

FILED
SUPREME COURT
STATE OF WASHINGTON
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BY SARAH R. PENDLETON
CLERK

No. 1042647

SUPREME COURT
OF THE STATE OF WASHINGTON

LEAH CAMPANELLI and KEITH CAMPANELLI, wife and
husband,

Plaintiffs/Petitioners,

v.

PEACEHEALTH SOUTHWEST MEDICAL CENTER, A
WASHINGTON CORPORATION; SHANNON LORRAINE
SATHRE AND THOMAS LEO SATHRE AND THEIR
MARITAL COMMUNITY,

Defendants/Respondents

and

LEAH CAMPANELLI and KEITH CAMPANELLI, wife and
husband,

Plaintiffs,

v.

DR. WAEL Y. MUSLEH; REBOUND ORTHOPEDICS AND
NEUROSURGERY; NORTHWEST SURGICAL
SPECIALISTS, P.C.,

Defendants.

**DEFENDANTS PEACEHEALTH SOUTHWEST
MEDICAL CENTER, SHANNON SATHRE
AND THOMAS SATHRE'S ANSWER TO COURT'S
MOTION TO STRIKE REPLY**

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3 Karl B. Tegland, Wash. Prac., Rules Practice RAP 13.4 (8th ed.).....	3
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Respondents/defendants PeaceHealth Southwest Medical Center, Shannon Lorraine Sathre, RN, and Thomas Leo Sathre (collectively “the PeaceHealth defendants”) submit the following answer in support of the clerk’s motion to strike petitioners’ reply to defendants’ answer to the petition for review.

I. Introduction

Plaintiffs are not permitted to file a reply because defendants’ answer did not raise any new issues for the Supreme Court to consider. Additionally, plaintiffs’ reply was untimely. The clerk issued a notice of intent to file a motion to strike plaintiffs’ reply. The PeaceHealth defendants submit this answer in support of the clerk’s motion.

II. Procedural Posture

In a published opinion, the Court of Appeals, Division 1, affirmed in part and reversed in part the decisions of the trial

court.¹ *Campanelli v. PeaceHealth Sw. Med. Ctr.*, 565 P.3d 933, 937-940 (Wash. Ct. App. 2025), *as amended on denial of reconsideration*, (May 5, 2025). Following the Court of Appeals’ denial of plaintiffs’ motion for reconsideration, plaintiffs sought review in this Court.

Defendants filed an answer to plaintiffs’ petition for review on July 2, 2025. Defendants responded to plaintiffs’ petition and did not identify any new or additional issues for the Supreme Court to consider on review.

Plaintiffs filed a reply on July 18, 2025. The Supreme Court Deputy Clerk sent a letter to all counsel stating the reply does not appear to be permitted by the Rules of Appellate Procedure because the answer did not seek review of any additional issues. Accordingly, the clerk will submit a motion to strike the reply that will be considered when the Court considers plaintiffs’ petition for review. The clerk stated any

¹ A summary of the opinion is detailed in Defendants Answer to Plaintiffs’ Petition for Review.

party can file an answer to the motion to strike the reply by August 4, 2025.

III. Argument

A. The RAP do not permit a reply by petitioners in this circumstance.

RAP 13.4(d) allows a party to file a reply to an answer “only if the answering party seeks review of issues not raised in the petition for review.” If an answer raises a new issue, the reply can only respond to the new issues. *See Doe v. Gonzaga Univ.*, 143 Wn.2d 687, 700, 24 P.3d 390 (2001), *rev’d on other grounds*, 536 U.S. 273, 122 S. Ct. 2268, 153 L. Ed.2d 309 (2002). Therefore, when an answer does not raise a new issue, a petitioner is not permitted to file a reply. New arguments or authorities discussed in an answer do not equate to a new issue on review under RAP 13.4(d). *See* 3 Karl B. Tegland, Wash. Prac., Rules Practice RAP 13.4 (8th ed.); see also *Bayley Constr. v. Dep’t of Labor & Indus.*, 195 Wn.2d 1004, 458 P.3d 788 (2020) (striking a reply asserting that an answer’s

discussion of dictionary definitions was a new issue because they were not discussed in the petition).

