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No. 62168-8

COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION I

TAMBRA CURTIS,

Appellant,

vs.

JACK LEIN and CLAIRE LEIN, husband and wife, and the
marital community composed thereof; and WILLOW CREEK
FARM, INCORPORATED, a domestic corporation,

Respondent.

Appeal from the Superior Court for King County
The Honorable John Erlick

BRIEF OF APPELLANT

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I. ASSIGNMENTS OF ERROR

1. The trial court erred by dismissing all claims against Jack and Claire Lein and Willow Creek Farm.

II. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

1. If a residential tenant in Washington is injured when a portion of a dock in a pond located on a common area of the property collapses under normal use, should the doctrine of res ipsa loquitor establish a prima facie case of negligence against the landlord?

III. STATEMENT OF THE CASE

A. Facts

Tambra Curtis is a fifty-four year old mother of two children who currently works as Assistant Director of Family Communications at Gatehouse Academy in Wickenburg, Arizona. CP 158, p. 6, ll. 4-6, CP 159, p. 12, ll. 9-23. From December, 2002, through July, 2004, Ms. Curtis lived on the Willow Creek Farm in Sammamish, Washington. She resided

there with Michael Stewart, farm manager, and their child, Jacob. CP 158, p. 8, ll. 10-20, CP 159, p. 10, ll. 2-19. Their house was provided by the farm. Willow Creek Farm was in the business of breeding, raising, and sometimes racing thoroughbred horses. CP 106, p. 7, ll. 2-5; CP 159, p. 10, ll. 9-19. Willow Creek Farm was formally incorporated sometime in the mid-1980's. The farm was owned by the Lein family and operated primarily by Claire Lein. She lived on the farm with John Lein, her husband. Their son Michael Lein, his wife Donna Lein, and their children also lived in a house on the farm. CP 106, p. 6, ll. 16-23; CP 127, p. 7, ll. 8-16; CP 134, p. 4, l. 25 – CP 135, p. 5, l. 15.

When the Leins moved onto the Sammamish property in 1980 they enlarged and enhanced a small pond on the property, as part of the landscaping of the farm. CP 108, p. 15, l. 15-CP 109, p. 16, l. 16. The pond was fed by a stream which at times became swollen with rainwater. In order to regulate the depth of the water in the pond and prevent erosion of the earthen dam forming its banks, the Leins installed an overflow drainage system. It consisted of two standpipes which directed water under the dam and out into the streambed below it. CP 108, p. 16, l. 16 – CP 109, p. 17, l. 6. At times the standpipes became blocked with debris and stopped draining properly, endangering the integrity of the dam. Whenever there was a heavy rain someone had to check the pipes and

clear them out if necessary. CP 109, p. 17, ll. 1-9, CP 112, p. 31, l. 23 – p. 32, l. 17; CP 139, p. 22, l. 25 – p. 23, l. 12. At some point in the 1980's a wooden structure (hereinafter "the dock") was built out from the bank of the pond to a point where one could look down into the standpipes and clear them if needed. CP 109, p. 17, l. 17 – p. 18, l. 13. This dock is pictured in Exhibit 1 to Michael Stewart's deposition, CP 154, which is attached hereto as Exhibit 1.

The primary purpose of the pond was decorative, but it was also used by children living on the farm for recreational activities, including swimming, boating, and fishing. CP 165, p. 33, l. 6 – p. 34, l. 11; CP 137, p. 14, l. 23 – p. 15, l. 6. The pond and the dock were open for the use of all residents of the farm, including Tambra Curtis. CP 112, p. 29, ll. 12-24.

On April 25, 2004, Tambra Curtis was walking on the farm with her son and decided to walk out on the dock. She had never been on it before. She had seen others on the dock in the past. She took one or two steps and suddenly her left leg went right through the dock. The board she had stepped on completely gave way. She became stuck in the dock, with her left leg protruding through it up to her hip. Michael Stewart was summoned and helped get her out of the dock and up to their house. CP 163, p. 26, l. 13 – p. 28, l. 18; CP 121, p. 9, l. 19 – p. 10, l. 16. The next day Donna Lein drove Ms. Curtis to see a doctor about her injured leg. CP

164, p. 29, l. 17 – p. 30, l. 7. It took several months and extensive testing to determine that she had sustained a hairline fracture of her leg. CP 166, p. 38, l. 1 – p. 39, l. 16.

