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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

SHYANNE COLVIN, et al.,
Petitioners,
v.
JAY INSLEE, et al.,
Respondents.

} CAUSE NO. 98317-8
} NOTICE OF ERRATA

Amici Curiae Seattle Chapter of the National Lawyers Guild, Washington Defender Association and Washington Association of Criminal Defense Lawyers, by and through their attorneys, notify the Court, counsel for the parties and all other interested parties of the following errata on page 5 of their amici brief:

Change “the State of Washington, through no fault of their own, are unable to protect” and substitute “the State of Washington, who through no fault of their own are unable to protect.” A copy of the corrected page is attached.

Dated this 17th day of April 2020.

Respectfully submitted,
s/ Neil M. Fox
WSBA No. 15277
Attorney for Seattle NLG for all Amici

1 **Declaration of Service**

2 I hereby certify that on the 17th day of April 2020, I electronically
3 filed the foregoing with the Clerk of the Court using the Appellate Courts Portal which
4 will send notification of such filing and an electronic copy to attorneys of record for
the Respondent and any other party.

5 I certify or declare under penalty of perjury under the laws of the State of
6 Washington that the foregoing is true and correct.

7 Dated this 17th day of April 2020, at Seattle, WA.

8 s/ Neil M. Fox
WSBA No. 15277

situations, where the health and safety of powerless people is entrusted to a much more powerful entity. For example, the State must protect foster children in care;⁵ an adult care home must protect its disabled residents;⁶ a school must protect students from reasonably anticipated dangers;⁷ and a hospital must protect its patients from the reasonably foreseeable risk of self-inflicted harm through escape.⁸ This “special” common law duty applies to the current situation, in which people committed to the trust of the State of Washington, who through no fault of their own are unable to protect themselves from exposure to and the dangers of the Severe Acute Respiratory Syndrome Coronavirus 2 (“SARS COV-2”) and the disease it causes, 2019 novel coronavirus disease (“COVID-19”).

The common law duty of care owed by Department of Corrections (“DOC”) to people living in prisons is amplified by, not only constitutional protections, *see Petitioner’s Brief in Support of Petition for a Writ of Mandamus* at 42-46, but by international human rights standards that require prisoners should have “the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their

⁵ See *H.B.H. v. State*, 192 Wn.2d 154, 168-69, 429 P.3d 484 (2018).

⁶ See *Niece v. Elmview Group Home*, 131 Wn.2d 39, 47, 929 P.2d 420 (1997).

⁷ See *McLeod v. Grant County Sch. Dist. No. 128*, 42 Wn.2d 316, 320, 255 P.2d 360 (1953).

⁸ See *Hunt v. King County*, 4 Wn.App. 14, 20, 481 P.2d 593 (1971).

LAW OFFICE OF NEIL FOX PLLC

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Notice of Errata in Brief of Amici Curiae Seattle NLG, WDA and WACDL

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