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Case # 70933-0-1

WASHINGTON COURT OF APPEAL

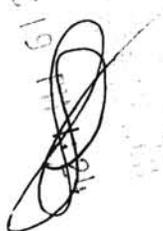
DIVISION ONE

LOIS K. CHAMPION APPELLANT

V.

LOWE'S HIW, INC., RESPONDENT

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Appeal from Washington Superior Court
For the County of Snohomish
Court File 13-2-02069-4

APPELLANT'S OPENING BRIEF

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ASSIGNMENTS OF ERROR

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ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

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2. Can the trial court grant summary judgment when there are clear questions of material fact left undetermined? In this case the major question of material fact is what happened in between the time that the plaintiff was standing in the defendant's store aisle looking up at products on the shelf and the split second later when she was face down, injured, on a pallet and pallet jack improperly placed by defendant in the middle of that aisle? The trial court found that the deposition testimony of the plaintiff and the two eye witnesses, plus the pictures of the aisle and the offending pallet equipment was not enough to create a question of fact as to cause.

STATEMENT OF THE CASE

The plaintiff, Lois K Champion (Ms. Champion) is a healthy woman in her mid-80s. Ms. Champion is married to Phil Hull and they live in Mukilteo, Washington. (CP 97) Ms. Champion has rental property that she manages herself. (CP 98). Lowe's HIW, Inc. (Lowe's) is a gigantic multi-state warehouse hardware department store company.

Ms. Champion went to the Lowe's store in Everett, Washington, in January, 2010, to purchase plumbing fixtures for one of her rental properties. Upon arriving at the Lowe's store Ms. Champion was accompanied by her husband into the store until she gained the attention of

a Lowe's employee, Howie Nash. At that point her husband went back to their car to await the completion of her shopping. (CP 163)

Mr. Nash asked Ms. Champion if he could help her and she responded that she was searching for a toilet for one of her rental units. Mr. Nash then directed and accompanied Ms. Champion to the plumbing aisle where there were a number of people already shopping. In the plumbing aisle Ms. Champion was directed to look upwards into the shelves. (CP 99) The toilets at Lowe's are kept above the ground, at or above eye level. As she was directed along the aisle by Mr. Nash Ms. Champion suddenly caught her foot (CP 99) and fell onto a wooden pallet that was attached to a pallet lifter in the middle of the aisle. Ms. Champion hit her head and lost consciousness for a few moments. (CP 99)

The only question of fact in the whole case, except damages, is what happened in the split second between the time that Ms. Champion was standing looking at the toilets, and the time that she was on the pallet and pallet lifter. All other significant facts are agreed to by the parties. Ms. Champion said that she caught her foot. "Anyway, I turned around, and I didn't realize what happened, but afterwards I saw a big bruise - - later on at home, I saw a big bruise across the top of my right foot". (CP 99) She also said, in answer to a question:

"Q. So do you know what happened? I know you said you turned

around, but I'm trying to specifically find out if you know what happened.

A. No. I didn't know what happened, but at home, after a day, I had a big bruise across my right foot, on the top and it was explained to me that that's where my foot was when they turned me over.

Q. Okay.

A. It was caught -- it was caught under a platform." (CP 105)

and:

"Q. Well, I'm trying to understand if you know what caused you to fell.
(sic)

A. My fall was caused by my foot getting under a mental thing on the floor.

Q. And this little thing on the floor, do you recall seeing it, ever?

A. No, I don't." (CP 106) (See CP 108)

The incident was also viewed by Mr. Di Gino. In his deposition he said:

"A . . . We were looking up. The salesman and Ms. Champion came, and -- we moved back. They came in front. The guy was pointing, you know, we have this, we have that, we have this, you know, yada, yada, yada, pointing. She was looking up.

Q. When you say "she," you mean Ms. Champion?

A. Ms. Champion was looking up. The guy was looking up. He then

slid back just a couple inches, almost like behind her, and then Ms. Champion hit the pallet and went over.

Then he kept saying, "I'm sorry, I'm sorry. I should have told you it was there." I believe at one point he even said he didn't see it, but -- there was just so much going on at that point, but I know he kept apologizing." (CP 129)

And also:

“Q. And do you know, then, exactly what caused her to fall?

