

NO. 42622-6-II

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION II

KATHERINE E. MORSMAN,

Appellant,

v.

CLARK COUNTY,

Respondent.

RESPONDENT CLARK COUNTY'S BRIEF

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## **I. INTRODUCTION**

This case concerns the proper filing of a claim for damages which is a “condition precedent to the commencement of any action claiming damages” against Clark County under RCW 4.96.010(1). The appellant did not file a claim for damages with the agent designated by the County for the receipt of such claims as required by the statute. (FF 11; CP 151-158) The Superior Court thus granted the County’s motion for summary judgment dismissing the case. (CP 116-121; 151-158)

The plaintiff also contended the County was estopped from raising the tort claim filing requirements as a defense. (CP 151-158) The Superior Court held a trial on that issue and entered findings of fact, conclusions of law and judgment in favor of the County. (CP 151-158; 180-181) The plaintiff then filed the instant appeal in the Court of Appeals.

## **II. COUNTERSTATEMENT OF THE CASE**

The appellant was a passenger in a car in a minor accident with another vehicle driven by an employee of Clark County on August 12, 2005. (FF 1; RP 47, 48, 97, 98; CP 151-158) While stopped at a light, a deputy sheriff bumped the car in front resulting in a little damage to the vehicle the appellant was riding in. The County paid for repairs to the car as well as the insurance company’s subrogation claim for appellant’s

medical treatment. (FF 2; CP 151-158) No further action was required by the County and it did not have any contact with the appellant. (RP 47, 48, 96, 97, 98)

Three years later, on August 8, 2008, the Risk Management office received an attorney representation letter and tort claim notice for the appellant. (FF 8; CP 151-158) On October 9, 2008, the appellant filed a complaint in Clark County Superior Court alleging negligence on the part of the County. (FF 16; CP 155) On December 8, 2008, the County Auditor received a copy of the summons and complaint. (FF 16; CP 155)

In 1987, the Board of County Commissioners for Clark County adopted provisions in the County Code, consistent with Chapter 4.96, RCW, to “provide procedures for dealing with claims and lawsuits for alleged tortuous conduct involving the county.” (FF 11; CP 151-158) Clark County Code Section 2.95.060 provides as follows:

- (A) Service and Filing. In accordance with state law, claims shall be filed with the Clerk of the Board and Summons and Complaint served upon the auditor.

(FF 11; CP 151-158)

In 2001, the Legislature amended the claim filing statute to require that local governments specify a person to receive claims. LAWS OF 2001, ch. 119, § 2 On July 8, 2003, consistent with RCW 4.96.020, the Board of

County Commissioners adopted Resolution 2003-07-05 appointing its Clerk as the agent to receive claims for damages against the County and specifying the address where the office is located. (RP 93, 96; Exhibit 6) The resolution was recorded under Clark County Auditor number 3672260. In 2006, the Legislature again amended Chapter 4.96, RCW, to preclude local governments from raising a defense, based on claims that did not comply with the filing requirements, if they had not appointed an agent to receive them. Laws of 2006, ch. 82, § 3

Prior to filing her complaint in Clark County Superior Court in 2008, three years after the accident, the appellant did not serve or file a tort claim notice on the County's designated agent. (FF 11; CP 151-158) The County moved for summary judgment dismissing the case. (CP 151-158) The Court granted the motion. (CP 116-121) The Court also set for trial the appellant's claim that the County was equitably estopped from raising the tort claim filing requirements as a defense to the suit. (CP 116-121)

At trial, Michael Gutzler, the attorney for the appellant, testified that he practiced tort law in Oregon for many years and had cases at various times in Washington. (RP 9, 10, 22, 23) He stated that he reviewed the applicable Washington law for tort claims, including statutes and caselaw. (RP 3, 14, 16; Exhibit 1) However, he did not look at the

Clark County Code, the provision in the Code for filing tort claims or the resolution recorded with the Auditor indicating where to file a tort claim with the County.

