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No. 91644-6
SUPREME COURT
OF THE STATE OF WASHINGTON

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FRED BINSCHUS, individually and as
Personal Representative of the Estate of
JULIE ANN BINSCHUS; TONYA
FENTON; TRISHA WOODS; TAMMY
MORRIS; JOANN GILLUM, as
Personal Representative of the Estate of
GREGORY N. GILLUM; CARLA J.
LANGE, individually and as Personal
Representative of the Estate of LEROY
B. LANG; NICHOLAS LEE LANGE,
Individually and as Personal
Representative of the Estate of
CHESTER M. ROSE; STACY ROSE,
Individually; RICHARD TRESTON and
CAROL TRESTON, and the marital
community thereof; BEN MERCADO;
and PAMELA RADCLIFFE, individually
and as Personal Representative of the
Estate of DAVID RADCLIFFE, and
TROY GIDDINGS, individually,

Respondents,

v.

SKAGIT COUNTY, a political
subdivision of the State of Washington,

Petitioner,

STATE OF WASHINGTON,
DEPARTMENT OF CORRECTIONS;
SKAGIT EMERGENCY
COMMUNICATIONS CENTER d/b/a
"Skagit 911," an interlocal government
agency; SKAGIT COUNTY, a political
subdivision of the State of Washington;
OKANOGAN COUNTY, a political
subdivision of the State of Washington,

Defendants.

PETITIONER'S THIRD
STATEMENT OF
ADDITIONAL
AUTHORITY
(RAP 10.8)

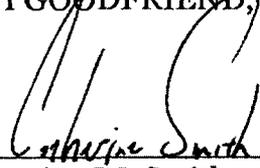


Petitioner Skagit County submits the following additional authority:

Smith v. State Dep't of Corr., ___ Wn. App. ___, ___ P.3d ___, Cause No. 45479-3-II (Div. II, Aug. 26, 2015) (slip op. at 8: "duty to supervise . . . dependent on the existence of a continuing relationship," adopting Division One's reasoning in *Husted v. State*, 187 Wn. App. 579, 348 P.3d 776 (2015) (cited in Petitioner's first Statement of Additional Authority), petition for review pending, Cause No. 91799-0; slip op. at 12: DOC's "supervision duties did not encompass a duty to rehabilitate . . . or to somehow change his behavior such that he would not commit murder.").

Dated this 28th day of August, 2015.

SMITH GOODFRIEND, P.S.

By: 
Catherine W. Smith,
WSBA No. 9542
Howard M. Goodfriend
WSBA No. 14355

1619 8th Avenue North
Seattle, WA 98109
(206) 624-0974

Attorneys for Petitioner Skagit County

DECLARATION OF SERVICE

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct:

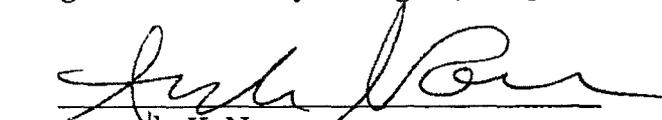
That on August 28, 2015, I arranged for service of the foregoing Petitioners' Third Statement of Additional Authority to the court and to the parties to this action as follows:

Office of Clerk Washington Supreme Court Temple of Justice P.O. Box 40929 Olympia, WA 98504-0929	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail
John E. Justice Law Lyman Daniel Kamerrer et al P.O. Box 11880 Olympia, WA 98508	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail
Arne O. Denny Skagit County Prosecutor's Office 605 S. 3rd Street Mount Vernon, WA 98273	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail
Jaime D. Allen Davis Wright Tremaine LLP 1201 3rd Ave Ste 2200 Seattle, WA 98101-3045	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail
Dean Brett Brett Murphy Coats Knapp McCandlis Brown P.O. Box 4196 Bellingham, WA 98227	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail
Mark R. Bucklin Keating Bucklin & McCormack Inc. P.S. 800 5th Avenue, Suite 4141 Seattle, WA 98104	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail

