Supreme Court No. 1030860
Court of Appeals No. 85539-5-I

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

LAFFON GLYMPH,

APPELLANT,

v.

OMR R.A. SERVICES LLC,
OVERLAKE HOSPITAL MEDICAL CENTER,

RESPONDENTS.

ANSWER TO MOTION FOR EXTENSION OF TIME AND PETITION FOR REVIEW

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I. INTRODUCTION

This case involves dismissal of Appellant Laffon Glymph's ("Glymph") medical negligence claims against Respondent Overlake Hospital Medical Center ("Overlake"). In 2018, Glymph was taken to Overlake Hospital Emergency Department by paramedics where she received medical treatment. She alleges she was prescribed Ativan[1] upon arrival and was later arrested by Bellevue Police during her time at Overlake. From the Complaint and briefing in this matter, it appears her injury claims relate solely to being arrested while at Overlake.

On October 12, 2022, Glymph sued Overlake in King County Superior Court alleging medical malpractice against Overlake. Overlake moved for summary judgment due to the absence of any medical expert testimony to establish the standard of care for her medical negligence claim. Following oral

[1] Lorazepam is the generic name for Ativan.

argument, the trial court granted Overlake's summary judgment motion and the Court of Appeals affirmed.

In requesting review of the summary judgment dismissal of her claims, Glymph confuses issues of law and fact that have been properly addressed by the trial court and subsequently affirmed by the Court of Appeals. None of the grounds raised in her Petition for Review meet the requirements of RAP 13.4(b). The Petition for Review should be denied.

II. IDENTITY OF THE ANSWERING PARTY

Respondent Overlake Hospital Medical Center ("Overlake"), by and through its attorneys of record, Kevin Khong, David J. Corey, and Kristy S. Ball, respectfully ask the Court to deny the Petition for Review.

III. RESTATEMENT OF THE CASE

On October 12, 2022, Glymph brought claims of medical malpractice against Overlake by filing a handwritten Complaint alleging medical malpractice, medical negligence, and lack of informed consent. CP 1–7, 62-67. In the Complaint, Glymph

alleges that on October 15, 2018, she was taken to Overlake Hospital Emergency Department by paramedics where she was administered lorazepam, a pain medication and sedative. *Id.* She claims she suffered an overdose, was wrongfully trespassed from Overlake, and was falsely arrested by Bellevue Police. *Id.*

Overlake moved for summary judgment due to Glymph's failure to produce expert testimony required to support her Chapter RCW 7.70 claims. CP 48-58. Glymph then asserted the doctrine of *res ipsa loquitur* claiming that it exempts her from the expert testimony requirement. CP 34-41. Overlake's motion was granted on May 26, 2023. CP 68-69. The trial court found Glymph did not provide facts sufficient to survive summary judgment and failed to provide expert support as required under RCW 7.70.010. *Id.* The court further found Glymph failed to provide any evidence of damages to support her claims. *Id.*

On direct appeal, Division I of the Court of Appeals affirmed the trial court's order summarily dismissing Glymph's

lawsuit. The unpublished Court of Appeals decision has been attached to this Answer as **Appendix A** for the Court's ease of reference.

Glymph now seeks Supreme Court Review.

IV. ANSWER TO MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR REVIEW

RAP 13.4(a) requires the filing of a petition for review within 30 days after a decision terminating review is filed. The first party to file a petition for review must, at the time the petition is filed, pay the statutory filing fee to the clerk of the Court of Appeals in which the petition is filed. *Id.*

The Petition for Review was due on May 15, 2024. Glymph's Petition for Review was filed on May 17, 2024, but was rejected for filing for (1) failure to comply with RAP 13.4(c)(9) by not attaching the Court of Appeals decision to the petition for review and (2) failure to comply with RAP 18.7 because the petition did not contain a certification regarding the word count. **Appendix B**. Further, she failed to pay the filing fee. *Id.* Glymph was then directed to file a proposed corrected

petition for review with a copy of the Court of Appeals decision and a word count certification by June 3, 2024. *Id.* She was also directed to pay the filing fee by June 3, 2024. *Id.* Glymph filed a corrected Petition and Motion for Extension of Time on May 23, 2024, the filing fee was received May 24, 2024. **Appendix C**.

