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WASHINGTON STATE SUPREME COURT

GREGG BECKER,

Plaintiff/Respondent,

v.

COMMUNITY HEALTH SYSTEMS, INC. d/b/a COMMUNITY
HEALTH SYSTEMS PROFESSIONAL SERVICES CORPORATION
d/b/a COMMUNITY HEALTH SYSTEMS PSC, INC. d/b/a
ROCKWOOD CLINIC P.S.; and ROCKWOOD CLINIC, P.S.,

Defendants/Petitioners.

**ROCKWOOD CLINIC'S BRIEF IN
ANSWER TO BRIEFS OF *AMICI***

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I. SUMMARY OF ARGUMENT

The briefs of the *amici* represent the self-interest of the plaintiffs' bar in expanding the wrongful discharge tort to all employees who purportedly take any action "in furtherance" of a recognized public policy. Such an expansion of the tort claim is unwarranted based on current case law. In 1996, this Court announced the four-part test that has since guided the interpretation and application of the tort. *Gardner v. Loomis Armored*, 128 Wn.2d 931, 913 P.2d 377 (1996). At the time, the Court stated that the four-part test "serves as an excellent guide for analyzing all public policy wrongful discharge torts." *Id.* at 941. *Amici* now request that the Court reject the four-part test, eliminate the jeopardy requirement altogether, and treat the public policy wrongful discharge tort like any other retaliation claim.

The Court should reject *amici's* arguments. The Court should not overrule twenty years of precedent on the urging of *amici* who are not parties to the cases before the Court. Instead, the Court should confirm that under the jeopardy element, a plaintiff cannot assert a claim for wrongful discharge in violation of public policy where there are adequate alternative remedies. The wisdom of this course is clearly revealed where the very statutes giving rise to the public policy also provide robust and comprehensive remedies to plaintiffs/employees who allegedly act to

prevent or report a violation of public policy as in *Becker v. Cmty. Health Sys., Inc.*, 182 Wn. App. 935, 332 P.3d 1085 (2014) and *Rose v. Anderson Hay & Grain Co.*, 183 Wn. App. 785, 335 P.3d 440 (2014).

Amici have failed to explain why the *Gardner* test is incorrect or harmful. *Gardner* should not be overruled, but additional clarification regarding the jeopardy element may be helpful to employers and employees in Washington. Defendant/Petitioner Rockwood Clinic, P.S., (“Rockwood”) submits that the *Gardner* four-part test continues to be an appropriate guide for analyzing all public policy wrongful discharge torts. This Court’s opinion in *Korlund v. Dyncorp Tri-Cities Servs.*, 156 Wn.2d 168, 125 P.3d 119 (2005) provides a correct analysis of the tort when there is a statute giving rise to the public policy that also provides comprehensive remedies. However, since confusion exists in interpreting the jeopardy prong, the Court could provide clarification regarding the following issues:

1. What is an adequate alternative remedy?
2. What is the significance of a non-preemption or non-exclusivity provision in a federal statute?
3. Must a plaintiff/employee have access to the remedy?

It is the tension between the Court’s decisions in *Cudney v. ALSCO, Inc.*, 172 Wn.2d 524, 259 P.3d 244 (2011) and *Piel v. City of*

Federal Way, 177 Wn.2d 604, 306 P.3d 879 (2013) that is the source of the current confusion regarding the jeopardy element. Rockwood suggests the Court can confirm that the public policy wrongful discharge tort exists only where there is no adequate protection for the public policy, as provided in *Cudney*. Alternatively, if the Court concludes that the *Cudney* decision was too restrictive, the Court could overrule part of *Cudney* and clarify the jeopardy element where there is no adequate alternative remedy for employees who are wrongfully terminated in violation of public policy.

II. ARGUMENT

A. There is No Reason to Overturn *Gardner* or *Korlund*

The parties in *Becker* have addressed the specific facts of their case in light of the current case law in the State of Washington. *Amici* now argue that twenty years of developed law should suddenly be scrapped and the wrongful discharge in violation of public policy tort should revert back to what it was thirty years ago on the day the claim was first recognized.