Here, defendants' answer complied with RAP 13.4(d) and only responded to plaintiffs' petition for review. The answer did not raise any new issues to be considered by the Court. Rather, it responded with argument to the issues raised by plaintiffs in their petition and asserted why plaintiff's petition for review should be denied.

Therefore, plaintiffs were not permitted to file a reply. The clerk's motion to strike the reply should be granted.

B. Petitioners' reply was untimely.

Plaintiffs' reply was also untimely. RAP 13.4(d) requires a reply, if permitted, to be filed within 15 days from service of the answer. Here, defendants' answer was filed and served on July 2, 2025. If plaintiffs were permitted to submit a reply, which they were not, the deadline would have been July 17, 2025. Plaintiffs reply was filed on July 18, 2025, more than 15

days after service of defendants' answer. The reply should not be considered.

IV. Conclusion

Based on the foregoing, defendants submit this answer in support of the clerk's motion, urging the Court to strike plaintiffs' reply.

DATED this 1st day of August, 2025.

Respectfully submitted,

KEATING JONES HUGHES, P.C.

s/Hillary A. Taylor

Hillary A. Taylor, WSBA No. 50143
*Attorneys for Defendants/Respondents
PeaceHealth Southwest Medical
Center; Shannon Lorraine Sathre and
Thomas Leo Sathre*

DECLARATION OF FILING AND SERVICE

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct: On August 1, 2025, I arranged for filing and service of the foregoing **DEFENDANTS PEACEHEALTH SOUTHWEST MEDICAL CENTER, SHANNON SATHRE AND THOMAS SATHRE'S ANSWER TO COURT'S MOTION TO STRIKE REPLY**, to the court and to the parties to this action as follows:

Court Administrator/Clerk of the Supreme Court Temple of Justice P.O. Box 40929 Olympia, WA 98504-0929	Via Electronic Filing
Nigel Malden Nigel Malden Law, PLLC 711 Court A, Suite 200 Tacoma, WA 98402 Phone: (253) 627-0393 Fax: (844) 273-6067 Email: nm@nigelmaldenlaw.com <i>Of Attorneys for Plaintiffs/Appellants</i>	Via Electronic Filing Via U.S Mail

Rhianna Fronapfel Amy DeLisa Bennett Bigelow & Leedom PS 601 Union Street, Suite 1500 Seattle WA 98101 Phone: (206) 622-5511 Fax: (206) 622-8986 Email: ADeLisa@bblaw.com Email: rfronapfel@bblaw.com <i>Of Attorneys for Defendants/Respondents Wael Y. Musleh, MD; Rebound Orthopedics and Neurosurgery; and NW Surgical Specialists, PC</i>	Via Electronic Filing Via U.S Mail
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DATED this 1st day of August, 2025.

Respectfully submitted,

KEATING JONES HUGHES, P.C.

s/Hillary A. Taylor

Hillary A. Taylor, WSBA No. 50143
Attorneys for Defendants/Respondents
PeaceHealth Southwest Medical
Center; Shannon Lorraine Sathre and
Thomas Leo Sathre

KEATING JONES HUGHES, P.C.

August 01, 2025 - 10:29 AM

Transmittal Information

Filed with Court: Supreme Court
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Appellate Court Case Title: Leah Campanelli, et ux. v. Peacehealth Southwest Medical Center, et al.
Superior Court Case Number: 20-2-02448-5

The following documents have been uploaded:

- 1042647_Answer_Reply_20250801102615SC833001_1877.pdf
This File Contains:
Answer/Reply - Answer to Motion
The Original File Name was Defs PeaceHealth SW Med Ctr Shannon Sathre and Thomas Sathres Answer to Courts Mtn to Strike Reply.pdf

A copy of the uploaded files will be sent to:

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