

20-8232

No.

IN THE
SUPREME COURT OF THE UNITED STATES

BARBARA STUART ROBINSON

(Your Name)

DEFINITIONERS

REMITTANCE
ORIGINAL

vs.

GREATER LAKES RECOVERY CENTER RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

9TH CIRCUIT COURT OF APPEALS

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

BARBARA STUART ROBINSON

(Your Name)

106 1/2 JUDGE JOHN ALSO ST. #423

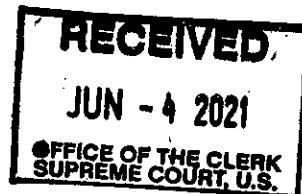
(Address)

LOS ANGELES, CA 90012

(City, State, Zip Code)

213-447-1078

(Phone Number)



1

QUESTION(S) PRESENTED

Type text here

Manifest Injustice - ^① Can a Appeals Court Affirm Judgment (De novo) of the prior Courts never Determined ~~if~~ Plaintiffs Constitutional Rights were not Impaired, and the evidence necessary on both Cases were identical and present on all the Courts. ^② Can a Court of Appeals Mandate be Affirmed, even with the Courts knowledge of Manifest Injustice occurred without the 4 elements required. ^③ To Res judicata present.

Questions Presented

③ Would Res Judicata apply on the District Court case or claim preclusion, to Order granting Defendants motion of the trial court had no merits Proof of an final judgment on the merits of ^{the} ~~an~~ action ever existed to preclude the parties from relitigating all issues connected with the action that were or could have been raised on that action if the State Court (Orders)^{pg. 14-15}, has no merits of any claims or defenses presented for Res Judicata to apply. (Rein v Providian Fin Corp, 270 F. 3d 895, 898-99 (9th Cir. 2001))

④ Can a Circuit Court Review, Denono and Affirm Granting Defendants motion with no proof of the merits that ^(pg 14-15) resulted to final judgment - state court case. (2A)

Questions Presented

⑤

Does an Appellant Court on Review Denovo, Required to Adjudicate the facts and merits of Res judicata from the Record of the State Court to Affirm Granting Greater Lakes Summary judgment on the basis of Res judicata based on State (was not) Courts Orders on the Merits, on the Districts Courts Order Granting Summary judgment for Greater Lakes

[see State Court Orders Appendix A]

and

[See US District Court ~~Order and Judgment~~ - Appendix D]

* No ~~claims~~ or defenses (pg 14-15) State Court Presented ~~on~~ the merits. (2B)

Questions Presented

⑤ ~~Does~~ the Circuit Court Of Appeals on Review Denoue, Required the District Courts merits of Res judicata from the Record to Affirm, ^{State} Granting Greater Lakes on the basis of Res judicata on her State Court action were no claims and issues were ^{Proven} ~~litigated~~ to Affirm Granting ^{in state case} Summary judgment for Greater Lakes Under Washington State Law.

Karlb erg v. ^{OTTER} OTTER, 280 P 3d 1183, 1130 (Wash. App. 2012). page 33

~~is~~ a manifest injustice - to Affirm, Deprived Constitutional Due process Rights. (pg 32-33) See also (pg 14-15)

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

~~RECENTLY DECIDED CASES~~

~~RECENTLY DECIDED CASES~~

See ~~Holcome v. Hosmer, 477 F.3d~~
~~1094, 1097 (9th Cir. 2007)~~. Page 33

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE.....	
REASONS FOR GRANTING THE WRIT.....	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A - State Trial Court Orders

APPENDIX B - Division II Court of Appeals Mandate

APPENDIX C - State Supreme Court Decision

APPENDIX D - US DISTRICT COURT ORDER AND JUDGEMENT

APPENDIX E - 9TH CIRCUIT COURT OF APPEALS OPPINION

APPENDIX F - Prohibition from Scheduling
Order
filed after Division II mandate
State Court

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix E to the petition and is
 reported at Circuit Court of Appeals, or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

reported at Division II Court of Appeals, or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

reported at Court Website Docket; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the State Trial Court (2 courts) appears at Appendix A to the petition and is

reported at Court Website; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

1.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was May 26, 2021

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was August 23, 2019.
A copy of that decision appears at Appendix C.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Federal Rule 201(e) - Judicial Notice
of Adjudicative Facts

Subdivision (e). manifest injustice

Res judicata VS manifest,
Injustice
Doctrines

and ~~statements~~ of unfair trial,
evidence

and ISSUES on Appeal.

