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SUPREME COURT  
STATE OF WASHINGTON  
Nov 13, 2015, 2:43 pm  
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No. 91536-9

SUPREME COURT OF  
THE STATE OF WASHINGTON

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ESTHER KIM, as Personal Representative of the Estate of HO  
IM BAE on behalf of Mi-Soon Kim, Jae C. Kim, Chang Soon  
Kim, Jae Hong Kim, and Kyoung Soon Kim, surviving family  
members, and the ESTATE OF HO IM BAE,

Petitioners,

v.

ALPHA NURSING & SERVICES, INC.,

Respondent,

and CHRISTINE THOMAS,

Respondent/Cross-Petitioner.

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**RESPONDENT ALPHA NURSING & SERVICES, INC., AND  
RESPONDENT/CROSS-PETITIONER CHRISTINE THOMAS'  
STATEMENT OF ADDITIONAL AUTHORITIES**

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William F. Knowles, WSBA No. 17212  
Robert D. Lee, WSBA No. 46682  
Cozen O'Connor  
999 Third Avenue, Suite 1900  
Seattle, Washington 98104  
Telephone: (206) 340-1000

Attorneys for Respondent Alpha Nursing & Services, Inc., and  
Respondent/Cross-Petitioner Christine Thomas



COMES NOW Respondent Alpha Nursing & Services, Inc., and Respondent/Cross-Petitioner Christine Thomas, and submit the following additional authorities to the Court pursuant to RAP 10.8, in response to inquiries at oral argument regarding case law in which an implied right of action was rejected because the Legislature had created an express remedy in the same comprehensive statutory scheme:

- *Cazzanigi v. GE Credit Corp.*, 132 Wn.2d 433, 938 P.2d 819 (1997) (finding no implied cause of action for other non-service charge related violations of the Retail Installment Sales of Goods and Services Act, RCW 63.14.080, given express cause of action for excess service charges under RCW 63.14.180, RCW 63.14.152).
- *Crisman v. Pierce County Fire Protection Dist. No. 21*, 115 Wn. App. 16, 60 P.3d 652 (2002) (holding that Washington Public Disclosure Act did not create an implied cause of action for damages given express cause of action for enforcement of the statute).
- *Adams v. King County*, 164 Wn. 2d 640, 192 P.3d 891 (2008) (holding that the former Washington Uniform Anatomical Gift Act did not provide an implied cause of action given the Act expressly providing a remedy against violators).

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RESPECTFULLY SUBMITTED this 13th day of Novmeber,  
2015.

COZEN O'CONNOR



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Attorneys for Respondent Alpha Nursing  
and Services Inc., and Respondent/Cross-  
Petitioner Christine Thomas

**DECLARATION OF SERVICE**

The undersigned states:

I am a citizen of the United States of America and a resident of the State of Washington, I am over the age of 18 years, I am not a party to this action, and I am competent to be a witness herein.

On this 13th day of November, 2015, I caused to be filed the foregoing *Statement of Additional Authorities* by e-mail to the Supreme Court for the State of Washington. I also served a copy of said document on the following parties as indicated below:

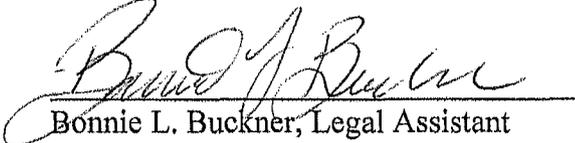
<b>Parties Served</b>	<b>Manner of Service</b>
<p><b><i>Counsel for Appellant:</i></b></p> <p>James F. Gooding, WSBA No. 23833                      Alex French, WSBA No. 40168                      Graham Lundberg Peschel, P.S., Inc.                      2601 Fourth Avenue, Sixth Floor                      Seattle, Washington 98121                      Phone: (206) 448-1992                      Fax: (206) 448-4640                      Email: <a href="mailto:jgooding@glpattorneys.com">jgooding@glpattorneys.com</a>  <a href="mailto:afrench@glpattorneys.com">afrench@glpattorneys.com</a>  <a href="mailto:cwilliams@glpattorneys.com">cwilliams@glpattorneys.com</a></p>	<p>( ) Via Legal Messenger                      ( ) Via Overnight Courier                      ( ) Via U.S. Mail                      (X) Via Email</p>
<p>Matthew Boller, <i>Admitted Pro Hac Vice</i>                      Boller &amp; Vaughan, LLC                      605 West Main Street                      Madison, Wisconsin 53703                      Phone: (608) 268-0288                      Fax: (608) 268-2682                      Email: <a href="mailto:mboller@bollervaughan.com">mboller@bollervaughan.com</a>  <a href="mailto:lizk@bollervaughan.com">lizk@bollervaughan.com</a></p>	<p>( ) Via Legal Messenger                      ( ) Via Overnight Courier                      ( ) Via U.S. Mail                      (X) Via Email</p>

