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SUPREME COURT OF THE STATE OF WASHINGTON

WILFRED A. LARSON,

Respondent,

v.

CITY OF BELLEVUE,

Petitioner,

and

DEPARTMENT OF LABOR & INDUSTRIES,

Respondent.

SUPPLEMENTAL BRIEF OF PETITIONER CITY OF BELLEVUE

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I. INTRODUCTION

RCW 51.52.115 provides an unambiguous mandate in all superior court appeals from decisions of the Board of Industrial Insurance Appeals (Board). The Board's decision is presumed correct, and the burden of proof is on the appealing party. The mandate of RCW 51.52.115 applies to "all" superior court proceedings in workers' compensation cases, including those under RCW 51.32.185.

RCW 51.32.185 does not alter the burden of proof on appeal to superior court. RCW 51.32.185 simply provides a rebuttable evidentiary presumption that at the outset of a workers' compensation claim relieves the worker of the obligation to establish initially that his or her injury qualifies as an occupational disease. If the employer presents countervailing evidence to rebut the presumption, the burden returns to the worker to prove the condition arose naturally and proximately out of his or her employment.

Wilfred Larson filed a claim for workers' compensation benefits with the Department of Labor and Industries (Department) claiming he had contracted an occupational disease—malignant melanoma—as a result of his work as a firefighter. Under RCW 51.32.185, Larson was relieved of the burden of coming forward initially with proof that his melanoma was caused by his occupation as a firefighter. However, the Board correctly determined that once the City of Bellevue (City) produced evidence that Larson's

melanoma was caused by non-occupational exposures (ultraviolet radiation through sun exposure and the use of tanning beds) and genetic factors, the presumption of occupational disease disappeared. When Larson was then unable to prove that his melanoma arose naturally and proximately out of his work as a firefighter, the Board correctly entered an order requiring the Department to reject his claim.

When Larson appealed the Board's decision to the superior court, the Board's decision was presumed correct, and the burden of proof was on Larson to prove otherwise. RCW 51.52.115. However, Larson argued to the trial court that it was the City's burden to prove that it had produced sufficient evidence to rebut the evidentiary presumption of occupational disease in RCW 51.32.185. Larson argued that it was the City's burden on appeal to the superior court to prove that his melanoma was not an occupational disease.

The trial court erred in submitting to the jury the question whether the City had produced evidence sufficient to rebut the evidentiary presumption of RCW 51.32.185, and the Court of Appeals erred in concluding that it was appropriate to do so. The burden on appeal to the superior court rested with Larson at all times, and there is nothing in the statutory scheme to indicate that the Legislature intended to repeal RCW 51.52.115 for firefighters with the enactment of RCW 51.32.185. The

only question that should have been submitted to the jury was whether the Board had correctly concluded that Larson had failed to prove that his melanoma was an occupational disease.

This decision of the Court of Appeals should be reversed and this case remanded back to superior court for a new trial.

II. STATEMENT OF THE ISSUES

1. RCW 51.52.115 provides that “In *all* court proceedings under or pursuant to this title the findings and decision of the board shall be prima facie correct and the burden of proof shall be upon the party attacking the same.” Does the burden of proof in RCW 51.52.115 apply in *all* cases, including firefighting cases, where the decision of the Board is appealed to the superior court?

2. Does RCW 51.32.185 create a Thayer type presumption, which is only a burden of production that disappears when the employer produces evidence of non-occupational causes of the disease?

3. Did the trial court err in instructing the jury that the burden was on the City to show that the Board had correctly determined that the City had rebutted the presumption of occupational disease and that the City was required to rebut both that Larson’s melanoma arose naturally and proximately out of his employment?

4. Is Larson entitled to recover his attorney fees and costs incurred before the Board where he did not prevail?

III. STATEMENT OF THE CASE

Larson filed a claim for workers' compensation benefits with the Department in 2009. CP 29, 281. The Department allowed Larson's claim, and the City appealed the Department's decision to the Board. CP 40-41, 43, 45. At the Board hearing, the City presented evidence that Larson's malignant melanoma was caused by factors unrelated to his work as a firefighter through the testimony of three different medical experts.

Andy Chien, MD, a board certified dermatologist with a PhD in molecular pharmacology and biological chemistry and a leading researcher in the origin and treatment of melanoma at the University of Washington, testified that Larson's melanoma was caused by his recreational exposure to ultraviolet radiation (in the form of sunlight and his use of tanning beds) and his genetic risk factors. RP 571-72, 576-77, 607-08.