1. Rein v. Providian Fin Corp, 270 F.3d 893,
898-99 (9th Circuit 2001)

42 USC 1983 - Deprivation of Rights
manifest injustice pg 32-33

See also - Appendix A
page 14-15

① STATEMENT OF THE CASE

Appellant Court Disposition Error Adjudication
Plaintiff appealed to 9th Circuit Court
of fact of appeal (Notice of Appeal ~~was filed~~), She
Claim her appeal involved a manifest
Onjustice. The opinion of the
[Civil & App(s)], 9th Circuit Court of Appeals
disposition of the Appeal (De novo)
Claim this appeal from the District
Court Summary judgment as a 42 USC
1983 action alledging federal and state
claims related to her OnVoluntary deenition
and treatment when On fact, ~~to other~~
Opinion erred, claims of manifest
Onjustice - manifest Onjustice the
Court Affirmed On correct appeal On this case.
status

②

Statement Of the Case

The Appellant Court Disposition Wrongfully Affirmed, that the District Court properly Granted Summary Judgment for Greater Lakes on the basis of Res judicata because Robinson raised, or could have raised, her claims on her prior Washington State Court action, which involved the same parties and resulted on a final judgment on the merits, without proof of the merits being heard by the State Court - as a manifest injustice to affirm on review denovo.

REASONS FOR GRANTING THE PETITION

Rule 10- Considerations Governing
Review of Writ of
Certiorari

(a) a United States Court of Appeals
has entered a decision or conflict
with the decision of another United
States Court of Appeals on the same
important matter; has decided an
important federal question on a
way that conflicts with a decision by
a State Court of last resort; or has so
far departed from the accepted and
usual course of judicial proceeding as to
call for an exercise of this court's supervisory
power ~~causing~~ manifest injustice

the Court of Appeals Affirmed,
the Trial Court Granting of Summary Judgment
over a state court case that had no merits
or a final judgment of its claims and
Defenses presented for Res judicata to apply
on the federal case for medical malpractice
against ~~original~~ Defendants. ^{complaint by plaintiff}
against ~~original~~ Defendants. ^{Appellant}
TO AFFIRM, was a Manifest Injustice.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: May 20, 2021

10

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

City of Martinez Vs Texaco Page 33

Trading & Transp. Inc.
353 F. 3d 758, 761

* Rein v. Providian Fin Corp (9th Cir 2003).
270 F. 3d 895, 898-99 (9th Cir 2001)

STATUTES AND RULES

manifest ~~overrule~~ Page 27 13-24
injustice ~~overrule~~ Page 28 1-24
(no prob) ~~overrule~~ Page 29 1-21
of merit ~~overrule~~

5 U.S. Code 706 Scope of Review

Federal Rule 201 - Judicial Notice

of Adjudicative Facts

Supreme Court
Rule 10

manifest ~~overrule~~ Page 27, 13-24
injustice ~~overrule~~ Page 28 1-24
(no prob) ~~overrule~~ Page 29 1-21

OTHER

of merit ~~overrule~~
Litigated on state ct.

Rains VS. State 100 Wn 2d 660,

674 P 2d

* Holcome v. Hosmer

477 F. 3d 1094, 1097

165

(Pg 33)

(9th Cir 2007)

11

Table of Authorities Cited OTHER

Karlberg v. Otten, 280 P.3d 1123, 1130
(wash App. 2012) page 33

Ofusia v. Smurr, 392 P.3d 1148, 1154
(washing APP 2017) page 33

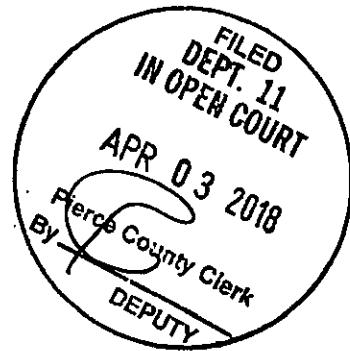
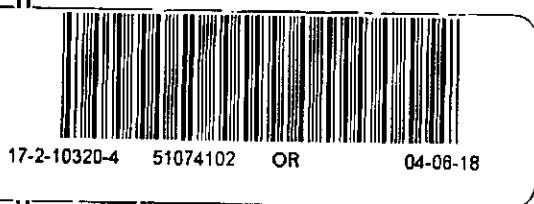
Appendix A

