

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
8/21/2025  
BY SARAH R. PENDLETON  
CLERK

FILED  
Court of Appeals  
Division I  
State of Washington  
8/20/2025 11:17 AM

Case #: 1044844

NO. 87002-5-I

**SUPREME COURT  
STATE OF WASHINGTON**

OLABAMIJI M. IDOWU, JR. (DEC'D),

Petitioner,

v.

DEPARTMENT OF LABOR  
AND INDUSTRIES OF THE STATE OF  
WASHINGTON,

Respondent.

**PETITIONER'S MOTION  
FOR EXTENSION IN TIME**

**I. IDENTITY OF MOVING PARTY**

The moving party is Petitioner, Olabamiji M. Idowu, Jr.  
(Dec'd).

**II. STATEMENT OF RELIEF SOUGHT**

Petitioner respectfully moves this Court for an extension  
of time to file a Petition for Review under RAP 18.8(a) and  
18.8(b). The decision of the Court of Appeals, Division One

was issued on July 21, 2025, making the current deadline for filing a Petition for Review August 20, 2025. The Petitioner requests a 30-day extension of time to file its Petition for Review. The extended due date would be September 19, 2025.

### **III. IDENTITY OF MOVING PARTY**

The moving party is Petitioner, Olabamiji M. Idowu, Jr. (Dec'd).

### **IV. STATEMENT OF RELIEF SOUGHT**

Petitioner respectfully moves this Court for an extension of time to file a Petition for Review under RAP 18.8(a) and 18.8(b). The decision of the Court of Appeals, Division One was issued on July 21, 2025, making the current deadline for filing a Petition for Review August 20, 2025. The Petitioner requests a 30-day extension of time to file its Petition for Review. The extended due date would be September 19, 2025.

### **V. FACTS RELEVANT TO MOTION**

On July 21, 2025 an unpublished decision was issued by the Court of Appeals. This decision effectively limits the

statutory recovery rights of injured workers with respect to posthumous permanent partial disability benefits. Effectively, this decision nullifies the statutory rights of injured workers to seek such posthumous benefits, except for in very rare cases, by requiring a burden of proof so high that it will not be sustainable by the estates of most deceased injured workers. This decision also plainly misapplies standards of review in Summary Judgment cases, such as for example by treating the testimony of the State's (moving party's) medical expert witness as if it must be credited outright when evaluating the credibility and testimony of the Petitioner's (non-moving party's) medical expert's testimony.

Notably, no oral argument was provided to Petitioner in the Court of Appeals process below, and meanwhile the case sat dormant at the Court of Appeals for an extended period of time after the filing of briefs. Petitioner respectfully believes that full and complete consideration was not provided by the Court of

Appeals and this is reflected in a misapplication of law made by the Court of Appeals.

Undersigned counsel has also been extraordinarily busy in ongoing trials and in taking his first-born child to college in a distant state during the 30-day Petition to Review period. This has made timely filing of an opening brief virtually impossible to accomplish within the undersigned attorney's schedule.

Given the complexity and importance of the issues involved, as well as the significant impact of the case on Petitioner's rights, additional time is necessary to allow him set forth his Petition for Review. Denial of this motion would unduly prejudice the Petitioner and may unjustly bar review of issues of statewide importance.

This request is respectfully hereby made in good faith and not for purposes of delay.

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## **VI. GROUNDS FOR RELIEF**

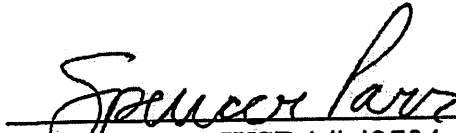
For the reasons stated, the Petitioner asks this Court to grant its motion. RAP 18.8(a) and 18.8(b) authorizes the Court to extend the period of time to file Petition for Review.

## **VII. CONCLUSION**

The Petitioner requests that its motion be granted. Petitioner has also filed RAP Form 25.

This document contains 583 words, excluding the part of the document exempted from the word count by RAP 18.17.

RESPECTFULLY SUBMITTED      this Wednesday, August  
20, 2025.

  
Spencer Parr, WSBA# 42704  
Washington Law Center  
651 Strander Blvd  
Bldg. B, Suite 215  
Ph: (206) 596-7888  
Fax: (206) 457-4900  
spencer@washingtonlawcenter.com  
Attorney for Petitioner.

NO. 87002-5-I

**SUPREME COURT  
STATE OF WASHINGTON**

In re: OLABAMIJI M. IDOWU, JR.	)	
(DEC'D),	)	<b>CERTIFICATE</b>
Appellant,	)	<b>OF SERVICE</b>
	)	
vs.	)	
	)	
THE DEPARTMENT OF LABOR AND	)	
INDUSTRIES OF THE STATE OF	)	
WASHINGTON,	)	
Respondents	)	

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The undersigned, under penalty of perjury pursuant to the laws of the State of Washington, declares that on the below date, she caused to be served the Petitioner's Motion for Extension in Time and this Certificate of Service in the below described manner:

**E-filed via Washington State Appellate Courts Filing Portal:**

Washington State Supreme Court

**E-service via E-file portal:**

Michael Duggan, AAG  
Office of the Attorney General  
800 5<sup>th</sup> Ave Suite 2000  
Seattle, WA 98104

DATED this 20<sup>th</sup> day of August, 2025, at Tukwila, Washington  
by:

*T. LeCausé*

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Tori LeCausé, Paralegal  
Washington Law Center  
651 Strander Blvd.  
Bldg B, Suite 215  
Tukwila, WA 98188  
(206) 596-7888  
Tori@washingtonlawcenter.com

# WASHINGTON LAW CENTER

August 20, 2025 - 11:17 AM

## Transmittal Information

**Filed with Court:** Court of Appeals Division I  
**Appellate Court Case Number:** 87002-5  
**Appellate Court Case Title:** Olabamiji M. Idowu, Jr. (Dec'd) v. Learning Land II and WA State Dept. of L&I

### The following documents have been uploaded:

- 870025\_Other\_20250820111520D1598969\_7570.pdf  
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