

FILED
SUPREME COURT
STATE OF WASHINGTON
4/25/2023 10:38 AM
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SUPREME COURT
OF THE STATE OF WASHINGTON

JASON BUCKHOLTZ as
Personal Representative for the
Estate of DENNIS G.
WOODRUFF,

Petitioner,

v.

ZIDELL EXPLORATIONS,
INC.,

Respondent,

and

PORT OF TACOMA,

Defendant.

No. 101864-9

STATEMENT OF
ADDITIONAL
AUTHORITIES

Petitioner Jason Buckholtz, the personal representative of the Estate of Dennis G. Woodruff (“Estate”), submits the following additional authorities to the Court pursuant to RAP 10.8. These authorities crystallize the point noted in the Estate’s petition for review at 1, 13-14, that courts should be exceedingly reluctant to overturn jury determinations.

In Holdsworth v. Scapa Waycross, Inc., __ Wn. App. 2d

___, 2023 WL 2473561 (2023), Division I denied a CR 50 motion in an asbestos case, rejecting defendant's asbestos exposure arguments, citing *H.B.H. v. State*, 192 Wn.2d 154, 429 P.3d 484 (2018) for the view that appellate courts should not take cases from the jury. Similarly, in *Cox v. State of Wash., Dep't of Soc. & Health Servs.*, ___ Wn. App. 2d ___, 2023 WL 2983116 (2023) Division II upheld a trial court's denial of a CR 50 motion, noting that courts should be appropriately hesitant to take cases away from juries, citing *H.B.H.* Division II also rejected a superseding cause argument.

This document contains 162 words, excluding the parts of the document exempted from the word count by RAP 18.17.

DATED this 25th day of April, 2023.

Respectfully submitted,

/s/ Philip A. Talmadge

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DECLARATION OF SERVICE

On said day below, I electronically served a true and accurate copy of the *Statement of Additional Authorities* in Supreme Court Cause No. 101864-9:

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Original E-filed with:
Washington Supreme Court
Clerk's Office

I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

DATED: April 25, 2023 at Seattle, Washington.

/s/ Brad Roberts
Brad Roberts, Legal Assistant
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TALMADGE/FITZPATRICK

April 25, 2023 - 10:38 AM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 101,864-9
Appellate Court Case Title: Estate of Dennis G. Woodruff v. American Optical Corporation, et al.
Superior Court Case Number: 20-2-08044-1

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Statement of Additional Authorities

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