An extension of time within which a party must file a petition for review will only be granted "in extraordinary circumstances and to prevent a gross miscarriage of justice." RAP 18.8(b).[2] This test is applied rigorously and "there are very few instances in which Washington appellate courts have found that this test was satisfied." *State v. Moon*, 130 Wn. App. 256, 260, 122 P.3d 192 (2005).

[2] The phrase "extraordinary circumstances" is defined as "circumstances, wherein the filing, despite reasonable diligence, was defective due to excusable error or circumstances beyond the party's control." *Beckman ex rel. Beckman v. State, Dep't of Soc. & Health Servs.*, 102 Wn. App. 687, 693-94, 11 P.3d 313 (2000). Negligence, or lack of "reasonable diligence," does not amount to "extraordinary circumstances." *Id.* at 695.

Glymph claims she attempted to timely file the Petition for Review in person at the Court of Appeals but was unable to file it because the Court was closed to the public. She further claims she attempted but was unable to timely file the Petition electronically because the "portal isn't user friendly and [is] difficult to navigate." Amended App. Mot. for Ext. of Time to File Pet. For Rev., p. 2.

While it is clear Glymph failed to timely file the Petition for Review or comply with the Rules of Appellate Procedure, Overlake takes no position on the Motion for Extension of Time and will solely address the merits of the Petition for Review, which should be denied.

V. ANSWER TO PETITION FOR REVIEW

"A petition for review will be accepted by the Supreme Court only: (1) If the decision of the Court of Appeals is in conflict with a decision of the Supreme Court; or (2) if the Decision of the Court of Appeals is in conflict with a published decision of the Court of Appeals; or (3) if a significant question

of law under the Constitution of the State of Washington or of the United States is involved; or (4) if the petition involves an issue of substantial public interest that should be determined by the Supreme Court." RAP 13.4(b).

A. The Court of Appeals Decision Affirming Summary Dismissal Was Correct and Not in Conflict with Any Decision by This Court.

Glymph failed to allege any error in fact or law that would warrant reversal or remand. Pet. For Rev. Glymph continues to assert the trial court and appellate court erred on material facts but fails to specify the factual errors that would have changed the outcome of the summary judgment decision. *Id.* The summary judgment dismissal was based upon the lawsuit's substantive deficiencies – lack of expert testimony and a lack of evidence to support damage claims. CP 68-69. The Court of Appeals appropriately affirmed the trial court's ruling that Glymph failed to establish material facts to support her medical negligence and lack of informed consent claims.

1. The Court of Appeals did not depart from the summary judgment standard espoused by this Court or the Court of Appeals.

The Court of Appeals correctly affirmed the trial court's decision on summary judgment. Glymph argues that the Court of Appeals departed from the summary judgment standard espoused by this court because factual disputes exist that require further examination. Pet. For Rev., p. 1. However, she fails to provide any substantive legal argument to support this assertion.

The Court of Appeals reviewed the trial court's grant of summary judgment de novo. **Appendix A**, p. 3; citing *Keck v. Collins*, 184 Wn.2d 358, 370, 357 P.3d 1080 (2015). Summary judgment may be granted when there is "no genuine issue as to any material fact and…the moving party is entitled to a judgment as a matter of law." CR 56(c). "[CR] 56 must be construed with due regard not only for the rights of persons asserting claims and defenses . . . but also for the rights of persons opposing such claims and defenses to demonstrate . . . prior to trial, that the claims and defenses have no factual basis." *Celotex Corp. v.*

Catrett, 477 U.S. 317, 327, 106 S.Ct. 2548, 91 L.Ed.2d 265 (1986).

A party opposing summary judgment cannot rely simply on allegations, denials, opinions, or conclusory statements, but instead must provide specific facts establishing a genuine issue for trial. *Allen v. Asbestos Corp., Ltd.*, 138 Wn. App. 564, 570, 157 P.3d 406 (2007). Pro se litigants are held to the same standards as attorneys. *Winter v. Dep't of Soc. & Health Services*, 12 Wn. App. 2d 815, 844, 460 P.3d 667 (2020).

In considering the evidence and all reasonable inferences in the light most favorable to the nonmoving party, the Court of Appeals correctly determined that Glymph failed to provide specific facts establishing a genuine issue for trial. **Appendix A.** Accordingly, this Court should deny her Petition for Review.

