

SUPREME COURT OF THE STATE OF WASHINGTON

HBH; SAH; and TREY
HAMRICK, litigation guardian ad
litem on behalf of KEH, JBH, and
KMH,

Respondents,

v.

STATE OF WASHINGTON,

Petitioner.

PETITIONER
STATE OF WASHINGTON'S
THIRD STATEMENT OF
ADDITIONAL AUTHORITIES

Pursuant to RAP 10.8, Petitioner State of Washington submits the following authority regarding the four points provided in Respondents' Statement of Additional Authorities (filed Feb. 22, 2018).

1. Regarding Respondents' Complaint filed in Pierce County Cause No. 12-2-07320-7, it has not been made part of the record on appeal. Only the Complaint filed in Pierce County Cause No. 11-2-15110-2 is in the record. *See* CP 1-8.

In opposition to the State's Civil Rule 50 motion to dismiss, Plaintiffs' counsel enumerated the legal duties on which they were basing their pre-adoption claims: statutory negligent investigation under RCW 26.44.050; statutory negligent reporting under RCW 26.44.030; and

special relationship. *See* RP (3/5/15) at 15-18, 75; CP 446-56 (Plaintiffs' Opposition to State's Motion for Directed Verdict).

2. Regarding the opinion of Plaintiffs' expert Barbara Stone, CP 240-41 refers to the Declaration of Barbara Stone, submitted in support of Plaintiffs' Opposition to State's Motion for Summary Judgment. *See* CP 161-78. Ms. Stone's trial testimony is available at RP (2/9/15) at 4-149 (excerpt of proceedings: Barbara Stone).

3. Regarding the testimony of SAH, CP 269 refers to the Declaration of Staci Hamrick f/k/a Samantha Strane, submitted in support of Plaintiffs' Opposition to State's Motion for Summary Judgment. *See* CP 161-78. SAH's trial testimony is available at RP (2/11/15) at 5-83; *see, in particular*, RP (2/11/15) at 25, 64-65.

4. Regarding the DSHS policy at CP 277-78, this is the policy provided by Petitioner in its second statement of additional authorities (filed Feb. 8, 2018).

RESPECTFULLY SUBMITTED this 26th day of February, 2018.

ROBERT W. FERGUSON
Attorney General

s/ Allyson Zipp

ALLYSON ZIPP WSBA#38076
Assistant Attorney General
Attorney for Respondent
OID No. 91023

DECLARATION OF SERVICE

I declare that on this 26th day of February, 2018, I caused to be electronically filed the foregoing documents with the Clerk of the Washington State Supreme Court using the CM/ECF system, which will also send notification of this filing to the following.

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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 26th day of February 2018, at Seattle, Washington.

/s/Judith A. St. John
Judith A. St. John, Paralegal

WASHINGTON ATTORNEY GENERAL'S OFFICE

February 26, 2018 - 3:01 PM

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State of Washington's Third Statement of Additional Authorities

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