A. The pallet did. She hit the pallet.

Q. How do you know that?

A. Because that was the only thing between her and the floor." (CP 132)

Mr. Nash and two other shoppers in the plumbing aisle, Ms. Shelby Eaton and her boyfriend, Mr. Cecilio Di Gino, immediately came to Ms. Champion's aid. (CP 132) Mr. Di Gino turned Ms. Champion on her back and Ms. Eaton rolled up her coat to form a pillow for Ms. Champion. After a few minutes Ms. Champion started to regain consciousness. Ms. Champion found herself bleeding, with pain in her face and knee. (CP 109)

Ms. Champion asked that someone find her husband and bring him into the store. Ms. Eaton went out to the parking lot and found Mr. Hull

who then came into the store to assist his wife. (CP 155) The store employees could not come to an agreement as to whether an ambulance should be called so, instead of waiting, Mr. Di Gino called the ambulance, which arrived shortly thereafter. (CP 106, 156) Ms. Champion was still on the ground. Ms. Champion was aided by the first responders. She was advised to go to the hospital but declined. (CP 99) The store manager, who was now on the scene, obtained a wheeled office chair. (CP 100) Ms. Champion was placed on the chair and wheeled out to her car. (CP 107)

On the way home with her husband Ms. Champion felt she should obtain some medical attention so she went to a walk-in clinic. (CP 112) Thereafter she sought other medical attention for her injuries and later brought this case. Ms. Champion suffered painful and permanent injuries and a significant loss of quality of life and seeks compensation for that loss.

After this action was started discovery was commenced and partially completed. Lowe's has not provided all of its discovery responses. Depositions of Ms. Champion, (CP 95) Mr. Di Gino (CP 123) and Ms. Eaton (CP147) were taken. Lowe's then brought a motion for summary judgment, (CP 162) claiming that the plaintiff had failed to present a prima facie case because she could not prove, unequivocally, what happened between the time she was standing in the aisle and when

she ended up on the pallet. Lowe's claimed a lack of causation, alleging that the unconscious plaintiff did not know what caused her injuries. Ms. Champion responded at length to the motion for summary judgment. (CP 47)

Lowe's then brought a motion to strike thirteen statements presented by Ms. Champion in support of her opposition to summary judgment, ranging from Ms. Champion's statement that she was looking up at the shelves to Ms. Champion's personal opinion that she was in good health, which defendant claims is an unsupported expert declaration as to the state of her health. Lowe's also sought to strike the declaration of Mr. Di Gino. (CP 63) Ms. Champion also responded at length to that motion.

The trial court granted both defendant's motions, with the single exception that the trial court allowed Ms. Champion to have the opinion that she was in good health. (CP 1-5) This appeal of those two orders followed.

SUMMARY OF ARGUMENT

All facts are uncontested in this case regarding Ms. Champion's arrival at the Lowe's store, her entrance, her assistance by Mr. Nash, and her entrance into the partially crowded plumbing aisle, that the toilets, which Ms. Champion sought, are on raised platforms and that there was an

unattended pallet lifter and pallet in the middle of the aisle. It is also uncontested that Ms. Champion fell and suffered some damages. The only issue that is brought up by Lowe's is exactly and precisely how Ms. Champion came to be lying on the pallet. The plaintiff brought her claim for damages stating that she fell on Lowe's equipment. Lowe's position can be summed up by saying "no, you didn't." The manner in which Ms. Champion came to be lying on the pallet is a fact question that cannot be dismissed by summary judgment.

The court also struck statements in Ms. Champion's pleadings and Mr. Di Gino's declaration. Many of the statements were made as argument and not as factual statements. These cannot be stricken by the trial court. Counsel can make any statement of argument that is deemed proper. Secondly, the court cannot strike evidence, at the request of Lowe's, if Lowe's put the evidence in the record itself and continues to rely on the evidence. Once an item is allowed as evidence by Lowe's it has opened the door for the use of that evidence by any party. The evidence cannot be used by Lowe's to support its case but denied to the plaintiff in support of her case. Additionally, evidence is stricken when it violates some rule of evidence. None of Ms. Champion's evidence fits that description.