State Court Orders

0111

5122

51010
/2018



6 IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF PIERCE

7 BARBARA STUART ROBINSON,

Cause No: 17-2-10320-4

8 Plaintiff(s)

9 vs.
10 GREATER LAKES RECOVERY CENTER,
Defendant(s)

11 (OR)

12 ORDER DENYING PLAINTIFF'S AMENDED
MOTION FOR SUMMARY JUDGMENT AND
GRANTING DEFENDANT'S MOTION FOR
SUMAMRY JUDGMENT

13 Case comes on before the court on Plaintiff Amended Motion for Summary Judgment and
Defendant's Motion for Summary Judgment. After consideration of the Parties pleadings and
arguments submitted, the court renders the following decision.

14
15 Summary judgment is appropriate when there is no genuine issue of material fact and the
16 moving party is entitled to judgment as a matter of law.¹ In reviewing a motion for summary
17 judgment, we construe the facts in the light most favorable to the nonmoving party.²

18
19 IT IS HEREBY ORDERED that Plaintiff's Amended Motion for Summary Judgment is
DENIED.

20 IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment is
GRANTED.

21
22 DATED this 3rd day of April 2018.

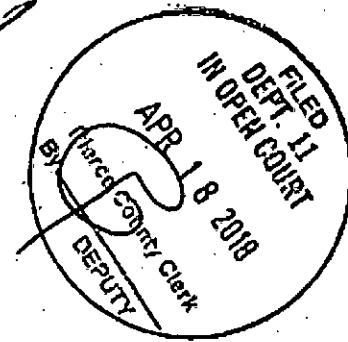
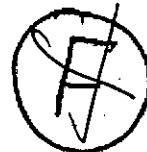
23
24
25 
JUDGE G. HELEN WHITENER

¹ *Ranger Ins. Co. v. Pierce County*, 164 Wash.2d 545, 552, 192 P.3d 886 (2008).

² *Id.*



17-2-10320-4 51148515 ORDYAT 04-18-18



6 IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF PIERCE
7 BARBARA STUART ROBINSON

8 Plaintiff(s)

Cause No.: 17-2-10320-4

9 vs.
10 GREATER LAKES RECOVERY CENTER
11 Defendant(s)

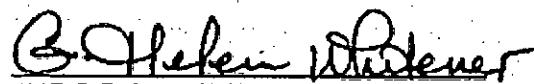
ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION

12 (OR)

This matter having come on for hearing without oral argument upon Plaintiff's Motion for Reconsideration of this Court's April 3, 2018 decision and the Court having reviewed the pleadings filed.

NOW, THEREFORE IT IS HEREBY ORDERED that the Motion for Reconsideration is DENIED.

DATED this 18th day of April, 2018.


19 JUDGE G. HELEN WHITENER
20
21
22
23
24
25

Appendix B

DIVISION II Court
of Appeals

mandate

December 13 2018 11:44 AM

KEVIN STOCK
COUNTY CLERK
NO: 17-2-10320-4

17

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

BARBARA STUART ROBINSON,
Appellant,

v.

GREATER LAKES RECOVERY CENTER,
Respondent.

No. 52241-1-II

MANDATE

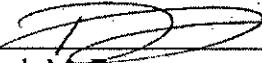
Pierce County Cause
No. 17-2-10320-4The State of Washington to: The Superior Court of the State of Washington
in and for Pierce County.

This is to certify that the Court of Appeals of the State of Washington, Division II, entered a Ruling Dismissing Appeal in the above entitled case on September 5, 2018. This ruling became the final decision terminating review of this Court on October 17, 2018. Accordingly, this cause is mandated to the Superior Court from which the appeal was taken for further proceedings in accordance with the determination of that court.



IN TESTIMONY WHEREOF, I have
hereunto set my hand and affixed the
seal of said Court at Tacoma, this

27th day of November, 2018.