There is some dispute as to who was responsible for inspecting and maintaining the dock. Michael Stewart was the farm manager. CP 146, p. 9, ll. 19-25; CP 106, p. 7, ll. 7-19. The Leins testified that he was responsible for upkeep of the dock. CP 108, p. 14, l. 24 – p. 15, l. 18; CP 128, p. 12, l. 21 – CP 129, p. 13, l. 1; CP 137, p. 16, ll. 14 - 24. Mr. Stewart disagreed, defining his job as pertaining only to care and maintenance of those parts of the farm having to do with the horses:

I oversee the entire operation of a farm. A thoroughbred race farm is breeding grounds for thoroughbred race horses. We actually have stallions, mares, we foal out the babies, raise them up to be broke, trained and race at the race track. There are several steps that go along the way every year, all along the year, different stages of a horse's life, so there's many different aspects to my job, and I oversee all of it.

CP 147, p. 13, ll. 5-13.

Q. Did the Leins ever tell you your job duties as farm manager and your job duties to repair do not include the dock, did they ever tell you that or indicate that to you in any way?

A. No.

Q. Okay. But you formed some belief that your job duties did not include this area?

A. No, that's not what I'm saying.

Q. What are you saying?

A. The dock was irrelevant to my job, it was never a part of my job.

Q. When you said earlier that a part of your job included repair work, what areas did that include?

A. Barns, fences, et cetera.

Q. Having to do with the horses?

A. Correct.

CP 147 (Michael Stewart deposition), p. 29, ll. 8-23.

Although there is disagreement as to who was responsible to inspect and maintain the dock, one thing is clear. No one ever inspected the dock during the twenty-plus years it stood in the pond. No one looked at the dock after it gave way under Ms. Curtis' foot to see why it had broken. Was it rotted? No one knows. No one can state with any certainty what type of wood was used to construct the dock. No one had paid any particular attention to it at all. CP 114, p. 37, ll. 1 – 9; CP 130, p. 17, l. 14 – p. 18, l. 3; CP 140, p. 27, l. 25 – p. 28, l. 14; CP 151, p. 30, l. 3 – p. 31, l. 1.

As soon as the Leins heard about Tandra's injury Claire Lein instructed Michael Stewart to remove the dock. This apparently happened immediately. CP 110, p. 21, ll. 10-15. None of the Leins looked at the

broken dock to see what had gone wrong. Michael Stewart does not recall anything about the destruction of the dock. CP 151, p. 31, ll. 2-13. Tambra Curtis did not return to the dock- she was in great pain and essentially immobile for the first three weeks after the incident, and then required crutches to get around. CP 162, p. 23, l. 14 – p. 24, l. 3; CP 166, p. 39, ll. 17-22.

Tambra Curtis and Michael Stewart moved away from the Sammamish farm in July 2004. CP 114, p. 40, ll. 2-4. The Leins were in the process of moving the farm to a new location in Woodinville at that point and fully moved off the property by November 2004. CP 108, p. 14, ll. 16-23. The pond has been demolished, as have most of the buildings, to make way for construction of a school by the new owners. CP 110, p. 24, ll. 11-17. Michael Stewart currently resides in Normangee, Texas. CP 145, p. 6, ll. 21-23.

B. Procedure

The complaint in this matter was filed on February 9, 2007. Tambra Curtis made claims against Jack Lein, Claire Lein, and Willow Brook Farm for damages caused when the dock gave way beneath her. CP

1-5. The Leins¹ filed an answer on April 10, 2007, placing all claims in dispute. CP 6-10.

On May 9, 2008, the Leins filed a motion for summary judgment of dismissal, asserting that there was no evidence that the condition of the dock was dangerous, no evidence that the Leins knew of any dangerous condition of the dock and failed to warn Ms. Curtis about it, and no evidence that the dangerous condition caused injury to Ms. Curtis. CP 11-29. Ms. Curtis responded to this motion on May 27, 2008, asserting that the doctrine of res ipsa loquitor applied under the facts of this case. Pursuant to that doctrine Ms. Curtis asserted that she had produced sufficient facts to constitute a prima facie case and the motion for summary judgment should be denied. CP 89-102.