ARGUMENT

Standard of Review

The de novo standard of review is used by an appellate court when reviewing all trial court rulings made in conjunction with a summary judgment motion. *Cornish College of the Arts v. 1000 Virginia Ltd. P'ship*, 158 Wn.App. 203, 215, 242 P.3d 1(2010) (quoting *Folsom v. Burger King*, 135 Wn.2d 658, 663, 958 P.2d 301 (1998))

“We review de novo a trial court ruling on a motion to strike evidence made in conjunction with a summary judgment motion.” *Rice v. Offshore Systems, Inc.*, 272 P.3d 865, 167 Wn.App. 77 (Wash.App. Div. 1 2012) quoting *Momah v. Bharti*, 144 Wash.App. 731, 749, 182 P.3d 455 (2008)

Striking of Evidence

Issue

Can the trial court strike evidence from the pleadings of a party if the evidence is already in the file, having been presented by the other party?

Rule

ER 901 requires the proponent of the evidence to make a prima facie showing that the evidence is authentic— it is what it purports to be. *State v. Danielson*, 37 Wash.App. 469, 471, 681 P.2d 260 (1984). . . .

“Davis's July 2010 declaration established the reports' authenticity.” *Rice*, supra.

Argument

The declaration of Lowe’s counsel, Troy Hunter, established that the declarations and deposition, upon which it relied, are authentic. The plaintiff may then also rely on admitted evidence. “It would have been folly to strike the evidence because of a supposed error in the earlier ruling, and then call the same witnesses to repeat the same testimony after the loss of the documents had been shown.” *Lenape Hydraulic Pressing & Forging Co. v. Ellis Resilient Wheel Corp.*, 251 P. 885, 141 Wash. 571 (Wash. 1927). It is folly to have Lowe’s put evidence in the record, then move to strike it as improperly presented to the court.

Lowe’s could have entered only those parts of the depositions or declarations that aided its case and left out the rest, leaving it for the plaintiff to establish those facts. Instead, Lowe’s chose to enter all of the evidence, making it equally available to the plaintiff as to Lowe’s. Lowe’s cannot now be heard to complain of the truth or existence of those facts.

Lowe’s moved to have 13 statements of plaintiff’s proofs stricken from the court record. Twelve of the statements were stricken. Lowe’s also asked that the declaration of Cecilio Di Gino be stricken since it contradicted his later deposition testimony. Both the declaration and the

deposition were put into evidence by Lowe's. Now Lowe's seeks to have its own evidence stricken, at least to the point that it might aid the plaintiff.

Of the 13 statements in the plaintiff's pleadings complained of by Lowe's, only six of them were statements of fact (Nos. 1-4, 6, 10) and only five of those statements were stricken. (No. D was allowed) The remaining seven statements (Nos. 5, 7-9, 11-13) were statements of argument presented by the plaintiff's counsel, based on facts presented by Lowe's, itself. Lowe's does not cite any law that allows a trial court to strike pertinent argument from a party's pleadings and plaintiff's counsel does not know of any such law. The trial court improperly struck the plaintiff's arguments from its responsive brief.

The remaining five statements that were stricken were statements of fact that were wholly and completely supported by evidence in the record, evidence that was put in the record by Lowe's, itself. The objection to the statements was the same each time; "Lowe's objects to this statement as speculative, without personal knowledge, conclusory, made as opinion by an incompetent lay witness, and hearsay." None of the statements are speculative but are made affirmatively. All of the statements are made from personal knowledge by Ms. Champion, as shown by her deposition that Lowe's put in the record. None of the

statements are opinions of expert witnesses, even though they are objected to by Lowe's as being incompetent lay testimony, and none of them are hearsay, having been made from Ms. Champion's personal knowledge. There is no basis of any kind for the trial court to have stricken any of these five statements.

STATEMENT 1

The first statement objected to by Lowe's states that "While shopping she was directed to look up into the shelves as she was directed along the aisle by Mr. Nash." This statement was taken directly from the very "Statement of Facts" that were presented by Lowe's itself in its motion for summary judgment!

Clearly, Lowe's has already assented to all of the operative facts and has even put in citations to the record where the items can be found. Lowe's acts in bad faith when it opposes its own proofs.

STATEMENT 2

The second statement is "Suddenly Ms. Champion caught her foot and fell onto a wooded pallet that was attached to a pallet lifter in the middle of the aisle." This is a fact question and is supported by Ms. Champion with direct evidence in the form of her deposition testimony, the deposition testimony of two other witnesses along with the circumstantial evidence from the declarations and depositions, plus the

injuries suffered by Ms. Champion. All of the evidence is in the record due to Lowe's, who thereby consents to its authenticity. The evidence cannot then be speculative. It should not have been stricken.

