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SUPREME COURT
STATE OF WASHINGTON
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NO. 1038291

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

AMANDA THORNEWELL, individual

Plaintiff-Appellant,

v.

SEATTLE SCHOOL DISTRICT NO. 1,

Defendant-Respondent.

ANSWER TO PETITION FOR DISCRETIONARY REVIEW

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I. INTRODUCTION

This Washington Public Records Act ("PRA") case presents neither a conflict with prior decisions nor a substantial public interest to warrant review by the Court.

On January 21, 2020, the Appellant, Amanda Thornewell, submitted a harassment, intimidation, and bullying ("HIB") and civil rights violation complaint against the Assistant Principal of Garfield High School to the Office of Student Civil Rights ("OSCR"). CP 11, 272, 304–309, 396–397, 745. In March 2020, Mrs. Thornewell submitted a single public records request ("PRR") to the Respondent, Seattle Public School District No. 1 (the "District"), seeking records in five different categories.[1] In her PRR, Mrs. Thornewell only communicated a preference for the District to provide

[1] To at least some extent, this litigation stems from Mrs. Thornewell's false idea that each category of records in her March 4, 2020 request constitutes a separate, distinct request. See Brief of Appellant, p. 6.; *see also* CP 777.

"electronic productions in installments as they become available." CP 232.

The District responded to Mrs. Thornewell's request within five business days by acknowledging receipt and providing a reasonable estimate of time to expect the first installment. CP 231. In total, the District produced records in seven installments, providing a new estimate of time after each installment, spaced at consistent intervals according to its reasonable estimate of time given. CP 224–233. At no time did Mrs. Thornewell object to the District's estimates of time for each installment or the records being produced. *Id.*

One category of records sought were those associated with an investigation conducted by the District's OSCR in her January 21, 2020 complaint. CP 232. The District's Public Records Officer ("PRO"), Randall Enlow, initially thought that the ongoing investigatory exemption might apply to the OSCR Records, but the District never communicated or otherwise indicated to Mrs. Thornewell—through action or inaction—that

it was not going to produce the OSCR Records. CP 224–233, 256–258, 864–869.

Instead, while Mrs. Thornewell's request was still open, Mr. Enlow reviewed the OSCR Records, determined that no exemption applied, and then produced all remaining responsive records to Mrs. Thornewell before closing her PRR on February 26, 2021. *Id.* Thus, over the course of the District's response to her PRR, it never applied an exemption to or otherwise withheld the OSCR Records from Mrs. Thornewell. *Id.*

II. IDENTITY OF RESPONDENT

Seattle School District No. 1 is the respondent in this case and defendant below.

III. ISSUES FOR REVIEW

1. Whether the Court Should Deny Review Because the Court of Appeals' Decision that the PRA Does Not Require an Agency to Identify and Determine the Applicability of All Exemptions the Day It Receives a PRA Request is Consistent with Case Law and the Language of the PRA?

2. Whether the Court Should Deny Review Because an Agency Producing All Records Responsive to a Voluminous PRA Request in Regular, Timely

Installments Before Closing the Request Does Not Implicate a Substantial Public Interest?

IV. STATEMENT OF THE CASE

A. The District Produced All Records Related to Its OSCR Investigation in Response to Mrs. Thornewell's March 4, 2020 Public Records Request Before Closing It on February 26, 2021.

1. On March 4, 2020, Mrs. Thornewell Submitted her PRR to the District.

On March 4, 2020, attorney Chris Williams submitted a PRR to the District on behalf of his client, Mrs. Thornewell. CP 232. The PRR sought five categories of records:

> **[Category 1]** All records, including recordings and text messages or any other communication method being utilized by staff (please interpret all requests here to encompass these options), related to investigations by the Office of Student Civil Rights regarding allegations of and by Alex Thornewell and his parents Amanda and Peter Thornewell.
>
> **[Category 2]** Records related to any investigation focusing on incidents related to the Garfield Swim Team during the 2019-2020 school year. Athletic Director Carole Lynch was believed to have initiated an investigation, but this request is not limited solely to her records.

> **[Category 3]** Any communications or notes of such between Tim Zimmerman and Greg Barnes of Garfield High School since December 1, 2019.
>
> **[Category 4]** Any communications between Garfield High School administration and its school newspaper related to any story about the swim team or hazing during the 2019-2020 school year.
>
> **[Category 5]** Any emails or messaging system records (text, What's App, etc.) mentioning or referring to Alex Thornewell or his parents since December 1, 2019.

