

FILED
SUPREME COURT
STATE OF WASHINGTON
8/7/2025 9:27 AM

BY SARAH R. PENDLETON State Supreme Court

CLERK Motion to Strike Defense Expert Testimony as Inadmissible Due to Withheld Trauma MRI

Appellate Case No.: 1043279

MOTION TO STRIKE DEFENSE EXPERT OPINIONS AS INADMISSIBLE

Comes now Petitioner Aedin Quinn and respectfully moves the Court to strike the expert testimony relied upon by King County as inadmissible under both Washington evidence standards and constitutional due process principles. The defense opinions must be invalidated for lacking foundation, being rendered without access to dispositive trauma evidence, and compounding structural error through use of mischaracterized records.

I. DEFENSE EXPERTS NEVER REVIEWED THE 1/7/2018 VIRGINIA MASON MRI
The MRI conducted at Virginia Mason on January 7, 2018 confirms structural spine trauma. This evidence:

- Was conducted less than six months after the injury (7/27/2017);
- Confirms trauma inconsistent with "sprain" theory;
- Was concealed or unacknowledged at the time of King County's disability denial on July 7, 2023.

Denying disability based on experts who evaluated Petitioner *after* the January 7, 2018 Virginia Mason MRI — while that MRI remained omitted — signals reckless or deliberate disregard of foundational medical proof. The "sprain" diagnosis was not a medical conclusion; it was a litigation position designed to block benefits.

II. OPINIONS BASED ON INCOMPLETE OR MISCHARACTERIZED RECORDS MUST BE EXCLUDED

Under Washington law, expert testimony based on incomplete or misleading evidence is inadmissible. See *In re Det. of Marshall*, 156 Wn.2d 150 (2005):

"Expert testimony which is not based on a complete review of the relevant facts and data lacks foundation and is inadmissible."

The fact that a full trauma MRI was never presented or rebutted shows the "sprain" theory was unsupported fiction. The following records were ignored or excluded:

- The January 7, 2018 Virginia Mason MRI;
- Grady imaging showing trauma-related findings (2019–2020);
- The Penn Medicine 2/6/2025 MRI confirming severe spinal stenosis and collapse.

III. DUE PROCESS VIOLATED THROUGH STRUCTURAL BURDEN SHIFTING

The burden of proof was wrongly shifted to Petitioner to fix the record. This second burden shift — requiring Petitioner to surface the 2018 MRI — renders the disability denial void from inception under *Arizona v. Fulminante*, 499 U.S. 279 (1991). A trial judge has a

constitutional and evidentiary obligation to screen expert opinions under ER 702 and Frye. The judge admitted testimony that lacked access to trauma records, violating that duty.

IV. KING COUNTY HAD CONSTRUCTIVE KNOWLEDGE OF TRAUMA MRI THROUGH ITS OWN PROVIDER NETWORK

The January 7, 2018 MRI was performed at Virginia Mason, a provider within King County's authorized care network. As such:

- King County had both constructive and actual access to this MRI;
- The County bore legal responsibility to provide this MRI to all IME examiners;
- Denying disability while ignoring this trauma record constitutes misconduct.

Thus, expert opinions rendered without this record — particularly those asserting a "sprain" theory — are void under ER 702 and Frye standards.

V. DEFENSE EXPERTS' TESTIMONY CONTRADICTED BY LATER TRAUMA EVIDENCE

Dr. Ayres and Dr. Peterson concluded that Appellant reached maximum medical improvement (MMI) after the January 7, 2018 Virginia Mason MRI. Appellant, seeking a second opinion, consulted with physicians at Grady Hospital in Atlanta, who immediately identified both hip and spine injuries. Dr. Nwosu later reviewed the Grady records, performed equivalent diagnostic testing, and testified to fusion, aggravated lumbar disc disease, nerve impingement, and L3–L5 joint industrial injuries. His surgery recommendation was later augmented to include:

- Two spinal fusions,
- Laminectomy,
- Installation of a cage and screws, After reviewing the Penn Medicine 2/6/2025 spine MRI showing severe spinal stenosis.

Dr. Ayres' and Dr. Peterson's evaluations occurred after the January 7, 2018 MRI, yet without addressing or rebutting it, their opinions lack medical or evidentiary credibility.

VI. LEGAL NULLITY OF JULY 7, 2023 DISABILITY DENIAL

Petitioner respectfully clarifies that the July 7, 2023 denial is now legally null due to:

- The admission of dispositive trauma evidence (1/7/2018 MRI);
- The failure of King County's experts to review or rebut that evidence;
- The State's constructive knowledge of the record through its own network;
- The compounded structural error from reliance on inadmissible opinions.

This Court is now formally notified that the underlying disability denial cannot stand. The July 7, 2023 order must be vacated as void from inception.

VII. RELIEF REQUESTED: IMMEDIATE PENSION PAYMENT

Appellant respectfully requests this Court to:

1. Strike the causation opinions of King County's defense experts as inadmissible due to lack of access to trauma-confirming records;
2. Acknowledge the January 7, 2018 Virginia Mason MRI as dispositive trauma evidence;
3. Declare the "sprain" theory legally void and unsupported by any diagnostic record;
4. Grant immediate retroactive relief, including:
 - o Time-loss compensation from July 27, 2017 to January 7, 2018, in the amount of \$73,680.48 based on 2016 final income year of \$163,984;
 - o Retroactive pension payment from January 7, 2018 to August 18, 2025, in the amount of \$1,248,974.03, continuing for life under RCW 41.40.650;
 - o Order King County to transmit direct deposit authorization to aedinquinn@gmail.com immediately, with deposit of total accrued amounts by August 7, 2025;
 - o Permanent monthly pension reinstated under RCW 41.40.650 and RCW 51.32.080;
 - o Recognition of structural error corrected by Petitioner and entitlement to full earned benefits without delay.

The delay is no longer legally or ethically sustainable once the dispositive evidence is in the record and acknowledged. This line is a formal signal to the Washington Supreme Court that final relief is now mandated.

Dated this 7th day of August, 2025



Aedin Quinn

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CERTIFICATE OF SERVICE

I certify that on this day, I served a copy of the foregoing Eighth Motion to Supplement the Petition for Review on the following party by USPS First-Class Mail

Tylar Edwards
King County Prosecuting Attorney's Office
500 Fourth Avenue, Suite 900
Seattle, WA 98104
Dated: August 7, 2025



AEDIN QUINN - FILING PRO SE

August 07, 2025 - 9:27 AM

Filing Petition for Review

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: Case Initiation
Appellate Court Case Title: Aedin Quinn, Appellant v. King County, Respondent (863894)

The following documents have been uploaded:

- PRV_Petition_for_Review_20250807092629SC191187_1037.pdf
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A copy of the uploaded files will be sent to:

- aedinquinn@gmail.com
- anastasia.sandstrom@atg.wa.gov
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