

**SUPERIOR COURT OF WASHINGTON
FOR THE COUNTY OF KING**

In re Parenting and Support of:

E.L.R., A.W.R., AND R.S.R.,
minors.

VERONIKA ELICIA GOODNIGHT,
Petitioner,

and

MATHEW WILLIAM RALIDAK,
Respondent.

Case No. 20-3-03830-3 SEA

**ORDER OF THE COURT:
SUPPLEMENTAL FINDINGS AND
CONCLUSIONS**

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INTRODUCTION:

This case came before the Court on Respondent, Mr. Mathew Ralidak's, motion to modify the final parenting plan previously entered on 03/07/2022. Although Mr. Ralidak is the moving party in this motion, he is the Respondent in the case and will be referred to as the Respondent. Petitioner Ms. Veronika Goodnight objects to the modification.

EVIDENCE CONSIDERED:

The Court held an informal trial on 06/04/2024. Both parties attended via Zoom, pro se, and presented testimony. Per informal trial rules, the Court admitted all exhibits presented by both parties and considered all exhibits and testimony. The Court also considered the parties' trial briefs and proposed orders, and prior orders of the Court in this matter. The Court reviewed JABS/JIS database information on both parties and the minor children prior to entry of the final parenting plan.

PROCEDURAL HISTORY

The parties were in an intimate relationship with one another and had three children whose current ages are as follows: E.L.R. (age nine), A.W.R. (age seven), and R.S.R. (age six). After the parties' relationship ended, Ms. Goodnight petitioned the Court for a parenting plan and child

ORDER OF THE COURT:

SUPPLEMENTAL FINDINGS AND CONCLUSIONS

support. The Court entered a final child support order and final parenting plan on 03/03/2022 after a trial. Sub. no. 264 (Final Order for Child Support), no. 267 (Final Parenting Plan). The Court then issued an Amended Final Parenting Plan on 03/07/2022. Sub. no. 267 (Final Parenting Plan – Amended).

The parties both have relationships with other individuals. Mr. Ralidak has married; Ms. Goodnight is engaged to be married.

ADEQUATE CAUSE FINDING

At the time of entry of the final parenting plan in 2022, Mr. Ralidak resided in Everett. He has since moved to Duvall, within minutes of Ms. Goodnight's home and the school the children attend. The Court found that Mr. Ralidak's relocation from Everett to Duvall, where the children and Ms. Goodnight reside, and where the children attend school, was sufficient to establish adequate cause for the trial to proceed. Sub. no. 304, "Order on Adequate Cause to Change a Parenting/Custody Order," pp. 1-2 (entered 07/14/2023).

ARGUMENTS OF THE PARTIES

In summary, the parties argue the following.

School Attendance

Mr. Ralidak argues Ms. Goodnight has been failing to get the children to school on time, and has taken the children out of school for various non-health-related and/or frivolous reasons, such as social activities. This has had a negative impact on the children's academics, particularly those of one child, as evidenced by communications with the school. When confronted with the school's concerns, Ms. Goodnight was dismissive.

Ms. Goodnight responds that the school allows for some non-health-related absences, her absences were all accounted for and were reasonable, and she was responsive, not dismissive of the school's concerns when they were brought to her attention.

Healthcare Decisions: Medications, Pediatrician, Vaccinations, Diet ... etc.

Mr. Ralidak argues Ms. Goodnight has failed to adequately address the children's physical health needs and has a history of making both unilateral and poor healthcare decisions on behalf of the children. In particular, he points to an incident when the parties' son arrived quite ill to Mr. Ralidak's home from Ms. Goodnight's home. Mr. Ralidak took the child to urgent care and discovered the child had scarlet fever, and learned Ms. Goodnight had been treating the child with home remedies rather than taking him to a medical professional. Ms. Goodnight responds that the child's condition worsened when he was in transit to his father's home, and that Mr. Ralidak took the child to the urgent care clinic because the naturopathic doctor she preferred for the children had advised the father to do so. Thus, Ms. Goodnight's choice of provider was a part of the care solution, not an obstacle to it.

