

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
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Case No. 1034075

SUPREME COURT  
OF THE STATE OF WASHINGTON

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CHARLES HAUSE, an individual, Petitioner,

v.

SPOKANE COUNTY, a Washington Municipal Corporation,  
Respondent.

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**PETITIONER CHARLES HAUSE'S REPLY BRIEF IN  
SUPPORT OF HIS MOTION FOR EXTENSION**

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## ARGUMENTS IN REPLY

Mr. Hause fears context and perspective may be lost in the sea of briefing now on file with the Court. He thus devotes this reply brief to a discussion of the relative interests and stakes that're currently hanging in the balance.

1. *First*, there is the public's tremendous interest in the Court's resolution of Mr. Hause's Motion for an Extension. As stated in his Petition, Mr. Hause asks the Court to decide the following issue of first impression:

Does WISHA's statutory and regulatory scheme establish a clear mandate of public policy prohibiting employers from retaliating against good faith reporters of workplace violence?

*Or*

Are matters of workplace violence excluded from "**the rubric**" of WISHA and the regulatory authority of the Department of Labor & Industries, as held by the Court of Appeals, Division III?

Pet. for Rev., pgs. 1-2; *see also id.* at App. A, pgs. 20, 28. This issue of first impression is of crucial importance to the health, welfare, and safety of each and every citizen of the state of Washington. Pet. for Rev., pg. 3. And given the breadth of WISHA and L&I's scope, jurisdiction, and power, Mr. Hause's Petition impacts *every* conceivable workplace in the state of Washington, as well as *every* conceivable member of the state of Washington's workforce. *Id.*

Despite the undeniable importance of these issues, the County asks the Court to punish Mr. Hause for his counsel's mistake. The public's interest in the Court's review of Mr. Hause's Petition thus extends with equal force to its interest in the Court's review of Mr. Hause's Motion for an Extension. Indeed, if the Court denies Mr. Hause's Motion, Division III's holding will remain the status quo and become the judiciary's first—and only—answer to the question of whether WISHA applies to workplace violence.

Respectfully, Mr. Hause submits this is a grossly unjust and unacceptable consequence of his counsel's innocent mistake—which caused no prejudice to anyone. Division III's holding directly and in no uncertain terms:

- (i) Erases a decades' worth of administrative rules, directives, regulations, and publications in which L&I expressly applied WISHA to workplace violence;
- (ii) Indefinitely and unequivocally removes issues of workplace violence from the regulatory authority of L&I and from the purview of WISHA; and, among other things,
- (iii) Indefinitely and substantially limits the power, jurisdiction, and authority of L&I.

*See, e.g.*, Pet. for Rev., pgs. 20-26. Division III's holding thus jeopardizes the health, welfare, and safety of each and every worker and workplace in this state, and it does so without analysis whatsoever. *Id.* at App. A. The panel's opinion, written by Justice Fearing, simply states:

**“WISHA rules do not mention  
workplace violence.”**

*Id.* at pg. 21 (emphasis added). And later,

**WISHA cannot establish the clear  
mandate of public policy Hause  
claims it does. Workplace violence  
does not fall under the rubric of  
WISHA.**

*Id.* at pg. 28 (emphasis added).

2. *Second*, there is Mr. Hause’s interest in exhausting his avenues for seeking review of Division III’s holding, which affirmed the dismissal of his wrongful discharge case against the County. *See id.* at App. A. Mr. Hause’s underlying wrongful discharge claim seeks justice for the unlawful termination of his once immaculate, sterling career as a specialist in criminal forensics. Should the Court accept review, it’ll find the record to be replete with evidence of Mr. Hause’s remarkable skill, professionalism, and reputation in the field. Conversely, should the Court accept the County’s invitation to punish Mr. Hause for his counsel’s mistake, Mr. Hause will be deprived from

pursuing this last avenue available to him—and to no fault of his own. Indeed, as his undersigned counsel testified to in his initial moving papers, the Petition was filed at 6:38 p.m. on the day it was due for no reason other than the difficulties his counsel encountered while formatting and drafting the Petitions’ tables. *See* Archer Decl. in Supp. of Mot. to Extend.

3. The *third* interest hanging in the balance is the County’s. Whatever interest the County has in the matter is dwarfed by those of Mr. Hause, the general public, and the state of Washington. Indeed, in the unlikely event the County’s attorneys hadn’t already left their office for the evening, the undersigned’s mistake—at most—cost the County an-hour-and-38 minutes of time during the 30 days it had to answer the Petition. *Id.*

But regardless, the undersigned’s mistake clearly did not cause the County to suffer any prejudice. Not only did the County manage to find time to draft a 98-page-long answer to the merits of Mr. Hause’s Petition, but it had the time to draft a

24-page-long opposition to Mr. Hause's Motion for an Extension—an extension, which, again, asked to permit Mr. Hause to file his Petition at 6:38 p.m. on the day it was originally due as opposed to 5:00 p.m.

### **CONCLUSION**

Ultimately, RAP 18.8(b) exists to accommodate and ensure justice is served in situations such as this one—that is, situations where a petition is filed and served at 6:38 p.m., as opposed to 5:00 p.m., on the day it's due because of the petitioner's counsel's difficulty understanding how to properly format the petition's tables. Mr. Hause's undersigned counsel pleads with the Court to afford Mr. Hause relief under this rule and to instead impose sanctions on himself, personally, as opposed to Mr. Hause. Mr. Hause should not be punished as a result of his counsel's inability to properly prepare tables of authorities and contents for appellate briefs.

As one final point, the undersigned wishes to note that he emphasized the lack of prejudice to the County and the

innocence of his mistake solely because he believes the just result is for him to “fall on his sword,” so to speak. Any other result—certainly the one for which the County advocates—would result in a gross miscarriage of justice under RAP 18.8(b).

The undersigned has and will continue to work to ensure he complies with and honors the court rules now and in the future. He never intended any disrespect to the Court, its staff, the RAPs, or to the County. He only wishes to insulate his client (Mr. Hause) from suffering because of his mistake. Once again, if the Court is inclined to sanction anyone, the undersigned respectfully requests that the sanctions be directed at him, not Mr. Hause, and certainly not at the merits of Mr. Hause’s Petition.

#### **CERTIFICATION**

Pursuant to RAP 18.17(b), Appellant hereby certifies that this Statement of Arrangements complies with the formatting



requirements of RAP 18.17(a) and has 1,069 words pursuant to  
RAP 18.17(c)(11).

RESPECTFULLY SUBMITTED this 3rd day of  
October, 2024.

RIVERSIDE NW LAW GROUP, PLLC

*Max K. Archer*  
MAX K. ARCHER, WSBA No. 54081  
Counsel for Petitioner

## CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the state of Washington, that on the 3rd day of October, 2024, the foregoing was filed with the Washington State Supreme Court, and delivered to the following persons in manner indicated:

***Counsel for Appellant***

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**RIVERSIDE NW LAW GROUP, PLLC**

**October 03, 2024 - 4:38 PM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
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**Appellate Court Case Title:** Charles Hause v. Spokane County  
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