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Supreme Court No. 93645-5

Court of Appeals No. 33649-2-II

SUPREME COURT OF THE STATE OF WASHINGTON

ESMERALDA RODRIGUEZ

Appellant

v.

LUIS DANIEL ZAVALA

Respondent

SUPPLEMENTAL BRIEF OF APPELLANT

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I. INTRODUCTION

Domestic violence is a blight on our community and for 38 years, the Washington State Legislature has worked toward the eradication of domestic violence by creating a network of laws intended to encourage domestic violence victims to end the abuse, leave their abusers, and *protect their children.* The Domestic Violence Prevention Act (DVPA) is a major tool in this network. However, the Court of Appeals interpretation of the DVPA removes it as an effective tool and leaves our most vulnerable population, children and those unable to speak for themselves, unprotected from credible and imminent threats to their safety. Such an interpretation is contrary to the DVPA's plain language and to the long legislative history of providing adequate and meaningful protection to victims, and their families.

II. ASSIGNMENTS OF ERROR

Ms. Rodriguez affirms and incorporates the assignments of error presented in the Petition for Discretionary Review. This brief is intended to supplement the issue of whether the Court's interpretation of the DVPA was in err when it found that the DVPA prohibited Ms. Rodriguez from petitioning or obtaining relief on behalf of L.Z. based on her fear of imminent physical injury, bodily harm, or assault of L.Z. where there is no evidence of L.Z.'s fear. Ms. Rodriguez relies on the briefing at Court of

Appeals, Division III, and in the Petition for Discretionary Review for the remaining issues.

III. STATEMENT OF THE CASE

Ms. Rodriguez relies upon and incorporates the Statement of Fact in her Petition for Discretionary Review.

IV. ARGUMENT

The interpretation of the DVPA is a question of law that is reviewed *de novo*. *State v. Engel*, 166 Wn.2d 572, 576, 210 P.3d 1007 (2009). The goal of statutory construction is to "ascertain and carry out the intent of the legislature" and the principles of statutory construction are applied. *Goore v. City of Tacoma*, 184 Wn.2d 30, 37-38, 357 P.3d 625 (2015); *O.S.T. ex rel. G.T. v. Blue Shield*, 181 Wn.2d 691, 697, 335 P.3d 416 (2014). If a statute is plain on its face, the court will give the statute its plain meaning. *In re the Dependency of D.L.B.*, 186 Wn.2d 103, 116, 376 P.3d 1099 (2016). Under the plain language rule, "each provision must be read in relation to other statutory provisions" with the goal of achieving "a harmonious and unified statutory scheme that maintains the integrity of the respective statues." *State v. W.S.*, 176 Wn. App. 231, 237, 309 P.3d 589 (2013), *citing State v. Chapman*, 140 Wn.2d 436, 448, 998 P.2d 282 (2000). The only exception to the plain language rule is where the plain meaning would lead to an absurd result. *Cooper v. Alsco, Inc.*, 186 Wn.2d 357, 362, 376 P.3d

382 (2016); *D.L.B.*, 186 Wn.2d at 119. A court's decision not to follow the plain meaning of a statute is rare but at times necessary "to prevent obviously inept wording from thwarting clear legislative intent." *Id.*

When a statute is ambiguous, the court will look to the legislative history to decipher the legislature's intent. *State v. Evans*, 177 Wn.2d 186, 193, 298 P.3d 724 (2013). A statute is ambiguous where it is open to more than one reasonable interpretation. *D.L.B.*, 186 Wn.2d at 117.

Here, the Court of Appeals erred when it found that the DVPA prevented Ms. Rodriguez from petitioning and obtaining relief on behalf of L.Z. based on her fear for his safety where the DVPA's plain meaning allows Ms. Rodriguez to petition for protection for her children whether or not they are victims of domestic violence. RCW 26.50.060. The statute's plain meaning also allows her to petition on behalf of L.Z. based on her fear for him. RCW 26.50.020(1)(a).

In addition, under the plain meaning rule, the Court of Appeals' interpretation leads to an absurd result – it leaves our most vulnerable people, those who are unable to express fear either through infancy or disability, unprotected regardless of the imminent harm facing them. The Legislature could not have intended such an absurd interpretation of the Domestic Violence *Prevention* Act.

