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SUPREME COURT
STATE OF WASHINGTON ^E
Jun 26, 2015, 11:04 am
BY RONALD R. CARPENTER
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SUPREME COURT
OF THE STATE OF WASHINGTON

RECEIVED BY E-MAIL ^{byh}

FRED BINSCHUS, individually and as
Personal Representative of the Estate of
JULIE ANN BINSCHUS; TONYA FENTON;
TRISHA WOODS; TAMMY MORRIS;
JOANN GILLUM, as Personal Representative
of the Estate of GREGORY N. GILLUM;
CARLA J. LANGE, individually and as
Personal Representative of the Estate of
LEROY B. LANGE; NICHOLAS LEE
LANGE, individually; ANDREA ROSE,
individually and as Personal Representative of
the Estate of CHESTER M. ROSE; STACY
ROSE, individually; RICHARD TRESTON
and CAROL TRESTON, and the marital
community thereof; BEN MERCADO;
PAMELA RADCLIFFE, individually and as
Personal Representative of the Estate of
DAVID RADCLIFFE; and TROY
GIDDINGS, individually,

Respondents,

v.

SKAGIT COUNTY, a political subdivision of
the State of Washington,

Petitioner,

and

STATE OF WASHINGTON,
DEPARTMENT OF CORRECTIONS;
SKAGIT EMERGENCY
COMMUNICATIONS CENTER d/b/a
"Skagit 911," an interlocal government
agency; and OKANOGAN COUNTY, a
political subdivision of the State of
Washington,

Defendants.

No. 91644-6

STATEMENT OF
ADDITIONAL
AUTHORITY

Statement of Additional Authority - 1

Talmadge/Fitzpatrick/Tribe
2775 Harbor Avenue SW
Third Floor, Suite C
Seattle, WA 98126
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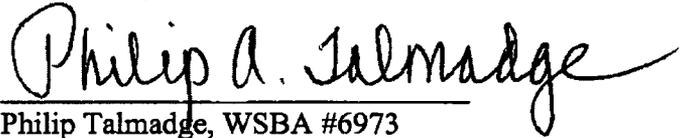


COME NOW respondents Binschus, et al., and submit the following additional authority to the Court pursuant to RAP 10.8:

- *Volk v. DeMeerleer*, 184 Wn. App. 389, 337 P.3d 372, (2014) (Court finds duty to victims under *Petersen* on part of psychiatrist who saw patient on “out-patient” basis, but failed to perform a proper evaluation of a patient who later killed 2 and wounded another).

DATED this 26th day of June, 2015.

Respectfully submitted,



Philip Talmadge, WSBA #6973
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Mercado

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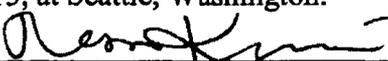
DECLARATION OF SERVICE

On said day below I emailed a copy for service a true and accurate copy of the Statement of Additional Authority in Supreme Court Cause No. 91644-6 to the following:

| | |
|---|---|
| Nathan Roberts John Connelly Connelly Law Offices, PLLC 2301 North 30th Street Tacoma, WA 98403 | Jaime D. Allen Davis Wright Tremaine 1201 Third Avenue, Suite 2200 Seattle, WA 98101-3045 |
| Eugene R. Moses Law Offices of Gene R. Moses 2200 Rimland Dr. Suite 115 Bellingham, WA 98226-6643 | John E. Justice Law, Lyman, Daniel, Kamerrer & Bogdanovich PO Box 11880 Olympia, WA 98508-1880 |
| W. Mitchell Cogdill Cogdill Nichols Rein Wartelle Andrews Vail 3 Thirty Two Square 3232 Rockefeller Avenue Everett, WA 98201-4317 | Copy sent by U.S. Mail & Email Paul J. Triesch Joshua Choate Tad Robinson-O'Neil Office of Washington State Attorney General 800 5 th Avenue, Suite 2000 Seattle, WA 98104-3188 |
| Christopher Kerley Evans, Craven & Lackie, P.S. 818 W. Riverside Avenue, #250 Spokane, WA 99201-0094 | Dean R. Brett Brett Murphy Coats Knapp McCandis Brown PO Box 4196 Bellingham, WA 98227-4196 |
| Arne O. Denny Skagit County Prosecutor's Office 605 S. Third Mount Vernon, WA 98273 | Jeffrey D. Dunbar Ogden Murphy Wallace PLLC 901 5 th Avenue, Suite 3500 Seattle, WA 98164-2008 |
| Copy sent by U.S. Mail & Email Howard M. Goodfriend Catherine Smith Smith Goodfriend, P.S. 1619 8th Avenue North Seattle, WA 98109 | <u>Original E-filed with:</u> Washington Supreme Court Clerk's Office 415 12 th Street W Olympia, WA 98504-0929 |

I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

DATED: June 26th, 2015, at Seattle, Washington.



Roya Kolahi, Legal Assistant
Talmadge/Fitzpatrick/Tribe

DECLARATION

OFFICE RECEPTIONIST, CLERK

To: Roya Kolahi
Cc: Nathan Roberts; Jack Connelly; Vickie Shirer; jaimeallen@dwt.com; keithmorton@dwt.com; gene@genemoses.net; John Justice; Marry@lldkb.com; wmc@cnrlaw.com; sue@cnrlaw.com; pault@atg.wa.gov; joshuac1@atg.wa.gov; tadr@atg.wa.gov; Graces1@atg.wa.gov; ckerley@ecl-law.com; dbrett@brettlaw.com; Ahnie McHugh; arned@co.skagit.wa.us; jdunbar@omwlaw.com; Howard Goodfriend; cate@washingtonappeals.com; Victoria Vigoren
Subject: RE: Binschus et al., v. Skagit County Cause No. 91644-6

Received 6/26/2015.

From: Roya Kolahi [mailto:Roya@tal-fitzlaw.com]
Sent: Friday, June 26, 2015 11:03 AM
To: OFFICE RECEPTIONIST, CLERK
Cc: Nathan Roberts; Jack Connelly; Vickie Shirer; jaimeallen@dwt.com; keithmorton@dwt.com; gene@genemoses.net; John Justice; Marry@lldkb.com; wmc@cnrlaw.com; sue@cnrlaw.com; pault@atg.wa.gov; joshuac1@atg.wa.gov; tadr@atg.wa.gov; Graces1@atg.wa.gov; ckerley@ecl-law.com; dbrett@brettlaw.com; Ahnie McHugh; arned@co.skagit.wa.us; jdunbar@omwlaw.com; Howard Goodfriend; cate@washingtonappeals.com; Victoria Vigoren
Subject: Binschus et al., v. Skagit County Cause No. 91644-6

Good Morning:

Attached please find the Statement of Additional Authority in Supreme Court Cause No. 91644-6 for today's filing. Thank you.

Sincerely,

Roya Kolahi
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Talmadge/Fitzpatrick/Tribe
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roya@tal-fitzlaw.com