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SUPREME COURT
STATE OF WASHINGTON
8/27/2025 4:20 PM
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NO. 1040822

SUPREME COURT OF THE STATE OF WASHINGTON

Court of Appeals No. 868462 – Division I
Kitsap County Superior Court No. 23-2-00048-18

M.G., SAMANTHA GERLACH, AND SUZANNE
GERLACH,

Petitioners,

v.

BAINBRIDGE ISLAND SCHOOL DISTRICT, #303,
WASHINGTON STATE HOSA, NASZYA BRADSHAW,
AND ELEANOR WILSON, AND DOES 1-100,

Respondents.

NASZYA BRADSHAW'S ANSWER
TO PETITIONERS' MOTION TO SUPPLEMENT
PETITION FOR REVIEW

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I. INTRODUCTION

On August 25, 2025, Petitioners M.G., Samantha Gerlach, and Suzanne Gerlach (“Petitioners”) filed a document with this Court in Supreme Court Case No. 1040822, entitled “Petitioners’ Additional Authorities and Evidence to the Washington State Supreme Court.” The following day, this Court notified the parties, including Respondent Naszya Bradshaw, that it intended to treat the document as a motion to supplement the Petitioners’ petition for review, now pending. It further asked that any answer should be filed by August 27, 2025. This Answer follows.

II. PETITIONERS’ MOTION TO SUPPLEMENT THE PETITION FOR REVIEW SHOULD BE DENIED

There are two fundamental aspects to the petition for review now pending before this Court. First, the lawsuit against Bradshaw is based on conclusory allegations related to postings M.G. alleged Bradshaw made on social media. Neither M.G. nor his family presented evidence as to what the social media posts said. M.G. cited only a single “colorful, defiant social media post in response to being confronted with a possible defamation

lawsuit.” *M.G. v. Bainbridge Island Sch. Dist.* #303, 34 Wn. App. 2d 51, 56, 566 P.3d 132 (2025). The post was not defamatory as a matter of law, and M.G. lacked any other evidentiary support for any other allegation of defamation against Bradshaw. *Id.* at 73–76. The lawsuit was, therefore, properly dismissed with prejudice pursuant to the Uniform Public Expression Protection Act (UPEPA), RCW 4.105.020, *et. seq.* *Id.* at 57, 73–80.

Second, M.G. and his family have not made the requisite—or any—showing that the Court of Appeals’ decision, affirming the trial court’s order dismissing the lawsuit against Bradshaw under UPEPA, should be reviewed by this Court under any provision of RAP 13.4(b). Instead, at every stage of the appellate litigation, just like in the hearings below, they have routinely attributed every loss to judicial bias or unfairness, disregarding that their claims lacked both factual and legal foundation. The latest filing, which, as noted above, the Court deemed a motion to supplement the petition for review, is no

different. The motion is frivolous and serves only to further delay these proceedings. Bradshaw, therefore, opposes the motion and seeks an award of sanctions pursuant to RAP 18.9(a).

The Petitioners' motion appears to identify two new bases to grant review. First, Petitioners contend the judges of the Court of Appeals violated the Code of Judicial Conduct at some point after deciding this appeal. Second, Petitioners ask the Court to consider three letters they submitted to the Court of Appeals in a separate lawsuit and appeal, because, according to Petitioners, the Court of Appeals' non-responsiveness to their request for oral argument is evidence of bias or prejudice against them. This Court should deny Petitioners' motion to supplement their petition for review for either of these issues, for several reasons.

For one, the motion relies on information not contained in the trial court or Court of Appeals record. For instance, Petitioners allege that the Court of Appeals "filed" a false or misleading document in July 2025 through a "surrogate." Undersigned counsel can find no record of any filing in this case

with the Court of Appeals in July 2025. Indeed, Petitioners do not describe the document, do not identify where it was “filed,” and have not supplied a copy of the document to the parties or to this Court. Even so, this Court routinely denies motions to supplement petitions for review when the motions raise issues neither raised on appeal with the Court of Appeals nor briefed to that Court. *See State v. Halstien*, 122 Wn.2d 109, 129, 857 P.2d 270 (1993) (court denied motion to supplement petition for review because new issue not raised on appeal or briefed to court of appeals). Here, there is no reason to make any exception to that rule.