Alternatively, if the DVPA is ambiguous, the Court of Appeals erred as its interpretation is contrary to the clear and consistent legislative intent of preventing domestic violence and protecting victims and their children.

A. RCW 26.50.010(3) IS UNAMBIGUOUS AND ALLOWS MS. RODRIGUEZ TO OBTAIN PROTECTION FOR L.Z.

The Court of Appeals erred when it interpreted RCW 26.50.010(3) to prohibit Ms. Rodriguez from seeking protection on L.Z.'s behalf where the plain language of the DVPA, when read in its entirety, allows her to do so. The plain language of the DVPA allows a victim to request no contact between his or her children and the perpetrator even where the child has not been a victim of domestic violence. RCW 26.50.060. The DVPA's plain language also allow a victim to petition on behalf of his or her child based on the victim's fear of imminent physical harm, bodily injury or assault. RCW 26.50.010(3); RCW 26.50.020(1)(a).

The DVPA created a civil protection order with the intent to prevent domestic violence. RCW 26.50.020(1); *Muma v. Muma*, 115 Wn. App. 1, 7, 60 P.3d 592 (2002), *rev. denied*, 149 Wn.2d 1029 (2003). It allows a person to obtain relief by filing a "petition with the court alleging that the person has been a victim of domestic violence committed by the respondent." RCW 26.50.020(1)(a). A person may file "on behalf of minor family or household members." RCW 26.50.020(1)(a).

The DVPA defines domestic violence, in relevant part, as "physical harm, bodily injury, or assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family and household members." RCW 26.50.010(3)(a). A finding of physical harm is not required. RCW 26.50.010(3); *Hecker v. Cortinas*, 110 Wn. App. 865, 870, 43 P.3d 50 (2002); *Barber v. Barber*, 136 Wn. App. 512, 516, 150 P.3d 124 (2007); *Spence v. Kaminiski*, 103 Wn. App. 325, 334, 12 P.3d 1030 (2000); *Muma*, 115 Wn. App. at 6-7.

1. The DVPA Allows Protections for Children Even Where the Children are Not Victims of Domestic Violence.

The DVPA specifically provides remedies that allow protection of the victim's children even where the children are not victims of domestic violence. RCW 26.50.060. Specifically, the DVPA can prohibit contact between a perpetrator and the victim's children, prohibit the perpetrator from going to the child's home, school, or daycare, requires the entry of residential provisions for children in common, and prohibits the perpetrator from harassing, following, keeping under physical or electronic surveillance the victim's children. RCW 26.50.060(1)(b), (d), (h), (i). These protections are available whether the children are the biological children of the perpetrator or not. RCW 26.50.060(1). Where the protection order prohibits

contact between a child and parent, the order can only last for up to one year. RCW 26.50.060(2).

The plain language of the DVPA protects children of the victims of domestic violence regardless of whether the children are also victims of domestic violence.

2. The DVPA Allows Ms. Rodriguez to Petition on Behalf of L.Z. Based on Her Own Fear of Imminent Physical Harm, Bodily Injury, or Assault to Him.

The DVPA specifically allows Ms. Rodriguez to file a petition on behalf of L.Z. alleging he is a victim of domestic violence based on her fear of imminent physical harm, bodily injury, or assault to him. RCW 26.50.020(1)(a). A petition for a protection order under the DVPA must allege the person seeking protection is a victim of domestic violence and a parent may petition on behalf of a minor child. RCW 26.50.020(1)(a). The definition of domestic violence includes the fear of imminent physical injury, bodily injury, and assault. RCW 26.50.010(3)(a). There is nothing in the definition of domestic violence or the DVPA as a whole that prohibits a person from petitioning on behalf of a minor based on their fear of imminent physical harm, bodily injury, or assault regardless of the child's expressed fear. RCW 26.50.010(3)(a).

Despite this plain language, the Court of Appeals' decision interpreted the statute to prohibit Ms. Rodriguez from petitioning on L.Z.'s

behalf stating that "the act ... does not allow an order protecting a child because of the parent's fear of physical or psychological harm." *Rodriguez v. Zavala*, No. 33649-2-III, slip op. at 9 (Div. III, 2016) (unpublished). "We construe this language [RCW 26.50.010(3)(a)] to be the fear possessed by the one seeking protection, not fear that another family member has of harm to the one for whom protection is sought." *Id.*

Such an interpretation is inconsistent with the plain language of the DVPA. Ms. Rodriguez is able to petition on behalf of L.Z. based on her own fear for him.

