

RECEIVED <sup>VSC</sup>  
SUPREME COURT  
STATE OF WASHINGTON  
May 21, 2014, 2:01 pm  
BY RONALD R. CARPENTER  
CLERK

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

RECEIVED BY E-MAIL *hjn*

STATE OF WASHINGTON, )  
 )  
 )  
 Respondent, )  
 )  
 ADONIJAH SYKES, )  
 )  
 )  
 Petitioner. )  
\_\_\_\_\_ )

No. 87946-0  
  
STATEMENT OF  
ADDITIONAL  
AUTHORITY

Pursuant to RAP 10.8, petitioner cites to the following additional authority:

Regarding amicus's assertion on federal preemption:

Bayne v. Provost, 359 F.Supp.2d 234, 237 (N.D.N.Y. 2005) (HIPAA "unequivocally permits health care providers and other covered entities to disclose protected health information without the consent of the patient in the context of judicial proceedings.") (citing 45 C.F.R. § 164.512(e); Northwestern Mem. Hosp. v. Ashcroft, 362 F.3d 923, 925 (7th Cir. 2004)); accord Thomas v. 1156729 Ontario Inc., \_\_\_F.Supp.2d \_\_\_, 2013 WL 5785853 at \*2-3 (E.D. Mich. 2013).

Regarding question asked of State at oral argument:

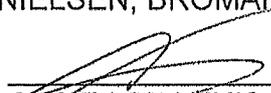
Compare King County Drug Diversion Court Policy and Procedural Manual at 15 (revised May 2011) ("The termination hearing will not be heard by a sitting DDC judge or any judge that has heard any part of the case previously. . . . If the

motion for termination is granted, a stipulated trial and sentencing if appropriate will follow") with King County Drug Diversion Court Policy and Procedural Manual at 16 (revised May 2013) ("The termination hearing will be heard by the sitting DDC judge unless that judge recuses him or herself, in which case, the termination will be heard by the other sitting drug court judge. . . . If the motion for termination is granted, a stipulated trial and sentencing, if appropriate, will follow").

DATED this 21<sup>st</sup> day of May 2014.

Respectfully submitted,

NIELSEN, BROMAN & KOCH

  
CASEY GRANNIS

WSBA No. 37301

Office ID No. 91051

Attorneys for Petitioner

## OFFICE RECEPTIONIST, CLERK

---

**From:** OFFICE RECEPTIONIST, CLERK  
**Sent:** Wednesday, May 21, 2014 2:01 PM  
**To:** 'Patrick Mayovsky'  
**Cc:** King County Prosecutor Appellate Unit General Email; phil@tal-fitzlaw.com  
**Subject:** RE: State v. Adonijah Sykes, No. 87946-0 / Statement of Additional Authority

Rec'd 5-21-14

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

**From:** Patrick Mayovsky [mailto:MayovskyP@nwattorney.net]  
**Sent:** Wednesday, May 21, 2014 1:49 PM  
**To:** OFFICE RECEPTIONIST, CLERK  
**Cc:** King County Prosecutor Appellate Unit General Email; phil@tal-fitzlaw.com  
**Subject:** State v. Adonijah Sykes, No. 87946-0 / Statement of Additional Authority

Attached for filing today is statement of additional authority for the case referenced below.

State v. Adonijah Sykes

No. 87946-0

Statement of Additional Authority

Filed By:  
Casey Grannis  
206.623.2373  
WSBA No. 37301  
[grannisc@nwattorney.net](mailto:grannisc@nwattorney.net)