Additionally, the motion seeks to inject “new evidence” into the record before this Court regarding a completely different lawsuit and appeal. RAP 9.11 permits a litigant to submit additional evidence as to the merits of the issues on review, under very specific circumstances outlined in the rule. The three appendices to Petitioners’ motion are letters counsel for Petitioners purported to send to the Court of Appeals in case

number 873440, none of which fall under the circumstances outlined in RAP 9.11. That appeal appears to arise out of a different lawsuit filed by Suzanne Gerlach against only the Bainbridge Island School District under Kitsap County Superior Court No. 23-2-01398-18. In fact, as Petitioners indicate in their motion, that appeal arises out of a Public Records Act case in which Bradshaw is not and never was a named defendant.

Rather, as the petition for review in the above-captioned matter makes clear, this appeal arises out of Kitsap County Superior Court No. 23-2-00048-18. This case does not relate to the Gerlach PRA dispute with the school district. Yet, Petitioners seek to place “evidence” from an appeal of that PRA case before the Court now.

This Court may certainly take judicial notice of the record in the case presently before it or “in proceedings engrafted, ancillary, or supplementary to it,” but it “cannot, while deciding one case, take judicial notice of records of other independent and separate judicial proceedings even though they are between the

same parties.” *In re Adoption of B.T.*, 150 Wn.2d 409, 415, 78 P.3d 634, 637 (2003) (quoting *Swak v. Dep’t of Labor & Indus.*, 40 Wn.2d 51, 53–54, 240 P.2d 560 (1952)). Petitioners’ request that this Court consider records from a separate PRA case is, therefore, inappropriate under well-established precedent from this Court and should be denied.

Similarly, RAP 10.8 permits a party to file a statement of additional authorities, but the additional authorities “must relate to a point made in the briefing or at oral argument.” Here, not only did Petitioners fail to make any showing to meet that standard, but they also failed to even cite any additional authorities.

Finally, even if this Court were to grant the motion to supplement the petition for review, the allegations and documents Petitioners submit with their motion should not change the outcome here. It remains true that Petitioners have completely failed to demonstrate how any of the proffered “new

evidence” or “authorities” warrant any basis for granting review under RAP 13.4(b).

And, while it is all too common for a litigant who loses a lawsuit or appeal to claim that the judicial officers who ruled against them are biased or prejudiced against them, it is also all too common for the litigant to lack any credible evidence of such bias or prejudice. Such is the case here. Most importantly, Petitioners’ protestations otherwise do not change the fact that, as concluded by the Court of Appeals, the trial court was factually and legally sound in dismissing this lawsuit pursuant to UPEPA.

III. CONCLUSION

The Court should deny the motion to supplement Petitioners’ petition for review and deny the petition for review in its entirety. Further, this Court should find that the motion to supplement the record is frivolous, serves only to delay these proceedings, and that a sanctions award pursuant to RAP 18.9(a)

is therefore appropriate, in addition to attorney's fees requested pursuant to RCW 4.105.090 (1) and RAP 18.1(j).

Dated this 27th day of August 2025.

s/ Jennifer Wellman
Jennifer E. Wellman, WSBA No. 29193
Beth Andrus, WSBA No. 18381
Skellenger Bender, P.S.
Attorneys for Naszya Bradshaw

I hereby certify that this document has 1,201 words, excluding the parts of the document exempted from the word count pursuant to RAP 18.17(c).

Dated this 27th day of August 2025.

s/ Jennifer Wellman
Jennifer E. Wellman, WSBA No. 29193

CERTIFICATE OF SERVICE

I, Jule Freeman, hereby certify that on August 27, 2025, I caused the foregoing document to be filed with the Clerk of the Washington Supreme Court, via the Appellate Filing Portal, which will send notification of such filing to all registered counsel of record.

Dated this 27th day of August 2025.

s/ Jule Freeman

Jule Freeman, Case Manager
SKELLENGER BENDER, P.S.

SKELLENGER BENDER, P.S.

August 27, 2025 - 4:20 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 104,082-2
Appellate Court Case Title: Samantha Gerlach, et al. v. Bainbridge Island School District, et al.
Superior Court Case Number: 23-2-00048-1

The following documents have been uploaded:

- 1040822_Answer_Reply_20250827161907SC436341_8518.pdf
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