

FILED
COURT OF APPEALS DIV I
STATE OF WASHINGTON

2014 MAY 12 AM 9:12

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE**

RONDA SNYDER, individually and as)
legal guardian for her minor child B.W.,)

No. 68737-9-1

Appellant,)

UNPUBLISHED OPINION

v.)

JAMES R. FLETCHER, M.D.,)
CAROLINE STAMPFLI, PA-C,)
WHITEHORSE FAMILY MEDICINE,)
INC., P.S., a Professional Service)
Corporation,)

Respondents.)

FILED: May 12, 2014


PER CURIAM — Ronda Snyder, on behalf of her minor daughter B.W., appeals the dismissal on summary judgment of her medical malpractice action. Citing our Supreme Court's recent decision in Schroeder v. Weighall, ___ Wn.2d ___, 316 P.3d 482 (2014), Snyder has filed a motion on the merits to reverse. RAP 18.14(e)(2). In Weighall, the court held that RCW 4.92.190(2), which abrogated the tolling of the statute of limitations for minors in medical malpractice actions, is unconstitutional. Respondents concede – and we agree – that under Weighall, the trial court erred in entering summary judgment.

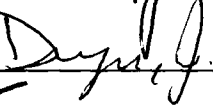
No. 68737-9-1/2

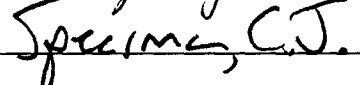
Accordingly, we lift the stay previously entered, grant the motion on the merits to reverse, reverse the order granting summary judgment, and remand the case for further proceedings.

Reversed and remanded.

FOR THE COURT:







Specimen, C.J.