

FILED
SUPREME COURT
STATE OF WASHINGTON
1/23/2025 2:36 PM
BY ERIN L. LENNON
CLERK

No. 1037309

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

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,

Petitioners,

v.

AMAZON.COM, INC., A DELAWARE CORPORATION,
Respondent.

**Motion to Submit Supplemental Appendix
Including Extra-Record Materials**

I. IDENTITY OF MOVING PARTY

The moving party is Respondent Amazon.com, Inc. (“Amazon”).

II. STATEMENT OF RELIEF SOUGHT

Amazon seeks permission, pursuant to RAP 17.1(a) and RAP 10.3, to submit a supplemental appendix in support of its answer to the petition for review. The supplemental appendix includes a declaration and exhibits filed with the King County Superior Court in support of Amazon’s motion to dismiss in *Jenks, et al. v. Amazon.com, Inc.*, No. 24-2-06395-1 SEA (King Cnty. Sup. Ct. May 17, 2024).

III. FACTS RELEVANT TO MOTION

Plaintiffs have submitted an appendix of supporting materials that includes a compendium of additional pending cases that involve suicides using sodium nitrite. See Pet.App.59. One of the cited cases is *Jenks v. Amazon.com, Inc.*, No. 24-2-06395-1. *Id.* The items attached to Amazon’s supplemental appendix are public filings from the *Jenks* case that provide pictures of the

webpages on Amazon.com that listed the two brands of sodium nitrite at issue in that case. Those webpages were incorporated by reference into the *Jenks* complaint. See Supp.App.2-3.

IV. GROUNDS FOR RELIEF AND ARGUMENT

RAP 10.3 requires respondents to obtain approval of this Court to include extra-record materials in an appendix. See RAP 10.3(a)(8) & (b). The items in the supplemental appendix are public filings of which this Court can take judicial notice. See ER 201(b); see also *Trujillo v. Nw. Tr. Servs., Inc.*, 183 Wn.2d 820, 827 n.2, 355 P.3d 1100 (2015) (considering “documents” that “the complaint references” under CR 12(b)(6) review). The items are relevant to this Court’s review because the Petition asks this Court to consider a question of duty that would apply in *Jenks* and the other cases in Plaintiffs’ Appendix. This Court should have the benefit of understanding the range of products implicated by the products-liability issues that the Petition raises. Plaintiffs will not be prejudiced by their inclusion in Amazon’s

supplemental appendix as they are matters of public record in cases that the Petition invokes as grounds to grant review.

V. CONCLUSION

For these reasons, this Court should allow Amazon to submit a supplemental appendix including the above-referenced extra-record materials. RAP 10.3(a)(8) & (b).

* * * * *

Pursuant to RAP 18.17(b), I certify that this motion contains 354 words. *See* RAP 17.4(g)(1) and 18.17(c)(17).

RESPECTFULLY SUBMITTED this 23rd day of January, 2025.

PERKINS COIE LLP

By: /s/Gregory F. Miller

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CERTIFICATE OF SERVICE

I certify, under penalty of perjury under the laws of the state of Washington, that on January 23, 2025, I electronically filed the foregoing document via the Washington State Appellate Courts' Secure Portal which will send a copy of the document to all parties of record via electronic mail.

DATED this 23rd day of January, 2025.


June Starr

GREGORY

January 23, 2025 - 2:36 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 103,730-9
Appellate Court Case Title: Ruth Scott, et al. v. Amazon.com, Inc.

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