STATEMENT 3

The third statement is "Ms. Champion hit her head and lost consciousness for a moment but then found herself being aided by Mr. Nash and two other shoppers, Shelby Eaton and Cecilio Di Gino."

The facts supporting this statement are found in the deposition of Ms. Champion, as well as the declarations of Shelby Eaton and Cecilio Di Gino and are a part of the court record because they were put there by Lowe's. Lowe's declaration, dated July 24, 2013, contains the deposition of Ms. Champion and the declaration of August 14, 2013, contains the declarations that state these facts directly. It is bad faith for Lowe's to oppose facts that it put into the record.

STATEMENT 4

The fourth statement is "She was advised to go to the hospital but declined." In fact, in Lowe's attorney's declaration of July 24, 2013, he included the deposition testimony of Ms. Champion where she says "I remember they wanted to take me to the emergency room. I said 'no, no, no. I've got to get this toilet. I've got a man coming to install the toilet,'" This is direct testimony put into the record by Lowe's.

STATEMENT 6

The sixth statement states, "Further, the pallet and pallet lifter were left in an aisle where the shopper's attention was directed upwards and away from the dangerous condition." Lowe's acknowledges throughout the pleadings that the pallet and pallet lifter were in the plumbing aisle where Ms. Champion was doing her shopping. Lowe's also acknowledges that the toilets, which were being sought by Ms. Champion, were on a raised shelf. Lowe's own pleadings and documentation show that this statement is true. Again, it is bad faith for Lowe's to argue against facts that it put in the record.

As part of its pleadings Lowe's puts in the declaration of its attorney, Troy Hunter, to enter pictures into evidence. (CP 91) He states:

"I, Troy Hunter, declare as follows:

1. I am an attorney for Defendant Lowe's HIW, Inc. ("Lowe's"), am over the age of eighteen, and make this declaration based upon personal knowledge and information.
4. Attached hereto as **Exhibit 3** are three photographs of the subject Lowe's aisle taken on January 16, 2010 within minutes of plaintiff's incident."

Mr. Hunter has no personal knowledge or information about any pictures. He does not state that he was at Lowe's on the day of the

incident, that he took the pictures, nor does he know if the pallet or pallet lifter are still at the store. The rule here is “Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein.” CR 56(e).

This rule is supported by clear case law:

Here, State Farm moved to strike numerous exhibits, including the police report, because they were 'authenticated only by [Burmeister's] counsel's own 'certification' " and this certification' is improper because he has no personal knowledge to authenticate these documents. *Burmeister v. State Farm Ins. Co.*, 966 P.2d 921, 92 Wn.App. 359 (Wash.App. Div. 2 1998)

Mr. Hunter had no such knowledge or competency of the pictures. Mr. Hunter has defrauded the court by making these statements.

The trial court should not have stricken any of these five statements. If the trial court had left all of the plaintiff's statements in the court file then the motions appealed from here would have been denied.

Lastly, Lowe's moved the court to strike the whole declaration of Mr. Di Gino since Lowe's claims that it contradicted his later deposition. Lowe's does not state what part of the declaration of Mr. Di Gino was objectionable, or what part of the deposition contradicts the declaration so the plaintiff and the court were left to speculate as to what Lowe's meant. Lowe's does refer to paragraph 4 of the declaration. In that paragraph Mr. Di Gino says that “She appeared to have caught her foot on the pallet and

fallen forward, hitting her cheek and forehead. I saw that she had a lump on her head. She also appeared to have injured her knee and foot.” Lowe’s then states that “Mr. Di Gino does not know why Ms. Champion tripped.”

Lowe’s is mistaken in this case. The two statements are not contradictory. Mr. Di Gino could have seen that Ms. Champion caught her foot on the pallet in the aisle without actually knowing if that is what caused her to lose her balance and fall. She could have caught her foot in the pallet and fallen for another reason. Mr. Di Gino was only establishing the facts that he knew.

It appears that there was only one sentence in the declaration of Mr. Di Gino that was objectionable to Lowe’s. While that sentence is not actually objectionable, the whole declaration should not be stricken just because of one sentence. The declaration of Mr. Di Gino should be reinstated in full.

Granting Summary Judgment

Issue

Can the trial court grant summary judgment when there are clear questions of material fact left undetermined?

Rule

The rule on summary judgment is clear. It says:

The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.

Rule 56, CR.

This rule is followed in an abundant number of cases.

An appellate court reviews a summary judgment order de novo, performing the same inquiry as the trial court.

