

FILED
SUPREME COURT
STATE OF WASHINGTON
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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 PLAINTIFFS'
PETITION FOR REVIEW**

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TABLE OF CONTENTS

	Page
I. Identity of Respondents	1
II. Introduction	1
III. Statement of the Case.....	2
IV. The Court of Appeals Opinion	2
V. Argument.....	6
A. The issues presented for review	6
B. Plaintiffs fail to identify a basis for review	8
1. The Court of Appeals opinion does not conflict with a decision of this Court or a published decision of the Court of Appeals.....	9
2. There is no constitutional question presented.....	9
3. Plaintiffs fail to raise an issue of substantial public interest that needs to be decided by this Court.....	10
VI. Conclusion.....	12

TABLE OF AUTHORITIES

Page

CASES

<i>Campanelli v. PeaceHealth Sw. Med. Ctr.</i> , 565 P.3d 933 (Wash. Ct. App. 2025), <i>as amended on denial of reconsideration</i> (May 5, 2025)	2, 4, 5, 6, 7, 8
<i>K.M.P. v. Big Brothers Big Sisters of Puget Sound</i> , 16 Wash. App. 2d 475, 483 P.3d 119 (2021).....	4
<i>Leishman v. Ogden Murphy Wallace, PLLC</i> , 196 Wash. 2d. 898, 479 P.3d 688 (2021)	4
<i>Matter of Arnold</i> , 189 Wash.2d 1023, 408 P.3d 1091 (2017)	11
<i>Matter of Williams</i> , 197 Wash.2d 1001, 484 P.3d 445 (2021)	10
<i>Reid v. Pierce County</i> , 136 Wash.2d 195, 961 P.2d 333 (1998)	4
<i>State v. Watson</i> , 155 Wn.2d 574, 122 P.3d 903 (2005).....	10

RULES

RAP 13.4	8
RAP 18.17	12
RCW 4.24.510	3
RCW 7.70	3, 7, 9
RCW 70.02	3, 4, 8
RCW 70.04	7, 9

I. IDENTITY OF RESPONDENTS

Respondents/defendants PeaceHealth Southwest Medical Center, Shannon Lorraine Sathre, RN, and Thomas Leo Sathre (collectively “the PeaceHealth defendants”) request that plaintiffs’ petition be denied and the case remanded consistent with the Court of Appeals opinion.

II. INTRODUCTION

The Court of Appeals and the trial court were correct in holding that plaintiff’s privacy claims arising out of Nurse Sathre’s communications to police and Reporter Harshman should be dismissed. The Court of Appeals correctly concluded that Nurse Sathre did not tell Harshman intimate details of Leah Campanelli’s personal or private life, and an incident number to a publicly available police report is not such a detail. Plaintiffs’ petition appears limited to seeking review of the dismissal of her privacy claims arising out of Nurse Sathre’s communication to the reporter. Plaintiffs’ petition provides nothing beyond

mere disagreement with the lower courts; it is ill-conceived and should be denied.

III. STATEMENT OF THE CASE

The Court of Appeals decision provides the facts and procedural history pertinent to the case. *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). Defendants commend that recitation of facts and procedural history to this Court.

IV. THE COURT OF APPEALS OPINION

In a published opinion, the Court of Appeals, Division 1, affirmed in part and reversed in part the decisions of the trial court.¹ 565 P.3d 933. Plaintiffs' claims against the PeaceHealth defendants included: claims arising out of Nurse

¹ As explained in the Court of Appeals opinion, 565 P.3d at 939, plaintiffs moved in the trial court to consolidate this case and the case against Dr. Musleh. That motion was granted. On appeal the court considered the claims against all defendants together. The Court of Appeals reversed the grant of summary judgment as to Dr. Musleh and that decision is not a part of plaintiffs' petition for review which is directed only at the claims against the PeaceHealth defendants.

Sathre's communication to police (violation of the Uniform Health Care Information Act, chapter 70.02 RCW, invasion of privacy for the public disclosure of private facts, intrusion upon seclusion, and false light portrayal), medical malpractice against Nurse Sathre under chapter 7.70 RCW; and common law negligence against PeaceHealth; claims arising from Nurse Sathre's communication to Reporter Harshman (invasion of privacy, breach of fiduciary duty); and loss of marital consortium on behalf of Mr. Campanelli; and, finally, medical negligence under 7.70 RCW against PeaceHealth for the conduct of Nurse Alin Bob.

