

No. 93282-4

THE SUPREME COURT OF WASHINGTON

DONALD R. SWANK, individually and as personal
representative of the ESTATE OF ANDREW F. SWANK,
and PATRICIA A. SWANK, individually,

Petitioners,

v.

VALLEY CHRISTIAN SCHOOL, a Washington State
Non-profit corporation, JIM PURYEAR, individually, and
TIMOTHY F. BURNS M.D., individually,

Respondents.

**RESPONDENT DR. BURNS' STATEMENT OF ADDITIONAL
AUTHORITIES**

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Pursuant to RAP 10.8, Respondent Timothy F. Burns, M.D., submits the following additional authorities:

1. As additional authority on the issue of whether the legislature intended to include an implied cause of action for alleged violations of the Lystedt Law when passing EHB 1824 (section two of which contains the Lystedt Law) given its bill title and text of the bill, as discussed at pp. 12-19 of Dr. Burns' Supplemental Brief and at pp. 5-16 of Dr. Burns' Consolidated Answer to the Briefs of Amici Curiae, *see Perez-Crisantos v. State Farm Fire and Casualty Company, et al*, ___ Wn.2d ___, ___ P.3d ___, 2017 WL 448991 (Feb. 2, 2017) (holding the Insurance Fair Conduct Act, passed by the legislature in 2007 and ratified by the voters, did not create an implied private cause of action for violation of specified regulations, relying on statutory language and the official ballot title before the voters).
2. In response to questions at oral argument as to whether the Lystedt Law, directed by the bill title and the text to be codified in Ch. 28A.600 RCW, applies to private school students, *see the chapter referenced at argument without citation, "Private Schools," Ch. 28A.195 RCW; and the portion of the 2/13/09 hearing of the House Education Committee at 43:10-47:45 of the TVW archive at <http://www.tvw.org/watch/?eventID=2009021238> referenced in argument, discussion beginning with Rep. Santos' question about the scope of coverage of the bill beyond public schools. See also Perez-*

Crisantos, supra, 2017 WL 448991 at *10 (“ICFA, as part of chapter 48.30 RCW, must be understood in this context”), per Stephens, J., concurring in result.

Dated this 9th day of February, 2017.

CARNEY BADLEY SPELLMAN, P.S.

By *Gregory M. Miller*
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M.D.

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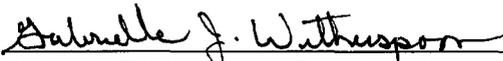
CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington that I am an employee at Carney Badley Spellman, P.S., over the age of 18 years, not a party to nor interested in the above-entitled action, and competent to be a witness herein. On the date stated below, I caused to be served a true and correct copy of the foregoing document on the below-listed attorney(s) of record by the method(s) noted:

| | |
|---|--|
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DATED this 9th day of February, 2017.


Gabrielle Witherspoon, Legal Assistant

CARNEY BADLEY SPELLMAN

February 09, 2017 - 4:48 PM

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