Sarah Dick, MD, Larson's treating dermatologist, testified that Larson had a number of risk factors for developing melanoma, including exposure to ultraviolet radiation, his age, and being fair skinned with light

colored hair and that Larson would have probably contracted melanoma regardless of his work as a firefighter.¹ RP 732, 723, 729, 732.

Finally, Noel Weiss, MD, DPH, a University of Washington epidemiologist with a medical degree from Stanford as well as a doctorate in epidemiology and biostatistics from the Harvard School of Public Health, testified that the medical literature does not show that firefighters are subject to an increased incidence of melanoma over the general population. RP 655, 666-67.

With this evidence, the Board concluded that the City had rebutted the presumption of occupational disease in RCW 51.32.185 by showing that Larson's melanoma was proximately caused by factors unrelated to his work as a firefighter. CP 35. The Board found that Larson had many risk factors for developing melanoma including recreational sun exposure, exposure to ultraviolet radiation while using tanning beds, and the presence of unique genetic factors including his fair skin, brownish hair, blue/green eyes and numerous freckles. CP 34.

¹ The trial court denied the City's proposed pattern jury instruction that would inform the jury that it must give special consideration to the opinion of the worker's attending physician. The City unsuccessfully sought reversal of that ruling by the Court of Appeals on that issue. As this Court recently held in *Clark County v. McManus*, No. 91963-1, 2016 WL 1696759 (Wash. Apr. 28, 2016), where an attending physician testifies, this special consideration instruction must be given and overruled *Larson v. City of Bellevue*, 188 Wn. App. 857, 355 P.3d 332 (2015) in this regard.

The only medical testimony that Larson presented in an attempt to show that his melanoma arose naturally and proximately out of his occupation of a firefighter was that of Kenneth Coleman, MD, an emergency room and family practice physician, who readily admitted that he had no special training in the diagnosis or treatment of melanoma and had not conducted any research in the area of melanoma. RP 409, 516. Dr. Coleman testified that several medical articles *suggested* that a firefighter's occupational exposure *may* contribute to the development of melanoma and from those articles concluded that Larson's occupation as a firefighter was a probable cause of his melanoma. RP 425, 509, 529.

The Board concluded that while the City had rebutted the presumption in RCW 51.32.185, Larson had not met his burden to produce evidence that his malignant melanoma was an occupational disease as defined by RCW 51.08.140. CP 35.

Larson appealed the Board's decision to superior court. At the conclusion of the testimony, the City asked the trial court to determine, as a matter of law, that the City had successfully rebutted the presumption of occupational disease in RCW 51.32.185 by producing evidence that Larson's melanoma was caused by factors unrelated to his work as a firefighter. RP 753-54. The trial court denied the City's motion. RP 758.

Over the City's objection, the trial court inserted additional language proposed by Larson into the pattern burden of proof jury instruction—Instruction No. 9. RP 830-31. That additional language informed the jury that the City had the burden of proof before the Board to rebut the evidentiary presumption of occupational disease. CP 1768. Instruction No. 9 not only contained a reference to the City's burden before the Board, it incorrectly stated that in order to rebut the presumption of occupational disease, the employer (the City) had to rebut both that Larson's melanoma arose naturally out of his conditions of employment as a firefighter **and** that Larson's employment was a proximate cause of his malignant melanoma. CP 1768. Over the City's objection, the trial court also submitted two questions to the jury in the Special Verdict form, including one question inquiring whether the Board had been correct in deciding that the City had rebutted the presumption of occupational disease. CP 1775-76, RP 1578-79.

The jury found for Larson, and the City appealed. CP 1775. The Court of Appeals affirmed and concluded that the City had the burden at the trial court to rebut the evidentiary presumption of RCW 51.32.185. In essence, the Court of Appeals placed the burden of production and persuasion on the City to prove that Larson's melanoma was not an occupational disease.

The trial court awarded Larson his attorney fees and costs incurred both before the Board, where he did not prevail, and before the trial court. CP 1902-04. The Court of Appeals affirmed this award.