3. Interpreting the DVPA to Prohibit a Parent from Petitioning on Behalf of L.Z. Leads to an Absurd Result.

Interpreting the statute to require L.Z. to be able to express his own fear of imminent physical harm, bodily injury, and assault before he can be afforded protection leads to an absurd result. It leaves our most vulnerable population, children, unprotected because they either did not know of the threat or could not express their fear. Taking the Court of Appeals' interpretation of the DVPA to its most absurd result would prohibit protection for a child who slept through an attempt on his life. It would leave unprotected a child who had a gun pointed at him but who was unaware because he was sleeping, playing or not facing the perpetrator. It would leave children -- and adults -- who are unable to express themselves

due to age or disability[1] unprotected no matter how credible and imminent the threat to their safety. Such a result is absurd, particularly in light of the intent of the DVPA, which is to prevent domestic violence. *Muma*, 115 Wn. App. at 7.

B. IF THE DVPA IS AMBIGUOUS, A PROTECTION ORDER ON BEHALF OF L.Z. BASED ON HIS MOTHER'S FEAR COMPLIES WITH DUE PROCESS AND THE LEGISLATIVE INTENT OF THE DVPA.

If the DVPA is ambiguous, entry of a DVPO protecting L.Z. based on Ms. Rodriguez's fear for him complies with due process and is consistent with the legislative intent of the DVPA. In its decision, the Court of Appeals found that the definition of domestic violence under the DVPA "does not allow an order protecting a child because of the fear of physical or psychological harm to the child" by a parent and only provides protection if the person to be protected can express their own fear. *Rodriguez,* No. 33649-2-III at 9 (unpublished). Ms. Rodriguez respectfully disagrees and argues that the DVPA allows her to petition on L.Z.'s behalf based on her fear for him. Such an interpretation is consistent with the intent of the

[1] The Vulnerable Adult Protection Act, which provides a similar civil protection order, assumes physical harm, pain, or mental anguish when the victim is unable to express or demonstrate such harm. RCW 74.34.020(2). The definition of abuse includes intimidation, which recognizes, like the DVPA, the desire to prevent injury. RCW 74.34.020(2). It seems contrary to not have the same standard for children who are unable to express imminent fear of such harm.

DVPA where the Legislature intended to prevent domestic violence. *Muma*, 115 Wn. App. at 7.

1. Allowing Ms. Rodriguez to Petition on Behalf of L.Z. Complies with Due Process.

When a statute is ambiguous, its interpretation must implement the Legislature's intent. *Williams v. Tilaye*, 174 Wn.2d 57, 61, 272 P.3d 235 (2012). "Where possible, statutes should be construed so as to avoid unconstitutionality." *Washington State Republican Party v. Washington State Pub. Disclosure Com'n*, 141 Wn.2d 245, 280, 4 P.3d 808 (2000).

The DVPA does not violate a parent's constitutional right to the care, custody, and control of their child. *Gourley v. Gourley*, 158 Wn.2d 460, 469, 145 P.3d 1185 (2006). Rather, a victim may petition on behalf of a child based on the child's status as a family member or the parent's fear for the child without violating the other parent's constitutional rights. *Id.*

In 2006, this Court held that the procedural safeguards in the DVPA comply with due process and a parent's constitutional right to the care, custody, and control of their children is not violated when the court denies the respondent the ability to cross-examine a witness during a DVPA proceeding. *Gourley*, 158 Wn.2d at 470. This court recently upheld and reaffirmed this decision. *Aiken v. Aiken*, ___ Wn.2d ___, 387 P.3d 680, 686-688 (2017). The question before this Court is whether due process is

violated if the DVPA allows a parent to petition on behalf of a child based on the parent's fear of imminent physical harm, bodily injury, or assault to the child where there is no evidence of the child's fear.

Due process requires the opportunity to be heard at a meaningful time and in a meaningful manner. *Mathews v. Eldridge*, 424 U.S. 319, 333, 96 S. Ct. 893, 47 L. Ed.2d 18 (1976). When a court evaluates the process due to a person, it balances (1) the private interest impacted by the government action; (2) the risk of erroneous deprivation of such an interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards, and (3) the government interest, including additional burdens that added safeguards would entail. *Id.* at 335. It also considers the length of the deprivation in determining the amount of procedural safeguards required. *Gourley*, 158 Wn.2d at 468.