2. <u>The Court of Appeals did not depart from precedent when it correctly determined that Glymph failed to provide sufficient facts to establish Overlake committed medical negligence.</u>

It is well-established that in medical malpractice cases, expert testimony is required to establish a *prima facie* claim for

medical negligence because such analysis is beyond the expertise of a layperson. *Harris v. Groth*, 99 Wn.2d 438, 449, 663 P.2d 113 (1983). A health care provider's conduct is to be measured against the standard of care of a reasonably prudent practitioner possessing the degree of skill, care and learning possessed by other members of the same area of specialty in the State of Washington. *Id.* at 451.

Glymph needed to show that (1) each healthcare provider breached the acceptable standard of care, and (2) this breach was the proximate cause of her injuries. RCW 7.70.040(1)(a), (2)(a)(ii). Expert testimony is usually required to establish both the standard of care and causation elements of medical malpractice claims. *Harris*, 99 Wn.2d at 451.

The Court of Appeals correctly concluded that Glymph failed to provide evidence or facts sufficient to show Overlake breached the standard of care because she 1) "failed to explain how the hospital's administration of medication violated the standard of care," 2) "does not provide any specific evidence

supporting her assertion that she suffered a narcotic overdose," and 3) "does not explain how the doses of lorazepam she received constituted an overdose." **Appendix A**, pp. 3-4.

The Court of Appeals further correctly concluded that Glymph failed to establish a genuine issue able to survive summary judgment because she "does not provide any evidence as to how her arrest demonstrates that Overlake breached its standard of care. Glymph provides no expert testimony or other evidence that the arrest was improper and she does not explain how any health care provider's alleged failure to exercise the requisite degree of care relates to her arrest." *Id.*, p. 4.

Glymph failed to provide evidence or facts sufficient to establish a legitimate claim that would survive summary judgment. Accordingly, this Court should deny her Petition for Review.

3. The Court of Appeals did not depart from precedent when it correctly determined the doctrine of *res ipsa loquitur* is not applicable.

Glymph argues the Court of Appeals departed from precedent when it determined the doctrine of *res ipsa loquitur* does not apply to her claims. She argues she is exempt from the expert testimony requirement because an unusual event (her alleged overdose and arrest), outside of her control, caused her injury. Pet. For Rev., p. 10.

Citing *Curtis v. Lein*[3] and *Pacheco v. Ames*, she argues certain circumstances allow the finder of fact to make inference of negligence even in the absence of expert testimony or other evidence of negligence. Pet. For Rev., p. 11. However, she fails to acknowledge *res ipsa loquitur* is applicable only when the evidence shows: (1) The accident or occurrence producing the injury is of a kind which ordinarily does not happen in the absence of someone's negligence; (2) the injuries are caused by

[3] Glymph fails to provide a proper citation to this case. *Curtis v. Lein*, 169 Wash. 2d 884, 239 P.3d 1078, 1083 (2010).

an agency or instrumentality within the exclusive control of the defendant; and (3) the injury-causing accident or occurrence is not due to any voluntary action or contribution on the part of the plaintiff. *Pacheco v. Ames*, 149 Wn.2d 431, 436, 69 P.3d 324 (2003), see also *Miller v. Jacoby*, 154 Wn.2d 65, 74, 33 P.3d 68 (2001).[4]

In the present case, the Court of Appeals correctly determined that Glymph does not meet the elements for the application of *res ipsa loquitur*. **Appendix A**, p. 5. Glymph "does not, in fact, offer any evidence to support her claim," she "provides no evidence that she suffered a narcotic overdose," and she "fails to produce evidence proving that her arrest was an injury resulting from negligence." **Appendix A**, pp. 5-6. Accordingly, the Court of Appeals affirmed the trial court's finding that *res ipsa loquitur* does not apply. This Court should deny her Petition for Review.

[4] Only when all three elements are met is an application of *res ipsa loquitur* appropriate. *Id.*

4. The Court of Appeals did not depart from precedent when it correctly determined Glymph failed to establish an issue of material fact in her informed consent claim.

The Court of Appeals correctly concluded that the trial court did not err in dismissing Glymph's lack of informed consent claim "because she provides no evidence to support this claim." **Appendix A**, p. 7.