Derek M. Byrne
Clerk of the Court of Appeals,
State of Washington, Div. II

17

CASE #: 52241-1-II: Barbara Stuart Robinson v. Greater Lakes Recovery Center
Page 2

David James Russell
Keller Rohrback L.L.P.
1201 3rd Ave
Ste 3200
Seattle, WA 98101-3052
drussell@kellerrohrback.com

Barbara Stuart Robinson
44366 3rd Street East
Lancaster, CA 98535
stuart98499@gmail.com

Beth Marie Strosky
Keller Rohrback L.L.P.
1201 3rd Ave Ste 3200
Seattle, WA 98101-3052
bstrosky@kellerrohrback.com

Appendix C

Highest State
Court

Washington State
Supreme Court

THE SUPREME COURT

STATE OF WASHINGTON



SUSAN L. CARLSON
SUPREME COURT CLERK

ERIN L. LENNON
DEPUTY CLERK
CHIEF STAFF ATTORNEY

TEMPLE OF JUSTICE
P.O. BOX 40929
OLYMPIA, WA 98504-0929

(360) 357-2077
e-mail: supreme@courts.wa.gov
www.courts.wa.gov

September 5, 2019

LETTER SENT BY E-MAIL ONLY

Barbara Stuart Robinson
232 S. 145th Street
Phoenix, AZ 85007

C

Beth Marie Strosky
David James Russell
Keller Rohrback L.L.P.
1201 3rd Avenue, Suite 3200
Seattle, WA 98101-3052

Re: Supreme Court No. 97512-4 - Barbara Stuart Robinson v. Greater Lakes Recovery Center
Pierce County Superior Court No. 17-2-10320-4

Counsel and Ms. Robinson:

On September 4, 2019, the Court received from Ms. Robinson two different documents entitled "NOTICE OF APPEAL TRIAL COURT JUDGMENT". Both documents appear to seek review of this case by federal courts.

Ms. Robinson is advised that this office has no information about how to seek review of this matter in the federal courts. This office does not forward filings to the federal courts. Therefore, no action will be taken on these documents.

If Ms. Robinson seeks review of this case in the federal courts, she does not need to send copies of federal court filings to this court. Any such filings will be placed in the file with no action taken.

Sincerely,

A handwritten signature of Erin L. Lennon.

Erin L. Lennon
Supreme Court Deputy Clerk

ELL:sk

THE SUPREME COURT

STATE OF WASHINGTON



SUSAN L. CARLSON
SUPREME COURT CLERK

ERIN L. LENNON
DEPUTY CLERK/
CHIEF STAFF ATTORNEY

TEMPLE OF JUSTICE
P.O. BOX 40929
OLYMPIA, WA 98504-0929

(360) 357-2077
e-mail: supreme@courts.wa.gov
www.courts.wa.gov

August 23, 2019

LETTER SENT BY E-MAIL

Barbara Stuart Robinson
232 S. 145th Street
Phoenix, AZ 85007

Beth Marie Strosky
David James Russell
Keller Rohrback L.E.P.
1201 3rd Avenue, Suite 3200
Seattle, WA 98101-3052

Re: Supreme Court No. 97512-4, Barbara Stuart Robinson v. Greater Lakes Recovery Center
Pierce County Superior Court No. 17-2-T0320-4

Counsel and Ms. Robinson:

On August 19, 2019, Pierce County Superior Court forwarded two documents filed in that court to this Court: "FINDINGS OF INDIGENCY" filed on June 6, 2018, and the "AMENDED NOTICE OF APPEAL TO WASHINGTON STATE SUPREME COURT OF WASHINGTON RULE 4(2) APPEAL AS A RIGHT" filed on August 14, 2019.

On August 20, 2019, the Appellant Ms. Robinson filed copies of the two documents listed in the previous paragraph as well as a notice of a change of address, a certificate of service, and a "MOTION TO EXTEND TIME." The motion appears to seek an extension of time to file the notice of appeal.

The following ruling is entered on the motion:

Ms. Robinson appears to be seeking review of a superior court order filed on April 15, 2019 entitled "Prohibition From Scheduling Order." That superior court order notes that the defendant's motion for summary judgment was granted on April 3, 2018, and that a subsequent appeal was dismissed on December 13, 2018. Accordingly, the superior court order simply prohibits the parties from scheduling any future proceedings in this case.

