

SUPREME COURT
OF THE STATE OF WASHINGTON

CESAR BELTRAN-SERRANO, an
incapacitated person, individually, and
BIANCA BELTRAN as guardian *ad litem*
of the person and estate of CESAR
BELTRAN-SERRANO,

Appellants,

vs.

CITY OF TACOMA, a political
subdivision of the State of Washington,

Respondent.

No. 95062-8

STATEMENT OF
ADDITIONAL
AUTHORITIES

COME NOW appellants who submit the following additional
authorities to the Court pursuant to RAP 10.8:

- <https://results.vote.wa.gov/results/current/State-Measures-Initiative-to-the-Legislature-940-Initiative-Measure-No-940-concerns-law-enforcement.html> (voters pass Initiative 940 by margin of 59.58% to 40.42%);
- *HBH v. State*, __ Wn.2d __, __ P.3d __, 2018 WL 5732465 at *11 (Court rejects notion that sovereign immunity applies only in instances where there is a direct private sector counterpart to the action against the government);
- *Ueland v. Reynolds Metal Co.*, 103 Wn.2d 131, 136, 691 P.2d 190 (1984) (rejecting the argument that it must await legislative action, this Court made clear that courts do not abdicate their responsibility for the upkeep of the common law, reassessing and altering it where necessary);
- *Sluman v. State*, 3 Wn. App. 2d 656, 418 P.3d 125 (2018) (in case involving “door checking” by trooper against a

motorcyclist, court recognized state law claims for unreasonable use of deadly force);

- *Mendez v. County of Los Angeles*, 897 F.3d 1067 (9th Cir. 2018) (recognizing California state law negligence claims that assess the pre-shooting conduct of officers in a deadly force case).

DATED this 13th day of November, 2018.

Respectfully submitted,



Philip A. Talmadge, WSBA #6973
Talmadge/Fitzpatrick/Tribe
2775 Harbor Avenue SW
Third Floor, Suite C
Seattle, WA 98126
(206) 574-6661

John R. Connelly, Jr., WSBA #12183
Micah R. LeBank, WSBA #38047
Meaghan M. Driscoll, WSBA #49863
Connelly Law Offices, PLLC
2301 North 30th Street
Tacoma, WA 98403
(253) 593-5100

Attorneys for Appellants Beltran-Serrano

DECLARATION OF SERVICE

On said day below, I electronically served a true and accurate copy of the *Statement of Additional Authorities* in Supreme Court Cause No. 95062-8 to the following parties:

John R. Connelly, Jr., WSBA #12183
Micah R. LeBank, WSBA #38047
Meaghan M. Driscoll, WSBA #49863
Connelly Law Offices, PLLC
2301 North 30th Street
Tacoma, WA 98403
jconnelly@connelly-law.com
mlebank@connelly-law.com
mdriscoll@connelly-law.com

Catherine W. Smith, WSBA #9542
Smith Goodfriend, P.S.
1619 Eighth Avenue North
Seattle, WA 98109
cate@washingtonappeals.com

Jean P. Homan, WSBA #27084
Deputy City Attorney
Tacoma City Attorney
747 Market Street, Room 1120
Tacoma, WA 98402-3767
jhoman@cityoftacoma.org
sblack@ci.tacoma.wa.us
gcastro@ci.tacoma.wa.us

Daniel G. Lloyd, WSBA #34221
Assistant City Attorney
City Attorney's Office – Vancouver, WA
P.O. Box 1995
Vancouver, WA 98668-1995
dan.lloyd@cityofvancouver.us

Jonathan Collins, WSBA #48807
Porter Foster Rorick LLP
601 Union Street, Suite 800
Seattle, WA 98101-4027
jon@pfrwa.com

Kimberly Mosolf, WSBA #49548
Disability Rights Washington
315 Fifth Avenue South, Suite 850
Seattle, WA 98104
kimberlym@dr-wa.org

Stewart A. Estes, WSBA #15535
Keating, Bucklin, & McCormack, Inc., P.S.
801 Second Avenue, Suite 1210
Seattle, WA 98104-1518
sestes@kbmlawyers.com

Antoinette M. Davis, WSBA #29821
ACLU of Washington Foundation
901 Fifth Avenue, Suite 630
Seattle, WA 98164
tdavis@aclu-wa.org

J. Dino Vasquez, WSBA #25533
Karr Tuttle Campbell
701 Fifth Avenue, Suite 3300
Seattle, WA 98104
dvasquez@karrtuttle.com

Valerie McOmie, WSBA #33240
4549 NW Aspen Street
Camas, WA 98607
Email: valerie.mcomie@gmail.com

Daniel E. Huntington, WSBA #8277
Richter-Wimberley PS
422 W Riverside, Suite 1300
Spokane, WA 99201
Email: danhuntington@richter-wimberley.com

Original E-filed with:
Washington Supreme Court
Clerk's Office

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

DATED: November 13, 2018 at Seattle, Washington.



Jacqueline T. R. Rush, Legal Assistant
Talmadge/Fitzpatrick/Tribe

TALMADGE/FITZPATRICK/TRIBE

November 13, 2018 - 11:12 AM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 95062-8
Appellate Court Case Title: Cesar Beltran-Serrano v. City of Tacoma
Superior Court Case Number: 15-2-11618-1

The following documents have been uploaded:

- 950628_State_of_Add_Authorities_20181113111016SC546571_3095.pdf
This File Contains:
Statement of Additional Authorities
The Original File Name was Stmt of Additional Authorities.pdf

A copy of the uploaded files will be sent to:

- andrienne@washingtonappeals.com
- bmarvin@connelly-law.com
- cate@washingtonappeals.com
- dan.lloyd@cityofvancouver.us
- danhuntington@richter-wimberley.com
- deborah.hartsoch@cityofvancouver.us
- dvasquez@karrtuttle.com
- hhatrup@karrtuttle.com
- jacqueline@tal-fitzlaw.com
- jconnelly@connelly-law.com
- jhoman@cityoftacoma.org
- jon@pfrwa.com
- kimberlym@dr-wa.org
- mlebank@connelly-law.com
- sblack@cityoftacoma.org
- sestres@kbmlawyers.com
- sidney@tal-fitzlaw.com
- tcaceres@kbmlawyers.com
- tdavis@aclu-wa.org
- valeriemcomie@gmail.com

Comments:

Sender Name: Jacqueline T R Rush - Email: assistant@tal-fitzlaw.com

Filing on Behalf of: Philip Albert Talmadge - Email: phil@tal-fitzlaw.com (Alternate Email: matt@tal-fitzlaw.com)

Address:
2775 Harbor Avenue SW
Third Floor Ste C
Seattle, WA, 98126
Phone: (206) 574-6661

Note: The Filing Id is 20181113111016SC546571