Kruse v. Hemp, 121 Wash.2d 715, 853 P.2d 1373 (1993).

A genuine issue of material fact exists if, after weighing the evidence, reasonable minds could reach different factual conclusions about an issue that is material to the disputed claim. See *Hartley v. State*, 103 Wash.2d 768, 775, 698 P.2d 77 (1985).

Jones v. State, Dept. of Health, 242 P.3d 825, 170 Wn.2d 338 (Wash. 2010).

We consider the evidence and the reasonable inferences therefrom in a light most favorable to the nonmoving party. *Schaaf v. Highfield*, 127 Wash.2d 17, 21, 896 P.2d 665 (1995). If we determine there is a dispute as to any material fact, then summary judgment is improper. *Hiatt v. Walker Chevrolet Co.*, 120 Wash.2d at 65, 837 P.2d 618.

Marquis v. City of Spokane, 922 P.2d 43, 130 Wn.2d 97 (Wash. 1996). P.2d 618 (1992).

Argument

Except for damages, this case has only one fact issue, how did Ms. Champion end up on the ground with injuries? The parties agree on all of

the other facts, with each party presenting identical statements of fact in their pleadings, leading up to the point of injury and for a significant amount of time after the injury.

The only question of fact concerns the split second of the injury. That is a fact question that is a question for the jury.

Based on the guidance from the cases listed above, is there sufficient evidence, and the reasonable inferences therefrom, viewed in a light most favorable to this plaintiff, to allow reasonable minds to come to different factual conclusions? The plaintiff believes that not only is there sufficient evidence, but if the evidence is viewed in a reasonable fashion then reasonable minds could only find for the plaintiff, not Lowe's.

The trial court was, and now this court is, faced with a determination of how much evidence is enough evidence to survive a motion for summary judgment. If the *Hartley* case is correct, that a material fact exists if reasonable minds could view the same facts and come to a different conclusion, then the cause of Ms. Champion's injuries is a fact question.

The plaintiff presented uncontroverted direct evidence as to her location in the store and her purpose. She then presented direct and circumstantial evidence to show that she was caused to fall by catching her foot on the improperly placed pallet and pallet lifter. In contrast, Lowe's

presents no evidence of any kind to suggest that there is an alternative cause for her fall. Ms. Champion is not shown to be prone to falling.

Rather, Lowe's demands and requires only an insurmountable level of proof, uncontroverted direct testimony and evidence, and allows for no inferences of any kind. Somehow, the trial court agreed with Lowe's. That is not what the law requires. Evidence can be presented as direct or circumstantial evidence. The law does not prefer direct evidence over circumstantial evidence.

When the manner and circumstances of an event causing injury or damage provide circumstantial evidence giving rise to a legitimate inference of negligence, the plaintiff should not be denied the effect of that evidence for the sole reason that he has also provided direct evidence of a specific cause.

Zukowsky v. Brown, 488 P.2d 269, 79 Wn.2d 586 (Wash. 1971). See also *Riehl v. Foodmaker, Inc.*, 94 P.3d 930, 152 Wn.2d 138 (Wash. 2004), *deLisle v. FMC Corp.*, 57 Wash.App. 79, 84, 786 P.2d 839 (1990).

Very few personal injury cases, if any, are proven only by direct evidence. If that were the case then we would not need courts or juries to determine factual disputes. Factual presentations would be unassailable. But personal injuries usually occur without warning. It would be a rare case where witnesses were viewing an injured party, like Ms. Champion at the Lowe's store, so intently, and following her so closely, that they viewed and could testify about every element of her fall. Such close scrutiny of an unknown shopper would be an invasion of privacy akin to

stalking. The injured party is usually left to assemble the known evidence, and to obtain reasonable inferences therefrom, to complete the picture on the cause of their injury.

The trial court in this case failed to allow for any reasonable inferences, seeking instead only direct evidence. When only direct evidence could not be presented the court granted summary judgment. The granting of summary judgment in this case was improper. The manner in which Ms. Champion fell and was injured is a fact question that may not be determined on summary judgment.

The trial court also determined that the pallet and pallet lifter in the aisle at Lowe's was an open and obvious condition as a matter of law and was not a question of fact. In so doing, the court made a determination of a disputed fact.

