

SUPREME COURT NO. 94199-8  
COURT OF APPEALS NO. 73748-1-I

SUPREME COURT  
OF THE STATE OF WASHINGTON

BRAND INSULATIONS, INC.,

Petitioner,

v.

ESTATE OF BARBARA BRANDES

Respondent.

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AFFIDAVIT OF DAVID A. SHAW IN SUPPORT OF OPPOSITION TO  
RESPONDENT'S MOTION FOR SANCTIONS

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David A. Shaw, WSBA #08788  
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Attorneys for Petitioner Brand Insulations,  
Inc.

I, David A. Shaw, declare and state the following:

1. I am over the age of 18, competent to be a witness, and am personally knowledgeable about the facts of this declaration.

2. I am counsel for Brand Insulations in this matter and make this declaration from my personal knowledge.

3. Following the Commissioner's decision on Brand's motion to vacate the trial court order setting an increased supersedeas bond, Brand received an email from plaintiff counsel inquiring as to next steps.

4. The question arose because, although the Commissioner's ruling denied the motion to vacate, the ruling also barred execution on the increase in the potential judgment amount resulting from the Court of Appeals reversal of the trial court's remittitur.

5. In short, nothing was needed to supersede execution on the additional amount.

6. I responded to counsel's email suggesting we discuss the matter telephonically.

7. I did not receive any further communication.

8. When I received the present motion, I recommended to my client that an additional bond be secured and was advised that would be accomplished.

9. I contacted plaintiff counsel and advised him of that decision.

10. I was told at that time that the motion would be stricken when the bond was in place.

I SWEAR THE TRUTH OF THE FOREGOING UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON.

Signed in Seattle, Washington on the 19th day of June, 2017.



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David A. Shaw, WSBA #08878

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that under the laws of the State of Washington that on the 19<sup>th</sup> day of June, 2017, I caused a true and correct copy of the foregoing document, Brand Insulations, Inc.'s Opposition to Respondent's Motion for Sanctions to be delivered via electronic filing system to the following counsel of record:

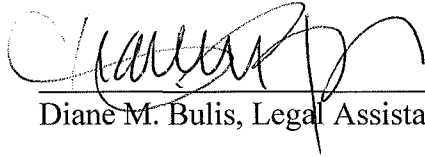
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DATED this 19<sup>th</sup> day of June, 2017, at Seattle, Washington.



A handwritten signature in black ink, appearing to read "Diane M. Bulis", is written over a horizontal line.

Diane M. Bulis, Legal Assistant

**WILLIAMS KASTNER & GIBBS**

**June 19, 2017 - 11:53 AM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 94199-8  
**Appellate Court Case Title:** Estate of Barbara Brandes, et al. v. Brand Insulations, Inc., et al.  
**Superior Court Case Number:** 14-2-21662-9

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**Comments:**

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