(c) addresses claims of abuse from victims who know the abuse happened, but fail to make the connection between the abuse and the injuries experienced until years later. *Id.* “This is confirmed by legislative findings (4) and (5).” *Id.*

The *Hollmann* case involved a claim by a victim of sexual abuse. In that case, the defendant began abusing the plaintiff in 1977 when the plaintiff was 13 years old. The sexual relationship continued well into the plaintiff's adulthood with the last sexual encounter occurring in 1987, when the plaintiff was 23 years old. During and after the period of abuse the plaintiff suffered from a variety of emotional and psychological problems and abused both drugs and alcohol. *Id.* at 327. In 1989 (more than three years before plaintiff filed suit) the plaintiff entered Alcoholics Anonymous and began counseling. During his counseling, the plaintiff discussed his sexual relationship with the adult man and his resulting extreme guilt. However, during these counseling sessions, the causal relationship between the plaintiff's emotional and psychological injuries and history of abuse was never explored. *Id.* at 328. While the counselor diagnosed the plaintiff as suffering from PTSD, the plaintiff never understood the causal connection between the

PTSD and the sexual abuse. *Id.* Approximately four years later, in 1993, the plaintiff began counseling with a new psychologist. *Id.* During this counseling, the plaintiff began to understand that the defendant had *caused* the plaintiff's emotional and psychological problems. *Id.* In 1994, this new psychologist diagnosed the plaintiff as suffering from PTSD caused by the abuse. The plaintiff then filed suit in May of 1995, thirteen years after the plaintiff obtained the age of majority, seven years after the abuse ended, and approximately five years after his first counseling sessions occurred. *Id.* at 330.

After the trial, the court granted the defendant's motion for a judgment as a matter of law. In dismissing the plaintiff's claims, the trial court held that RCW 4.16.340(1)(c) contains a "constructive discovery/due diligence requirement" and that the plaintiff, as a matter of law, should have discovered the causal connection between his abuse and claimed injuries more than three years before commencing suit. *Id.* at 334. The Court of Appeals, Division III, reversed, holding that the trial court erred in applying a constructive discovery standard. *Id.* The court held that under RCW 4.16.340(1)(c), the limitations period is tolled until the "victim of childhood sexual abuse in fact discovers the

causal connection between the defendant's acts and the injuries for which the claim is brought." *Id.* Based on this standard, the court reinstated the plaintiff's claim on the basis that the plaintiff had presented sufficient evidence from which a jury could infer that the plaintiff did not have actual knowledge of the causal connection until he began seeing the new psychologist a year before the action was filed. *Id.* at 334.

In the case at bar, the trial court essentially erred in the same way the trial court erred in *Hollmann*. That is, in stating that, "[i]t's hard for me to believe that a fact finder could do other than find that [the Plaintiff] could have reasonably understood any consequences from this conduct well before her 57th birthday[.]" the trial court essentially placed a constructive discovery standard on the Plaintiff. (RP Jan. 15, 2007 at 10-12). In stating, "whether they could be considered childhood sexual abuse and that Ms. Bardo had not, in the language of the statute, 'could not reasonably have discovered that the injury or condition from which she suffers was caused by those acts[.]'" the trial court imposed a constructive discovery standard on the Plaintiff pursuant to RCW 4.16.340(1)(b). The trial court's error lies in the fact that this is not a repressed memory claim justifying the imposition of a constructive

discovery standard pursuant to Section 1(b).

Instead, this is a claim, like *Hollmann*, where the Plaintiff was aware of the fact that the sexual abuse actually occurred. Similar to the plaintiff in *Hollmann*, who did not see the abusive relationship as one of perpetrator and victim because he was a “volunteer” in the relationship, the Plaintiff here has believed all these years that she was in some way responsible for the abuse she suffered as a child either because of something she did, or because she was “unworthy of better treatment, let alone love.” (CP 39, 54-55). Like the plaintiff in *Hollmann*, the Plaintiff here sought counseling and was first diagnosed with depression and PTSD more than three years before filing this claim for damages. *Hollmann*, 89 Wn. App. at 328; (CP 38, 53-55). However, like the plaintiff in *Hollmann*, who “blamed himself” and “believed he was a bad person,” the Plaintiff here experienced similar feelings of guilt and self-depreciation. *Id.* at 329; (CP 38, 53-55). Not until the email exchange with her sister, dated February 21, 2006, did the Plaintiff actually discover and truly begin to understand the fact that she was a victim. (CP 38, 53-56). As such, February 21, 2006 is the date the Plaintiff in this case began to in fact discover the causal connection

between the childhood sexual abuse and her depression and PTSD.