Id.

Mr. Williams's email was the sole communication containing Mrs. Thornewell's preferences for processing her PRR. CP 224–33, 864–869. The only guidance Mr. Williams provided was that they prefer "electronic productions in installments *as they become available*." CP 232 (emphasis added); *see also* 864–869.

2. On March 11, 2020, the District Timely Responded to Mrs. Thornewell's PRR.

On March 11, 2020, within five business days of receiving the PRR, Mr. Enlow responded to Mr. Williams, as required by RCW 42.56.520, by acknowledging receipt of the PRR and

indicating that Mr. Williams would receive an installment of records no later than May 29, 2020. CP 231.

Mr. Enlow also informed Mr. Williams that the District would provide student records responsive to Mrs. Thornewell's request to him within the 45 days required by the Family Educational Rights and Privacy Act ("FERPA"). *Id.*

3. The District Produced Seven Installments Between May 29, 2020, and February 26, 2021, and after each Production Provided Mrs. Thornewell with a Reasonable Estimate of Time for the Next Installment.

In total, the District produced seven installments of records responsive to Mrs. Thornewell's request before closing it. Mrs. Thornewell received installments, through her attorney, on May 29, 2020, July 23, 2020, September 17, 2020, November 12, 2020, January 21, 2021, February 10, 2021, and February 26, 2021, at which point Mr. Enlow closed the request. CP 224–233.

The seven installments totaled 1,801 pages of records, of which the OSCR investigation records at issue here comprised

38 pages. CP 257, 555–558. The District delivered each installment exactly on the schedule conveyed to Mr. Williams by Mr. Enlow in the previous installment's communication. CP 224–233. And at no time did Mr. Williams or Mrs. Thornewell object to or take issue with the estimated schedule or the records received. *Id.*

B. The District Processed Mrs. Thornewell's PRR, Including Deliberating the Application of Exemptions, Diligently and with a Degree of Thoroughness Contemplated by and in Compliance with the PRA.

1. The District Promptly Began Internal Deliberations Related to Whether Any Exemptions Applied to Responsive Records, Including OSCR Investigation Records Responsive to Category 1 of Mrs. Thornewell's Request.

On March 6, 2020, Mr. Enlow emailed then-Director of OSCR, Tina Meade, requesting that she provide him with any records she believed may be responsive to Mrs. Thornewell's request. CP 515. Ms. Meade responded to Mr. Enlow by advising him that OSCR was conducting an investigation based on a Harassment, Intimidation, and Bullying ("HIB") complaint from Mrs. Thornewell (see Category 1), and they needed to

"discuss further what documents can be excluded while the investigation is ongoing." *Id.*

On March 11, 2020, Robin Wyman, Senior Legal Assistant/Office Manager for the District's Office of Legal Counsel, emailed Ms. Meade asking her to send records regarding Mrs. Thornewell's son as part of the District's response to Mrs. Thornewell's PRR. CP 536. Ms. Meade responded that there was an open OSCR investigation, and she did not believe the records were required to be released due to the investigation. *Id.*

2. Despite the District's Initial Deliberations Related to the Potential Application of an Exemption, the District Produced Several Emails Related to OSCR's Investigation on April 16, 2020.

The District made an initial production of responsive records on April 16, 2020, pursuant to FERPA's requirement that student records need to be produced within 45 days. CP 865–866. Many of the records produced in this initial production were emails related to OSCR's investigation into Mrs. Thornewell's HIB Complaint. *Id.*

3. The District Continued Internally Deliberating Whether an Exemption Applied to the OSCR Records While Producing Timely, Regular Installments of Other Responsive Records.

On May 28, 2020, Roxane O'Connor, Assistant Legal Counsel for the District and Mr. Enlow's supervisor, emailed Mr. Enlow discussing her review of responsive records. CP 545–547. Ms. O'Connor stated, "I didn't see any content that I'd necessarily exempt," and "it might be good to connect with Robert Veliz," District Investigator at the time. *Id*.