Instead, a member of his support staff, Sheryl Harney, testified that he instructed her to find out where to file the claim. (RP 27) She sent the tort claim to the Washington State Patrol's Risk Management Division. (FF 5; CP 151-158). The form was returned to her and she contacted the Clark County Sheriff's Office. (FF 6; CP 151-158) She testified that they referred her to the County's Risk Management office. (FF 7; CP 151-158)

Ms. Harney stated that she spoke to someone in that office and was provided with a form to return to 1300 Franklin Street in Vancouver, Washington. (FF 7; CP 151-158) She was not able to confirm the number she said she used to contact it. (RP 30, 31, 32) She testified "I'm guessing" and was instructed by the Judge as follows: "Then the answer is you don't know – not I guess or I assume." (RP 30-31) She was also not able to identify anyone that she spoke with. (RP 32) In a prior deposition, Ms. Harney did not make any mention of talking with anyone in the Risk Management office. (RP 45)

In response, the County's Risk Manager testified. (RP 45) He stated there was nothing further to do once the medical claim was paid for

by the County. (RP 48) He was not able to confirm that any County staff member in Risk Management provided any information to the appellant's law firm about where to file the claim. (RP 76, 96, 97, 98) The first he heard of any such contact was at trial when Ms. Harney testified. (RP 96) The form at his office does not direct claimants to serve the tort claim notice on any particular County office. (FF 9; CP 151-159)

Louise Richards, the Clerk of the Board of County Commissioners, also testified. (RP 92-93) She explained that as the County's designated agent, she received all tort claims. (RP 93) This function began in 2003 (RP 93; Exhibit 6) She did not receive a tort claim from the appellant nor was she ever contacted by the appellant about the matter, including where to file the claim. (RP 93)

The Superior Court, after considering the testimony and evidence presented by the parties, held the appellant did not meet the requirements for equitable estoppel against the County. (CP 151-158; 180-181) The elements were not established by clear, cogent and convincing evidence. (CP 151-158; 180-181) The Court entered findings of fact, conclusions of law and judgment in favor of the County. (CP 151-158, 180-181) The instant appeal followed.

### **III. ARGUMENT**

**A. Standard Of Review**

Once the Superior Court has weighed the evidence at trial, review by the Court of Appeals is limited to determining whether substantial evidence supports the findings of fact and if so, whether the findings support the trial court's conclusions of law and judgment. *Panorama Vill. Homeowners Ass'n v. Golden Rule Roofing, Inc.*, 102 Wn. App. 423, 425, 10 P.3d 417 (2000)

Substantial evidence exists where there is a sufficient quantity of evidence in the record to persuade a fair-minded, rational person of the truth of the finding. *In re Contested Election of Schoessler*, 140 Wn.2d 368, 385, 998 P.2d 818 (2000) The party challenging a finding of fact bears the burden of showing it is not supported by the record. *Panorama Vill., supra*, at 425

The Court of Appeals reviews all reasonable inferences in the light most favorable to the prevailing party. *Sunderland Family Treatment Servs. v. City of Pasco*, 127 Wn.2d 782, 788, 903 P.2d 986 (1995) In applying this deferential standard, the Court has held:

Where there is substantial evidence, we will not substitute our judgment for that of the trial court even though we might have resolved a factual dispute differently.

*Sunnyside Valley Irrigation Dist. v. Dickie*, 149 Wn.2d 873, 879, 73 P.3d 369 (2003)

In matters relating to the credibility of witnesses, the Court of Appeals defers to the trial court. *Hilltop Terrace Homeowners Ass'n v. Island County*, 126 Wn.2d 22, 34, 891 P.2d 29 (1995) Findings of fact not challenged are verities on appeal. *Standing Rock Homeowners v. Misich*, 106 Wn. App. 231, 244, 23 P.3d 520 (2001)

Questions of law are reviewed *de novo*. *Sunnyside Valley Irrigation Dist.*, *supra*, at 880

**B. Issues Not Raised In The Superior Court Are Not Before The Court Of Appeals**

Issues not raised in the Superior Court are not before the Court of Appeals. *Demelash v. Ross Stores*, 105 Wn. App. 508, 527, 20 P.3d 447 (2001) The jurisdiction of this Court is therefore limited. *Matthias v. Lehn & Fink Products Corp.*, 70 Wn.2d 541, 543, 424 P.2d 284 (1967) This ensures that judicial review is only available where the parties presented the issues to the trial court and it had the opportunity to rule on them. *Pierce County v. King*, 48 Wn.2d 43, 47-48, 290 P.2d 462 (1955) <sup>1</sup>

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<sup>1</sup> This is consistent with CR 8(c). Estoppel, an affirmative defense, requires a specific pleading:

In general, if such defenses are not affirmatively pleaded, or tried by the express or implied consent of the parties, such defenses are deemed to have been waived and may not thereafter be considered as triable issues in the case.