In order to establish a lack of informed consent claim, Glymph was required to establish (a) that the health care provider failed to inform the patient of a material fact or facts relating to the treatment; (b) that the patient consented to the treatment without being aware of or fully informed of such material fact or facts; (c) that a reasonably prudent patient under similar circumstances would not have consented to the treatment if informed of such material fact or facts. RCW 7.70.050; see also *Smith v. Shannon*, 100 Wn.2d 26, 33-34, 666 P.2d 351 (1983). The Court of Appeals found that Glymph failed to provide expert testimony on the issue, to address any of the factors required to

establish a claim, and failed to provide any evidence related to the treatment she was not informed of. **Appendix A**, p. 7.

This Court should deny her Petition for Review.

B. The Court of Appeals Decision Does Not Implicate Either the U.S. Constitution or the Washington State Constitution and Does Not Involve an Issue of Substantial Public Interest.

Glymph's Petition only argues that the Court erred by summarily dismissing her claims. She does not assert or provide any argument that the Court of Appeals decision implicates either the U.S. Constitution or the Washington State Constitution. Pet. for Rev. Likewise, Glymph does not assert or provide any argument that the Court of Appeals decision involves an issue of substantial public interest. *Id.* Thus, the Court should consider any potential constitutional or public interest arguments as abandoned and not considered for purposes of the Petition For Review. *Blue Spirits Distilling LLC v. Washington State Liquor & Cannabis Bd.,* 15 Wn. App. 2d 779, 794, 478 P.3d 153 (2020), quoting *Holder v. City of Vancouver*, 136 Wn. App. 104, 107, 147 P.3d 641 (2006).

The Petition for Review should be denied.

VI. CONCLUSION

Glymph fails to present a sufficient basis under RAP 13.4(b) which would justify the acceptance of discretionary review by this Court. Thus, the Court should deny her Petition for Review.

Respectfully submitted this 24th day of June, 2024.

I certify that this brief produced using word processing software contains 2,594 words in compliance with RAP 18.17, exclusive of the title sheet, table of contents, table of authorities, this certification of compliance, certificate of service, and signature blocks, as calculated by the word processing software used to prepare this motion.

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APPENDIX A

FILED
4/15/2024
Court of Appeals
Division I
State of Washington

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

LAFFON GLYMPH, Appellant, v. OMR R.A. SERVICES LLC, OVERLAKE HOSPITAL MEDICAL CENTER, Respondent.	No. 85539-5-I DIVISION ONE UNPUBLISHED OPINION

SMITH, C.J. — Laffon Glymph was admitted to Overlake Hospital for a tooth infection but after being discharged, she refused to leave the hospital and was eventually arrested. Glymph later initiated a lawsuit against Overlake alleging medical malpractice, medical negligence, and a lack of informed consent, because of the pain medication administered and her eventual arrest. Overlake moved for summary judgment, pointing to Glymph's lack of expert testimony. Following oral argument, the court granted Overlake's summary judgment motion.

On appeal, Glymph asserts that she provided facts sufficient to survive summary judgment and alleges that res ipsa loquitur negates the need for expert testimony. We disagree and affirm.

FACTS

In October 2018, paramedics took Laffon Glymph to the Overlake Hospital (Overlake) emergency department after she complained of shortness of breath

because of a tooth infection. Once there, a physician administered lorazepam,[1] a pain medication and sedative. The medication improved Glymph's condition and she was discharged. Once discharged, however, Glymph refused to leave without a doctor's note permitting her to take a week off from work. She was told that her treating doctor would order only one day off and would not write a note for a week. After about three hours, Overlake called Bellevue Police, who arrested Glymph for trespass and removed her from the hospital. Glymph told officers that she did not know why she was being arrested and asserted that she did not consent to receiving medication from hospital staff.

In October 2022, Glymph filed a lawsuit with the trial court against Overlake alleging medical malpractice, medical negligence, and a lack of informed consent. She claimed that she suffered a schedule IV narcotic overdose and that she was falsely arrested and wrongfully trespassed from Overlake. In response, Overlake moved for summary judgment, arguing that Glymph failed to provide competent expert testimony to support her claims. Glymph then asserted res ipsa loquitur, contending that it negated her need for expert testimony. Following oral argument, the trial court granted Overlake's motion for summary judgment. The court noted that Glymph had not provided facts sufficient to survive summary judgment nor expert testimony to support her claims. The court further noted that Glymph failed to provide any evidence of damages to support her claims.

Glymph appeals.

[1] Lorazepam is the generic name for Ativan.