Later that day, Mr. Enlow emailed Mr. Veliz asking about the status of the Thornewell investigation and to provide "any investigation files and other responsive documents" Mr. Veliz had. CP 513–515. Mr. Veliz responded on June 1, 2020, telling Mr. Enlow that the investigation was still ongoing and asked if Mr. Enlow still wanted his investigation materials. *Id.*

Over the next few days, Mr. Enlow and Mr. Veliz continued discussing the investigation records. *Id.* Mr. Veliz told Mr. Enlow that it was his understanding that records related to ongoing investigations were not subject to PRR. *Id.*

Mr. Enlow responded, "You are correct the records are exempt so long as the investigation is ongoing." *Id.* Despite Mr. Enlow's opinion at the time, however, he told Mr. Veliz that it is ideal for him to "get records earlier so we can potentially work to have redactions ready sooner after the investigation concludes," though he did say that Mr. Veliz could send them after the investigation is complete. *Id.*

During this time, Mr. Enlow conveyed a similar sentiment to Ms. Meade. CP 509.

4. The District Finished Its Deliberation and Determined that the Ongoing Investigatory Records Exemption Did Not Apply to OSCR Records.

On January 20, 2021, Mr. Enlow emailed Ms. O'Connor to discuss the remaining items still needed to review. CP 544. Ms. O'Connor responded, stating that she thought the applicable exemption might be RCW 42.56.280 because Mrs. Thornewell's complaint is not a "complaint that falls under RCW 42.56.250(6)," and she was still debating "the potential need for an exemption log." *Id.* Based on Ms. O'Connor's

correction, Mr. Enlow determined that no exemption applied to the OSCR Records, and on February 10, 2021, the District produced any remaining OSCR Records in Installment Six. CP 226, 256–258, 864–869.

5. At No Time Did the District Inform Mrs. Thornewell that It Was Applying an Exemption or Otherwise Denying Her Access to the OSCR Records, and It Produced All Responsive Records Before Closing Her Request.

The District never applied the exemption to the OSCR records or withheld them pursuant to the PRA. CP 224–233, 256–258, 864–869. Mr. Enlow's initial consideration never developed beyond in-house, informal communications as part of the routine process of gathering potentially responsive records to respond to Mrs. Thornewell's PRR. CP 513–516, 536, 544–547. Mr. Enlow never communicated the potential applicability of an exemption to the OSCR Records to Mr. Williams or Mrs. Thornewell. CP 224–233, 256–258. Further, between March 6, 2020, through February 10, 2021, Mr. Enlow never communicated or otherwise indicated to Mr. Williams

that the District would not produce records responsive to Category 1 of Mrs. Thornewell's PRR. *Id.*

Notably, while the District internally discussed whether an exemption applied to the OSCR Records, Mr. Enlow continued to diligently work on the District's response to Mrs. Thornewell's PRR and delivered to Mr. Williams installments one through five, with no objections or issues from Mr. Williams about the installments. CP 256–258, 864–869. To the contrary, Mr. Williams repeatedly expressed his thanks and appreciation to Mr. Enlow for Mr. Enlow's efforts responding to Mrs. Thornewell's PRR. CP 224–233.

C. The Trial Court Dismissed Mrs. Thornewell's Complaint Alleging a PRA Violation Because the District Did Not Wrongfully Withold Any Responsive Records to Mrs. Thornewell's PRR.

The Honorable Cindi Port presided over the hearing for the parties' respective motions for summary judgment and Mrs. Thornewell's motion for reconsideration. RP 1, 49. Judge Port found in favor of the District's motion for summary judgment and denied Mrs. Thornewell's motion. *Id.*

Judge Port reasoned that "there were no records that were not produced," which quashed any need for an exemption log, based on the following reasons:

> (1) the District is "afforded the latitude to prioritize,"
>
> (2) "there is no other objection by [Mrs. Thornewell] as to the timeliness of the records except for" Installment Six, and
>
> (3) although Installment Six "was delayed by an initial misunderstanding of the exception" that may have applied, the District produced all of the records.

Id.

In addition, Judge Port found that the facts did not support a finding of constructive denial because "the records were ultimately produced." *Id.* Similarly, Judge Port did not find the delay to constitute a silent withholding, in part, "because the records were ultimately produced and there was no need for a privilege log." *Id.* Judge Port also determined that there is no silent withholding in "a fact pattern where the plaintiff is not objecting to the timeliness of the rest of the

records and there was no specific prioritization request by the plaintiff and then the Department is then left to prioritize how to process the overarching records that were requested." RP 43–44.

D. The Court of Appeals, Division 1, Affirmed the Trial Court's Decision, Finding that the District Neither Asserted an Exemption nor Withheld Responsive Records.