The trial court granted defendants' motions for summary judgment as to all claims, other than those that plaintiffs voluntarily dismissed.

In its opinion, the Court of Appeals analyzed Washington's anti-SLAPP statute, RCW 4.24.510, and agreed with the trial court's conclusion that Nurse Sathre's communication to police was exactly the type of

communication that is immune to suit under the statute. 565 P.3d at 946, *citing K.M.P. v. Big Brothers Big Sisters of Puget Sound*, 16 Wash. App. 2d 475, 481, 480, 483 P.3d 119 (2021) and *Leishman v. Ogden Murphy Wallace, PLLC*, 196 Wash. 2d. 898, 908, 479 P.3d 688 (2021).

Next, the court examined Nurse Sathre's communication to Reporter Harshman and whether she invaded Campanelli's privacy by publicly disclosing private facts when she told Harshman the police incident number that identified Campanelli's name. 565 P.3d at 946-47. The court determined that Nurse Sathre did not give publicity to a matter of private concern by sharing an incident number to a publicly available police report. *Id.*, *citing Reid v. Pierce County*, 136 Wash.2d 195, 961 P.2d 333 (1998). The Court also acknowledged the lack of a private cause of action available to enforce an alleged HIPAA violation, and the lack of any supported argument by plaintiffs that Nurse Sathre violated RCW 70.02. 565 P.3d at 945, n. 18.

With respect to the medical negligence claims, the Court of Appeals affirmed the dismissal of the claim as to Nurse Sathre because plaintiffs raised the issue for the first time in their reply brief. 565 P.3d at 940, n. 11. The court reversed the grant of summary judgment as to the conduct of Nurse Alin Bob finding that the expert declaration submitted by plaintiffs created a question of fact. 565 P.3d at 945. Therefore, following the Court of Appeals' disposition, the only claim remaining is the claim for medical negligence against PeaceHealth for the conduct of PeaceHealth's employee Nurse Alin Bob. Defendants have not challenged the Court of Appeals' reversal of summary judgment as to that claim.

Plaintiffs moved for reconsideration. One of the issues they raised was the court's failure to explicitly mention the breach of fiduciary duty claim in its opinion. The court denied the motion and issued an amendment to its opinion. The court declined to reach plaintiff's claim for breach of a duty arising out of a special relationship. Plaintiffs' arguments were based

on Virginia law and were not supported by “meaningful analysis” and therefore the court declined to reach the issue. 565 P.3d at 945, n. 18. Plaintiffs fail to explain why this Court should now reach the issue that was undeveloped below and argued based on out-of-state law. Plainly, without disclosure of private information, plaintiffs have no privacy claims of any kind.

Following the Court of Appeals’ denial of plaintiffs’ motion for reconsideration, they sought review in this Court.

V. ARGUMENT

A. The issues presented for review.

Plaintiffs state the issue on review is whether “Sathre violated her legal and ethical duties *** by helping a newspaper reporter obtain a public record to identify Campanelli as her patient and to obtain details about her hospitalization[.]” Thus, it appears the petition is limited to seeking review of the Court of Appeal’s decision as to those claims that arose out of Nurse Sathre’s communication to Reporter Harshman.

Plaintiffs' petition further states that they are not challenging the Court of Appeals decision with respect to the dismissal of the common law claim for invasion of privacy for public disclosure of private facts. Plaintiffs' Petition at 11. However, they are asking for review of the dismissal of the "three alternative claims for breach of the RN standard of care (RCW 7.70), violation of privacy rights under RCW 70.04, and breach of common law fiduciary duty." *Id.* It is unclear how plaintiffs can acknowledge that no private information was disclosed but still seek reversal of the dismissal of claims premised on a breach of privacy.

Regardless, the Court of Appeals did not address the medical malpractice claim under RCW 7.70 because it was not raised on appeal until plaintiffs' reply brief, this Court has no basis to review that decision and plaintiffs provide none. The Court of Appeals appropriately declined to consider the issue. *Campanelli*, 565 P.3d at 940, n. 11. The petition does not

explain why this Court should review an issue that was not properly presented for appellate review.