IV. ARGUMENT

A. AS THE PARTY APPEALING THE BOARD'S DECISION, THE BURDEN OF PROOF RESIDED WITH LARSON AT ALL TIMES.

Larson lost at the Board and appealed to the superior court. RCW 51.52.115 governs the burden of proof on appeal from the Board and clearly states that "In all court proceedings under or pursuant to this title the findings and decision of the board shall be prima facie correct and the burden of proof shall be upon the party attacking the same." *See Gorre v. City of Tacoma*, 184 Wn.2d 30, 36, 357 P.3d 625 (2015). As the prevailing party before the Board, the City had no burden on appeal.

RCW 51.32.185 creates an evidentiary presumption of occupational disease for firefighters who have certain diseases and does not specify how to approach the presumption of occupational disease in the superior court. However, since RCW 51.52.115 is a specific statute which sets forth the burden of proof for *all* appeals to superior court, it governs over the more general statute, RCW 51.32.185.

Consequently, the sole issue on appeal to superior court was whether evidence supported the Board's decision, and it was Larson's burden as the

appealing party to prove otherwise. Disregarding RCW 51.52.115 and over the City's objection, the trial court submitted Instruction No. 9 which contained an entire paragraph informing the jury of the employer's burden of proof before the Board. CP 1768; RP 830-831. The trial court compounded the problem by providing a Special Verdict form which asked the jury to determine whether the Board had correctly determined that the City had rebutted the presumption of occupational disease. CP 1775-76. In other words, the jury was asked to determine whether the City had met its burden to rebut the presumption at the Board level.

Instructing the jury about the burden of proof before the Board was inappropriate and prejudiced the City. It suggested to the jury that the City continued to carry a burden of proof on appeal and disregarded the premise that the Board's decision was presumed correct. As the Court held in *La Vera v. Department of Labor & Industries*, 45 Wn.2d 413, 415, 275 P.2d 426 (1954), instructing the jury about the burden of proof before the Board only adds "complexity and confusion" to the jury's task. The sole fact finding function by the jury upon review of a Board order "is to examine the evidence and determine whether or not it clearly preponderates against the board's findings." *Id* at 415. The trial court erred when it instructed the jury about the City's burden of proof before the Board, causing confusion and adding complexity to an already complex inquiry. And the Court of

Appeals decision here approving the instructions to the jury directly conflicts with *La Vera*.

Larson argues that unless the jury is informed that the City had the burden to rebut the presumption before the Board, the affect and integrity of the burden shifting protection of RCW 51.32.185 is lost. Ans. at 8-9. Larson's argument directly conflicts with *La Vera*. There was no reason that the jury had to be informed of any burden other than Larson's burden on appeal.

B. THE COURT OF APPEAL'S ANALYSIS THAT RCW 51.32.185 CREATES A MORGAN THEORY PRESUMPTION EXTENDING THROUGHOUT THE DURATION OF THE CASE IGNORES THE WORLDING OF BOTH RCW 51.52.115 AND RCW 51.32.185.

A worker claiming benefits for an occupational disease has the burden of proving that the condition arose naturally and proximately out of employment. However, the *prima facie* evidentiary presumption created by RCW 51.32.185 for firefighters shifts the burden to the employer unless or until the employer rebuts the presumption. *Raum v. City of Bellevue*, 171 Wn. App. 124, 141, 286 P.3d 695 (2012). If the employer has presented sufficient evidence to rebut the presumption, the burden shifts back to the worker to show that the condition arose naturally and proximately out of employment. *Id.* at 147.

In this instance, the Court of Appeals ignored the language of the statute and incorrectly characterized the nature of the presumption. The Court of Appeals analyzed whether the evidentiary presumption created in RCW 51.32.185 is consistent with the Thayer theory of presumptions or the Morgan theory. Under the Thayer theory, a presumption places the burden of producing evidence on the party against whom it operates but disappears if that party produces contrary evidence. *In re Estate of Langeland*, 177 Wn.App. 315, 321 n.7, 312 p.3d 657 (2013), *review denied*, 180 Wn.2d 1009 (2014). In contrast, under the Morgan theory, a presumption does not disappear upon the production of contrary evidence but continues throughout the trial, and the court instructs the jury that the party against whom the presumption operates has the burden of proving that the presumed fact is not true or does not exist. *Id.*