Mr. Ralidak argues that in another incident, one of the children had a urinary tract infection (UTI). Mr. Ralidak took the child to a medical provider who prescribed medication. Mr. Ralidak promptly (that morning) sent a message to Ms. Goodnight on the TalkingPoints (or similar communication app which the parties both used). The message detailed both the dosage and timing for administration of the medication. Ms. Goodnight not only failed to read the communication, but also contacted Mr. Ralidak's wife, who had repeatedly asked to be left out of such communications, requesting information regarding dosage. Ms. Goodnight responds that she did not object to providing the medication, and although she did not read the message, her communication with Mr. Ralidak and his wife was reasonable and evidence of her effort to provide the medication to the child.

Mr. Ralidak argues Ms. Goodnight has refused to allow any of the children to receive any vaccinations, has refused to allow the children to attend any medical pediatric well-child appointments, and prefers a naturopathic doctor instead, to the children's detriment. Ms.

ORDER OF THE COURT:

SUPPLEMENTAL FINDINGS AND CONCLUSIONS

Page 2 of 10

Goodnight responds that while the parties were still together, Mr. Ralidak agreed not to vaccinate the children and approved of her healthcare decisions, and has only recently changed his position since meeting his new spouse.

Mr. Ralidak argues Ms. Goodnight is unreasonably controlling the children's diets without cause, causing confusion through implementation of a confusing and inefficient elimination diet, rather than through medical allergy testing. Ms. Goodnight responds that one of the children has been formally tested for allergies; she is not opposed to such testing. She also responds that the elimination diet is meant to be implemented only at school, she has already contacted the school and secured their compliance, and the diet should not interfere with Mr. Ralidak's food choices for the children while they reside with him. She also responds that Mr. Ralidak feeds the children unhealthy foods such as high fructose corn syrup, and other sugary foods, leading to a variety of negative health impacts such as inflammation, poor behavior, liver issues, and other symptoms.

Mr. Ralidak argues Ms. Goodnight has resisted his efforts to obtain ADHD evaluations for the children. He is concerned because he was formally diagnosed with ADHD at age eight, and this enabled him to obtain a variety of supports that benefitted him. He is concerned that at least one of the children (potentially more) is exhibiting behavioral challenges and issues in school (disruptive behavior, leaving the classroom, challenges concentrating ...etc.) which may be attributable to ADHD. Mr. Ralidak insists the children need to be formally evaluated, and potentially diagnosed, so that they can receive adequate supports. Ms. Goodnight did not directly respond to this allegation, except to discuss a variety of social-emotional learning-based strategies which she already employs with the children, including mindfulness exercises, tapping, discussing emotions, and other emotional-regulation techniques she regularly guides the children through.

Unilateral Decision-Making / Name Change:

Ms. Goodnight wishes to change the children's last name from "Ralidak" to "Goodnight-Ralidak." She expressed that she wishes the children to have both of their parents' last names reflected in their own names. She testified credibly that at least one child, the eldest, has expressed a desire to have her own last name reflect both parents as well, and Ms. Goodnight does not want the child to have to wait until she is old enough to file her own petition to address the issue. Mr. Ralidak responds that the children have "no connection" to the name "Goodnight" because this is not "truly" Ms. Goodnight's name, it is her ex-husband's last name. He also objects saying the hyphenated name will cause confusion in the community regarding the children's parentage, and may cause people to believe that the children have a different father than himself. Ms. Goodnight responds that she kept the name "Goodnight" as a promise and tribute to her mother-in-law who she cared for on her deathbed, that the name is meaningful to her, it is truly hers, and the children's connection to it is through her.

Ms. Goodnight previously filed a name-change petition in District Court, but that petition was denied because the District Court found the issue was one of joint decision-making and was therefore controlled by the parenting plan in this case.

LEGAL AUTHORITIES

RCW 26.09.260(1) provides the following, in relevant part:

the court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the nonmoving party and that the modification is in the best interest of the child and is necessary to serve the best interests of the child

RCW 26.09.260(2) provides the following, in relevant part:

In applying these standards, the court shall retain the residential schedule established by the decree or parenting plan unless: ...

ORDER OF THE COURT:

SUPPLEMENTAL FINDINGS AND CONCLUSIONS

(c) The child's present environment is detrimental to the child's physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child

In addition, RCW 26.09.260(2) provides the following, in relevant part:

(4) The court may reduce or restrict contact between the child and the parent with whom the child does not reside a majority of the time if it finds that the reduction or restriction would serve and protect the best interests of the child using the criteria in RCW 26.09.191.