With respect to plaintiffs' claims for violation of RCW 70.02 and breach of fiduciary duty, neither warrant review. As addressed by the Court of Appeals, there is no private cause of action under HIPAA or Washington's corollary in RCW 70.02. Further, plaintiffs failed again to develop or support any argument below. 565 P.3d at 945, n. 18. It is undisputed that Nurse Sathre provided an incident number to a publicly available police report. That conduct could not have violated plaintiffs' privacy because there was no disclosure of private information. Plaintiffs' petition fails to articulate any new argument or compelling reason this Court should grant review.

B. Plaintiffs fail to identify a basis for review.

Whether review should be granted is decided by reference to the considerations set forth in RAP 13.4. Plaintiffs' petition fails to explain how it meets those criteria; indeed, it fails to reference RAP 13.4. Plaintiffs simply

reiterate their arguments on the merits made below. Those arguments are irrelevant to the issue of whether this Court should accept review. RAP 13.4(b). The petition does not invoke any of the relevant considerations and it should be denied on that basis. Further, as discussed below, none of the relevant considerations warrant review.

1. The Court of Appeals opinion does not conflict with a decision of this Court or a published decision of the Court of Appeals.

Plaintiffs have not identified, and defendants are unaware of, any decision from this Court or the Court of Appeals that is in conflict with the published decision in this case. Plaintiffs' petition fails to meet the first two criteria of RAP 13.4(b).

2. There is no constitutional question presented.

The issues identified in the petition for review arise from Washington statutes, RCW 7.70 and RCW 70.04, and common law. Plaintiffs fail to identify any constitutional question for review. The petition fails to meet the third criteria in RAP 13.4(b).

3. Plaintiffs fail to raise an issue of substantial public interest that needs to be decided by this Court.

Plaintiffs do not present any issue of substantial public interest for this Court to decide, nor do plaintiffs offer any explanation of any such issue. To the extent this Court considers whether the petition satisfies the fourth criterion, defendants assert the following argument.

“Substantial public interest” is not defined by the RAP, however, this Court’s cases highlight the widespread impact on the public that must be present to warrant invocation of this consideration as a basis for review. *See State v. Watson*, 155 Wn.2d 574, 577, 122 P.3d 903 (2005) (granting review of a moot case because it contained an issue of substantial public interest: whether communication by the district attorney to all judges that had the potential to impact every drug offender sentencing proceeding in Pierce County constituted inappropriate *ex parte* communication); *see also Matter of Williams*, 197 Wash.2d 1001, 484 P.3d 445 (2021) (accepting

review based on the presence of a constitutional question and an issue of substantial public interest where an inmate sought review of a Court of Appeals decision denying a personal restraint petition challenging confinement while COVID-19 heavily affected that the other facilities in the state); *Matter of Arnold*, 189 Wash.2d 1023, 408 P.3d 1091 (2017) (Prior Court of Appeals opinions that removed an entire class of sex offenders from registration requirements affected public safety in a manner that permitted review under RAP 13.4(b)(4)).

Here, there is no analogous issue of substantial public interest. It is undisputed that what Nurse Sathre disclosed was an incident number to a publically available police report. She did not publicize the private or personal information of Leah Campanelli.

A generalized argument that the public has an interest in the case is not sufficient for the Court to grant review, otherwise the rule would lose its meaning. This case does not present a question of whether a nurse violated patient privacy—

that is simply not the facts. The Court of Appeals decision does not “erode” a patient’s privacy rights or otherwise rise to a level that warrants review as an issue of substantial public interest. Plaintiffs’ petition fails to meet the fourth criterion of RAP 13.4(b).

VI. Conclusion

Based on the foregoing, defendants request this Court deny plaintiffs petition for review and remand the case to the trial court for further proceedings consistent with the Court of Appeals opinion.

This document contains 1,889 words, excluding the parts of the document exempted from the word count by RAP 18.17.

DATED this 2nd day of July, 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 July 2, 2025, I arranged for filing and service of the foregoing **DEFENDANTS PEACEHEALTH SOUTHWEST MEDICAL CENTER, SHANNON SATHRE AND THOMAS SATHRE'S ANSWER TO PLAINTIFFS' PETITION FOR REVIEW**, 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

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DATED this 2nd day of July, 2025.

Respectfully submitted,

KEATING JONES HUGHES, P.C.

s/Hillary A. Taylor

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The following documents have been uploaded:

- 1042647_Answer_Reply_20250702125325SC880577_9615.pdf
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