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Court of Appeals
Division II
State of Washington

No. 50458-8-II

COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON

RUTH 2, LLC,

Appellant,

vs.

SOUND TRANSIT AND CITY OF TACOMA,

Respondents.

RESPONDENTS' BRIEF

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I. INTRODUCTION

Central Puget Sound Regional Transit dba Sound Transit (“Sound Transit”) completed a construction project in the City of Tacoma, known as the “Sounder D to M Extension Project,” that included new storm sewers adjacent to appellant Ruth 2, LLC’s undeveloped property. Ruth 2, LLC contends that the reconfiguration of the storm sewers resulted in flooding on its property after heavy rains. Ruth 2, LLC filed tort claims with both Sound Transit and the City of Tacoma. Both claims were denied.

Ruth 2, LLC then brought suit against Sound Transit and the City of Tacoma. Both defendants moved for summary judgment dismissal. In their motion, Sound Transit and the City of Tacoma asserted that Ruth 2, LLC’s lawsuit against them should be dismissed because (1) Ruth 2, LLC failed to file its lawsuit within the applicable two-year statute of limitations for its tort claims; (2) Ruth 2, LLC failed to comply with the claim notice requirements for suits against governmental entities, a condition precedent to filing suit; and (3) no inverse condemnation occurred on the facts of this case as “the common enemy doctrine” precludes such a claim. Moreover, the record demonstrates that, even if, contrary to fact, Ruth 2, LLC could overcome (a) the common enemy bar to its inverse condemnation claim, (b) the claim statute deficiency and (c)

the statute of limitation bar, it failed to meet its burden of production on damages, as it must on summary judgment.

The trial court properly dismissed Ruth 2, LLC's action with prejudice. Respondents ask this court to affirm.

II. STATEMENT OF ISSUES

1. Ruth 2, LLC knew its property was subject to flooding in heavy rains in June 2012. It filed its Complaint for Damages in March 2016. The statute of limitation for negligence resulting in injury to real property is two years under RCW 4.16.130. Under these circumstances, did the trial court properly find Ruth 2, LLC's cause of action for damage to its real property was barred by the statute of limitation?

2. Ruth 2, LLC failed to wait the required 60 days after filing its notice of claim against the City of Tacoma to file its Amended Complaint for Damages adding the City as a defendant, a condition precedent to filing suit. Under these circumstances, did the trial court properly dismiss Ruth 2, LLC's negligence claims against the City for non-compliance with the claim notice statute, RCW 4.96.020(4)?

3. Did Ruth 2, LLC offer sufficient evidence to establish a "taking" of its property, and even if so, does the "common enemy" doctrine bar its claim?

III. STATEMENT OF THE CASE

A. Ruth 2, LLC Owns Undeveloped Property Adjacent to the Sounder D to M Extension Project.

Ruth 2, LLC owns property located at 301 E. 26th Street in Tacoma, Washington. Don Ruth owns and manages the limited liability company. CP 50, 230. Don Ruth has a degree in industrial engineering, but is not a licensed engineer. CP 231.

The property is undeveloped and sits below street grade. East C Street slopes downhill toward Ruth 2, LLC's four parcels. CP 246-47. Historically, Ruth 2, LLC has leased the property for storage of equipment and the like, receiving approximately \$1500 per month in rent. CP 259-60. Beginning in July 2016, Ruth 2, LLC rented its property to Garco, a subcontractor of Sound Transit, for use as a staging yard in connection with construction of the new Amtrak station nearby. Ruth 2, LLC receives \$2000 per month in rent from Garco. CP 262.

Don Ruth testified that Ruth 2, LLC listed the four parcels comprising the property for sale in 2014.¹ CP 248. The listing price was \$1.4 Million. CP 193, 200, 250. The listing agent used Don Ruth's asking price because she had no specific facts upon which to base a listing price. There are no sales for comparable property upon which to base a list price for this property. CP 201.

¹ The listing agent testified that the property was listed on September 25, 2015. CP 194.

Ruth 2, LLC has received no offers on the property since listing it for sale. CP 250.