(Emphasis added.) However, neither party is seeking .191 restrictions on the other parent. At most, Mr. Ralidak is requesting 50/50 parenting time year-round; while in contrast, Ms. Goodnight seeks to maintain the current parenting plan wherein the children reside primarily with her, except on certain weekends and holidays, and 50/50 during summers.

COURT'S ANALYSIS

Substantial Change

The Court finds there has been a substantial change in the circumstances of the children since the previous parenting plan was implemented. The father has moved from Everett to Duvall. He now resides less than 20 minutes away from the mother and the children's school; close enough for the children move between households frequently. In addition, the healthcare and school attendance issues raised by the father are of serious concern to the Court. In particular, the scarlet fever and UTI incidents, as well as the school's communications and attendance records, are all new facts that have arisen since, and were not available to the Court during the previous trial. For all these reasons, the Court finds there is a substantial change in circumstances warranting modification of a parenting plan under RCW 26.09.260(1).

In addition, the Court is persuaded that modification is in the best interest of the children and is necessary to serve the best interests of the children, as required by RCW 26.09.260(1). A new parenting plan providing Mr. Ralidak with additional residential time and decision-making authority is necessary to ensure the children receive adequate healthcare and an adequate education that is not interrupted by frequent absences and tardiness.

Residential Schedule Modification

The Court finds that the children's present environment (i.e. in their mother's care without adequate oversight and input by their father) is detrimental to the children's physical, mental, or emotional health.

Specifically, the Court finds credible that the daughter has been missing too much school as a result of her mother's inability to get her there on time and her mother's decisions to pull her out of school for social activities (two visits to Remlinger regarding a pet pig; nail salon visit; haircut; social activities for child's and mother's birthdays, vacation time outside of school holidays ... etc.). The mother admits she was not aware of testing activities that were occurring when at least one of these absences occurred. The child missed approximately 20% of school time in one year and was also tardy multiple times. While any child is late occasionally, or misses school due to illness, the Court agrees with the school and the father that 20% of the school year is far too much. The Court finds Mr. Ralidak's proposed limitations on number of non-health-related absences to be reasonable, and also finds it credible that he will ensure the children attend school regularly and are on time.

The Court also finds credible Mr. Ralidak's contention that the mother's health-care decisions are not in the children's best interests. Regarding the issue of strep throat resulting in scarlet fever, however, the Court does not find this was the result of any negligent care. This illness very may have occurred regardless of the parties' actions. Strep throat was very prevalent in the past year – the Court observed many children in the area were sick with this particular illness, and symptoms can progress very rapidly from a mild fever to something more serious. Ms. Goodnight

and Mr. Ralidak both consulted with the naturopathic doctor, who advised them to take the child to seek urgent care if a rash developed. The Court believes Ms. Goodnight would have done so had the child remained in her care; there is evidence Ms. Goodnight has sought urgent care when necessary and appropriate, such as when one child sprained an ankle. However, Ms. Goodnight's medical decisions have resulted in unreasonable risks such as the children being at risk of contracting serious diseases (failure to provide any vaccinations whatsoever), and the children being at risk of becoming seriously ill (from the mother's unwillingness to read messages from the father regarding the timing and dosage of prescribed medication for the UTI).

To be clear, the Court is not commenting on the mother's choice to pursue home remedies for minor colds and to seek medical advice from a naturopathic doctor. Many home remedies and non-mainstream healthcare treatments can be incredibly beneficial, particularly for minor illnesses or when paired with other medical treatments. However, healthcare for children requires sound judgement to know when home remedies are insufficient and urgent medical care must be sought. It also requires the presence of mind to keep track of medication dosage and timing, to ensure a child with an urgent need for medication does not have too many delayed or missed doses which could compromise treatment.

The Court is persuaded that Mr. Ralidak is capable of keeping track of symptoms, medications, dosages and timing, necessary appointments, and vaccine schedules. Mr. Ralidak will put the needs of the children as his highest priority when making healthcare decisions. The Court finds it is necessary to modify both the residential schedule and some aspects of healthcare decision-making to ensure Mr. Ralidak has more oversight and influence with the children's academic and health-related concerns.