Amici have pointed to results in some recent cases as justification for overruling a line of cases that has, for the most part, satisfactorily resolved public policy tort claims for many years. *Amici* argue that this Court's decision in *Gardner* is incorrect and harmful. But if *Gardner* is overruled, this Court's decision in *Korlund* arguably should also be

overruled, as well as the decisions in *Ellis v. City of Seattle*, 142 Wn.2d 450, 13 P.3d 1065 (2000); *Hubbard v. Spokane County*, 146 Wn.2d 699, 50 P.3d 602 (2002); *Danny v. Laidlaw Transit Servs., Inc.*, 165 Wn.2d 200, 193 P.3d 128 (2008); *Cudney v. ALSCO, Inc.*, 172 Wn. 2d 524; and *Piel*, 177 Wn.2d 604.

Becker's case does not provide a reason for a complete overhaul of the public policy wrongful discharge tort. The *Gardner* four-part test provides a good basis for analyzing the tort. *Amici* simply disagree with the results in many public policy cases. *Amici* urge the Court to return to *Thompson v. St. Regis Paper Co.*, 102 Wn.2d 219, 685 P.2d 1081 (1984), but *amici* ignore *Thompson's* admonition that the tort is a narrow exception to the employment at will doctrine. Instead, *amici's* position would allow a tort claim whenever an employee is terminated and can make a showing that she/he took any action "in furtherance" of a public policy. That would be the case even where the public policy at issue provides a mechanism to address any alleged violations of the public policy and where adequate alternative remedies are provided. This is an invitation for Washington courts to become super-personnel agencies overseeing and approving/disapproving employee terminations.

Amici suggest stripping the jeopardy and overriding justification elements from the public policy tort claim. This unwarranted incursion

upon the principle of *stare decisis* and the expansion of the wrongful discharge tort are not justified. If there is any need for clarification or expansion of the tort, it does not require overruling all the Court's public policy decisions for the past twenty years. Any recent confusion derives from the Court's decisions in *Cudney* and *Piel*, not from *Gardner* or *Korlund*.

B. Stare Decisis Supports Upholding Gardner and Korlund

Overruling prior precedent is not a step that should be taken lightly. *Keene v. Edie*, 131 Wn.2d 822, 831, 935 P.2d 588 (1997). *Stare decisis* requires a clear showing that an established rule is incorrect and harmful before it is abandoned. *Riehl v. Foodmaker, Inc.*, 152 Wn.2d 138, 147, 94 P.3d 930 (2004). This respect for precedent "promotes the evenhanded, predictable, and consistent development of legal principles, fosters reliance on judicial decisions, and contributes to the actual and perceived integrity of the judicial process." *City of Fed. Way v. Koenig*, 167 Wn. 2d 341, 346-47, 217 P.3d 1172 (2009). "Making the same arguments that the original court thoroughly considered and decided does not constitute a showing of 'incorrect and harmful.'" *Id.*, at 347. *Amici's* argument urging the Court to change its mind, or adopt arguments that have been previously rejected, is not the same as showing that *Gardner* and *Korlund* and other public policy decisions are incorrect or harmful.

1. The Gardner Test is Not Incorrect

Amicus Washington State Association for Justice Foundation (“WSAJ”) argues that *Gardner* and *Korslund* disparage the common law tort remedy by deeming it “superfluous or unnecessary” when adequate alternative remedies exist. (WSAJ Brief, p. 21) This objection is unwarranted. Contrary to the assertion by WSAJ, it does not disparage the common law for the Court to refuse to recognize a tort claim where the statute giving rise to the public policy also provides comprehensive remedies for violation of the public policy. *Amici* pose the question why the existence of other nonexclusive remedies should be taken into account in determining whether the jeopardy element is met? (WSAJ Brief, p. 23) The answer stems from the recognition of the tort as a ***narrow exception*** to the terminable at will doctrine. *Thompson*, 102 Wn. 2d at 219.