ANALYSIS

Summary Judgment

We review a trial court's grant of summary judgment de novo, engaging in the same inquiry as the trial court. Keck v. Collins, 184 Wn.2d 358, 370, 357 P.3d 1080 (2015). We consider the evidence and all reasonable inferences therefrom in the light most favorable to the nonmoving party. Keck, 184 Wn.2d at 370. Summary judgment is appropriate when no genuine issue exists as to any material fact and the moving party is entitled to judgment as a matter of law. CR 56(c). A genuine issue of material fact exists "if reasonable minds could differ on facts which control the outcome of the proceeding." Ghodsee v. City of Kent, 21 Wn. App. 2d 762, 768, 508 P.3d 193 (2022). A party opposing summary judgment cannot rely simply on allegations, denials, opinions, or conclusory statements, but instead must provide specific facts establishing a genuine issue for trial. Allen v. Asbestos Corp., Ltd., 138 Wn. App. 564, 570, 157 P.3d 406 (2007). We hold pro se litigants to the same standards as attorneys. Winter v. Dep't of Soc. & Health Servs., 12 Wn. App. 2d 815, 844, 460 P.3d 667 (2020).

Medical Negligence

Glymph alleges that Overlake committed medical negligence by administering lorazepam and in allowing her arrest on hospital property. But because Glymph fails to explain how the hospital's administration of medication violated the standard of care, we disagree.

To prevail on a claim of medical negligence based on a breach of the standard of care, a plaintiff must demonstrate that (1) "the health care provider failed to exercise that degree of care, skill, and learning expected of a reasonably prudent health care provider at that time in the profession or class to which he or she belongs, in the state of Washington, acting in the same or similar circumstances," and that (2) "such failure was a proximate cause of the injury complained of." RCW 7.70.040(1)(a), (2)(a)(ii). Importantly, the plaintiff must establish actual injury. RCW 7.70.040. Expert testimony is generally required to establish the standard of care and to prove causation. Behr v. Anderson, 18 Wn. App. 2d 341, 363, 491 P.3d 189 (2021).

Glymph contends that an Overlake doctor administered a schedule IV narcotic to her, resulting in an overdose and her eventual arrest. But Glymph does not provide any specific evidence supporting her assertion that she suffered a narcotic overdose and does not explain how the doses of lorazepam she received constitute an overdose. Without additional evidence or facts, this bare assertion is not sufficient to show that Overlake breached the standard of care.

As to her arrest, Glymph provides documentation that she was arrested but does not provide any evidence as to how her arrest demonstrates that Overlake breached its standard of care. Glymph provides no expert testimony or other evidence that the arrest was improper and she does not explain how any health care provider's alleged failure to exercise the requisite degree of care relates to her arrest. This is again insufficient to establish a genuine issue able to survive summary judgment.

Because Glymph failed to prove that Overlake breached its standard of care, the trial court did not err in dismissing Glymph's medical negligence claim.

Res Ipsa Loquitur

In response to Overlake's motion for summary judgment, Glymph argued that she is exempt from providing expert testimony because of the doctrine of res ipsa loquitur. We disagree.

Res ipsa loquitur "spares the plaintiff the requirement of proving specific acts of negligence in cases where a plaintiff asserts that [they] suffered injury, the cause of which cannot be fully explained, and the injury is of a type that would not ordinarily result if the defendant were not negligent." Pacheco v. Ames, 149 Wn.2d 431, 436, 69 P.3d 324 (2003). Res ipsa loquitur is applicable only when the evidence shows that (1) the incident producing the injury is of a kind which ordinarily does not happen without negligence, (2) the injuries are caused by an agency or instrumentality within the exclusive control of the defendant; and (3) the plaintiff did not contribute to the injury or accident-causing occurrence. Ripley v. Lanzer, 152 Wn. App. 296, 307, 215 P.3d 1020 (2009). The doctrine is disfavored and only sparingly applied by courts, in "exceptional cases[,] where the facts and demands of justice make its application essential." Jackass Mt. Ranch, Inc., v. S. Columbia Basin Irrig. Dist., 175 Wn. App. 374, 400, 305 P.3d 1108 (2013).

Although Glymph contends that she satisfied all three requirements of her res ipsa loquitur claim, she does not, in fact, offer any evidence to support her claim.

As to the first element, Glymph cannot establish that her alleged injuries are of a kind which ordinarily do not happen without negligence. Glymph asserts two injuries: a narcotic overdose and her arrest.