Balance of Harms and Advantages

The Court is required, under RCW 26.09.260(2), to balance the detriments and advantages of changes to the residential schedule.

So far, this Court has focused on discussing Ms. Goodnight's shortcomings and Mr. Ralidak's strengths. However, Ms. Goodnight has many strengths as a parent and Mr. Ralidak has shortcomings. Ms. Goodnight is highly sensitive to the children's emotional needs. Mr. Ralidak is not. When the Court inquired with the parties regarding the emotional needs of the children, Ms. Goodnight discussed how the youngest is prevented by Mr. Ralidak from calling her mother to say goodnight. Mr. Ralidak allows this 6-year-old child to cry herself to sleep, calling out for her mother, because he believes imposing a regimented bedtime routine is paramount. This shows a callous lack of understanding of the children's emotional needs, particularly when applied to a child so young who is missing her primary caregiver.

When the Court inquired about the emotional needs of the children, Mr. Ralidak tellingly did not respond with a discussion of the children's emotional needs, to be heard, to be understood, to be loved. Rather, he discussed routines, stability, responsibility, and other admirable traits and structures that are important for children ... but that have nothing whatsoever to do with their emotional needs. It is clear to the Court that the change in the residential schedule should not result in the children being away from their mother for more than a week; in fact a weeks' time, on a regular basis, may be too long, particularly considering the emotional needs of the youngest child.

In order to accommodate the children's emotional needs, particularly that of the youngest child, not to be away from either parent for a full week; to allow Ms. Goodnight to remind the children to utilize the emotional regulation techniques she is working with them on; and to enable Mr. Ralidak to monitor the children's homework and healthcare more closely, the Court finds it necessary to allow a mid-week visit for each parent.

The Court will also modify various miscellaneous provisions of the parenting plan in an effort to resolve ongoing disputes (and avoid additional court hearings) and more clearly define how the parents must make decisions going forward.

ORDER OF THE COURT:

SUPPLEMENTAL FINDINGS AND CONCLUSIONS

Name-Change Decision-Making:

Specifically, the Court is granting to Ms. Goodnight the sole decision-making authority to change the children's last names to a hyphenated variant (to include both parent's last names) as requested. Mr. Ralidak's objections, that the name change will cause confusion, bring into question the children's paternity, or that the name is not truly Ms. Goodnight's – are without merit. If anything, the name change will ameliorate confusion as the children will now both have the last name of both of their parents. Many children have hyphenated last names – this will not cause more confusion. Where Mr. Ralidak's name is included, he cannot reasonably anticipate anyone will question the children's parentage. The name is Ms. Goodnight's name, however, she came by it.

The Court does not adopt Mr. Ralidak's patriarchal view that a last name should only reflect the paternal family line, or that Ms. Goodnight's name is "her ex-husband's" last name. It is her last name, kept to honor another woman in her life who Ms. Goodnight clearly loves and respects, and whose memory she cherishes to this day.

No valid interest of Mr. Ralidak will be harmed by the name change. The children will still retain his last name. The children will benefit by having a last name that values and honors their mother equally in their lives. Ms. Goodnight and the children will benefit by having a shared part of their last names as well.

For these reasons, the Court will adopt the name-change decision-making provision listed below.

Modified Provisions

For the reasons discussed above, the Court finds it necessary, and in the children's best interests, to impose the following provisions in a modified parenting plan:

Residential Schedule:

- The children will reside with the parents 50/50 with a week-on, week-off schedule, as requested by Mr. Ralidak.
 - o Exchanges shall occur on Fridays at release from school, or 3pm on days when the children are not in school (such as holiday, snow day, home sick, or for any other reason ... etc.)
- Except that to accommodate the children's emotional, academic, and physical health-related needs, each parent will have a mid-week visit, to occur on Wednesday from end of school day or 3pm when school is not in session, until 7pm.
 - o The parents may, by mutual agreement, change the mid-week visit to an alternate day.
 - o Provided that if one parent does not agree in writing, the mid-week visit must occur as stated above.
 - o Any deviation must be in writing.

