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SUPREME COURT  
STATE OF WASHINGTON  
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No. 102764-8

SUPREME COURT  
OF THE STATE OF WASHINGTON

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POWERCOM, INC., a Washington corporation

Petitioner,

v.

VALLEY ELECTRIC CO. OF MT. VERNON, INC., a Washington corporation; ARGONAUT INSURANCE COMPANY, a foreign insurer; CLARK CONSTRUCTION GROUP, LLC, a foreign limited liability company; TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, a foreign insurer; FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a foreign insurer; FEDERAL INSURANCE COMPANY, a foreign insurer, and ZURICH AMERICAN INS. CO., a foreign insurer; and PORT OF SEATTLE, a Washington State municipal corporation

Respondents.

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ON PETITION FOR REVIEW FROM  
COURT OF APPEALS, DIVISION I

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**RESPONSE TO PETITION FOR REVIEW**

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Stanton P. Beck, WSBA 16212  
Ryan P. McBride, WSBA 33280  
Ellie Perka, WSBA 37095  
Jonathan Schirmer, WSBA 54207  
*Attorneys for Port of Seattle*

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Port of Seattle (the Port) respectfully submits this response to Petitioner PowerCom, Inc.’s (PowerCom) petition for review. The decision of the Court of Appeals did not disturb the trial court’s ruling denying PowerCom’s motion to compel arbitration against the Port—the sole issue on appeal involving the Port. PowerCom does not seek review of that determination or any issue that pertains to the Port—and, thus, the Port takes no position on the merits of PowerCom’s petition.

*I certify that this brief contains 77 words in compliance with RAP 18.17.*

Respectfully submitted February 28, 2024.

LANE POWELL PC

By: s/Ryan P. McBride

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**CERTIFICATE OF SERVICE**

I, Angela Craig, hereby certify under penalty of perjury of the laws of the State of Washington that on the 28th day of February, 2024, I caused to be served a copy of the foregoing **Response to Petition for Review**, on the following person(s) at the following address(es):

<b>Attorney for Appellant PowerCom, Inc.:</b> Eileen McKillop, WSBA No. 21602 Hawkins, Parnell & Young, LLP 1420 Fifth Avenue, Suite 2200 Seattle, WA 98101 <a href="mailto:emckillop@hpylaw.com">emckillop@hpylaw.com</a> <a href="mailto:rhodge@hpylaw.com">rhodge@hpylaw.com</a>	<input checked="" type="checkbox"/> by E-Filing Portal <input checked="" type="checkbox"/> by Electronic Mail <input type="checkbox"/> by Facsimile Transmission <input type="checkbox"/> by First Class Mail <input type="checkbox"/> by Hand Delivery <input type="checkbox"/> by Overnight Delivery
<b>Attorney for Respondents Valley Electric Co. of Mt. Vernon and Argonaut Ins. Co.:</b> Joshua B. Lane, WSBA No. 42192 Ahlers Cressman & Sleight PLLC 1325 Fourth Avenue, Suite 1850 Seattle, WA 98101 <a href="mailto:joshua.lane@acslawyers.com">joshua.lane@acslawyers.com</a> <a href="mailto:sarah.king@acslawyers.com">sarah.king@acslawyers.com</a>	<input checked="" type="checkbox"/> by E-Filing Portal <input checked="" type="checkbox"/> by Electronic Mail <input type="checkbox"/> by Facsimile Transmission <input type="checkbox"/> by First Class Mail <input type="checkbox"/> by Hand Delivery <input type="checkbox"/> by Overnight Delivery