Ms. Robinson filed her notice of appeal in the superior court on July 29, 2019, more than three months after the superior court's order. Because a notice of appeal must be filed within 30 days of the superior court's order under RAP 5.2(a), she now seeks an extension of time to file her notice of appeal.

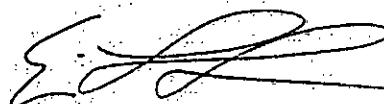
RAP 18.8(b) provides that an extension of time to file a notice of appeal will only be granted "in extraordinary circumstances and to prevent a gross miscarriage of justice."

In her motion, Ms. Robinson provides little information about the circumstances that led to the notice of appeal being filed more than three months after the superior court order. She primarily appears to be arguing that the earlier decisions in her case dismissing her appeal denied her right to appeal. She makes one statement that could be related to the untimeliness of her notice: "The Plaintiff was not properly served the attached trial court order after plaintiff petition for review was still pending in that court." However, Ms. Robinson provides no details about how and when she received the trial court order or what she considered improper. As a result, she has not made a showing of extraordinary circumstances.

Further, an extension may only be granted "to prevent a gross miscarriage of justice." In these circumstances, the trial court order simply reflects the fact that the case had been over for months and no further proceedings could be set. I do not find that a lengthy extension of time to file a notice of appeal of that order is necessary to prevent a gross miscarriage of justice.

Accordingly, this appeal is dismissed as untimely.

Sincerely,



Erin L. Lennon
Supreme Court Deputy Clerk

ELL:clm

Appendix D

US District Court
Order and
judgment

D

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BARBARA STUART ROBINSON,

Plaintiff,

v.

GREATER LAKES RECOVERY
CENTER,

Defendant.

CASE NO. C19-5695-RJB

ORDER GRANTING
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT

This matter comes before the Court on Defendant's Motion for Summary Judgment. Dkt.

31. The Court has considered the pleadings filed in support of and in opposition to the motion and the file herein. For the reasons set forth below, Defendant's Motion for Summary Judgment should be granted, and this case should be dismissed.

I. RELEVANT FACTS AND PROCEDURAL HISTORY

A. STATE COURT CASE

In July 2017, Plaintiff was apparently arrested and charged with one count of obstructing law enforcement and one count of criminal trespass. Dkt. 35, at 51. Plaintiff is apparently diagnosed with bipolar disorder and was transferred from Pierce County Jail to Defendant's

29

1 Greater Lakes Recovery Center (“Greater Lakes”). Dkt. 31, at 5. Plaintiff was apparently found
2 to be incompetent to stand trial on charges of criminal trespass and obstructing law enforcement.
3 Dkt. 31, at 4.

4 After being released in approximately August 2017, Plaintiff filed suit in Pierce County
5 Superior Court alleging that (1) Defendant had no right to detain her after she was transferred
6 from the Pierce County Jail; (2) Defendant kept her longer than allowed under Washington’s
7 Involuntary Treatment Act; (3) Defendant’s medical staff fraudulently created a medication
8 order to keep her longer and allow her to be treated with antipsychotic medications, which was
9 done on one occasion without her consent; and (4) it had no authority to “treat” her during the
10 period when it was supposed to be “evaluating” her. Dkt. 32-1.

11 The parties filed motions for summary judgment in the Pierce County Superior Court.
12 Dkt. 32. The court denied Plaintiff’s motion for summary judgment and granted Defendant’s
13 motion for summary judgment. Dkt. 32-2. Pierce County Superior Court denied Plaintiff’s
14 motion for reconsideration of the order. Dkt. 32-14. Despite attempts to do so, it appears that
15 Plaintiff never perfected an appeal with the Court of Appeals of the State of Washington. Dkts.
16 1-1, at 5; and 37-1, at 11, 21, 23.

17 **B. CASE IN FEDERAL COURT**

18 Plaintiff now sues Defendant in this court for incidents alleged to have occurred while
19 she was being involuntarily treated by Defendant at Greater Lakes. Dkt. 15. Plaintiff indicates
20 that she “[r]emoved her Case against the Defendants [sic] Greater Lakes Recovery Center to the
21 United State [sic] District Court Western District of Washington from the Washington State
22 Courts on or about September 5, 2019; to prevent a gross miscarriage of Justice.” Dkt. 15, at 3.