B. Water Pooled in the Alley Adjacent to Ruth 2, LLC's Property Before Sound Transit Installed the Sounder Improvements.

Although Ruth 2, LLC argues water never pooled on its property before work on the Sounder D to M Extension Project, on summary judgment, it submitted a photograph, produced in discovery, depicting the prior drain at East C Street. The photograph, taken before Sound Transit's work, shows standing water from the alley to the old drain. CP 46, 126, 254.



C. Sound Transit Completed the Extension Project Improvements on East C Street in September 2012.

In September 2010, the City of Tacoma (the City) approved a permit for work done on East C Street in connection with the Sounder D to

M Extension Project. CP 38. The permit was issued on October 25, 2010. CP 41. Sound Transit installed the improvements to East C Street adjacent to Ruth 2, LLC's property between September 2010 and early 2011. CP 38. Sound Transit achieved substantial completion of the track and signal project, which included the improvements at East C Street, on September 14, 2012. CP 41.

D. Ruth 2, LLC Complains of Flooding on its Property and Admits the Flooding Began in June 2012.

Ruth 2, LLC first noticed flooding of its property after heavy rains in June 2012. CP 44, 257-58. In April 2017, Ruth 2, LLC had the property surveyed in an effort to determine the cause of the drainage issue on its property. Steven Voorhies conducted a topography survey for Ruth 2, LLC with a map showing the existing conditions on the property. CP 142, 172. The survey showed a low point in the alley adjacent to Ruth 2, LLC's property, although the alley along the entire length of the property is fairly flat. CP 152, 172. Immediately after a heavy rain, the alley itself and Ruth 2, LLC's property floods. As it drains, the water moves toward the low point in the alley shown by Mr. Voorhies' survey. CP 268.

Mr. Voorhies expressed no opinion about the cause of pooling rainwater on the Ruth 2, LLC property or in the alley. CP 155. Nor could

he express an opinion as to whether the rainwater pooling increased or decreased after the construction activity. CP 156. However, Mr. Voorhies was able to testify, based on his survey, that the flow line in the alley directs rainwater towards the catch basin and not towards Ruth 2, LLC's property. CP 166.

E. Ruth 2, LLC Files Claims Against Sound Transit and the City and a Lawsuit Claiming Negligence and Inverse Condemnation as a Result of the Sounder Extension Project.

Ruth 2, LLC submitted a claim for damages to Sound Transit on July 13, 2015. It claimed that the Sounder improvements raised the street drain "too high above the alley so that now the back portion of [Ruth 2, LLC's] property floods during a rain." CP 32-35.

Ruth 2, LLC filed suit in Pierce County Superior Court on March 10, 2016 against Sound Transit only. In its lawsuit against Sound Transit, Ruth 2, LLC alleged Sound Transit "changed the grade and elevation of the storm sewer. All of this happened within the last three years." Ruth 2, LLC also alleged that, as a result of the change in elevation, "plaintiff's property is flooding upon occasion." CP 283-86.

On April 14, 2016, Ruth 2, LLC submitted a claim form to the City for damages resulting from the Sounder Extension Project.² CP 44-49.

² Ruth 2, LLC sent a Claim for Damages to Tacoma on March 31, 2016, but failed to use the required form or provide the required information. CP 60-62.

On May 4, 2016, only 20 days after submitting its claim to the City, Ruth 2, LLC filed an Amended Complaint for Damages adding the City as a defendant. CP 1-3. In its Amended Complaint, Ruth 2, LLC alleges that the City “negligently installed or approved installation of a new storm sewer and failed to maintain a storm sewer, resulting in the flooding of plaintiff’s property.” It also alleges that the acts of the City constitute inverse condemnation of Ruth 2, LLC’s properties. CP 1-3.

F. Ruth 2, LLC Admits It Has No Injury or Damage From the Flooding—It Is Temporary Only—and No Evidence Exists that the Fair Market Value of its Property Has Diminished.

Don Ruth testified at deposition that the flooding complained of is temporary only. “There’s temporary damage. There’s flooding. But there’s no damage as such once it dries up.” CP 258. That is, the rainwater ultimately drains and leaves the property without damage.

Ruth 2, LLC produced no evidence that the fair market value of its property has been diminished in any way because of the temporary rainwater flooding experienced following the completion of Sound Transit’s work. Laura Fox, the listing agent for the property, testified that she had no opinion that the fair market value had diminished after the Sounder project. CP 205-06. She also rejected Ruth 2, LLC’s suggestion, raised in answer to interrogatories, that she believed the property’s value had been diminished by \$80,000 to \$100,000. Rather, her testimony made

clear that she had *no* opinion as to the property's diminution of value. CP 205-06.