Because the Plaintiff knew the sexual abuse she suffered as a child occurred, RCW 4.16.340(1)(c) applies to this case. And, because the Plaintiff did not in fact discover the causal connection between the childhood sexual abuse and her depression and PTSD until the February 21, 2006 email exchange with her sister, the subsequent filing of this claim on September 13, 2006 is timely.

2. The statute of limitations will commence when the victim discovers the full extent of her injuries.

Under RCW 4.16.340(1)(c), the discovery of less serious injuries does not commence the limitations period for actions based on childhood sexual abuse. *Cloud ex rel. Cloud v. Summers*, 98 Wn. App. 724, 991 P.2d 1169 (1999). The legislative findings to RCW 4.16.340 specifically recognize that “even though victims may be aware of injuries related to childhood sexual abuse, more serious injuries may develop later.” Laws of 1991, ch. 212, § 1. For this reason, the specific Legislative intent was that “the earlier discovery of less serious injuries should not affect the statute of limitations for injuries that are discovered later,” (*Id.*) which was affirmed by the Court of Appeals in *Cloud v. Summers*.

Indeed, the victim may know that he or she was abused, and may even know that some injury resulted, but may not know the full extent of the injury until years later. *See Cloud*, 98 Wn. App. at 734-35. Stated another way, “childhood sexual abuse, by its very nature, may render the victim *unable* to understand or make the connection between the childhood abuse and the full extent of the resulting emotional harm” *Cloud*, 98 Wn. App. at 735 (emphasis in original). As the court in *Cloud* makes clear, until that “‘disability’ is lifted, the cause of action [against the abuser] either will not accrue or, if accrued, the running of the statute of limitations will be tolled.” *Id.*

In *Cloud*, the victim and his parents brought claims against the Seattle School District and the estate of his former teacher for the sexual abuse suffered by the plaintiff for several years, beginning in 1983, when the plaintiff was thirteen. Once a good student and talented athlete, plaintiff began suffering from severe emotional and psychological difficulties in 1992 and, in January of 1994, shot and killed Summers, the sexually abusive teacher. The victim’s psychiatrist concluded that his mental illness was caused by the sexual abuse. The victim and his parents then filed claims against the estate and the school

district in state court in January of 1996. The trial court granted summary judgment for the school district, ruling *inter alia*, that the claims were barred by the statute of limitations. *Id.* at 729.

On appeal, the plaintiffs argued that the statute of limitations did not bar their claims against the school district. The Court of Appeals, Division I, agreed, holding that the “‘undisputed’ evidence in the record reflects that Darrell Cloud did not connect his mental illness with Summers’ abuse before January 31, 1994 . . . [and] that the statute of limitations . . . against the School District did not expire until January 31, 1997.” *Id.* at 735. The court held that, even though the plaintiff was aware of the abuse all along, and was aware of some injuries caused by the abuse, there was no evidence in the record that he connected the sexual abuse with the *full extent of his mental illness* until he shot his abuser in January of 1994. *Id.*

In the case at bar, the Plaintiff has been aware for some time that she suffers psychological disorders, including depression and PTSD. (CP 38, 53-56). She is also aware that she suffered physical, emotional, and sexual abuse at the hands of the Defendant. (CP 26-40, 52-55). However, the Plaintiff did not connect the sexual abuse to her

psychological disorders until she recently discovered, in a February 21, 2006 email exchange, that her sister was also abused by the Defendant. (CP 38, 53-56). Until that exchange, the Plaintiff believed that the abuse was the result of something she had done, instead of the result of what was presumably the Defendant's own psychological disorder. (CP 19-20).