The private interest in this case is Mr. Zavala's constitutional right to the care, custody, and control over his child. *Troxel v.Granville*, 530 U.S. 57, 66, 120 S. Ct. 2054, 147 L. Ed.2d 49 (2000). This must be balanced with the government's compelling interest in preventing domestic violence. *Gourley*, 158 Wn.2d at 468.

Mr. Zavala was provided with all the statutory protections in the DVPA. He received (1) a petition to the court accompanied by an affidavit setting forth facts under oath; (2) notice within five days of the hearing; (3)

a hearing before a judicial officer and an opportunity to address Ms. Rodriguez's allegations; (4) a written order; (5) the opportunity to move for reconsideration; and (6) the opportunity to appeal. Mr. Zavala was also provided an interpreter.

Interpreting the statute to allow Ms. Rodriguez to petition on behalf of L.Z. based on her fear for L.Z. regardless of the evidence presented of L.Z.'s fear, does not change the process available and provided to Mr. Zavala. In writing and in open court he heard Ms. Rodriguez's allegations regarding her fear for her life and the lives of her children, the history of physical assaults, his threats to kidnap L.Z., and threats to kill the entire family, including himself. CP 1-5; RP 5-9. Mr. Zavala had an opportunity to address these allegations. RP 4-5, 9-10. After hearing from both Mr. Zavala and Ms. Rodriguez, the trial court found Ms. Rodriguez credible. RP 10.

It is important to note Ms. Rodriguez petitioned for protection on behalf of all four of her children based on her fear for them. CP 2. There was only evidence in the record that one child was involved in the altercation – the daughter who contacted the police. CP 1-13. There is no indication that, like L.Z., the other two daughters, who are not the biological children of Mr. Zavala, witnessed the attack or expressed their own fear of Mr. Zavala. CP 1-13; RP 6-9. Despite this, all three of the non-biological

children were included on the protection order. CP 16-20. The only child denied protection was L.Z., Mr. Zavala's biological child. CP 16-20. Yet, L.Z. was the child Mr. Zavala wanted to take when he broke into the house in the early morning hours while the family was asleep and attacked his mother while violating a restraining order. CP 5; RP 5-9.

Mr. Zavala's constitutional right to the care, control, and custody of L.Z. is not unlimited, particularly when he is a danger to L.Z. and when his behavior is in direct conflict with the government's compelling interest in preventing domestic violence. Mr. Zavala was afforded notice and an opportunity to be heard on Ms. Rodriguez's allegations.

Further, any deprivation of his constitutional rights would have been temporary and Mr. Zavala could have filed a petition to establish a residential schedule, which could provide him access to the child. RCW 26.26.130(7). Interpreting the DVPA to allow Ms. Rodriguez to petition on behalf of L.Z., based on her fear alone, does not change the process due or afforded to Mr. Zavala.

2. Interpreting the DVPA to Allow Ms. Rodriguez to Petition on Behalf of L.Z. Based on Her Fear for Him is Consistent with the Legislative Intent and History of the DVPA.

Interpreting the DVPA to allow Ms. Rodriguez to petition on behalf of L.Z. based on her fear is consistent with the strong legislative

commitment to preventing domestic violence and harmonizes all the provisions within the DVPA along with the many statutes intended to support and protect victims of domestic violence. In 2008, this Court stated:

> The legislature's consistent pronouncements over the last 30 years evince a clear public policy to prevent domestic violence – a policy the legislature has sought to further by taking clear, concrete actions to encourage domestic violence victims to end abuse, leave their abusers, *protect their children,* and cooperate with law enforcement and prosecution efforts to hold abuser accountable.

Danny v. Laidlaw Transit Servs., 165 Wn.2d 200, 213, 193 P.3d 128 (2008) (emphasis added).

a. The Legislature has a Strong Commitment to Preventing Domestic Violence.

