

Oct 21, 2016, 11:40 am

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SUPREME COURT OF
THE STATE OF WASHINGTON

JAMIE FAST, et al.,
Petitioners

v.

KENNEWICK PUBLIC HOSPITAL DISTRICT, et al.,
Respondents

Court of Appeals Cause No. 31509-6-III
Appeal from the Superior Court of Benton County
The Honorable Cameron Mitchell
Benton County Superior Court Cause No. 12-2-01660-4

STATEMENT OF ADDITIONAL AUTHORITIES
BY PETITIONERS

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 ORIGINAL

Pursuant to RAP 10.8, Plaintiffs submit the following additional authorities regarding the implementation of mandatory mediation for medical negligence statutes in the state of Washington.¹

1. RCW 7.70.100(2) (Supreme Court shall create rules to implement mandatory mediation of medical malpractice claims).

2. RCW 7.70.100(2)(f) (Supreme Court's rules implementing mandatory mediation of medical malpractice claims must include a "means by which mediation of an action under this chapter may be waived by a mediator who has determined that the claim is not appropriate for mediation").

3. CR 53.4(d) ("Upon petition of any party that mediation is not appropriate, the court shall order or the mediator may determine that the claim is not appropriate for mediation.").

RESPECTFULLY SUBMITTED this 17th day of October, 2016



Scott E. Rodgers, WSBA 41368
Rodriguez, Interiano, Hanson, & Rodgers, PLLC
Attorneys for Plaintiffs/Appellants/Petitioners

¹ During oral arguments on July 7, 2016, The Honorable Justice Johnson asked the Defendants whether mediation was mandatory in this case, (<http://www.tvw.org/watch/?eventID=2016071010> [last accessed 17 October 2016] (recording of oral arguments, at or around 23 minutes and nine seconds in the recording)). The question seemed to raise a new issue: Whether a request for mediation serves any meaningful function in the medical negligence legislative scheme, because Legislature requires mediation anyway. Defendants properly responded that although there is a statute requiring mediation, in practice it has never been implemented in the state of Washington, (*id.* (at or around 23 minutes and 14 seconds in the recording)).

CERTIFICATE OF SERVICE

I hereby certify that on this day, I caused a true and complete copy of the following document(s) to be served on the following persons in the manner indicated below:

**STATEMENT OF ADDITIONAL AUTHORITIES BY PETITIONERS
(No. 99216-1)**

TO:

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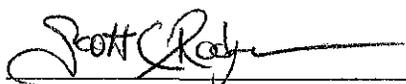
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DATED this 21ST Day of OCTOBER, 2016



Scott E. Rodgers, WSBA No. 41368
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Supreme Court Clerk's Office

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Subject: RE: Fast v. Kennewick Public Hospital Dist., et al. (S.C. #92216-1)

Dear Ms. Carlson:

Please find attached a Statement of Additional Authorities by Petitioners. This electronic version is being delivered as a courtesy, because I did not make arrangements with all parties to accept service via e-mail. Hardcopies are therefore in the mail.

Respectfully Submitted,

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