Communication with Parents:

- Parents must make their child reasonably available to the other parent for texts, phone, and video calls.
- Reasonably available means, at a minimum, the following:
 - o The children must be available for a brief (5 minute) video call before any important event (such as testing, sporting events, performances ... etc.) and before bedtime

each night. This is particularly important for the youngest child, but is a requirement for all three children.

- The children must each be available for a 20-minute video call (separately or together, at the residential parents' preference) at least twice per week with the non-residential parent. Once call must occur prior to the scheduled date of the mid-week visit, and one must occur after (regardless of whether the mid-week visit is cancelled).
- All communications must be unmonitored, meaning the residential parent may not listen in, and must leave the room, or if outside must walk out of hearing distance from the phone, for the duration of the call.
- However, there is an exception for if the children are traveling and do not have access to communications. In such case, the residential parent must make an effort to make the children available for a 20-minute call or communication at least once per week. If that will not be possible (due to camping or in an area that is not accessible to internet), the parent is required to notify the other parent at least one week in advance. Being busy or merely traveling is not sufficient to cancel the required calls; there must be a genuine lack of access to communications.
- The children must be available to receive text messages from the non-residential parent at all times, and must be permitted to initiate texts, phone calls, or video calls with the other parent at any time, except that a parent may reasonably restrict the child's access to a communication device when the child is engaged in meals, bedtime, school, scheduled extracurricular activities, or other organized activity (i.e. religious functions, organized family functions ...etc.).

Communication between Parents:

- Parents must use TalkingParents or another mutually agreed upon parenting app for all communications regarding the children (medical, school related, scheduling ...etc.), unless truly urgent.
 - If a parent has a question for another parent, they must first read all pending messages in the app before sending an urgent query via text message.
 - Parents must refrain from involving the other parents' partner in any communications, absent an emergency situation (such as potential imminent hospitalization of the child).
- Both parents are responsible for checking the communication app at least once every 48 hours, and for remaining current on all communications.
- Parents must abide by the following protocol with respect to any decision that is joint decision-making:
 - A parent who proposes a course of action must communicate the proposed decision via the App.
 - A parent has 48 hours to agree, object, or request additional information.

- If the parent has access to the additional information, they must respond within 24 hours to either (a) provide the information, if they have it, (b) provide the contact information of the party who does have the information, if it is known, or (c) explain that they do not have the information and do not know who has the information.
 - The other parent then has 24 hours to respond with an agreement, objection, or alternative proposal.
- If one party fails to respond within 48 hours, the other parent may proceed with their proposed course of action.
- While one party is waiting for another party's response, they may book an appointment or take action to secure a child's place, but may not commit to any course of action or obligate the other parent regarding their time or financial responsibilities.
- However, where the protocol stated above is inconsistent with the specific healthcare provisions detailed below, the specific healthcare provisions control.

Decision-Making re: Healthcare Provisions:

- Mr. Ralidak may select a medical doctor / pediatrician for the children to see for annual exams, and pursue any course of action recommended by the pediatrician.
 - Mr. Ralidak may raise any general concerns he has about the children's mental or physical health at these appointments.
 - If Ms. Goodnight wishes to attend these appointments, she may do so, and Mr. Ralidak must coordinate with her schedule to enable her to do so (provided that she must make herself reasonably available so as not to delay the appointment more than 2 weeks).
 - Mr. Ralidak may pursue and schedule any evaluations which the pediatrician recommends at these appointments. (For example, if after Mr. Ralidak raises his concerns, the pediatrician recommends evaluations for ADHD, Mr. Ralidak may pursue assessments for the children.)
- Mr. Ralidak may have the children receive all vaccinations recommended by the pediatrician (even over Ms. Goodnight's objection), provided the following is adhered to:
 - The pediatrician must be provided with, and must consider, any information Ms. Goodnight wishes to present, including but not limited to information regarding any family medical history of allergies, medical conditions, or adverse reactions to any vaccinations or medications.
 - If after such information is presented, the pediatrician continues to recommend the vaccinations, Mr. Ralidak's consent to those vaccinations will be legally sufficient, even over Ms. Goodnight's objections.
 - Mr. Ralidak must work with the pediatrician to spread out the vaccinations to a reasonable degree. Ms. Goodnight must be consulted in this regard. (For example, Ms. Goodnight stated that she and the naturopathic doctor previously discussed a

schedule to get the children caught up on vaccinations. If she has such a schedule, it must be presented to the pediatrician and considered, and adopted if the pediatrician finds it is reasonable.)