Ruth 2, LLC has conducted no testing of any kind to determine the cause of the temporary rainwater flooding or what could be done to rectify it. It has not had any environmental Phase I testing conducted or any "perc" testing. CP 247. It has not undertaken any engineering testing. CP 252. It has not conducted a storm drainage design analysis. CP 270. It has not commissioned a downstream analysis, soil testing, or geotechnical testing. CP 269-70. In short, Ruth 2, LLC merely speculates that some diminution of the fair market value of its property may have occurred as a result of the changes to the storm drain.

G. Procedural History of the Case in the Trial Court.

The parties engaged in discovery over several months. The parties asked and answered interrogatories, requests for production and requests for admission. CP 27-30, 37-38, 40-42, 54-57, 66-75. They took depositions. CP 132-67 (Steven Voorhies); CP 180-213 (Laura Fox); CP 226-74 (Don Ruth).

On April 27, 2017, Sound Transit and the City filed their motion for summary judgment, asking the trial court to dismiss all claims against them with prejudice. CP 10-49. Ruth 2, LLC filed an opposition to the motion, supported by counsel's and Don Ruth's declarations. CP 50-102,

292-94. Sound Transit and the City filed a brief and evidence in reply. CP 93-274.

On May 19, 2017, the trial court entered an order granting the motion and dismissing all claims against Sound Transit and the City with prejudice. CP 275-76.

Ruth 2, LLC filed its Notice of Appeal in the trial court on June 8, 2017. CP 295.

IV. ARGUMENT

A. **Standard of Review.**

This court reviews the Order Granting Defendants' Motion for Summary Judgment de novo. Questions of law are reviewed de novo. *Yong Tao v. Heng Bin Li*, 140 Wn. App. 825, 830, 166 P.3d 1263, 1266 (2007). "A defendant in a civil action is entitled to summary judgment when that party shows that there is an absence of evidence supporting an element essential to the plaintiff's claim." *Las v. Yellow Front Stores, Inc.*, 66 Wn. App. 196, 198, 831 P.2d 744 (1992); *Young v. Key Pharmaceuticals*, 112 Wn.2d 216, 225, 770 P.2d 182 (1989), *overruled on other grounds*, 130 Wn.2d 160, 922 P.2d 59 (1996). If the moving party has carried the initial burden of production, the burden then shifts to the non-moving party to show an issue of material fact. To make this showing, the party opposing summary judgment "must submit competent testimony

setting forth specific facts, as opposed to general conclusions to demonstrate a genuine issue of material fact.” *Thompson v. Everett Clinic*, 71 Wn. App. 548, 555, 860 P.2d 1054 (1993).

A nonmoving party attempting to resist a summary judgment may not rely on speculation, argumentative assertions that unresolved factual matters remain, or in having its affidavits considered at their face value...

Halvorsen v. Ferguson, 46 Wn. App. 708, 721, 735 P.2d 675 (1986).

To defeat summary judgment, Ruth 2, LLC must go beyond the pleadings and “must do more than simply show that there is some metaphysical doubt as to the material facts.” *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586, 106 S. Ct. 1348, 89 L. Ed. 2d 538 (1986). The non-moving party cannot withstand summary judgment based on the mere hope that evidence will turn up before trial. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 252, 106 S. Ct. 2505, 91 L. Ed. 2d 202 (1986). While the evidence must be viewed in the light most favorable to the non-moving party, if such evidence is merely “colorable” or is not “significantly probative,” summary judgment may be granted in the moving party’s favor. *Id.* at 249. The trial court appropriately granted Respondents’ motion on the record below.

B. The Statute of Limitations for Injury to Real Property is Two Years, Yet Ruth 2, LLC Filed Its Lawsuit Nearly Four Years After It Claims Its Cause of Action Accrued, Barring Suit.