23 Defendant filed the instant Motion for Summary Judgment. Dkt. 31. Defendant seeks
24

1 dismissal with prejudice of Plaintiff's claims and argues that the claims are barred by the
 2 doctrine of res judicata. Dkt. 31.

3 Plaintiff filed a response in opposition to the motion for summary judgment. Dkt. 35.

4 Although difficult to follow, it appears that Plaintiff argues that the instant motion should be
 5 denied because "Defendants [sic] Motion fails to list the specific facts and law supporting
 6 summary judgment" and "a dispute exists of a material fact." Dkt. 35, at 3 (emphasis removed).

7 Defendant filed a reply reiterating that the instant motion should be granted and this case
 8 dismissed with prejudice under the doctrine of res judicata. Dkt. 36.

9 **II. DISCUSSION**

10 **A. SUMMARY JUDGMENT STANDARD**

11 Summary judgment is proper only if the pleadings, the discovery and disclosure materials
 12 on file, and any affidavits show that there is no genuine issue as to any material fact and that the
 13 movant is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c). The moving party is
 14 entitled to judgment as a matter of law when the nonmoving party fails to make a sufficient
 15 showing on an essential element of a claim in the case on which the nonmoving party has the
 16 burden of proof. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1985). There is no genuine issue of
 17 fact for trial where the record, taken as a whole, could not lead a rational trier of fact to find for
 18 the nonmoving party. *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586
 19 (1986) (nonmoving party must present specific, significant probative evidence, not simply "some
 20 metaphysical doubt."). *See also* Fed. R. Civ. P. 56(d). Conversely, a genuine dispute over a
 21 material fact exists if there is sufficient evidence supporting the claimed factual dispute,
 22 requiring a judge or jury to resolve the differing versions of the truth. *Anderson v. Liberty Lobby*,
 23 *Inc.*, 477 U.S. 242, 253 (1986); *T.W. Elec. Service Inc. v. Pacific Electrical Contractors*

1 *Association*, 809 F.2d 626, 630 (9th Cir. 1987).

2 The determination of the existence of a material fact is often a close question. The court
3 must consider the substantive evidentiary burden that the nonmoving party must meet at trial –
4 e.g., a preponderance of the evidence in most civil cases. *Anderson*, 477 U.S. at 254, *T.W. Elect.*
5 *Service Inc.*, 809 F.2d at 630. The court must resolve any factual issues of controversy in favor
6 of the nonmoving party only when the facts specifically attested by that party contradict facts
7 specifically attested by the moving party. The nonmoving party may not merely state that it will
8 discredit the moving party’s evidence at trial, in the hopes that evidence can be developed at trial
9 to support the claim. *T.W. Elect. Service Inc.*, 809 F.2d at 630 (relying on *Anderson*, *supra*).
10 Conclusory, non-specific statements in affidavits are not sufficient, and “missing facts” will not
11 be “presumed.” *Lujan v. National Wildlife Federation*, 497 U.S. 871, 888–89 (1990).

12 **B. RES JUDICATA**

13 “Res judicata, or claim preclusion, provides that a final judgment on the merits of an
14 action precludes the parties from relitigating all issues connected with the action that were or
15 could have been raised in that action.” *Rein v. Providian Fin'l Corp.*, 270 F.3d 895, 898–99 (9th
16 Cir. 2001). “Claim preclusion is appropriate where: (1) the parties are identical or in privity; (2)
17 the judgment in the prior action was rendered by a court of competent jurisdiction; (3) there was
18 a final judgment on the merits; and (4) the same claim or cause of action was involved in both
19 suits.” *Id.* at 899.

20 **1. Identity of Parties**

21 The parties are identical in both lawsuits. *See* Dkts. 31, at 10; and 32-21.

22 **2. Court of Competent Jurisdiction**

23 Plaintiff filed her state court action with the Pierce County Superior Court. Dkt. 32-1. No

1 jurisdictional issues were raised during the pendency of that case. *See* Dkts. 32-1, at 2; and 31, at
2 10. Therefore, the judgment in the previous action was rendered by a court of competent
3 jurisdiction.