The Court of Appeals, Division 1 ("Division 1"), affirmed the trial court's decision "[b]ecause the District did not assert a public records exemption, answered Thornewell's request with diligence, and produced all responsive records." *Thornewell v. Seattle Sch. Dist. No. 1*, 85998-6-I, 2024 WL 4880759, at *1 (Wash. Ct. App. Nov. 25, 2024).

1. Mrs. Thornewell's interpretation mischaracterizes the holding in *Gipson v. Snohomish County*, 194 Wn.2d 365, 372, 449 P.3d 1055 (2019).

Division 1 explained that the issue in *Gipson* was "whether a properly applied exemption, which was valid on the date that the request was made, continued to be in effect throughout the life of the request, even as the agency produced

record installments, some of which postdated the exemption's expiration." *Id.* at *3. Accordingly, Division 1 determined the Court in *Gipson* held that an "agency determines the applicability of an exemption by asking whether a record is exempt on the date of the request." *Id.* It does not, however, "mean that the agency must make the determination that day nor eliminate the contemplation of the PRA that the agency is afforded a reasonable time in which to respond, provided it does so timely and with diligence." *Id.*

Therefore, Division 1 determined that the District met its initial obligation under the PRA when it responded to Mrs. Thornewell's request within five business days and provided a reasonable estimate for the production of responsive records. *Id.*

2. The District produced the investigation records before closing the request and without claiming an exemption.

Under RCW 42.56.210(3), an agency refusing to allow the inspection of any public records must "include a statement

of the specific exemption authorizing the withholding of the records (or part) and a brief explanation of how the exemption applies to the record withheld." *Id.* at *4 (internal quotes omitted) (quoting RCW 42.56.210(3)). An agency does not deny access to records it has not produced in installments unless it communicates that it is refusing to produce them and finishes producing all other responsive records. *Id.* (quoting *Freedom Found. v. WA State Dep't of Soc. & Health Servs.*, 9 Wn. App. 2d 654, 664, 445 P.3d 971 (2019); *Cortland v. Lewis Cnty.*, 14 Wn. App. 2d 249, 258, 473 P.3d 272 (2020)).

Applying the rulings in *Freedom Found* and *Courtland*, Division 1 found that the District was not obligated to provide a statement and explanation:

> The District was in the process of producing installments for Thornewell from March 2020 until February 2021. It provided exemption logs for other records included in the request. It produced the investigation records before closing the request, and without ever claiming an exemption for them. The District did not tell Thornewell it was refusing or denying her access to the investigation records, nor did it claim exemptions

> for them with an exemption log. Because it produced responsive records within a reasonable time, the District did not assert an exemption. And because the District did not withhold records, or apply an exemption, it was not obligated to provide a statement and explanation for investigative records under RCW 42.56.210(3).

Id.[2]

V. ARGUMENT

When an appellant seeks discretionary review of a decision terminating review—like here—review is appropriate only for the following reasons:

> (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.

[2] Mrs. Thornewell quotes a small portion of this paragraph out of context.

Here, Mrs. Thornewell raises only two justifications for review—an alleged conflict with the Court's ruling in *Gipson* and assertion that this matter involves a substantial public interest. See Brief of Appellant, p. 1. However, Mrs. Thornewell fails to demonstrate that Division 1's ruling either conflicts with any of this Court's prior decisions or presents an issue of substantial public interest to warrant discretionary review, and therefore, the Court should deny her Petition for Discretionary Review.

A. The Court of Appeals Decision is Not in Conflict with Any Decision of the Washington Supreme Court.

Mrs. Thornewell's interpretation of *Gipson*—not Division 1's decision—conflicts with the Court's holding in *Gipson*. *Thornewell*, 2024 WL 4880759, at *3. As Division 1 stated, Mrs. Thornwell's contention "mischaracterizes the holding of *Gipson* and disregards the plain language of RCW 42.56.520(2)." *Id.*

According to Mrs. Thornewell, *Gipson* stands for the position that an agency must identify and determine the

applicability of all exemptions the moment it receives a PRA request. Pet. for Discretionary Rev., pp. 16–18, 20–22; *Gipson*, 194 Wn.2d 365. This interpretation, however, is incompatible with the plain language of the PRA and well-established case law interpreting the PRA in the context of installments. *See* RCW 42.56.080; RCW 42.56.520; *Cortland*, 14 Wn. App. 2d at 258; *Hobbs v. State*, 183 Wn. App. 925, 935, 335 P.3d 1004 (2014); *Ockerman v. King Cnty. Dep't of Dev. & Envtl. Servs.*, 102 Wn. App. 212, 219, 6 P.3d 1214 (2000).

