

Received
Washington State Supreme Court

JUN - 8 2015

E
Ronald R. Carpenter
Clerk

No. 91737-0
SUPREME COURT
OF THE STATE OF WASHINGTON

VIRGINIA E. BURNETT,)	
)	
Plaintiff,)	
and)	DECLARATION OF
)	JANELLE CARMAN
STATE OF WASHINGTON,)	
DEPARTMENT OF CORRECTIONS, and)	
JOHN DOE GUARD,)	
)	
Defendants.)	
_____)	

I, Janelle Carman, hereby declare as follows:

1. I am an attorney, licensed in the State of Washington. My office represents the Petitioner in this matter;
2. The Court of Appeals filed its opinion in this matter on April 16, 2015. After discussing matters with the client, it was determined that my office would file a petition for review in this matter;
3. Unfortunately, my associate attorney, John C. Julian, lost his mother to cancer on April 22, 2015. This is particularly relevant, as he has been lead counsel on this matter since our office became involved. As a result of his loss, it was necessary that he be out of the office for quite a few days, and

as a result I shouldered a good deal of his case load in addition to my full-time case load;

4. Upon his return to full-time status the week of May 11, Mr. Julian began working diligently on the petition, and asked that I contact the Court to ensure that our calculation of the appropriate filing date was the same as the Court's;
5. When I contacted the Court of Appeals, I was informed that the appropriate deadline was indeed May 18, as expected. I was also informed by the clerk I spoke with that the petition would be deemed timely filed if it was placed in the mail on May 18. I was separately assured that if we filed by fax, that the check could be placed in the mail on May 18.
6. Despite this, our office has a policy of preferring to file early and in person through a process server so as to ensure that filing timely occurs. This we intended to do with this petition should the need arise;
7. As matters unfolded, it was necessary that we file on the date the petition was due, May 18. Unfortunately, as we began processing the petition and its appendices, our all-in-one machine began experiencing difficulties, and caused an

unexpected and untimely inability to forward the documents to a process server;

8. Our office did our best to fix the machine, and we were able to restore the print functionality;
9. Since the Court of Appeals' clerk had informed me that it would be considered timely filed if placed in the mail on the 18th, and since I had separately been assured that the perfection of the appeal via a fax filing and mailed check the due date would each be deemed timely, we elected to place the petition in the mail for filing, and to all parties on that date;
10. Recently, our office received a letter from this Court informing us that this motion would need to be filed in order for the petition to be accepted. I can only assure the Court that our office attempted to comply with the rules, and, but for the technical difficulties would have timely filed in person at the Court of Appeals. That the petition was filed by mail was the result of our reliance upon my communication with the clerk's office;
11. It would be a miscarriage of justice for this Court to deny the motion for extension, particularly given the important public policy issues regarding injured workers that this petition raises.

The Petition accurately sets forth the substantive basis for the
Petition;

12. Thank you for considering this request.

I declare under penalty of perjury under the laws of the State of
Washington that the foregoing is true and accurate to the best of
my knowledge. DATED this 2nd day of June, 2015 in Walla
Walla County, Washington by:

A handwritten signature in black ink, appearing to read 'Janelle Carman', is written over a horizontal line.

Janelle Carman