4 **3. Final Judgment on the Merits**

5 “[F]inal judgment on the merits” is often used interchangeably with ‘dismissal with
6 prejudice.’” *Stewart v. Bancorp*, 297 F.3d 953, 956 (9th Cir. 2002) (citation omitted). “[A]
7 federal court must give to a state-court judgment the same preclusive effect as would be given
8 that judgment under the law of the State in which the judgment was rendered.” *Migra v. Warrant
9 City School Dist. Bd. of Educ.*, 465 U.S. 75, 81 (1984).

10 Therefore, the Pierce County Superior Court order denying Plaintiff’s motion for
11 summary judgment and granting Defendant’s motion for summary judgment constitutes a final
12 decision on the merits.

13 **4. Identity of Claims**

14 In determining whether a present dispute concerns the same claims that were resolved in
15 prior litigation, courts look at several factors—but one factor is “outcome determinative.” *Mpoyo
16 v. Litton Electro-Optical Systems*, 430 F.3d 985, 988 (9th Cir. 2005). The determinative factor is
17 “whether the two suits arise out of the same transactional nucleus of facts.” *See Headwaters Inc.
18 v. U.S. Forest Serv.*, 399 F.3d 1047, 1052 (9th Cir. 2005) (citations omitted); *see also Frank v.
19 United Airlines, Inc.*, 216 F.3d 845, 851 (9th Cir. 2000) (“The central criterion in determining
20 whether there is an identity of claims between the first and second adjudications is ‘whether the
21 two suits arise out of the same transactional nucleus of facts.’”) (quoting *Costantini v. Trans
22 World Airlines*, 681 F.2d 1199, 1201–02 (9th Cir. 1982)). “Whether two events are part of the
23 same transaction or series depends on whether they are related to the same set of facts and
24



1 whether they could conveniently be tried together." *Western Sys., Inc. v. Ulloa*, 958 F.2d 864,
2 871 (9th Cir. 1992).

3 Plaintiff's claims in both this case and the Pierce County Superior Court case are related
4 to an identical transactional nucleus of facts. Plaintiff's claims in both cases relate to her
5 involuntary detainment and treatment at Greater Lakes in 2017. *Compare* Dkt. 32-1, *with* Dkt.
6 15.

7 Therefore, there is the same identity of claims of between the two actions.

8 5. Conclusion

9 Defendant has demonstrated each of the four elements of res judicata. Plaintiff's claims
10 in this case, all of which are connected to the Pierce County Superior Court action, are therefore
11 barred. The Court should dismiss Plaintiff's claims and dismiss this case.

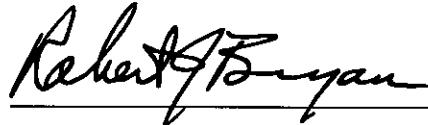
12 III. ORDER

13 Therefore, it is hereby **ORDERED** that:

14 • Defendant's Motion for Summary Judgment (Dkt. 31) is **GRANTED**; and
15 • This case is **DISMISSED**.

16 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
17 to any party appearing *pro se* at said party's last known address.

18 Dated this 28th day of July, 2020.

19 
20 ROBERT J. BRYAN

21 United States District Judge

1
2
3
4

D

5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 BARBARA STUART ROBINSON,
9 Plaintiff,
10 v.
11 GREATER LAKES RECOVERY
12 CENTER,
13 Defendant.

CIVIL JUDGMENT

CASE NO. 3:19-cv-05695-RJB

14 Jury Verdict. This action came to consideration before the Court for a trial by jury. The
15 issues have been tried and the jury has rendered its verdict.

16 XX Decision by Court. This action came to consideration before the Court. The issues have
17 been considered and a decision has been rendered.

18 THE COURT HAS ORDERED THAT

19

- Defendant's Motion for Summary Judgment (Dkt. 31) is GRANTED;
- This case IS CLOSED.

20 Dated this 28th day of July, 2020.

21 William M. McCool
22 Clerk of Court

23 s/Tyler Campbell
24 Tyler Campbell, Deputy Clerk

Judgment

30

Appendix E

9th Circuit Court
of Appeals

Memorandum