The PRA "expressly contemplates that additional time may be required to provide records based upon the need 'to locate and assemble the information requested' or to determine whether 'any of the information requested is exempt and that a denial should be made as to all or part of the request'" for such installments. *Ockerman*, 102 Wn. App. at 219 (emphasis added) (citing RCW 42.56.520(2)). If an agency "were required to determine which portion of the

request to produce and which portion to deny within the five-day time period," as Mrs. Thornewell contends, RCW 42.56.520(2) would be meaningless. *See id.*

Further, "installments are not new stand-alone requests" but instead "fulfill a single request" and must be treated as such. *Gipson*, 194 Wn.2d at 372. "Under the PRA, a requester may only initiate a lawsuit to compel compliance with the PRA after the agency has engaged in some final action denying access to a record." *Hobbs*, 183 Wn. App. at 935–36. In the context of fulfilling a single request through installments, an "agency does not deny access to the records until it finishes producing all responsive records." *Cortland*, 14 Wn. App. 2d at 258. Thus, before final action is taken, assuming the agency is diligently making reasonable effort to comply with a request as a whole, it may remedy alleged PRA violations, including communicating inapplicable exemptions. *Hobbs*, 183 Wn. App. at 940.

Mrs. Thornewell's interpretation of *Gipson*, if accepted by this Court, would not only repeal RCW 42.56.520(2) but it would abrogate any court decision that contemplates an agency identifying, applying, or modifying exemptions after the expiration of the five-day period. Mrs. Thornewell, however, cites no authority to support her contention that internally discussing whether an exemption applies while diligently responding to a request through regular, timely installments violates the PRA.

Therefore, the Court should deny Mrs. Thornewell's Petition for Discretionary Review.

B. Plaintiff's Claim Does Not Implicate a Substantial Public Interest to Warrant Review.

Although the PRA inherently concerns issues of public interest, the specific issue raised by Mrs. Thornewell does not. The unequivocal purpose of the PRA is to "facilitate government transparency through the disclosure of public records." *Gipson,* 194 Wn.2d at 369. Broad disclosure under the PRA, however, is not absolute. *Resident Action Council v.*

Seattle Hous. Auth., 177 Wn.2d 417, 432, 327 P.3d 600 (Jan. 10, 2014). Certain information—"privacy rights or vital governmental interests that outweigh the PRA's broad policy"—is exempt from disclosure.[3] *Id.*

Accordingly, responding to a PRA request often requires a significant undertaking. Agencies, however, are not omnipotent or in possession of inexhaustible resources. Rather, agencies—like the District—are comprised of people whose means are constrained by reality. The PRA acknowledges and accounts for such limitations, in part, by providing pragmatic options for an agency to comply with the statute's prompt response requirements and further the PRA's purpose. *See* RCW 42.56.520.

One such option is to respond to a request through installments, which allows for additional time "to determine

[3] According to the Washington State Office of the Attorney General, "[a]s of 2016, there are over 500 exemptions in the Revised Code of Washington." Wash. State Off. Of the Att'y Gen., Sunshine Committee, https://www.atg.wa.gov/sunshine-committee (last visited Mar. 9, 2025).

whether any of the information requested is exempt and that a denial should be made as to all or part of the request." RCW 42.56.520; *Hobbs*, 183 Wn. App. 942. Further, installments fulfill a single request, denial of which can only occur after producing all responsive records.[4] *Gipson*, 194 Wn.2d at 372; *Cortland*, 14 Wn. App. 2d at 258.

Requiring agencies to know the content of all responsive documents and applicable exemptions (out of more than 500) immediately upon receipt of a voluminous request is impossible. Not giving an agency the opportunity to meet the requirements for responding to a request is counter to the

[4] Mrs. Thornewell presents arguments related to silent withholding and constructive denial, but neither theory is applicable because all documents were produced in regular, timely installments before the District closed the request. A silent withholding occurs when an agency fulfills a request but fails to disclose the existence of some records. *Progressive Animal Welfare Soc. v. Univ. of Washington*, 125 Wn.2d 243, 270, 884 P.2d 592 (1994) [hereinafter "PAWS"]. A constructive denial can occur when an agency fails to promptly respond to a request through inaction, or lack of diligence in providing a prompt response. *Cantu v. Yakima Sch. Dist. No. 7*, 23 Wn. App. 2d 57, 89, 514 P.3d 661 (2022).

explicit language of the PRA and would inevitably frustrate its purpose. But penalizing an agency for responding to a single request by producing all responsive records over the course of seven regular, timely installments—without the requester asserting any lack of diligence during the life of the request or in the overall response—would dismantle the PRA.