Under Washington law, an action for negligent injury to real property is subject to the two-year “catch all” statute of limitations. *White v. King County*, 103 Wash. 327, 329, 174 P.3 (1918) (two-year statute of limitations applies to negligent injury to real property); *Mayer v. City of Seattle*, 102 Wn. App. 66, 75, 10 P.3d 408 (2000), *rev. denied*, 142 Wn.2d 1029, 21 P.3d 1150 (2001) (there is no specific statute governing plaintiff’s claims; thus, claims are subject to two-year “catchall” period); *Will v. Frontier Contractors, Inc.*, 121 Wn. App. 119, 125, 89 P.3d 242 (2004), *rev. denied*, 153 Wn.2d 1008, 111 P.3d 856 (2005) (the statute of limitations governing a general negligence claim for injury to real property is the two year “catchall” provision in RCW 4.16.130).

Nearly 100 years ago, our Supreme Court made clear that a two-year statute of limitations applies to injury to real property. The ruling in *White* is directly on point and removes any doubt that Ruth 2, LLC’s claims are subject to the two-year statute of limitations. In *White*, the Court considered whether a cause of action against a county for damages arising from a change of grade during a highway construction project fell within a two- or a three-year statute of limitations. The *White* case considered a situation where a county raised the grade of a highway

approximately two feet above the former level; the change resulted in the road's sloping toward plaintiff's property. During the rainy season, water and slush from the road ran onto a hotel property, rendering it almost untenable, less attractive and reducing trade. *White*, 103 Wash. at 328. The Court held the two-year statute of limitations barred suit.

The ruling in *White* remains in force today. *Wallace v. Lewis Cty.*, 134 Wn. App. 1, 13, 137 P.3d 101, 107 (2006) ("An action for negligent injury to real property is subject to a two-year statute of limitations. RCW 4.16.130"). The two-year statute of limitations applies to Ruth 2, LLC's negligence claims.

Whether Ruth 2, LLC filed its lawsuit within the applicable limitation period depends on when its cause of action for negligence accrued. A negligence action for damages to real property accrues when the plaintiff "suffers some form of injury to his real property." *Wallace*, 134 Wn. App. at 13. Here, Ruth 2, LLC admits it knew that rainwater pooling occurred on its property from the change in drainage in June 2012, which is the date on its claim form. CP 44. Yet, Ruth 2, LLC sat on its rights, failing to file suit against Sound Transit until March 10, 2016 - nearly four years later. Ruth 2, LLC failed to add the City to its lawsuit until May 4, 2016.

Ruth 2, LLC asserts it made its claim within three years of the cause of action accruing. Even this is incorrect. Submitting a claim for damages does not constitute commencement of a lawsuit.³ RCW 4.28.020; CR 3(a). The trial court properly dismissed Ruth 2, LLC's action as it was barred by the applicable statute of limitations for injury to real property.

C. Ruth 2, LLC Failed to Comply with RCW 4.96.010.

Ruth 2, LLC's negligence cause of action against the City also fails for lack of compliance with RCW 4.96.010, which is a condition precedent to filing its lawsuit against the City. Ruth 2, LLC failed to wait the statutory 60-day period after filing its claim with the City to file its Amended Complaint adding the City as a defendant. The failure to comply with the claims notice requirement dooms appellant's case. "RCW 4.96.020(4) forbids the commencement of a tort action 'until sixty days have elapsed after' the plaintiff files a notice of claim with the 'local governmental agency.'" *Troxel v. Rainier Pub. Sch. Dist. No. 307*, 154 Wn.2d, 345, P.3 1173, 360 (2005). The purpose of the statute is to provide local governments with notice of potential tort claims, the identity of the claimant, and general information about the claim. *Renner v. City of Marysville*, 168 Wn.2d 540, 546, 230 P.3d 569, 571 (2010). The City was deprived of that right. The failure to comply with RCW 4.96.020(4)

³ Sound Transit and the City recognize that filing a claim tolls the statute of limitations for 60 days pursuant to RCW 4.96.020(4).

compels dismissal of the claim against the City. *See also, Toney v. Lewis Cty.*, 197 Wn. App. 1056 (2017) (unpublished opinion).