As early as 1979, the Legislature recognized the individual and community harm domestic violence causes. *Danny*, 165 Wn.2d at 208-209. As an early remedy, it funded domestic violence shelters and required law enforcement to respond to calls regarding domestic violence. *Id.* at 209. In 1985, the Legislature enacted the DVPA that provided a civil protection order for victims. *Id.* In 1991, it created the domestic violence confidentiality program. *Id.* at 210. In 1995, it required mandatory arrests of domestic violence perpetrators and expanded the definition of domestic violence to include non-married and dating individuals. *Id.* at 209. In 1996, the Legislature made it a crime to interfere with the reporting of domestic

violence and to violate a civil protection order. *Danny*, 165 Wn.2d. at 212. In a further effort to prevent domestic violence the Legislature also created domestic violence perpetrator treatment programs. *Id.*

In 2002, the Legislature authorized unemployment benefits for victims of domestic violence who were forced to leave their jobs to protect themselves or their immediate family members. *Id.* at 210-211. In 2004, the Legislature allowed victims of domestic violence to terminate their lease without penalty and made it illegal to consider a person's history as a victim of domestic violence in considering tenancy. *Id.* at 211. In 2004, it required law enforcement to develop policies on domestic violence committed by its employees. *Id.* at 209. In 2005, the Legislature created a domestic violence prevention account and directed the state to distribute funds "to preventive, non-shelter community based services" for "victims of domestic violence ... and children who witness domestic violence." *Id.*, at 211, *citing*, RCW 70.123.150.

Since *Danny* was published in 2008, the Legislature has continued its commitment to preventing domestic violence. In 2008, it passed the Rebecca Jane Griego Act creating uniformity in service by publication or mail and extended the ex parte temporary order to 24 days to account for such service methods. RCW 26.50.050; Laws of 2008, ch. 287, § 2. In 2009, finding a strong correlation between animal abuse, child abuse, and

domestic violence, the Legislature moved to amend the DVPA to allow victims exclusive control over family pets. RCW 26.50.060(l); Laws of 2009, ch. 439, § 1. In ordering this remedy, the Legislature intended that "perpetrators of domestic violence not be allowed to further terrorize and manipulate their victims, or the children of their victims, by using the threat of violence toward pets." Laws of 2009, ch. 439, § 1.

In 2010, the Legislature made amendments with the intent of further preventing domestic violence. Laws of 2010, ch. 274, § 101. Specifically, it found "[t]he legislature intends to improve the lives of persons who suffer from the adverse effects of domestic violence and to require reasonable, coordinated measures to prevent domestic violence from occurring." *Id.* In doing so, the Legislature gave law enforcement and courts better tools to identify and hold violent perpetrators of domestic violence accountable. *Id.* It also increased safety for those seeking protection, improved agencies' ability to address the needs of victims and their children, improved treatment programs, and enhanced "the ability of the justice system to respond quickly and fairly to domestic violence." Laws of 2010, ch. 274, § 101. In 2011, the Legislature amended the DVPA to specify the standards for modifying a DVPO. RCW 26.50.130; Laws of 2011, ch. 137, § 1.

The Legislature's commitment to protecting victims of domestic violence and their children has been unrelenting since 1979. The Court of

Appeals' interpretation of the DVPA prohibiting parents from petitioning for protection of their children, based on their credible fear of harm, undermines and negates the substantial protections the Legislature has created in the past 38 years to protect victims and their children.

If a victim's child is not protected from a credible threat to their safety, providing shelters, confidentiality programs, increased criminal protections, protecting pets, and providing services is inconsequential. If a victim's child is not protected from domestic violence, a protection order for the victim will not provide adequate protection. Interpreting the DVPA to prohibit a parent from petitioning on behalf of their minor child based on the parent's fear for the child's safety makes all of the other provisions to increase a victim's safety ineffectual.

b. Protecting Children is Essential to Protecting Victims and Families.

A child's well-being is central to a victim's decision to stay or leave an abusive relationship. Lyndall Khaw and Jennifer L. Hardesty, *Theorizing the Process of Leaving: Turning Points and Trajectories in the State of Change*, 56 Fam. Rel. 413, 416 (2007). Victims will remain in an abusive relationship if they believe leaving will make their lives, or their children's lives worse. Jill Davies, *Advocacy Beyond Leaving: Healing Battered Women in Contact with Current or Former Partners,* p. 6 (2009),

https://www.futureswithoutviolence.org. The overlap between domestic violence and child abuse or sexual abuse is estimated to be between 30-50%. WASHINGTON STATE GENDER AND JUSTICE COMMISSION, DOMESTIC VIOLENCE MANUAL FOR JUDGES, § 2-49 (2016). Shelters have reported that a victim's concern that the violence was turning toward the children was their primary reason for fleeing the home. *Id.* at § 2-50. Because of this, when abusers have unfettered access to the children, including the ability to withhold the children, a victim may remain in the relationship or in contact with the abuser in order to assess the danger to the children or to prevent harm to the children. Jill Davies, *Advocacy Beyond Leaving: Healing Battered Women in Contact with Current or Former Partners,* p. 4 (2009), https://www.futureswithoutviolence.org.