The Court of Appeals adopted the Morgan theory holding an employer contesting an award of industrial insurance benefits has both the burden of production and burden of persuasion throughout the case. Thus, the Court of Appeals concluded that it was not error to allow the jury to decide if the employer has rebutted the presumption. *Id.* at 875. The Court of Appeal's decision does not attempt to reconcile its adoption of a Morgan theory approach with RCW 51.52.115, which places the burden of production and persuasion on the appealing party—here Larson. *Harrison*

v. Memorial Hosp. v. Gagnon, 110 Wn. App. 475, 477, 40 P.3d 1221 (2002) (“Under RCW 51.52.115, that burden [of persuasion] rests on whoever is attacking the findings and decision of the Board of Industrial Insurance Appeals.”). Because the City prevailed at the Board, it did not have any burden on appeal, much less the burden of persuasion placed on it by the Court of Appeals. The decision unnecessarily muddles who has the burden of proof in an appeal from the Board decision by treating the presumption in RCW 51.32.185 as enduring throughout the case.

The Morgan theory approach is at odds with longstanding precedent holding that the jury’s function in an appeal under RCW 51.52.115 is to determine if the Board order misconstrued the law or found facts inconsistent with the preponderance of the evidence. RCW 51.52.115; *Ruse v. Dep’t of Labor and Indus.*, 138 Wn.2d 1, 5, 977 P.2d 570 (1999). The jury does not reexamine the burden of proof before the Board. As held in *La Vera*, the burden of proof is immaterial in an appeal to superior court because the jury’s role is to examine the evidence and determine whether or not it clearly preponderates against the Board’s findings. 45 Wn.2d at 415. If not, the appellant has failed to sustain his or her statutory burden of proof, and the *prima facie* correctness of the Board’s order has been confirmed. *La Vera*, 45 Wn.2d at 415.

The Court of Appeal's decision also ignores the language of RCW 51.32.185 that states that the presumption is only "*prima facie*" and may be rebutted by a preponderance of evidence. The Court of Appeals' logic reads out of the statute the term "*prima facie*" treating the presumption as conclusive and enduring throughout the case. Had the Legislature intended this to be the true, the statute could have been written without the use of the term "*prima facie*." Instead, the Legislature made use of the term "*prima facie*" in describing the presumption, meaning that the presumption established in RCW 51.32.185 must be less than conclusive and enduring. It is a maximum of statutory interpretation that all words within a statute must be given meaning and no word is superfluous. *Burton v. Twin Commander Aircraft LLC*, 171 Wn.2d 204, 221, 254 P.3d 778 (2011). The logic adopted by the Court of Appeals that under the Morgan theory a presumption does not disappear upon the production of contrary evidence conflicts with the text of RCW 51.32.185 that refers to the presumption as only "*prima facie*" evidence.

Borrowing from the Court of Appeals analysis, the use of the term "*prima facie*" evidences a legislative intent more akin to a Thayer presumption. That is, once contrary evidence is introduced the presumption disappears. *In re Estate of Langeland*, 177 Wn.App. at 321 n.7. A *prima facie* presumption relates to the burden of production. *See Black's Law*

Dictionary 1382 (10th ed. 2014) (“prima facie case”: “1. The establishment of a legally required rebuttable presumption. 2. A party’s production of enough evidence to allow the fact-trier to infer the fact at issue and rule in the party’s favor.”). Once a burden of production is met, the burden disappears.²

The definition of “*prima facie*” and its use in RCW 51.32.185 are in keeping with a Thayer presumption. As such, once an employer challenging an award of benefits presents countervailing evidence, the presumption that an injury is an occupational disease disappears.

The presumption in RCW 51.32.185 only eliminates the requirement that a claimant present competent medical evidence *at the outset* to show their condition is related to their duties and thus an occupational disease. *Raum*, 171 Wn. App. at 124, 147. If the employer rebuts the presumption the claimant must come forward with competent evidence to support his occupational disease. This is consistent with the long standing principle that in any workers’ compensation appeal where the issue is a worker’s entitlement to benefits; the ultimate burden of proof is at all times with the worker. *Olympic Brewing Co. v. Dep’t. of Labor & Indus.*,

² Black’s Law Dictionary further defines “*prima facie*” as “At first sight; on first appearance but subject to further evidence or information the agreement is prima facie valid.” *Black’s Law Dictionary* at 1382. Thus, “at first sight” or “on first appearance” the presumption of occupational disease arising under RCW 51.32.185 may but “subject to further evidence or information” the presumption is rebutted and disappears.

34 Wn.2d 498, 505, 208 P.2d 1181 (1949), *overruled on other grounds*, *Windust v. Dept. of Labor & Indus.*, 52 Wn.2d 33, 323 P.2d 241 (1958).