Parties Served	Manner of Service
<p><b><i>Counsel for Appellant:</i></b></p> <p>Sidney Tribe  Talmadge Fitzpatrick Tribe  2775 Harbor Avenue SW  Suite C, 3<sup>rd</sup> Floor  Seattle, Washington 98126  Phone: (206) 574-6661  Fax: (206) 575-1397  Email: <a href="mailto:sidney@tal-fitzlaw.com">sidney@tal-fitzlaw.com</a></p>	<p>( ) Via Legal Messenger  ( ) Via Overnight Courier  ( ) Via U.S. Mail  (X) Via Email</p>
<p><b><i>Counsel for Defendant Lakeside Adult Family Home and Gretchen Dhaliwal:</i></b></p> <p>John C. Versnell, WSBA No. 17755  Eric T. Duncan, WSBA No. 42006  Lawrence &amp; Versnell, PLLC  701 Fifth Avenue, Suite 4120  Seattle, Washington 98104-7097  Phone: (206) 624-0200  Fax: (206) 903-8552  Email: <a href="mailto:jcv@lvpllc.com">jcv@lvpllc.com</a>  <a href="mailto:etd@lvpllc.com">etd@lvpllc.com</a>  <a href="mailto:hmm@lvpllc.com">hmm@lvpllc.com</a></p>	<p>( ) Via Legal Messenger  ( ) Via Overnight Courier  ( ) Via U.S. Mail  (X) Via Email</p>
<p><b><i>Counsel for Defendant Gretchen Dhaliwal, individually:</i></b></p> <p>David J. Corey, WSBA No. 26683  Floyd, Pflueger &amp; Ringer P.S.  200 West Thomas Street, Suite 500  Seattle, Washington 98119-4296  Phone: (206) 441-4455  Fax: (206) 441-8484  Email: <a href="mailto:dcorey@floyd-ringer.com">dcorey@floyd-ringer.com</a></p>	<p>( ) Via Legal Messenger  ( ) Via Overnight Courier  ( ) Via U.S. Mail  (X) Via Email</p>

Parties Served	Manner of Service
Aaron Lukken Legal Services 8014 State Line Road, Suite 110 Leawood, Kansas 66208	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Overnight Courier <input checked="" type="checkbox"/> Via U.S. Mail <input type="checkbox"/> Via Email

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

Executed at Seattle, Washington, this 13th day of November, 2015.

  
 \_\_\_\_\_  
 Bonnie L. Buckner, Legal Assistant

## OFFICE RECEPTIONIST, CLERK

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**To:** Buckner, Bonnie  
**Cc:** Knowles, William F.; White, Melissa; Lee, Robert D.; 'jgooding@glpattorneys.com'; afrench@glpattorneys.com; cwilliams@glpattorneys.com; 'mboller@bollervaughan.com'; 'lizk@bollervaughan.com'; 'sidney@tal-fitzlaw.com'; 'roya@tal-fitzlaw.com'; 'jcv@lvpllc.com'; 'etd@lvpllc.com'; 'hmm@lvpllc.com'; dcorey@floyd-ringer.com; 'jwalsh@floyd-ringer.com'; assistant@talmadgelg.com  
**Subject:** RE: Statement of Additional Authorities of Respondent/Cross-Petitioner Christine Thomas and Respondent Alpha Nursing & Services, Inc. (Case No. 91536-9)

Received on 11-13-2015

Supreme Court Clerk's Office

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**From:** Buckner, Bonnie [mailto:BBuckner@cozen.com]  
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**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Cc:** Knowles, William F. <WKnowles@cozen.com>; White, Melissa <MWhite@cozen.com>; Lee, Robert D. <rlee@cozen.com>; 'jgooding@glpattorneys.com' <jgooding@glpattorneys.com>; afrench@glpattorneys.com; cwilliams@glpattorneys.com; 'mboller@bollervaughan.com' <mboller@bollervaughan.com>; 'lizk@bollervaughan.com' <lizk@bollervaughan.com>; 'sidney@tal-fitzlaw.com' <sidney@tal-fitzlaw.com>; 'roya@tal-fitzlaw.com' <roya@tal-fitzlaw.com>; 'jcv@lvpllc.com' <jcv@lvpllc.com>; 'etd@lvpllc.com' <etd@lvpllc.com>; 'hmm@lvpllc.com' <hmm@lvpllc.com>; dcorey@floyd-ringer.com; 'jwalsh@floyd-ringer.com' <jwalsh@floyd-ringer.com>; assistant@talmadgelg.com  
**Subject:** Statement of Additional Authorities of Respondent/Cross-Petitioner Christine Thomas and Respondent Alpha Nursing & Services, Inc. (Case No. 91536-9)

With regard to Supreme Court of the State of Washington Case No. 91536-9, *Kim, et al. v. Alpha Nursing & Services, Inc., et al.*, attached for filing please find *Statement of Additional Authorities of Respondent/Cross-Petitioner Christine Thomas and Respondent Alpha Nursing & Services, Inc.* This document is being filed by William F. Knowles, WSBA No. 17212, 206-242-1289, [wknowles@cozen.com](mailto:wknowles@cozen.com).

Thank you.



Bonnie L. Buckner  
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