Here, Mrs. Thornewell asks the Court to do just that. On March 4, 2020, Mrs. Thornewell's attorney submitted a single request for five categories of documents. *Thornewell*, 2024 WL 4880759, at *1. The District responded within five business days, providing Ms. Thornewell with an estimate for the first installment. *Id.* The District produced all records in seven installments—each by its estimated deadline—between May 29, 2020, and February 26, 2021. *Id.* Although the District thought the RCW 42.56.250(f) exemption might apply to some records, at no point while the District was responding to Mrs. Thornewell's request did it communicate to her that it was applying an exemption or refusing her access to the

investigation records. *Id.* at *4. Instead, the District continued to make regular installments of other responsive records, determined that the exemption did not apply, produced all remaining responsive records, and only then closed the request. *Id.* at *2.

Notably, Mrs. Thornewell never raised an issue with any of the District's installments until approximately a year after her request was closed. *Id.* Even more significant, Mrs. Thornwell does not claim that the District lacked due diligence in the timeliness of its overall response to her request. *Id.*

For those reasons, Mrs. Thornewell's assertion that District was required to identify and apply all exemptions contemporaneously with the receipt of her request is incompatible with the purpose of the PRA. Similarly, her position that an agency applies an exemption the moment it believes the exemption might apply—including when such belief is never communicated to the requester and all records are produced through timely installments prior to closing the

request—impairs government transparency through the disclosure of public records rather than facilitates it. Thus, Mrs. Thornewell's attempt to overturn the clear language of the PRA and longstanding case law interpreting the PRA in the context of installments implies a personal interest, not public.

Therefore, the Court should deny Mrs. Thornewell's Petition for Discretionary Review.

VI. CONCLUSION

There is no basis to support a finding that the District violated the PRA: (1) the District responded to Mrs. Thornewell's PRR within five business days as required by the PRA; (2) the District communicated reasonable estimates of time for the next installment after each production; (3) the District delivered each installment according to the estimates given; and (4) the District made all responsive records available to Mrs. Thornewell—including the OSCR Records—before closing her PRR on February 26, 2021. Importantly, at no point did the District claim an exemption or

communicate to Mrs. Thornewell that it was denying her access to the OSCR records, and Mrs. Thornewell does not assert a claim related to the timeliness of the District's overall response to her PRR.

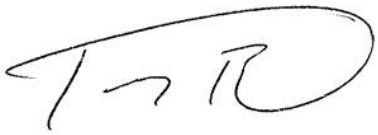
Further, Mrs. Thornewell's Petition does not properly demonstrate that the court of appeal's decision conflicts with prior decisions of this Court, in large part, because requiring an agency to identify and apply all exemptions contemporaneously with receipt of a PRA request is impractical and antithetical to the purpose of the PRA and authority interpreting the PRA in context of installments. Further, the specific issue raised in Mrs. Thornewell's Petition does not involve an issue of substantial public interest beyond what the court of appeals addressed in its ruling.

Therefore, because Mrs. Thornewell's Petition presents neither a conflict with prior Court rulings nor an issue of substantial public interest, the Court should deny discretionary review.

This document contains 4,671 words, including footnotes and excluding the parts of the document exempted from the word count by RAP 18.17.

RESPECTFULLY SUBMITTED this 17th day of March, 2025.

PATTERSON BUCHANAN
FOBES & LEITCH, INC., PS



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CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington that I am an employee at Patterson, Buchanan Fobes, & Leitch, Inc., P.S., over the age of 18 years, not a party to nor interested in the above entitled action, and competent to be a witness herein. On the date stated below, I cause to be served a true and correct copy of the foregoing document on the below listed attorney(s) of record by the method(s) noted:

[X] Via Appellate Portal to the following:

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The foregoing statement is made under the penalty of perjury under the laws of the United States of America and the State of Washington and is true and correct.

DATED this 17th day of March, 2025.

s/Anna M. Gonzalez Cervantes
Anna M. Gonzalez Cervantes
Legal Assistant

PATTERSON BUCHANAN FOBES & LEITCH

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