Perpetrators use threats of harm against the children as a tactic to terrorize and control the victim, particularly after separation when this often becomes their only method of coercive control. WASHINGTON STATE GENDER AND JUSTICE COMMISSION, DOMESTIC VIOLENCE MANUAL FOR JUDGES at § 2-50; § 2-52. Abusers often seek legal access over the children in order to punish or control the victim. *Id.* at § 2-52.

Further, Washington State fatality reviews reveal "much of the salient information related to the homicides or severe injuries was known prior to the homicides ...." WASHINGTON STATE GENDER AND

JUSTICE COMMISSION, DOMESTIC VIOLENCE MANUAL FOR JUDGES, § 2-19. When victims, who often under report danger, report fear of being killed or having their children killed, courts should take notice and not minimize their fears. *Id.* In assessing lethality, the court should consider, among other factors, the pattern of the perpetrator's abuse including threats to kill the adult victim, and their children. *Id.* at § 2-21.

Between 2006 and 2015, 25 children in the State of Washington were killed in domestic violence incidents. Jake Fawcett, *Domestic Violence Fatalities in Washington State: Honoring Victims' Lives and Putting Learning into Action* (2016), https://www.wscadv.org. Approximately 124 of the fatalities during this time were fatalities that were the result of a murder/suicide. *Id.* Despite unwavering commitment to preventing domestic violence, rates of domestic violence fatalities in Washington were at their highest in 2015. *Id.* In order to prevent domestic violence and decrease domestic violence fatalities, the Court must uphold protections under the DVPA, not restrict them. The courts must recognize the risk to children and that failing to protect children often results in the court's inability to protect the victim.

Ms. Rodriguez petitioned for a DVPO on behalf of L.Z. based on her credible fear for him. CP 1-13. Mr. Zavala had a history of threatening to kill Ms. Rodriguez and the children. CP 6; RP 5-9. He once threatened

to do something so horrible to her daughter that Ms. Rodriguez would kill herself. CP 6. He physically assaulted Ms. Rodriguez on many occasions. CP 1-13. In the early morning hours of June 14, 2015, he broke into her home, in violation of a criminal no-contact order, while he was intoxicated and demanded to see L.Z. While he was strangling Ms. Rodriguez, he promised to "finish what he started." CP 1-13; RP 5-9.

Due to his tender age and his mother's protective actions, L.Z. may not have been aware that he was in danger from his father. However, the lack of expressed fear from L.Z. did not make the threat of danger to him any less real or imminent. It did not make him at any less at risk of physical injury, bodily harm, or assault.

Mr. Zavala's behavior in the morning of June 14, 2015 displayed a real and imminent threat to L.Z.'s physical safety. Protecting him from further harm was essential to providing effective and meaningful protection for L.Z., Ms. Rodriguez, and the entire family.

V. CONCLUSION

The Court of Appeals erred when it prohibited Ms. Rodriguez from petitioning and obtaining protection of L.Z. based on her credible fear for him. Such an interpretation of the DVPA not only violates the plain language of the statute but it also corrodes the Legislature's 38-year history of working to protect victims and their families from future violence.

Respectfully submitted on February 16, 2017

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CERTIFICATE OF SERVICE

I certify that on the 16th day of February 2017, I caused a true and correct copy of this Supplemental Brief to be served on the Respondent via first class U.S. mail:

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In re: Esmeralda Rodriguez v. Luis Zavala

Supreme Court Case No. 93645-5

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As discussed over the phone a moment ago, please find enclosed the Title Page for replacement on the original email filed Supplemental Brief filed at 2:37 p.m. today. Upon receipt, please replace the original title page attached to the brief already received, with this attached title page (Supplemental Brief of Appellant).

Thank you again for your help in this matter.

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