

COURT OF APPEALS, DIVISION I,
OF THE STATE OF WASHINGTON

Case #: 1037309

RUTH SCOTT, individually, and
as personal representative of the
ESTATE OF MIKAEL SCOTT,
a deceased individual; JEFF
MUHLEMAN, individually, and
as personal representative of the
ESTATE OF TYLER
MUHLEMAN, a deceased
individual; and CINDY CRUZ,
individually,

Petitioners,

v.

AMAZON.COM, INC., a
Delaware corporation,

Respondent.

MARY-ELLEN VIGLIS,
individually, and as personal
representative of the ESTATE OF
DEMETRIOS VIGLIS, a
deceased individual; JAMES
PASSANNANTI, individually,
and as personal representative of
the ESTATE OF AVA
PASSANNANTI, a deceased
individual; and ANNETTE
GALLEGO, individually,

No. 84933-6

MOTION TO
INCLUDE
EXTRARECORD
MATERIALS
IN APPENDIX

Petitioners,

v.

AMAZON.COM, INC., a
Delaware corporation,

Respondent.

1. Identity of Moving Parties

Petitioners are the grieving parents and estates of four young people to whom Amazon, with the knowledge it would likely be used for self-harm, sold high purity sodium nitrite.

2. Statement of Relief Sought

Pursuant to RAP 10.3(a)(8), permission to include in the appendix to the petition for review a chart setting forth all pending sodium nitrite cases involving Amazon, a New York *Times* article on sodium nitrite and suicide, and a Congressional letter on sodium nitrite and suicide.

3. Facts Relevant to Motion

Petitioners have attached three items to the appendix to

their petition for review. The chart of pending cases references matters of public record. The letter and the New York *Times* article are referenced in the record, CP 242, 414-15, although the actual letter and article are not of record.

4. Grounds for Relief and Argument

RAP 10.3(a)(8) requires this Court's approval of an appendix containing extrarecord materials. RAP 13.4(e) requires that the petitioners comply with RAP 10.3(e) for their petition for review. The three items mentioned herein are legislative facts of which this Court can take judicial notice. ER 201. They are relevant to the Court's review decision. Amazon will not be prejudiced by their inclusion of the chart of cases as those cases are public records and the other items have been referenced in the record, although not set forth verbatim.

This Court should allow petitioners to include the referenced materials in the appendix to their petition for review. RAP 10.3(a)(8).

This document contains 251 words, excluding the parts of
the document exempted from the word count by RAP 18.17.

DATED this 24th day of December, 2024.

Respectfully submitted,

/s/ Philip A. Talmadge

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DECLARATION OF SERVICE

On said day below, I electronically served a true and accurate copy of the ***Motion to Include Extrarecord Materials in Appendix*** in Court of Appeals, Division I Cause No. 84933-6-I (consolidated with No. 85558-1-I) to the following parties:

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Original electronically filed with:
Court of Appeals, Division I
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: December 24, 2024 at Seattle, Washington.

/s/ Matt J. Albers
Matt J. Albers, Paralegal
Talmadge/Fitzpatrick

TALMADGE/FITZPATRICK

December 24, 2024 - 12:32 PM

Transmittal Information

Filed with Court: Court of Appeals Division I
Appellate Court Case Number: 84933-6
Appellate Court Case Title: Ruth Scott, et al, Respondents v. Amazon.com, Inc., Petitioner

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Comments:

Petition for Review; Motion to Include Extrarecord Materials in Appendix

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