She provides no evidence that she suffered a narcotic overdose. Glymph appears to assert that her doctor administered too much lorazepam, causing the behavior that prompted her arrest and limiting her memory of the incident. But she fails to establish that the amount of medication she was given caused an overdose or is sufficient to do so. The side effects of an appropriately administered medication cannot be considered an injury which ordinarily does not happen without negligence.

Glymph also fails to provide evidence proving that her arrest was an injury resulting from negligence. Glymph acknowledges that she does not remember the behavior that prompted her arrest. The patient advocate nurse clarified that she was arrested for trespassing because, despite being discharged, she would not leave the hospital without a note indicating that she was to take a week off work. But Glymph provides no evidence that the arrest was improper, much less that it was an injury resulting from medical negligence.

Because Glymph cannot meet the first res ipsa loquitur factor, her claim fails and the trial court did not err in dismissing it on summary judgment.[2]

[2] In support of its assertion that Glymph fails to meet the third res ipsa loquitur factor, Overlake repeatedly refers to a lawsuit that Glymph brought against the City of Bellevue and the Bellevue Police Department. That case is not at issue here.

Informed Consent

Lastly, Glymph asserts that the lorazepam was administered without her informed consent. Because she provides no evidence to support this claim, we conclude that the court did not err in dismissing Glymph's claim at summary judgment.

To succeed on an informed consent claim, a plaintiff must establish "(a) [t]hat the healthcare provider failed to inform the patient of material fact or facts relating to the treatment; (b) [t]hat the patient consented to the treatment without being aware of or fully informed of such material fact or facts; (c) [t]hat a reasonably prudent patient under similar circumstances would not have consented to the treatment if informed of such material fact or facts; [and] (d) [t]hat the treatment in question proximately caused injury to the patient." RCW 7.70.050.

Glymph does not address any of these factors. Rather, Glymph's opening brief states that "[t]his is a claim for Medical Malpractice, the cause of this claim is Schedule IV narcotic overdose, lack of informed consent," but this is the only detail she provides. Glymph did not identify an employee or agent who failed to obtain informed consent or state the information they failed to provide. And, once again, Glymph did not offer any expert testimony. Without that expert testimony on the issue, or truly any evidence regarding facts relating to treatment that she was not informed of, Overlake clearly establishes a lack of genuine issue of material fact. Glymph's informed consent claim cannot survive summary judgment.

We affirm.

Smith, C.J.

WE CONCUR:

Coburn, J.

Bowman, J.

APPENDIX B

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May 20, 2024

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Re: Supreme Court No. 1030860 – Laffon Glymph v. Overlake Hospital Medical Center
Court of Appeals No. 855395 – Division I
King County Superior Court No. 22-2-16746-7 SEA

Clerk, Counsel and Laffon Glymph:

On May 17, 2024, this Court received the Petitioner's pro se "MOTION TO ACCEPT FILING OF PETITION REVIEW IN COURT OF APPEALS NO. 85539-5-I" and the "PETITION FOR REVIEW". The matter has been assigned the Supreme Court case number indicated above.

It is noted that a copy of the Court of Appeals decision was not attached to the petition for review as required by RAP 13.4(c)(9). It is also noted that the petition did not contain a certification regarding the number of words in the document as required by RAP 18.17. The parties are advised that as of September 1, 2021, word count limits have replaced page count limits for appellate court filings. See RAP 18.17. Per RAP 18.17(c)(10) petitions for review are limited to 5,000 words. RAP 18.17(b) also requires that all documents filed with an appellate court contain a certificate of compliance with the word count. Therefore, the proposed petition for review is rejected for filing.

No Ruling on Motion At This Time

The parties are advised that no ruling is being made at this time on the Petitioner's motion for an extension of time to file a petition for review. A Department of the Court will decide the Petitioner's motion for extension of time, but only if the Petitioner files a proposed corrected petition for review with 1) a copy of the Court of Appeals decision of which the Petitioner is seeking review and 2) a word count certification as required by RAP 18.17, in this Court by **June 3, 2024.**

The parties are advised that upon receipt of the proposed corrected petition for review, a due date will be established for the filing of any answer to the motion for extension of time and any answer to the proposed corrected petition for review.

Once the proposed corrected petition for review is received, both the motion for extension of time and the proposed corrected petition for review will be considered by a Department of the Court. The Court will make a decision without oral argument. The petition for review will only be considered if the Court first grants the motion for extension of time. A motion for extension of time to file is normally not granted; see RAP 18.8(b).