- Mr. Ralidak must inform Ms. Goodnight of the final vaccination schedule so that she can take steps to mitigate any side effects, and plan vacations, extracurriculars, and other events accordingly.

Decision-Making re: Name Change:

- The Court finds Ms. Goodnight's efforts to change her children's name to include *both* her and Mr. Ralidak's last names, is reasonable, in good faith, and in the children's best interests.
- As discussed above, Mr. Ralidak's objections are without merit. He has no valid interest that will be harmed by the hyphenation of his children's last names to include both his name and Ms. Goodnight's name.
- The Court assigns to Ms. Goodnight sole decision-making authority to petition to change the children's last names to "Goodnight-Ralidak."
 - Any other name-change petition initiated by either parent must be jointly agreed upon or made according to the joint decision-making protocol (unless a legal exception to notice requirements applies as a result of gender expression, domestic violence, or other safety-related concern).
 - If either parent changes the children's names, the must provide notice to the other party both before the hearing, so that the other parent may attend, and after the hearing so that the other parent may know the result (again, unless a legal exception to notice requirements applies as a result of gender expression, domestic violence, or other safety-related concern).
- Nothing in this provision eliminates the ability of the children to initiate any name change petition on their own behalf when they are old enough under the law to do so.
- The Court's reading of RCW 4.24.130 is that the circumstance in the present case to not grant subject matter jurisdiction to the Superior Court to grant the name-change directly in this matter. Rather, Ms. Goodnight must re-file her Petition for a name change in District Court, and bring a copy of the parenting plan as proof that this Court granted her sole decision-making authority to make the name changes she has requested.

Social Media and Allegedly Unsafe Individuals:

- The Court incorporates its oral ruling, as stated at the close of the trial on 06/04/2024 with respect to parents' communications on social media, with other parties, and parents' decisions to involve other individuals in their children's lives.
- The Court finds that many of the restrictions requested tread close to, if not over, the line regarding the parents' freedom of association and freedom of speech and expression.
- In summary, the Court does not find that any particular individual discussed by the parents presents a significant threat of harm to the children. The Court will not, at this time, order the parents to keep any particular individual away from the children, merely because of an

alleged history of mental health concerns or instability. Many individuals with a history of, or even presently expressing, mental health concerns are safe, loving, kind individuals who can have an enormously positive influence on children. Other individuals with mental health concerns are emotionally damaging to the children they are around. It is a very fact-specific inquiry, and the Court does not at present have sufficient information to find the individual(s) discussed by the parents are potentially harmful. The Court does however, urge both parents to be thoughtful about who they expose their children to, and to consider the children's best interests.

- Regarding the requested restrictions on the parents' social media communications, the Court finds that ordering the parents not to talk to their social contacts online regarding the other parent amounts to an unconstitutional prior restraint. The parents' communications may cause harm, but they are entitled to express their views. The Court will not restrain the parents from expressing themselves, even if it means that their comments will be in the public view, and at some point, may be viewable by the children. The Court does caution the parents to consider their children's best interests, and consider the impact their remarks may have on the children, once the children inevitably go online and access social media themselves.
- The Court also cautioned the parents that sharing the children's information online comes with considerable risks – both to the children and as regards potential future legal liability for the parents, as laws on this matter are in flux and many jurisdictions are considering imposing fines and other penalties on parents who over-share their minor children's private information on the internet and social media platforms.

WHEREFORE, the Court ORDERS the following:

- The Petition to Modify the Parenting Plan is GRANTED.
- The parties must follow the above-stated provisions effective immediately.
- The Court will incorporate these provisions into a new Final Parenting Plan, to be entered today.

DATED this 24th day of June, 2024.

eSignature to follow
Judge E. Rania Rampersad

King County Superior Court
Judicial Electronic Signature Page

Case Number: 20-3-03830-3
Case Title: GOODNIGHT ET AL VS RALIDAK
Document Title: ORDER RE SUPPLEMENTAL FINDINGS & CONCLUSIONS
Signed By: Rania Rampersad
Date: June 25, 2024



Judge: Rania Rampersad

This document is signed in accordance with the provisions in GR 30.

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