The public policy wrongful discharge tort was originally created by this Court as ***a narrow exception*** to the terminable at will doctrine. *Id.* Since then, it has on many occasions been characterized as a “narrow” public policy exception. See *Grimwood v. Univ. of Puget Sound, Inc.*, 110 Wn.2d 355, 367, 753 P.2d 517 (1988); *Farnam v. CRISTA Ministries*, 116 Wn.2d 659, 807 P.2d 830 (1991); *Wilmot v. Kaiser Aluminum. & Chem. Corp.*, 118 Wn.2d 46, 53, 821 P.2d 18 (1991); *Havens v. C & D Plastics, Inc.*, 124 Wn.2d 158, 177, 876 P.2d 435 (1994); *Gardner*, 128 Wn.2d 931;

Snyder v. Med. Serv. Corp. of E. Wash., 145 Wn.2d 233, 239, 35 P.3d 1158 (2001); *Sedlacek v. Hillis*, 145 Wn.2d 379, 385, 36 P.3d 1014 (2001)(“the tort of wrongful discharge in violation of public policy is a narrow exception to the employment at-will doctrine”); *Ford v. Trendwest Resorts, Inc.*, 146 Wn.2d 146, 154, 43 P.3d 1223 (2002); *Briggs v. Nova Servs.*, 166 Wn.2d 794, 801-02, 213 P.3d 910 (2009)(“The exception should be applied cautiously so as to not swallow the rule”); *Danny*, 165 Wn.2d 200 (the wrongful discharge tort is narrow and should be “applied cautiously”); *Korslund*, 156 Wn.2d 168 (recognizing the need to guard against frivolous lawsuits and unwarranted judicial intervention in personnel decisions); *Roe v. TeleTech Customer Care Mgmt. (Colorado) LLC*, 171 Wn.2d 736, 755, 257 P.3d 586 (2011)(the tort action is a “narrow public policy exception” to the at-will employment doctrine that balances the employee's interest in job security and the employer's interest in making personnel decisions without fear of liability); *Cudney*, 172 Wn.2d 524 (the admonishment to “proceed cautiously” applies with as much force to the jeopardy element as it does to the clarity element because when *Thompson* was decided the Court treated the two elements together).

While this Court has extended the tort to employment that is terminable only for cause, see *Smith v. Bates Technical College*, 139

Wn.2d 793, 991 P.2d 1135 (2000), it does not change the rationale for the tort as a narrow exception to the terminable at will doctrine. *Gardner's* adoption of the jeopardy element was consistent with *Thompson's* recognition of the tort as a narrow exception to the terminable at will doctrine. *Thompson*, 102 Wn.2d at 232. "The jeopardy element guarantees an employer's personnel management decisions will not be challenged unless a public policy is genuinely threatened." *Gardner*, 128 Wn.2d at 941-42.

Because of the wide array of potential public policy issues that could trigger a wrongful discharge claim, the Court has reasonably limited the tort only to situations where there are no other adequate alternative remedies and the public policy may be truly at risk. *Amici* have not explained why it is necessary that the tort claim should be extended to plaintiffs who already have adequate alternative remedies.

WSAJ argues that the right to be free from discharge in violation of public policy is nonnegotiable and private contract-based remedies should not preclude the tort claim. (WSAJ Brief, at p. 26) That issue is not implicated in either the *Becker* or *Rose* decisions, where the very statutes giving rise to the public policy provide comprehensive remedies. There is a benefit to society to encourage employees to report alleged wrongdoing and attempt to redress issues before asking the courts to

intervene. Where there is an administrative process that can address such concerns and provide remedies for retaliation, the courts should not be involved. *See generally Thompson*, 102 Wn.2d at 227; *White v. State*, 131 Wn.2d 1, 19-20, 920 P.2d 396 (1997).