D. Ruth 2, LLC Failed to Produce Evidence of a Taking to Support Its Claim for Inverse Condemnation.

Ruth 2, LLC alleges a cause of action for inverse condemnation as a result of the Sounder Extension Project work on East C Street. An inverse condemnation action is an action to recover the value of property allegedly taken by the government without a formal exercise of the power of eminent domain. *Phillips v. King County*, 136 Wn.2d 946, 957, 968 P.2d 871 (1998). To succeed on a cause of action for inverse condemnation, Ruth 2, LLC must establish: (1) a taking or damaging; (2) without just compensation; (3) of private property; (4) for public use; (5) by a governmental entity that has not instituted formal proceedings. *Phillips*, 136 Wn.2d at 957. To prove a taking, governmental activity must be the direct or proximate cause of the claimant's loss. *Phillips*, 136 Wn.2d at 966. The measure of damage in such an action is the diminution of the fair market value of the property taken or damaged by the government. *Phillips*, 136 Wn.2d at 956-57.

“A ‘taking’ occurs when government invades or interferes with the use and enjoyment of property, *and its market value declines as a result.*” *Gaines v. Pierce Cty.*, 66 Wn. App. 715, 725, 834 P.2d 631, 636

(1992) (emphasis added). The interference must be more than merely tortious; it must be permanent or recurring and destroy or derogate one or more fundamental attributes of property ownership. *Borden v. City of Olympia*, 113 Wn. App. 359, 374, 53 P.3d 1020 (2002), *rev. denied*, 149 Wn.2d 1021 (2003).

Here, no taking occurred. Ruth 2, LLC admits no permanent interference with its property has occurred from the change in drainage. It concedes flooding from heavy rains ultimately drains and leaves no damage to the property. CP 258. Ruth 2, LLC's appraisal expert offered no opinion on any diminution in the fair market value of its property after installation of the new drain. CP 205. Ruth 2, LLC shows no interference with any fundamental attributes of property ownership. Ruth 2, LLC continued to lease the property for construction staging at a higher rate after installation of the new drain, notwithstanding the occasional standing rainwater in the alley. CP 260-63. Ruth 2, LLC failed its burden of production on summary judgment to produce evidence sufficient to support a cause of action for inverse condemnation. It can show no damage. The trial court properly dismissed Ruth 2, LLC's cause of action for inverse condemnation.

E. The Common Enemy Doctrine Precludes Ruth 2, LLC's Inverse Condemnation Claim.

Even if Ruth 2, LLC had provided evidence to support all the essential elements of a cause of action for inverse condemnation, which it has not, its claim would be barred by the common enemy doctrine.

The common enemy doctrine has long been recognized by Washington courts. The doctrine holds that surface water is “an outlaw and a common enemy against which anyone may defend himself, even though by so doing injury may result to others.” *DiBlasi v. City of Seattle*, 136 Wn.2d 865, 875, 969 P.2d 10 (1998), (quoting *Cass v. Dicks*), 14 Wash. 75, 78, 44 P. 113 (1896). The doctrine is explained by the court in *Rothweiler v. Clark Cty.*, 108 Wn. App. 91, 98, 29 P.3d 758, 762 (2001):

For over a century, Washington courts have adhered to the common enemy doctrine. *Currens v. Sleek*, 138 Wn.2d 858, 861, 983 P.2d 626, 993 P.2d 900 (1999); *Cass v. Dicks*, 14 Wash. 75, 78, 44 P. 113 (1896). “In its strictest form, the common enemy doctrine allows landowners to dispose of unwanted surface water in any way they see fit, without liability for resulting damage to one's neighbor.” *Currens*, 138 Wn.2d at 861, 983 P.2d 626. Surface waters are defined as diffused waters produced by rain, melting snow, or springs. *DiBlasi v. City of Seattle*, 136 Wn.2d [865,] at 873 n. 2, 969 P.2d 10 [(1998)] (quoting *King County v. Boeing Co.*, 62 Wn.2d 545, 550, 384 P.2d 122 (1963)). *In addition, a municipality has no common law duty to drain surface water. Colella v. King County*, 72 Wn.2d 386, 391, 433 P.2d 154 (1967) (quoting *Ronkosky v. City of Tacoma*, 71 Wash. 148, 153, 128 P. 2 (1912)).

Rothweiler, 108 Wn. App. at 98 (emphasis added).

Here, the Sounder Extension Project involved installation of a new drain near Ruth 2, LLC's property at the end of the alley on East C Street. In this case, Ruth 2, LLC's claim appears to be that the new drain failed to drain surface water that naturally collects in the alley during heavy rains.