The fact that the Plaintiff in this case knew she was abused and knew that the Defendant's conduct was "wrong" is irrelevant to whether she understood the full extent of her psychological injuries. *See Cloud*, 98 Wn. App. 724; *Hollman*, 89 Wn. App. 323. As recognized by the court in *Cloud*, a child's knowledge that he or she was molested and the fact that the victim "may even know that some injury resulted" does not necessarily mean that the victim understood the full extent of the psychological injuries caused by the abuse.

After the February 21, 2006 email exchange with her sister, and upon understanding the connection between the sexual abuse and her psychological disorders, the Plaintiff filed suit on September 13, 2006. (CP 5-7). Because she filed within seven months after the email exchange with her sister, her claim for damages is timely.

C. Whether the trial court erred in granting the Defendant's motion for summary judgment with regard to the Plaintiff's claim for damages based on childhood sexual abuse.

The standard of review in an appeal from a motion for summary judgment is laid out above. Notably, there must be *no* genuine issue as to any material fact. CR 56(c). Additionally, the evidence within the record must be considered in the light most favorable to the nonmoving party. *Reynolds*, 134 Wn.2d at 495. In this case, and based upon the record thus far, there most certainly is a genuine issue of material fact regarding when the Plaintiff discovered the casual connection between the abuse endured, and the full extent of her psychological harm.

Despite the Legislature's mandate of a broad statutory discovery rule for cases involving childhood sexual abuse, and the Washington Supreme Court's clear interpretation of the statute, the trial court below nonetheless dismissed the Plaintiff's claims based, primarily, on a subjective determination that the Plaintiff should have discovered her causes of action more than three years prior to filing the action. (RP Jan. 15, 2007 at 10-12; CP 75-85) Again, this is a constructive discovery standard pursuant to RCW 4.16.340(1)(b), which is applicable

to repressed memory claims. Because the Plaintiff knew the sexual abuse she suffered as a child occurred, RCW 4.16.340(1)(c) applies to this case, not (1)(b).

Additionally, as discussed above, the fact that Plaintiff in this case knew she was abused and knew that the Defendant's conduct was "wrong" is irrelevant to whether she understood the full extent of her psychological injuries. Upon understanding the connection between the sexual abuse and her psychological disorders, the Plaintiff did timely file suit.

Because the Plaintiff did not in fact discover the causal connection between the childhood sexual abuse and her depression and PTSD until the February 21, 2006 email exchange with her sister, the subsequent filing of this claim on September 13, 2006, seven months after the email exchange, is timely. As such, the trial court erred in granting the Defendant's motion for summary judgment and its decision should be reversed because there is a real genuine issue of material fact.

V. CONCLUSION

There is a distinction between knowing the fact that one was

abused and understanding the harm caused. Psychotherapy of traumatized individuals inherently involves assisting the traumatized individual understand the connection between the trauma and the various harms which result therefrom. It is not uncommon for the victim of such a traumatic experience to hold the blame on themselves instead of properly attributing it to the abuser. Reversing this thought-process can take years, especially if the abuse is as insidious, embarrassing and perverse as childhood sexual abuse, and especially if the abuser is a parent.

For these reasons, and for the reasons stated above, this court should reverse the trial court's decision in granting the Defendant's motion for summary judgment as it pertains to the Plaintiff's claim of childhood sexual abuse.

RESPECTFULLY SUBMITTED this 4th day of June, 2007.



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STATE OF WASHINGTON
BY WJ
DEPUTY

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LAURA BARDO,

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CLIFF COOPER, Personal Representative of
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No. 36113-2-II

**DECLARATION OF MAILING
BRIEF OF APPELLANT**

Dawn Mobbs, under penalty of perjury under the laws of the state of Washington
declares and states as follows:

On June 4, 2007, I caused to be delivered through Legal Messengers, in a properly
addressed and stamped envelope, a true and correct copy of Plaintiff's Brief of Appellant in the
above-captioned matter to:

Rick Klessig
Attorney at Law
908 5th Avenue SE
Olympia, WA 98501

Dated this 4th day of June, 2007.

Dawn Mobbs
Dawn Mobbs

**DECLARATION OF MAILING
BRIEF OF APPELLANT - 1**