<p><b>Attorney for Respondents Clark Construction Group, Travelers Casualty &amp; Surety Co. of America, Federal Ins. Co., Fidelity &amp; Deposit Co. of Maryland and Zurich American Ins. Co.:</b>  Michael P. Grace, WSBA No. 26091  Allison L. Murphy, WSBA No. 43019  Emily A. Yoshiwara, WSBA No. 54648  Dorsey &amp; Whitney LLP  701 Fifth Avenue, Suite 6100  Seattle, WA 98104  <a href="mailto:grace.michael@dorsey.com">grace.michael@dorsey.com</a>  <a href="mailto:murphy.allison@dorsey.com">murphy.allison@dorsey.com</a>  <a href="mailto:yoshiwara.emily@dorsey.com">yoshiwara.emily@dorsey.com</a></p>	<p><input checked="" type="checkbox"/> by E-Filing Portal  <input checked="" type="checkbox"/> by Electronic Mail  <input type="checkbox"/> by Facsimile Transmission  <input type="checkbox"/> by First Class Mail  <input type="checkbox"/> by Hand Delivery  <input type="checkbox"/> by Overnight Delivery</p>
<p><b>Attorney for Respondents Clark Construction Group, Travelers Casualty &amp; Surety Co. of America, Federal Ins. Co., Fidelity &amp; Deposit Co. of Maryland and Zurich American Ins. Co.:</b>  Jean G. Wine, ISBA No. 06286207  Fox Swibel Levin &amp; Carroll LLP  200 W. Madison Street, Ste. 3000  Chicago, IL 60606  <a href="mailto:jwine@foxswibel.com">jwine@foxswibel.com</a></p>	<p><input checked="" type="checkbox"/> by E-Filing Portal  <input checked="" type="checkbox"/> by Electronic Mail  <input type="checkbox"/> by Facsimile Transmission  <input type="checkbox"/> by First Class Mail  <input type="checkbox"/> by Hand Delivery  <input type="checkbox"/> by Overnight Delivery</p>
<p><b>Attorney for Respondent Clark Construction LLC:</b>  Todd T. Williams, WSBA No. 45032  Victoria E. Ainsworth, WSBA No. 49677  CORR CRONIN LLP  1015 Fourth Avenue, 10<sup>th</sup> Floor  Seattle, WA 98104-1001  <a href="mailto:twilliams@correronin.com">twilliams@correronin.com</a>  <a href="mailto:tainsworth@correronin.com">tainsworth@correronin.com</a>  <a href="mailto:kbarnhart@correronin.com">kbarnhart@correronin.com</a>  <a href="mailto:eroth@correronin.com">eroth@correronin.com</a>  <a href="mailto:cnelson@correronin.com">cnelson@correronin.com</a>  <a href="mailto:leigh.rachel@dorsey.com">leigh.rachel@dorsey.com</a></p>	<p><input checked="" type="checkbox"/> by E-Filing Portal  <input checked="" type="checkbox"/> by Electronic Mail  <input type="checkbox"/> by Facsimile Transmission  <input type="checkbox"/> by First Class Mail  <input type="checkbox"/> by Hand Delivery  <input type="checkbox"/> by Overnight Delivery</p>

<p><b>Attorney for Respondent Clark Construction LLC:</b>  Eden Schiffmann, WDC No. 20024  Dane H. Butswinkas, WDC No. 1035019  Williams &amp; Connolly LLP  680 Maine Avenue SW  Washington, DC 20024  <a href="mailto:eschiffmann@wc.com">eschiffmann@wc.com</a>  <a href="mailto:dbutswinkas@wc.com">dbutswinkas@wc.com</a></p>	<p><input checked="" type="checkbox"/> by E-Filing Portal  <input checked="" type="checkbox"/> by Electronic Mail  <input type="checkbox"/> by Facsimile Transmission  <input type="checkbox"/> by First Class Mail  <input type="checkbox"/> by Hand Delivery  <input type="checkbox"/> by Overnight Delivery</p>
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DATED this 28th day of February, 2024.

*s/Angela Craig*  
Angela Craig, Legal Assistant

**LANE POWELL PC**

**February 28, 2024 - 2:52 PM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 102,764-8  
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**Comments:**

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