The Court of Appeals use of the Morgan theory approach to the presumption in RCW 51.32.185 is incompatible with the burden shifting scheme outlined in the statute. The Court of Appeals treats the presumption in RCW 51.32.185 as conclusive and enduring throughout the case. *Larson*, 188 Wn.App. 875. More specifically the Court of Appeals stated that “We agree the City needed to disprove only one of the two parts [of occupational disease] to rebut RCW 51.32.185(1)’s presumption.” *Id.* at 877. By framing the issues as the City’s burden to “disprove” an element of occupational disease, the Court of Appeals is requiring the City to disprove a presumption of benefits by proving an alternate explanation for the claimant’s condition by a preponderance of evidence. If this were how the presumption functioned once a party contesting benefits, such as the City, met its burden to “disprove” an element of occupational disease by a preponderance of evidence, there would then be no opportunity for the burden to shift back to a claimant to otherwise prove that he is entitled to benefits under RCW 51.08.140. See *Gorre*, 184 Wn.2d at 33, *Raum*, 171 Wn.App. at 147. (Noting if the presumption does not apply a claimant may still receive benefits but retains the burden of proof). Expressed differently, if the party contesting benefits “disproves” an element of occupational disease by a

preponderance of the evidence, how would a claimant then ever be able to prove the existence of that same element, by a preponderance of evidence, so that he or she would be entitled to benefits under RCW 51.08.140? This tension in the statute illustrates why the Morgan theory is incompatible with burden shift provisions of RCW 51.32.185.

Instead, a party contesting an award of benefits meets its burden by presenting sufficient evidence from which a reasonable trier of fact could find in that party's favor. In this way, the presumption is more in keeping with the Thayer theory by placing a burden of production on the party against whom the presumption operates but then disappearing if that party produces sufficient contrary evidence. The Thayer theory provides the worker with the evidentiary benefits afforded in RCW 51.32.185 while preserving the burden shifting feature of the statute. In contrast, the Court of Appeals rationale places both a burden of production and a burden of persuasion on a party contesting an award of benefits requiring the party to conclusively "disprove" the claimant's occupational disease therefore disregarding the prima facie rebuttable nature of the presumption.

This Court has recognized that RCW 51.32.185 is a "narrow exception to the Act's general rule that workers must prove they suffer from an occupational disease." *Gorre*, 184 Wn.2d at 47. "The statute is simply a shortcut for proving medical causation – i.e., that job conditions caused an

occupational disease.” *Id.* at 38. In this way, it relieves the worker from having to present competent medical evidence at the outset that his or her condition is an occupational disease. *Raum*, 171 Wn.App. 147. Yet the statute also represents a compromise; reducing the workers initial legal burden but still allowing a party contesting benefits to rebut the prima facie presumption. In this way, the Thayer approach to the prima facie presumption is consistent with balancing the policies underlying RCW 51.32.185.

C. THE JURY WAS INCORRECTLY INSTRUCTED ABOUT THE BURDEN BEFORE THE BOARD AND ABOUT DISPROVING AN OCCUPATIONAL DISEASE.

It was error for the trial court to give Instruction No. 9 for two reasons. First, Instruction No. 9 contains language that informed the jury that the City had the burden of proof before the Board to rebut the evidentiary presumption of occupational disease. CP 1768. This error was compounded in the Special Verdict form. For the reasons discussed above, the jury instruction and Special Verdict form conflict with RCW 51.52.115 and *La Vera*. Second, the trial court failed to properly instruct the jury how the presumption may be rebutted.

Proof of an occupational disease requires two elements: (1) it must arise naturally and (2) proximately out of employment. RCW 51.08.140; *Dennis v. Dep't of Labor & Indus.*, 109 Wn. 2d 467, 476, 745 P.2d 1295

(1987). Larson argued that the City had to rebut both elements. RP 912-13. When in fact, the City only had to rebut one to show his melanoma was not an occupational disease under RCW 51.08.140.