2. The Four-Part Test is Not Harmful

WSAJ argues that the four-part test is harmful because it shields employers from accountability for intentionally discharging an employee for reasons that are contrary to the public policy. (WSAJ Brief, p. 8) However, under the four-part test an employer is not shielded from accountability for a wrongful discharge where there are adequate alternative remedies available to the employee, as existed in *Korlund*—and as exist in Becker’s case.

WSAJ also argues that the *Gardner* four-part test is harmful because the jeopardy analysis has unduly limited the availability of the wrongful discharge tort remedy. (WSAJ Brief, p. 27) *Amici’s* disagreement with the results in recent public policy cases is not sufficient to show that *Gardner* is “harmful.” The private attorney general concept espoused by WSAJ is valuable where it is necessary, but it cannot be said to be *necessary* where there is a statute that provides an administrative process and adequate alternative remedies, as clearly is present in *Korlund* and in *Becker* and *Rose*.

C. **The Test Proposed by Amici is Not More Workable or Preferable to the Gardner Four-Part Test**

WSAJ suggests that the Court substitute the four-part *Gardner* test with a two-part test requiring only clarity and causation, based on *Thompson* and *Wilmot*. Essentially, WSAJ proposes to address the confusion regarding the jeopardy element by omitting the proof requirement altogether. The jury instruction proposed by WSAJ requires only that an employee act in some manner “in furtherance” of a public policy to state a claim. The proposed jury instruction omits any requirement that the employee show that his/her actions directly relate to the public policy and were necessary for the effective enforcement of the policy, as provided in *Gardner*, 128 Wn.2d at 945. The jury instruction proposed by WSAJ unreasonably expands the reach of the tort and invites claims from employees who may simply disagree with an employer’s decisions.

Public policy cases are often likely to implicate legitimate business considerations and may require a weighing of conflicting interests, as *Gardner* demonstrates. The proposed jury instruction fails to address the issue like the one in *Gardner* where the employer has an overriding justification for its actions. *Id.* at 947-49.

Where a public policy arises from a source other than a statute with an express non-exclusivity provision, the Court would still be required to assess the adequacy of alternative remedies as part of determining whether the legislature intended the statute to be exclusive without expressly stating so. Thus, the WSAJ proposal does not advance the cause of action, and there will continue to be disputes in lawsuits over the adequacy of alternative remedies, as in *Wilmot, Smith and Piel*.

D. Gardner and Korlund Properly Guide Analysis of the Public Policy Wrongful Discharge Claim

In its discussion of the early history of the tort prior to the *Gardner* decision, WSAJ takes unwarranted liberties with its review of the cases. WSAJ asserts, “Wrongful discharge is, in an important, sense, independent of the underlying public policy on which it is based: neither the existence nor the absence of other remedies precludes this common law claim.” (WSAJ Brief, at p. 13) WSAJ provides no citation for this remarkable statement. In fact, in every public policy wrongful discharge case in Washington, a plaintiff must first identify a clear mandate of public policy. *Thompson v. St. Regis Paper Co.*, 102 Wn.2d 219.

After *Gardner* was decided, the controlling case governing whether statutory remedies are adequate to promote a given public policy is *Korlund*, where the Court explained the jeopardy element:

In order to establish jeopardy, “a plaintiff must show that he or she ‘engaged in particular conduct, and the conduct directly relates to the public policy, or was necessary for the effective enforcement of the public policy.’ ” *Hubbard*, 146 Wash.2d at 713, 50 P.3d 602 (quoting *Gardner*, 128 Wash.2d at 945, 913 P.2d 377). The plaintiff has to prove that discouraging the conduct that he or she engaged in would jeopardize the public policy. *Ellis v. City of Seattle*, 142 Wash.2d 450, 460, 13 P.3d 1065 (2000). And, of particular importance here, the plaintiff also must show that other means of promoting the public policy are inadequate. *Hubbard*, 146 Wash.2d at 713, 50 P.3d 602; *Gardner*, 128 Wash.2d at 945, 913 P.2d 377.