There was insufficient evidence to show that the pallet and pallet lifter were open and obvious. Only some pictures were shown, sworn to by Lowe's attorney and no other person. The attorney would not have any personal knowledge of the injury location, the time and date, the placement of the equipment, and the exact color, size, and nature of the equipment in the aisle. As such he is incompetent to make his declaration. Without that incompetent evidence there is not evidence as to the nature of the equipment in the aisle. The only competent evidence is Ms.

Champion's deposition testimony that there were a number of people in the aisle and that she did not see the equipment.

The laws of the state do not automatically award summary judgment when an item might have been, or perhaps even should have been, noticed by the injured party.

If there is a question as to the open and obvious nature of a sidewalk offset, the Supreme Court has held that this is a question of fact that should be presented to the jury.

Millson v. City of Lynden, 298 P.3d 141 (Wash.App. Div. 1 2013), and

It was not appellant's duty to keep her eyes constantly riveted to the floor as she walked along the aisle provided for her use, nor can it be said that the danger was so obvious that, in the exercise of due care, she must have seen it. She testified that she first noticed the litter on the floor after she had fallen. The condition was not so conspicuous as necessarily to challenge her attention prior to that time, and it was not incumbent upon her to watch her footing every step of the way.

Hines v. Neuner, 253 P.2d 945, 42 Wn.2d 116 (Wash. 1953)

Here, the location of the injury is the Lowe's home improvement store, a warehouse hardware store filled with tall painted metal shelving and multicolored products that are meant to draw the shoppers attention. A shopper could easily find themselves navigating this labyrinth of aisles, focused on finding and purchasing the item of their choice, without noticing every significant detail that might cause injury. The question of whether a condition is open and obvious to the point that it could cause an injury is a fact question that may not be determined by the trial court on

summary judgment. Ms. Champion said she did not see the obstruction.

Attorney's fees on appeal

The appellant requests attorney's fees on this appeal. The actions of the defendant in the trial court were without merit and were presented for the purpose of delay and to harass the plaintiff. Any response in this court if for a similar purpose. If this court vacates the judgment of the trial court and finds that the actions of the defendant were meritless then any action on appeal must also be meritless and would therefore be the basis for an award of fees and costs to the plaintiff. Rule 18.1, RPA, Rule 18.9, RPA.

Nevertheless, RAP 18.9(a) authorizes the appellate court, on its own initiative, to order sanctions against a party who brings an appeal for the purpose of delay. Sanctions may include, as compensatory damages, an award of attorney's fees to the opposing party.

Bill of Rights Legal Foundation v. Evergreen State College, 723 P.2d 483, 44 Wn.App. 690 (Wash.App. Div. 2 1986)

Conclusion

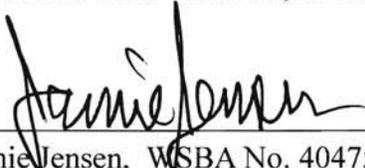
Lowe's is a national warehouse hardware store. The plaintiff is an elderly shopper at Lowe's store. The plaintiff is seeking just compensation for the injuries she suffered in Lowe's Everett store. In opposition, Lowe's is using its size and financial strength to attempt to overwhelm the plaintiff with legal procedure and pointless arguments to deny her just

compensation. Somehow, Lowe's was able to find a trial court to grant its frivolous motions. There is no mechanism whereby the trial court can strike plaintiff's arguments. The plaintiff's factual statements are fully supported by evidence that was presented by Lowe's itself. Lowe's acts in bad faith when it moves to strike evidence that it put in the court record.

Summary judgment is never granted when there are issues of material fact. How Ms. Champion came to be on the floor is a disputed material fact. Whether the pallet and pallet lifter were open and obvious conditions is a question of fact. Summary judgment was erroneously granted here and should be overturned.

DATED this 18th day of December, 2013.

MUKILTEO LAW OFFICE, PLLC

By 

Jamie Jensen, WSBA No. 40475
Attorney for Plaintiff, Lois K. Champion

NO. 70933-0-I
WASHINGTON COURT OF APPEALS, DIVISION 1

DEC 19 2013 10:24
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Lois K. Champion)
Appellant)
vs.) CERTIFICATE OF SERVICE
Lowe's HIW, Inc.,)
Respondent,)

This is to certify under penalty of perjury that on the 18th day of December, 2013, I, Jamie Jensen, served, by US Postal Service, postage paid, the APPELLANT'S OPENING BRIEF, to the parties named below:

Washington State Court of Appeals
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By [Handwritten Signature]
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