*Taliesen Corp. v. Razore Land Co.*, 135 Wn. App. 106, 134, 144 P.3d 1185 (2006)

**C. The Superior Court's Decision Dismissing The Suit In This Case Was Correct As Required By Washington Law**

**1. The Appellant Failed To File A Notice Of Tort Claim As Required By RCW 4.96.010 and RCW 4.96.020**

The only issue raised by appellant in this appeal is a claim of equitable estoppel against the County. (App. Br., 12) This concedes the tort claim was not filed as required by RCW 4.96.010 and RCW 4.96.020. Compliance with these statutes is a condition precedent to the abrogation of governmental immunity in any tort case. As such, the obligation to provide notice inheres in the right to sue.

Washington courts have consistently held that compliance with these statutes is required in suits against state and local governmental entities. *Shannon v. State*, 100 Wn. App. 366, 369, 40 P.3d 1200 (2002) (interpreting RCW 4.92.100), *citing*, *Levy v. State*, 91 Wn. App. 934, 942, 957 P.2d 1272 (1998) (interpreting RCW 4.92.110); *see also* *King v. Snohomish County*, 105 Wn. App. 857, 863, 21 P.3d 1151 (2001), *rev'd on other grounds*, 146 Wn.2d 420, 47 P.3d 563, (2002); *Pirtle v. Spokane Public School District No. 81*, 83 Wn. App. 304, 309, 921 P.2d 1084 (1996), *rev. denied*, 131 Wn.2d 1014 (1997); *Lewis v. City of Mercer Island*, 63, Wn. App. 29, 33, 817 P.2d 408, *rev. denied*, 117 Wn.2d 1024 (1991). Failure to comply with the relevant tort claim filing requirements

deprives the Court of subject matter jurisdiction. CR 12(b)(1) The trial court's dismissal in this case was thus based squarely on longstanding precedent. *See also Estate of Connelly v. Snohomish County PUD*, 145 Wn. App. 941, 947, 187 P.3d 842 (2008); *Kleyer v. Harborview Med. Ctr. of the UW*, 76 Wn. App 542, 887 P.2d 468 (1995); *Hardesty v. Stenchever*, 82 Wn. App. 253, 917 P.2d 577 (1996); *Harberd v. Kettle Falls*, 120 Wn. App. 498, 84 P.3d 1241 (2004); *Burnett v. Tacoma City Light*, 124 Wn. App. 550, 104 P.3d 677 (2004)

The appellant failed to file her tort claim with the agent designated by the County as required by law. (FF 11; CP 151-158) The Court's dismissal of the complaint was mandatory. The proper filing of the claim was a "condition precedent" to the commencement of a lawsuit.

## **2. Equitable Estoppel Does Not Apply To This Case**

The appellant, notwithstanding the failure to comply with Washington's tort claim filing requirements, argued that the County was equitably estopped from asserting this position. Yet equitable estoppel does not apply to this case. Where a representation relied on is one of law and not fact or, if both parties had an equal opportunity to determine the truth of the facts represented, Washington courts have rejected the doctrine. *Gerean v. Martin-Joven*, 108 Wn. App. 963, 974, 33 P.3d 427 (2001) This

was addressed in *Chemical Bank v. WPPSS*, 102 Wn. 2d 874, 905, 691 P.2d 524 (1984), where the Supreme Court held:

...the doctrine of equitable estoppel will not be applied where both parties have the same opportunity to determine the truth of those facts. Consequently, we have observed:

In order to create an estoppel it is necessary that:

“The party claiming to have been influenced by the conduct or declarations of another to his injury, was himself not only destitute of knowledge of the state of facts, but was also destitute of any convenient and available means of acquiring such knowledge; and that where the facts are known to both parties, or both have the same means of ascertaining the truth, there can be no estoppel.”

*Chemical Bank*, 905 (original emphasis) (citing, *Leonard v. Washington Employers, Inc.*, 77 Wn.2d 271, 280, 461 P.2d 538 (1969), quoting, *Wechner v. Dorchester*, 83 Wash. 118, 145 P. 197 (1915))

At trial, Mr. Gutzler, the attorney for the appellant, testified that he reviewed the statutes and case law for tort claims in Washington. (RP 3, 14, 15, 16) This included RCW 4.96.020(2) which provided the information necessary for filing a tort claim:

The governing body of each local government [governmental] entity shall appoint an agent to receive any claim for damages made under this chapter. The identity of the agent and the address where he or she may be reached during normal business hours of the local governmental entity are public records and shall be recorded with the auditor of the county in which the entity is located. All claims for damages against a local governmental entity shall be presented to the agent within the applicable period of limitations within which an action must be commenced.