Korslund, 156 Wn.2d at 181-82.

In *Korslund*, the public policy at issue derived from the federal Energy Reorganization Act of 1974 (“ERA”), 42 U.S.C. § 5851. The ERA provided an administrative process for adjudicating whistleblower complaints, abatement of violations, reinstatement, back pay, compensatory damages, and attorney and expert witness fees. 42 U.S.C. § 5851(b)(2)(B). This Court concluded that the ERA provided comprehensive remedies that protect the public policy. Even though the statutory remedies were not exclusive, they were adequate to protect the public policy so that “recognition of a tort claim in these circumstances is unnecessary to protect the public policy.” *Korslund*, 156 Wn.2d at 183. *Amici* have not made a convincing argument that *Korslund* was incorrect.

Korslund arose in the context of the nuclear industry, which is highly regulated and expressly protects whistleblowers. The *Becker* case

also arises from a highly regulated industry -- publicly traded companies regulated by the SEC. SOX¹ provides a full and robust administrative process for adjudicating whistleblower complaints, including all relief to make an employee whole, reinstatement with same seniority status, back pay with interest, special damages including litigation costs, expert witness fees, and reasonable attorneys' fees, plus emotional distress. 29 C.F.R. § 1980.109(d)(1). Similarly, in *Rose*, the trucking industry is highly regulated through the Commercial Motor Vehicle Carriers Act ("CMVSA") which protects employees with an administrative process that provides for abatement of violations, reinstatement, compensatory damages, including back pay with interest, and special damages, including litigation costs, expert witness fees, and reasonable attorney fees. 49 U.S.C. § 31105(b)(3)(A)(i)-(iii). *Rose*, 168 Wn. App. at 478.

The public policies recognized in *Korslund*, *Becker* and *Rose* all arise from comprehensive statutory and administrative processes that protect employees and provide the full range of damages possible. *Gardner* and *Korslund* recognize that a tort cause of action in these cases is not necessary because the public policy is adequately protected from employers who wrongfully discharge employees in violation of public

¹ The full range of statutory and regulatory protection of the public policy of honest financial reporting to the SEC is discussed in more detail in Co-Defendant CHSPSC's Supplemental Brief and its Response to the *amicus* briefs.

policy. *Amici* have not shown that a tort claim would provide any additional protection for the public policies or provide plaintiff/employees any additional protection.

E. **Under *Gardner and Korlund* Non-Exclusive Remedies are not Necessarily Inadequate**

Amici argue that any statute that is expressly non-exclusive must be *per se* inadequate, but they fail to explain why this should be so. In fact, the irony of the analysis suggested by *amici* is that under this rule, the statutes that provide the most protection to employees are deemed automatically inadequate. This assertion makes no sense.

Becker is currently pursuing a SOX administrative complaint simultaneously with this state law tort claim. (CP 209-222) He has a trial before an Administrative Law Judge set in January 2016. (Supplemental Appendix to Rockwood's Supplemental Brief) In his SOX complaint, Becker is seeking a full range of relief, including back pay and front pay with benefits, compensation for loss of tenure at his prior position and damages for the loss of that position, emotional distress damages, loss of reputation and loss of earning capacity, as well as an order expunging an unsatisfactory evaluation and performance improvement plan from his personnel file. (CP 217-218) In addition, Becker has demanded abatement of any further whistleblower violations, an order prohibiting the disclosure

of any disparaging information to prospective employers, exemplary damages, attorney fees, litigation costs and any other orders necessary to make him whole. (CP 218-19) A more comprehensive list of available remedies is difficult to conceive.