Because government agencies have no common law duty to drain surface water not artificially channeled or collected, they are not ordinarily liable for the standing surface water that results from constructing or allowing others to construct roads, homes, or other improvements. *Rothweiler*, 108 Wn. App. at 99, citing *Gaines v. Pierce County*, 66 Wn. App. 715, 721, 834 P.2d 631 (1992), *rev. denied*, 120 Wn.2d 1021 (1993) (internal citations omitted). Of course, a government agency can be liable if "in the course of an authorized construction, it collects surface water by an artificial channel or in large quantities and pours it, in a body, upon the land of a private person, to his injury." *DiBlasi*, 136 Wn.2d at 874, (quoting *Wilber Dev. Corp. v. Les Rowland Constr., Inc.*, 83 Wn.2d 871, 874, 523 P.2d 186 (1974)). However, that did not occur here.

Neither Sound Transit, nor the City diverted rainwater onto Ruth 2, LLC's property. Quite the opposite. The installation of the new

drain collects rainwater that flows from East C Street into the storm sewer system.

Courts have adopted three exceptions to the common enemy doctrine, none of which apply here: (1) a municipality or landowner may not inhibit the flow of a watercourse or natural drain way; (2) waters may not be artificially collected and discharged on adjoining lands in quantities greater than or in a manner different from the natural flow thereof; and (3) the “due care” exception requires landowners who alter the flow of surface water on their property to exercise their rights with due care by acting in good faith and by avoiding unnecessary damage to the property of others. *Rothweiler*, 108 Wn. App. 91, 98 -102. No exception applies here.

First, this matter does not involve a natural watercourse or drain way. Rather, it involves a system of municipal catch basins and drainage pipes on portions of public lands. It also involves the natural accumulation of rainwater on land.

Second, there is no evidence in the record to support a claim that the City breached a duty of care to adequately maintain the storm drainage system. Although Ruth 2, LLC alleges negligent maintenance of the drainage system, it presented no evidence on summary judgment that the system overflows or clogs. It presented no evidence to show what

additional maintenance activities should have been undertaken and/or were negligently performed.

Finally, there is no evidence of waters being artificially collected and discharged on adjoining lands, much less in quantities greater than or in a manner different from the natural flow thereof. The storm drain relocation project did not include construction of culverts or ditches or artificially channel water in any way. The storm water drainage system generally follows the same path that water would naturally follow downhill. There is no evidence that the volume of water on the lands has increased. Ruth 2, LLC's photographs establish the existence of natural rainwater pooling at the end of the alley *prior* to installation of the new storm drain and sidewalk.

Sound Transit and the City ask the court to affirm the trial court's order dismissing the inverse condemnation cause of action because the common enemy doctrine applies to bar a cause of action for inverse condemnation.

V. CONCLUSION

Ruth 2, LLC filed its lawsuit too late—the statute of limitations for its negligence claim for injury to real property expired long before it commenced suit. Ruth 2, LLC also failed to comply with the claim notice requirements that would have barred its suit had it been timely commenced. Ruth 2, LLC failed its burden of production on summary judgment on its cause of action for inverse condemnation. It failed to show a taking as a result of the work done adjacent to its property by the Sounder D to M Extension Project. Moreover, on the facts of this case, the common enemy doctrine applies to bar Ruth 2, LLC’s cause of action for inverse condemnation.

The trial court correctly dismissed all claims in Ruth 2, LLC’s Amended Complaint for Damages on summary judgment. Sound Transit and the City respectfully ask this court to affirm the trial court in all respects.

DATED this 2nd day of November, 2017.

FORSBERG & UMLAUF, P.S.

By: 
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CERTIFICATE OF SERVICE

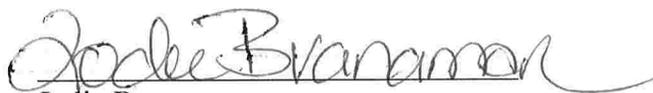
The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the foregoing **RESPONDENTS' BRIEF** on the following individuals in the manner indicated:

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 Via ECF

SIGNED this 2nd day of November, 2017, at Seattle, Washington.


Jodie Branaman

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Appellate Court Case Title: Ruth 2 LLC, Appellant v. Sound Transit and City of Tacoma, Respondents
Superior Court Case Number: 16-2-06102-3

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