<p>Joshua Choate Paul J. Triesch Attorney General's Office 800 5th Avenue, Suite 2000 Seattle, WA 98104</p>	<p><input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail</p>
<p>W. Mitchell Cogdill Cogdill Nichols Rein Wartelle 3 Thirty Two Sq 3232 Rockefeller Ave Everett, WA 98201-4317</p>	<p><input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail</p>
<p>John R. Connelly, Jr. Nathan P. Roberts Connelly Law Offices 2301 N. 30th Street Tacoma, WA 98403</p>	<p><input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail</p>
<p>Jeffrey D. Dunbar Ogden Murphy Wallace PLLC 901 5th Avenue, Suite 3500 Seattle, WA 98164</p>	<p><input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail</p>
<p>Christopher J. Kerley Evans, Craven & Lackie, P.S. 818 W. Riverside Avenue, Suite 250 Spokane, WA 99201</p>	<p><input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail</p>
<p>Eugene R. Moses Law Offices of Gene R. Moses P.S. 2200 Rimland Drive, Suite 115 Bellingham, WA 98226-6639</p>	<p><input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail</p>
<p>Philip A. Talmadge Talmadge/Fitzpatrick 2775 Harbor Avenue SW Third Floor, Suite C Seattle, WA 98126</p>	<p><input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail</p>
<p>Michael P. Lynch Office of the Attorney General P.O. Box 40126 Olympia, WA 98504-0126</p>	<p><input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail</p>

Daniel B. Heid Auburn City Attorney 25 West Main Street Auburn, WA 98001	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail
Rebecca Boatright Seattle City Attorneys Office 701 5 th Avenue, Suite 2050 Seattle, WA 98104	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail
Shannon M. Ragonesi Keating, Bucklin & McCormack, Inc., P.S. 800 5 th Avenue, Suite 4141 Seattle, WA 98104	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail

DATED at Seattle, Washington this 28th day of August, 2015.



Amanda K. Norman

OFFICE RECEPTIONIST, CLERK

To: Amanda Norman
Cc: Catherine Smith; Howard Goodfriend; 'jjustice@lldkb.com'; 'Marry@lldkb.com'; 'arned@co.skagit.wa.us'; 'jaimeallen@dwt.com'; 'KeithMorton@dwt.com'; 'dbrett@brettlaw.com'; 'mbucklin@kbmlawyers.com'; 'joshuac1@atg.wa.gov'; 'pault@atg.wa.gov'; 'wmc@cnrlaw.com'; 'sue@cnrlaw.com'; 'jconnelly@connelly-law.com'; 'nroberts@connelly-law.com'; 'jdunbar@omwlaw.com'; 'ckerley@ecl-law.com'; 'gene@genemoses.net'; 'phil@tal-fitzlaw.com'; 'MikeL@ATG.WA.GOV'; 'dheid@auburnwa.gov'; 'rebecca.boatright@seattle.gov'; 'sragonesi@kbmlawyers.com'
Subject: RE: Binschus et al. v. Skagit County, Cause No. 91644-6

Rec'd 8/28/2015

Supreme Court Clerk's Office

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: Amanda Norman [mailto:amanda@washingtontappeals.com]

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Cc: Catherine Smith <cate@washingtontappeals.com>; Howard Goodfriend <howard@washingtontappeals.com>; 'jjustice@lldkb.com' <jjustice@lldkb.com>; 'Marry@lldkb.com' <Marry@lldkb.com>; 'arned@co.skagit.wa.us' <arned@co.skagit.wa.us>; 'jaimeallen@dwt.com' <jaimeallen@dwt.com>; 'KeithMorton@dwt.com' <KeithMorton@dwt.com>; 'dbrett@brettlaw.com' <dbrett@brettlaw.com>; 'mbucklin@kbmlawyers.com' <mbucklin@kbmlawyers.com>; 'joshuac1@atg.wa.gov' <joshuac1@atg.wa.gov>; 'pault@atg.wa.gov' <pault@atg.wa.gov>; 'wmc@cnrlaw.com' <wmc@cnrlaw.com>; 'sue@cnrlaw.com' <sue@cnrlaw.com>; 'jconnelly@connelly-law.com' <jconnelly@connelly-law.com>; 'nroberts@connelly-law.com' <nroberts@connelly-law.com>; 'jdunbar@omwlaw.com' <jdunbar@omwlaw.com>; 'ckerley@ecl-law.com' <ckerley@ecl-law.com>; 'gene@genemoses.net' <gene@genemoses.net>; 'phil@tal-fitzlaw.com' <phil@tal-fitzlaw.com>; 'MikeL@ATG.WA.GOV' <MikeL@ATG.WA.GOV>; 'dheid@auburnwa.gov' <dheid@auburnwa.gov>; 'rebecca.boatright@seattle.gov' <rebecca.boatright@seattle.gov>; 'sragonesi@kbmlawyers.com' <sragonesi@kbmlawyers.com>

Subject: Binschus et al. v. Skagit County, Cause No. 91644-6

Attached for filing in pdf format is Petitioner's Third Statement of Additional Authority in *Binschus et al. v. Skagit County*, Cause No. 91644-6. The attorney filing this document is Catherine W. Smith, WSBA No. 9542, e-mail address: cate@washingtontappeals.com.

Best Regards,

Amanda Norman
Paralegal
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