Piel does not support *amici's* argument that every non-exclusive statute is *per se* inadequate. In *Piel*, this Court noted that it had previously determined that the PERC statutory remedies were inadequate to vindicate the public policy when an employee is terminated in retaliation for asserting collective bargaining rights. *Piel*, 177 Wn.2d at 616-17, *citing Smith*, 139 Wn.2d at 806-08. Because PERC did not provide an adequate alternative remedy, *Piel* concluded that the plaintiff had satisfied the jeopardy element. The Court also recognized the “legislative choice to allow a wrongfully discharged employee to pursue additional remedies beyond those provided by statute.” *Piel*, 177 Wn.2d at 617. These factors together led the Court to conclude that the public policy tort claim should be recognized under such circumstances. Significantly, in *Piel* the Court expressly stated that it was not retreating from its recent decisions in *Korlund* and *Cudney*. *Piel*, 177 Wn.2d at 616.

Unlike in *Piel*, the remedies available to Becker are undoubtedly comprehensive and the non-exclusivity clause in SOX does not state that the SOX remedies are meant to be *additional* to other remedies. Rather,

Congress recognized that other remedies *may* exist and SOX is not meant as the exclusive method of protecting the public policy. 18 U.S.C. § 1514A(d). How does SOX fall short of addressing the public interest in promoting honest financial reporting or in discouraging employers from wrongfully terminating employees who refuse to falsify financial reports and/or raise complaints about being requested to file false financial reports? Neither Becker nor the *amici* have been able to explain how the wrongful discharge tort is more protective of the public policy or of Mr. Becker's own rights than the remedies provided by the SOX statute that Becker is currently pursuing through his SOX administrative claim. 18 U.S.C. § 1514A(a)

This Court has previously recognized that the issue of the exclusivity of a statute is different from the issue of whether the statute provides adequate alternative remedies to protect the public policy. *Korlund*, 156 Wn.2d at 182-83. These are "two distinct legal issues." *Id.* at 183. SOX does not, by its terms, bar the public policy tort claim. 18 U.S.C. § 1514A(d). But SOX does provide adequate alternative remedies to protect the public policy, as evidenced by its comparison to the guidepost remedies of the ERA deemed adequate in *Korlund*, 156 Wn.2d at 182. *See also Cudney*, 172 Wn. 2d at 532. The question to be answered by the jeopardy analysis is not whether the legislature intended to

foreclose a tort claim, “but whether other means of protecting the public policy are adequate so that recognition of a tort claim *in these circumstances* is *unnecessary* to protect the public policy.” *Korlund*, 156 Wn.2d at 183 (emphasis added).

F. **The Court Could Modify the Tort Analysis to Allow More Focus on the Remedies Available to Employees**

WSAJ asserts that Division III’s opinions in *Becker* “reflect an unacceptable level of confusion and uncertainty in the jeopardy element adequacy analysis.” (WSAJ Brief, at p. 23) Any confusion can be easily remedied, and the remedy certainly should not entail wholesale abandonment of the jeopardy element.

Long after the jeopardy element was embraced and efficiently applied by the trial courts, this Court, in *Hubbard*, announced that the “other means of promoting the public policy need not be available” to the person seeking to bring the tort claim “so long as the other means are adequate to safeguard the public policy.” *Hubbard*, 146 Wn.2d at 717. Some cases may have extended the language from *Hubbard* farther than the Court originally intended. In one portion of the *Cudney* decision, the Court focused on whether DUI laws adequately protect the public from drunk drivers, but did not address the absence of *any* avenue for Mr. Cudney to seek redress for his wrongful discharge. In *Weiss v. Lonquist*, 173 Wn.

App. 344, 293 P.3d 1264, *review denied*, 178 Wn.2d 1025 (2013), the Court of Appeals concluded that the bar association disciplinary process was an adequate means of protecting the public policy, but did not consider whether there should be a process for the employee who acted to protect the public policy to seek redress.