RCW 4.96.020 (2) (RP 3, 14, 15, 16; Exhibit 1)

Despite this explicit provision, he did not contact the County Auditor's office. He also did not review the Clark County Code or read the sections of the Code specifically stating where to file a tort claim.

Moreover, his own file included a Washington Court of Appeals decision *specifically addressing the requirement for filing a tort claim* with the correct department of local government. (RP 3, 14, 15, 16) The file, marked Exhibit 1 in the trial, contained the very information he sought. (RP 3, 14, 15, 16; Exhibit 1)

Under these circumstances, Mr. Gutzler clearly had the "same opportunity to determine the truth" that any one else had and, as an attorney specializing in the field of tort litigation, superior knowledge of how to proceed. The effort to blame others for these omissions is unavailing. For this reason, equitable estoppel does not apply to this case.<sup>2</sup>

**3. The Decision Is Amply Supported By The Findings Of Fact And Conclusions Of Law Because The Appellant Failed To Meet The Burden Of Proof Of Clear, Cogent And Convincing Evidence**

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<sup>2</sup> The trial court pointedly addressed this in his deliberations:

"What duty do they [the County] have to explain it [the tort claim statute]? I mean the statute says...Are you saying that the County has a duty to tell everybody you don't have to look it up yourself?" (RP 113)

Equitable estoppel is not used in Washington except in very narrow circumstances. This is even more true when a party seeks to apply it against local government. *PUD v. Cooper*, 69 Wn.2d 909, 918, 421 P.2d 1002 (1966) (citing, *Stouffer-Bowman, Inc. v. Webber*, 18 Wn.2d 416, 428, 139 P.2d 717 (1943) (“...the doctrine of estoppel *in pais* must be applied strictly, and should not be enforced unless substantiated in every particular.”) As the Supreme Court held in rejecting its application in a leading case, “...although equitable estoppel is sometimes applied to municipal corporations, such application is not favored.” *Chemical Bank v. WPPS*, *supra* at 905

Accordingly, the appellant had the burden of proof in order to establish the elements of equitable estoppel by clear, cogent and convincing evidence. This is the highest standard of proof in a civil case and the result of the doctrine’s questionable status:

This disfavor has led courts to conclude that to establish equitable estoppel, every particular must be proven by the plaintiff with clear, cogent and convincing evidence.

*Chemical Bank v. WPPSS*, *supra*, at 905; *Berschauer/Phillips v. Seattle School District*, 124 Wn.2d 816, 831, 881 P.2d 986 (1994); *Pioneer Nat’l Title Ins. Co. v. State*, 39 Wn. App. 758, 760-761, 695 P.2d 996 (1985)

The appellant thus was required to establish each of the following elements by clear, cogent and convincing evidence:

- (1) An admission, statement or act inconsistent with a claim afterward asserted;
- (2) Action by another in reasonable reliance on that act, statement or admission; and,
- (3) Injury to the party who relied if the court allows the first party to contradict or repudiate the prior act, statement or admission.

*Robinson v. Seattle*, 119 Wn.2d 34, 82, 830 P.2d 318 (1992)

The element of reliance requires additional proof. As the Supreme Court held in *Leonard v. Wn. Employers, Inc.*, 77 Wn.2d 271, 280, 461 P.2d 538 (1969) (citing *Wechner v. Dorchester*, 83 Wash. 118, 122, 145 P. 197 (1915)):

Not all those who rely upon another's conduct or statements may raise an estoppel. Rather, it is only those who have a *right to rely* upon such acts or representations.

*(original emphasis)*

The burden is, therefore, on the party asserting it to prove a right to rely on the acts or statements of another *and* that it was reasonable to do so.

In addition, since application of the doctrine to the government is disfavored, there are two other requirements:

- (1) Estoppel is necessary to prevent a manifest injustice; and,
- (2) Estoppel will not impair governmental functions.

