

SUPREME COURT OF THE STATE OF WASHINGTON

MELINDA JOHNSON,

Petitioner,

v.

STATE OF WASHINGTON,
DEPARTMENT OF HEALTH,

Respondent.

RESPONSE TO
RESPONDENT'S
MOTION TO
STRIKE

I. IDENTITY OF MOVING PARTY

Petitioner, requests Respondent's, Motion to Strike the
Petitioner's Reply Brief be denied.

II. STATEMENT OF RELIEF SOUGHT

A Reply Brief was put forth, before the Supreme Court,
by Ms. Johnson to take issue with the misstatements in the "State's
Response To Petition For Review," that was provided by counsel
for the Department of Health (Department). The Reply Brief contains
new information that would not have been known but for the input from

the Department in their brief, and complies with RAP 13.4 (d). The Department in the motion to strike makes broad statements that the Reply Brief solely reiterates the Petition for Review. This is not so. Rather, below are some misstatements put forth by the Department, not contained in the Petition for Review, that require a reply:

- The Department misstates that “Enforcement Actions” can include a Notice of Correction, Stipulation or a Statement of Charges (page 8). Rather than a Stipulation, a Statement of Allegations is a disposition option. The Department conflates a Statement of Charges and Stipulation in an attempt to confuse the Court. Ms. Johnson clarifies in her Reply Brief a Notice of Correction, and Statement of Allegations, not a Stipulation, are informal dispositions of a DOH complaint. The only “enforcement action” that can be taken by the Department is a Statement of Charges.
- The Department’s brief puts forth false claims that Ms. Johnson provided a “medical diagnosis,” the informal settlement contained licensing sanctions, the postings were accurate, etc. These incorrect assertions put forth by the Department required a Reply Brief refutation.
- There is an entire section in Ms. Johnson’s Reply Brief that addresses the misrepresentations of the Department that are stated throughout the Department’s Response Brief.

Ms. Johnson further strengthens her position on immunity after addressing the Department's misstatements. In order to ensure a fair assessment of the issues in this case the Reply Brief must be incorporated.

III. GROUNDS FOR DENIAL

The grounds for denial are based on RAP 13.4(d), "a party may file a reply to an answer only if the answering party seeks review of issues not raised in the petition for review. A reply to an answer should be limited to addressing only the new issues raised in the answer." The Department's Response Brief contains false, misleading input that could not have been known to Ms. Johnson when she submitted her Petition for Review. Ms. Johnson raises issues that were not addressed in the Petition for Review and were put forth in a Reply Brief for the Court's consideration.

IV. CONCLUSION

Ms. Johnson respectfully requests the Supreme Court accept the Reply Brief and deny the Department's "Motion to Strike."

Certification of Page Count

Pursuant to Rule 18.17 of the Rules of this Court, I certify that the Appellant Brief of Melinda Johnson, was prepared using Times New Roman 14-point typeface, contains 436 words, excluding the parts of the document that are exempted by RAP 18.17. This brief was prepared in reliance on the word-count function of the word- processing system (Microsoft Word) used to prepare the document.

Respectfully Submitted this 13 day of May 2025.




Melinda Johnson, Self Represented

VERIFICATION

I declare under penalty and perjury of the laws of the State of Washington that the following documents served on the parties listed below are true and correct.

Signed this 13 day of May 2025, in Richland, Washington by:


Melinda Johnson, Self Represented

PROOF OF SERVICE

I certify that I served a copy of the foregoing document to the parties listed below as follows:

Supreme Court No: 1039417
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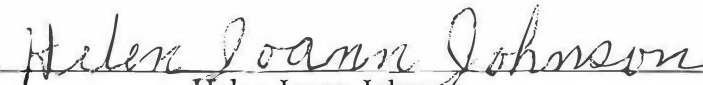
Sent To:

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Janet Cavallo, WSBA 38710
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I certify under penalty of perjury under the laws of the State of Washington that I am not a party to this case.

DATED this 13 day of May 2025, in Richland, Washington.


Helen Joann Johnson

MELINDA JOHNSON - FILING PRO SE

May 13, 2025 - 1:34 AM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 103,941-7
Appellate Court Case Title: Melinda Johnson v. State of WA, Department of Health
Superior Court Case Number: 12-2-02664-2

The following documents have been uploaded:

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