Were this Court to retreat from the position developed by *Cudney*, the Court could hold that some adequate process to seek a remedy must be available to employees who engage in conduct that directly relates to the public policy, and is necessary for the effective enforcement of the public policy. That position would be consistent with *Gardner* and *Korlund*. Reshaping the tort in this way would eliminate situations in which an employee has no forum whatsoever. The Court should then emphasize that the jeopardy element is not satisfied where an employee has an adequate alternative process to seek a remedy available but fails to pursue it, such as in *Rose* when the employee did not file a timely claim, 168 Wn. App. at 476, or where the employee's claim is found through that alternative process to lack merit. It should continue to remain a requirement that the plaintiff also must show that other means of promoting the public policy are inadequate. *See Korlund*, 156 Wn.2d at 181-82; *Hubbard*, 146 Wn.2d at 713; *Gardner*, 128 Wn.2d at 945.

If there is a need to refine the tort analysis, the refinement should focus on the DUI portion of the decision in *Cudney*. There is no sound reason to overrule *Korlund* or *Gardner*. If the Court adheres to *Korlund*, Division III's decision in *Becker* should still be reversed. As discussed above and throughout the briefing, Becker is covered by the SOX statute which provides robust remedies -- and Becker is currently availing himself of the process to seek those remedies.

III. CONCLUSION

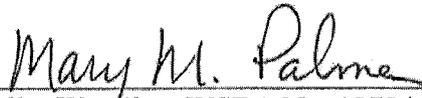
Amici come before the Court urging it to overturn a long line of cases and to expand the public policy tort in such a manner it would virtually overturn Washington's employment at will doctrine. This drastic revision is not required by the public policy cases now before the Court.

Korlund correctly provides that where a statute provides adequate alternative remedies to employees similar to those present in the ERA, no tort claim can be recognized. Based on *Korlund*, the decision in *Becker* should be reversed (and *Rose* should be affirmed). The Court should also clarify that *Piel* does not require that a provision specifying the non-exclusiveness of a federal statute means the statute is inadequate for purposes of the jeopardy element. Finally, if the Court believes the reach of the tort should be expanded, the Court could overrule the DUI portion of the *Cudney* decision and clarify that *Hubbard* stands for the proposition

that other means of promoting the public policy need not be available to the specific person seeking to bring the tort claim so long as an adequate alternative process to seek remedies is generally available to employees for wrongful discharge in violation of the public policy.

Respectfully submitted this 21st day of May, 2015.

LAW FIRM OF KELLER W. ALLEN, P.C.



Keller W. Allen, WSBA No. 18794

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Attorneys for Defendant/Petitioner

Rockwood Clinic P.S.

CERTIFICATE OF SERVICE

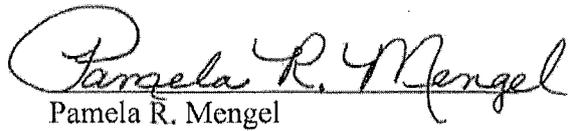
The undersigned hereby certifies that a true and correct copy of the foregoing was served on the following:

<p>Mary Schultz MARY SCHULTZ LAW, P.S. 2111 E. Red Barn Lane Spangle, WA 99031</p> <p>Attorney for Respondent/Plaintiff</p>	<p><input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via U.S. Mail <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via Email</p> <p><i>mary@mschultz.com</i></p>
<p>Stellman Keehnel Katherine Heaton DLA PIPER LLP (US) 701 Fifth Avenue, Suite 7000 Seattle, WA 98104</p> <p>Attorneys for Defendant/Petitioner Community Health Systems Professional Services Corporation</p>	<p><input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via U.S. Mail <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via Email</p> <p><i>stellman.keehnel@dlapiper.com</i> <i>katherine.heaton@dlapiper.com</i></p>
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<p>Attorneys for <i>Amicus Curiae</i> Washington Employment Lawyers Association</p>	

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

Executed at Spokane, Washington, this 21st day of May, 2015.


Pamela R. Mengel

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Subject: Gregg Becker v. CHSPSC and Rockwood

Dear Clerk:

Attached for filing is *Rockwood Clinic's Brief in Answer to Briefs of Amici* in the above-referenced case. All parties have agreed to accept email service and they are being provided a copy of Rockwood Clinic's Brief with this email.

Thank you.

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