*Kramarevcky v. DSHS*, 122 Wn.2d 738, 743, 863 P.2d 535 (1993); *Shafer v. State*, 83 Wn.2d 618, 622, 521 P.2d 736 (1974)

The instant case underscores the absence of these elements. As noted, the party asserting estoppel was represented by an attorney. (RP 3, 14, 15, 16) He has many years of experience. (RP 9-10) His practice is concentrated in tort litigation in Oregon, which has included several cases in Washington, where he is also a member of the bar. (RP 9-10) He is an expert in the field with in-depth experience in tort law and notably, tort claims against the government. (RP 3, 9, 16, 22, 23)

The attorney testified that he reviewed the statutes and caselaw for tort claims in Washington, including RCW 4.96. (RP 3, 14, 15, 16) His own file contained a Washington Court of Appeals case addressing the requirement for filing a tort claim against local government in the correct department. (RP 3, 14; Exhibit 1) Yet he did not follow this with the next steps that are essential in the preparation of a tort claim in Clark County, in any county in Washington and, indeed, in any county in many parts of the country. He did not review the Clark County Code or the provisions in it for filing tort claims. Nor did he contact the Auditor's Office or review the resolution designating the Clerk of the Board as the agent for the County.

Sheryl Harney, a member of the support staff in Mr. Gutzler's office, testified that she was instructed by him to find where to file the tort claim notice. (RP 27) She also did not examine the Clark County Code, the provisions for filing tort claims or the resolution designating the Clerk of the Board as the agent for the County. She did not contact the Auditor's Office.

These facts are paramount because it was the attorney's duty to know the law and proceed to advise his client based on the applicable requirements. Moreover, it was incumbent on him to review the necessary information in the Clark County Code. As an attorney, this information was especially important and readily available to him.

For these reasons, the appellant is not able to establish the element of justifiable and reasonable reliance in equitable estoppel. *Kramarevcky v. DSHS, supra* at 743 (equitable estoppel only applies where a party "justifiably" and in good faith relies on a representation or position of another); *Wilson v. Westinghouse Elec. Corp.*, 85 Wn.2d 78, 81, 530 P.2d 298 (1975)) It is simply not reasonable for an attorney specializing in the field of tort litigation to rely on others outside of the profession for knowledge of the law. As the Court of Appeals previously held in rejecting equitable estoppel in a case directly in point, reliance on administrative

staff is not reasonable “in light of the clear language designating the proper recipient.” *Landreville v. Shoreline College*, 53 Wn. App. 330, 332, 766 P.2d1107 (1988) But for the attorney’s own omissions, he could have readily completed the legal requirements for filing a tort claim.

This analysis applies equally to the failure to establish the requirement that estoppel is necessary to prevent a manifest injustice. *Kramarevcky v. DSHS, supra*, at 743. Since the information necessary for filing a tort claim was readily at hand, and there was no basis to justifiably rely on others to provide it, and noting the clear provisions in the Clark County Code the appellant neglected to review, the element of manifest injustice is not present.

Accordingly, all of these matters were properly considered by the Superior Court. They were addressed in a trial on the merits of appellant’s position where the Court had the ability to consider all of the testimony, including the credibility of the witnesses, to weigh the evidence presented and to evaluate the analysis of the parties.

The appellant was therefore not able to meet the high burden of proof required for equitable estoppel. (CL 4, 5; CP 151-159) Each of the necessary elements was not established by clear, cogent and convincing evidence. (CL 4, 5; CP 151-159) *Chemical Bank v. WPSS, supra*, at 905;

*Berschauer/Phillips supra*, at 831; *Pioneer Nat'l, supra*, at 760-761; *see also Car Wash Enterprises v. Kampanos*, 74 Wn. App. 529, 546, 874 P.2d 868 (1994) (“The absence of a finding of fact in favor of the party with the burden of proof about a disputed issue is the equivalent of a finding against that party on that issue.”)

The Court then entered detailed findings of fact that are supported by more than substantial evidence. (CP 151-159) In pertinent part, the Court found as follows:

1. The claim form of the County:  
  
“The form does not direct the claimant to serve the tort claim notice on any particular county office.” (FF 9; CP 151-158)
2. The agent designated by the County to receive tort claims:  
  
“Since 1987, the Board of County Commissioners has directed by resolution that ‘tort claims shall be filed with the clerk of the board...’” Clark County Code Section 2.95.060. “Morsman did not file her claim with the board’s clerk. At the time the claim was filed, the Risk Management Division had not been specified as the office or agent to receive tort claims.” (FF 11; 151-158)
3. Delivery of the claim form:  
  
