

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

RANDY R. MILLER,	)	
	)	
Appellant,	)	No. 61704-4-I
	)	
v.	)	DIVISION ONE
	)	
ASSOCIATED PATHOLOGISTS, P.C.,	)	UNPUBLISHED OPINION
and BARRY T. KAHN, M.D.,	)	
	)	
Respondents.	)	FILED: December 28, 2009

PER CURIAM. Randy Miller appeals a summary judgment ruling dismissing his medical malpractice action for noncompliance with the certificate of merit requirement in RCW 7.70.150. We stayed the appeal pending the State Supreme Court’s decision in Putnam v. Wenatchee Valley Med. Ctr., P.S., 166 Wn.2d 974, 216 P.3d 374 (2009) (declaring RCW 7.70.150 unconstitutional). In supplemental briefs, the parties agree that Putnam requires us to reverse the summary judgment ruling and remand for further proceedings. We concur.

Reversed and remanded for further proceedings.

For the court:

Becker, J.  
Dwyer, A.C.J.  
Cox, J.