The trial court's Jury Instruction No. 9 is an incorrect statement of the law as to how the presumption may be rebutted. Instruction No. 9 reads in pertinent part:

At the hearing before the Board of Industrial Insurance Appeals, the **burden of proof is on the employer to rebut** the presumption that 1) claimant's malignant melanoma arose naturally out of his conditions of employment as a firefighter **and, 2) his employment is a proximate cause of his malignant melanoma.**

CP 1768 (emphasis added). The use of the conjunction "and" between clause one (arose naturally) and clause two (proximately) required the jury to analyze whether the City had rebutted both elements. It informed the jury that in order to review whether the Board correctly found that the City had rebutted the presumption, it had to determine whether the City had presented evidence to rebut both that Larson's melanoma arose naturally out of his employment **and** that his employment was a proximate cause of his melanoma in order to rebut the presumption of occupational disease. The instruction was an incorrect statement of the law, and the City was prejudiced by its language.

The Special Verdict form perpetuated the legal error contained in Jury Instruction No. 9 because the jury had to look back at that instruction in order to answer the first question inquiring whether the City had rebutted the presumption of occupational disease by a preponderance of evidence. In order to answer that question, the jury was instructed the City had to rebut the arising naturally element **and** the arising proximately element. Unless the jury found the City had rebutted **both** elements it could not answer Special Verdict form Question No. 1 in the affirmative.

The Court of Appeals recognized the City needed to “disprove” only one of the two elements of the definition of occupational disease in order to rebut a presumption under RCW 51.32.185(1). *Larson*, 188 Wn. App. at 857, 876-77. But then it failed to recognize that Instruction No. 9 imposed the dual burden on the City to rebut both the arising naturally and proximately elements.

D. THERE IS NO AUTHORITY THAT ALLOWS LARSON TO RECOVER HIS ATTORNEY FEES AND COSTS BEFORE THE BOARD.

The Court of Appeals erroneously upheld an award to Larson by the trial court of the attorney fees and costs he had incurred before the Board. No one contests that fees cannot be awarded under RCW 51.52.130 for work at the Board level. However, the Court of Appeals erred in concluding that RCW 51.32.185(7)(b) allows Larson to recover all reasonable costs

required to succeed on his claim for benefits, which includes the costs he incurred in his unsuccessful appeal before the Board. RCW 51.32.185(7)(b) only allows the trial court to award the reasonable costs *of the appeal* before that court. The language of RCW 51.32.185(7)(b) is unambiguous. Under the plain language of the statute, Larson is not entitled to recover the reasonable fees and costs he incurred before the Board where he did not prevail.

V. CONCLUSION

Larson had the burden of proving that the Board's decision was incorrect and that his melanoma arose naturally and proximately from his occupation as a firefighter. The Court of Appeals erred in concluding that RCW 51.32.185 placed a burden of proof on the City which continued throughout the appeal. The Court of Appeals also erred in concluding that Larson was entitled to recover his attorney fees before the Board where he did not prevail. This Court must reverse and remand for a new trial.

RESPECTFULLY SUBMITTED this 11th day of May, 2016.

CITY OF BELLEVUE
OFFICE OF THE CITY ATTORNEY
Lori M. Riordan, City Attorney



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WILFRED A. LARSON,

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Respondent.

DECLARATION OF SERVICE

CITY OF BELLEVUE
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DECLARATION OF SERVICE

I, Kelly M. Thibodeau, declare under penalty of perjury under the laws of the State of Washington that on May 11, 2016, I caused **SUPPLEMENTAL BRIEF OF PETITIONER CITY OF BELLEVUE** and this **DECLARATION OF SERVICE** to be served on the persons listed below:

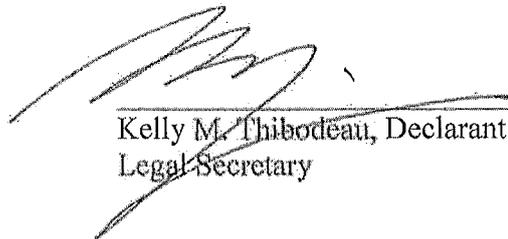
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By way of:

Email and regular U.S. Mail on May 11, 2016.

DATED at Bellevue, Washington on this 11th day of May, 2016.



Kelly M. Thibodeau, Declarant
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Subject: RE: Larson v. City of Bellevue et al, Case No. 91680-2 - Supreme Court Filing - Supplemental Brief

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Subject: Larson v. City of Bellevue et al, Case No. 91680-2 - Supreme Court Filing - Supplemental Brief

Case: Wilfred A. Larson v. City of Bellevue and Department of Labor and Industries
Case Number: 91680-2
Filing by: Cheryl A. Zakrzewski
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Documents: Supplemental Brief of Petitioner City of Bellevue and Declaration of Service

Please let me know if you have any difficulty opening the attachments.

Thank you,

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