“No evidence was presented as to the interaction between the courier hired to deliver the tort claim notice in this case and Risk Management personnel. The court is unable to determine whether any interaction occurred, or whether the form was

simply dropped off. The form was not returned to Gutzler's office following receipt." (FF 15; 151-158)

Based on these facts, the Court entered its conclusions of law. This included the following:

1. The claim form of the County:

"The information contained on the tort claim notice form provided by the Risk Management Division of Clark County was not an affirmative action, statement or admission by the County which is inconsistent with its current defense. The form is ambiguous. It does not expressly direct the tort claimant to deliver the notice to any particular county office. While the form is ambiguous on this point, nothing on the form affirmatively instructs the tort claimants to file the notice with the Risk Manager." (CL 2) (CP 151-158)

2. The actions of the County:

"In this case, the plaintiff failed to establish by clear, cogent and convincing evidence that the courier who delivered the notice of tort claim was actively misled by County employees. The form alone is not enough to establish an actively inconsistent position by the County. No evidence was presented concerning any interaction between the courier and Risk Management personnel." (CL 4) (CP 151-158)

3. Reliance:

"The plaintiff has failed to establish that she acted in reliance upon the County's affirmatively inconsistent conduct, in misfiling her notice of tort claim. Although she is certainly injured by the result, and estoppel would not impair a

governmental function, she has failed to establish all of the elements for equitable estoppel. The County may assert the defense, and the effect of the defense is dismissal of the action.” (CL 5) (CP 151-158)

With these findings of fact and conclusions of law, the Court entered its judgment. (CP 151-158) The Court’s decision provides several reasons for rejecting equitable estoppel and most importantly, the appellant’s failure to establish all of the requisite elements by clear, cogent and convincing evidence. This is entirely congruent with Washington law where the doctrine is not applicable to this case and in any event, is disfavored when involving local government. Moreover, where both parties have equal access to the information required, and one is an expert in the field of tort law, there is no manifest injustice. At the same time, there is no justifiable and reasonable reliance.

Finally, the essential purpose of the doctrine of equitable estoppel is to protect innocent parties. The party claiming it must have no fault in the matter. *Kramarevcky, supra*, at 743 (“In addition to satisfying each of these elements, the party asserting the doctrine must be free from fault in the transaction at issue.”). In this case, the appellant cannot blame others for the omissions here.

#### **IV. CONCLUSION**

The Superior Court's findings of fact are supported by substantial evidence. The findings of fact, in turn, support the conclusions of law and judgment. The appellant failed to meet the burden of proof necessary for establishing equitable estoppel against the County in this case. Clear, cogent and convincing evidence was not presented as required by Washington law. The Court's decision, based on all of the testimony of the witnesses and an assessment of its weight, as well as the documents and exhibits presented, was correct. The Court of Appeals should affirm the decision and at the same time, reject appellant's request for any further proceedings in the Superior Court.

Respectfully submitted this 21 day of November, 2012.

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CERTIFICATE OF SERVICE

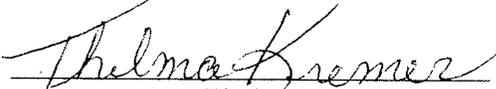
I, Thelma Kremer, hereby certify and state the following: I am a citizen of the United States of America and a resident of the State of Washington; I am over the age of eighteen years; I am not a party to this action; and I am competent to be a witness herein.

On this 21st day of November, 2012, I electronically filed the foregoing *Respondent Clark County's Brief* with the Court of Appeals of the State of Washington, Division II, by email, using the following address: [coa2filings@courts.wa.gov](mailto:coa2filings@courts.wa.gov); and

On this 21st day of November, 2012, true and correct copies of the foregoing *Respondent Clark County's Brief* were served on the attorney for Appellant by email and U.S. mail, postage prepaid, at the addresses identified below:

Graham M. Sweitzer	<input checked="" type="checkbox"/>	U.S. Mail
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Portland OR 97209	<input type="checkbox"/>	Hand Delivered
<input checked="" type="checkbox"/> Email at: <a href="mailto:gsweitzer@kilmerlaw.com">gsweitzer@kilmerlaw.com</a>		

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

  
Thelma Kremer

# CLARK COUNTY PROSECUTOR

## November 21, 2012 - 2:40 PM

### Transmittal Letter

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Case Name: Katherine E. Morsman v. Clark County

Court of Appeals Case Number: 42622-6

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- Letter
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