Failure to file a corrected proposed petition for review by **June 3, 2024**, will likely result in dismissal of this matter.

Filing Fee

A filing fee of $200 must be paid to the Supreme Court for a petition for review. The filing fee should be paid by to the Supreme Court by no later than **June 3, 2024**. If the filing fee is not received by May 29, 2024, it is likely that this matter will be dismissed.

The parties are referred to the provisions of General Rule 31(e) regarding the requirement to omit certain personal identifiers from all documents filed in this court. This rule provides that parties "shall not include, and if present shall redact" social security numbers, financial account numbers and driver's license numbers. As indicated in the rule, the responsibility for redacting the personal identifiers rests solely with counsel and the parties. The Clerk's Office does not review documents for compliance with the rule. Because briefs and other documents in cases that are not sealed may be made available to the public on the court's internet website, or viewed in our office, it is imperative that such personal identifiers not be included in filed documents.

The parties are advised that future correspondence from this Court regarding this matter will most likely only be sent by an e-mail attachment, not by regular mail. For attorneys, this office uses the e-mail address that appears on the Washington State Bar Association lawyer directory. Counsel are responsible for maintaining a current business-related e-mail address in that directory. For the Petitioner, this Court has an e-mail address of jojodashawn@msn.com. If this e-mail address is incorrect or changed, the Petitioner should immediately advise this Court in writing.

Sincerely,

Sarah R. Pendleton
Supreme Court Deputy Clerk

SRP:bw

APPENDIX C

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Court of Appeals No. 855395 – Division I
King County Superior Court No. 22-2-16746-7 SEA

Counsel and Petitioner:

On May 23, 2024, the Court received an amended petition for review containing both a word count certification and a copy of the Court of Appeals decision, and a "MOTION TO ACCEPT FILING OF PROPOSED CORRECTED PETITION FOR REVIEW IN COURT OF APPEALS NO. 85539-5-I" which appears to be an amended motion for extension of time to file the petition for review. The motion to accept filing will therefore be treated as an amended motion for extension of time. The Petitioner's $200 filing fee (paid by credit card) was received on May 24, 2024.

The amended proposed petition for review will replace the petition for review filed on May 17, 2024. The amended motion for extension of time will replace the motion for extension of time filed on May 17, 2024.

Any answer to both the proposed petition for review and amended motion for extension of time should be served and filed by **June 24, 2024.** Any reply to the answer to the motion for extension of time should be served and filed by **July 5, 2024**. The parties are directed to review the provisions set forth in RAP 13.4(d) regarding the filing of any reply to any answer.

The amended proposed petition for review and the amended motion for extension of time will be set for consideration without oral argument by a Department of the Court; see RAP 13.4(i). If the members of the Department do not unanimously agree on the manner of the disposition, consideration of the petition will be continued for determination by the En Banc Court. The petition for review will only be considered if the Court first grants the motion for extension of time.

Usually there is approximately three to four months between receipt of the petition for review in this Court and consideration of the petition. This amount of time is built into the process to allow an answer to the petition and for the Court's normal screening process. At this time, it is not known on what date the matter will be determined by the Court. The parties will be advised when the Court makes a decision on the petition.

Any amicus curiae memorandum in support of or in opposition to a pending petition for review should be served and received by this Court and counsel of record for the parties and other amicus curiae by 60 days from the date the petition for review was filed; see RAP 13.4(h).

Sincerely,

Sarah R. Pendleton
Supreme Court Deputy Clerk

SRP:bw

HELSELL FETTERMAN LLP

June 24, 2024 - 2:48 PM

Transmittal Information

Filed with Court:	Supreme Court
Appellate Court Case Number:	103,086-0
Appellate Court Case Title:	Laffon Glymph v. Overlake Hospital Medical Center

The following documents have been uploaded:

- 1030860_Answer_Reply_20240624141936SC724489_9525.pdf
  This File Contains:
  Answer/Reply - Answer to Petition for Review
  The Original File Name was Answer to Petition for Review 062424 FINAL.pdf

A copy of the uploaded files will be sent to:

- dcorey@helsell.com
- gkhakimova@helsell.com
- jojodashawn@msn.com
- kball@helsell.com
- ltaylor@helsell.com
- seastley@helsell.com

Comments:

Answer to Motion for Extension of Time and Petition for Review

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