The Leins filed a reply on June 2, 2008, asserting that res ipsa loquitor does not apply under the facts presented by Ms. Curtis. CP 174-179. Judge John P. Erlick issued an order granting the motion for summary judgment on June 18, 2008. CP 180-182. Ms. Curtis filed a motion for reconsideration on June 26, 2008. CP 183-188. This motion was denied in an order dated July 15, 2008. CP 189. This appeal was then timely filed. CP 190.

¹ All actions of the Leins outlined in this section were taken on behalf of themselves and Willow Brook Farm.

V. ARGUMENT

STANDARD OF REVIEW

In reviewing a grant of summary judgment, an appellate court engages in the same inquiry as the trial court. Degel v. Majestic Mobile Manor, Inc., 129 Wash.2d 43, 48, 914 P.2d 728 (1996); Wilson v. Steinbach, 98 Wash.2d 434, 437, 656 P.2d 1030 (1982). A summary judgment is appropriate "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." CR 56(c); Degel, supra, at 48; Marincovich v. Tarabochia, 114 Wash.2d 271, 274, 787 P.2d 562 (1990). The facts and all reasonable inferences therefrom must be considered in the light most favorable to the nonmoving party. Degel, supra, at 48; Van Dinter v. City of Kennewick, 121 Wash.2d 38, 44, 846 P.2d 522 (1993).

A. As Her Landlords, the Liens Had a Duty to Tambra Curtis to Keep all Common Areas of the Property Safe from Defects Increasing the Hazard of Accident.

A Washington tenant can base a claim against her landlord on three possible legal theories: contract, common law obligations imposed on landlords, and/or the Washington Residential Landlord-Tenant Act (the

“RLTA”). Tucker v. Hayford, 118 Wash.App. 246, 248, 75 P.3d 980 (2003). In this case, Ms. Curtis premises her claim on both common law and the RLTA.

At common law, “a landlord has an affirmative obligation to maintain the common areas of the premises in a reasonably safe condition for the tenants’ use.” Degel v. Majestic Mobile Manor, Inc., 129 Wash.2d 43, 49, 914 P.2d 728 (1996). In addition, the RLTA imposes a duty on residential landlords to “[k]eep any shared or common areas reasonably ... safe from defects increasing the hazards of fire or accident.” RCW 59.18.060(3). “A landlord ‘who leases a portion of his premises but retains control over the approaches, common passageways, stairways and other areas to be used in common by the owner and tenants, has a duty to use reasonable care to keep them in safe condition for use of the tenant in his enjoyment of the demised premises.’” Williamson v. Allied Group, Inc., 117 Wash.App. 451, 455, 72 P.3d 230 (2003), rev. denied, 151 Wash.2d 1039, 95 P.3d 352 (2004) (quoting McCutcheon v. United Homes Corp., 79 Wash.2d 443, 445, 486 P.2d 1093 (1971). “This duty includes an affirmative obligation to reasonably inspect and repair common areas, approaches and passageways.” Williamson, supra, at 455. “The landlord is required to do more than passively refrain from negligent acts. He has a duty of affirmative conduct, an affirmative obligation to exercise

reasonable care to inspect and repair the previously mentioned portions of the premises for protection of the lessee.” McCutcheon, supra, at 445.

The incident in question in this case clearly took place on a common area of the farm. As recognized by the defendants, Ms. Curtis was free to make use of the dock. CP 112, p. 29, ll. 12-17. The question then becomes: did the Defendants breach the standard of care afforded by common law and the RLTA?

B. Under the Circumstances of This Case, Tambra Curtis Is Entitled to a Presumption that the Leins Were Negligent in the Maintenance of the Dock, a Common Area on the Farm.

The elements of actionable negligence are: (1) the existence of a duty owed to the complaining party; (2) a breach thereof; (3) a resulting injury; and (4) a proximate cause between the claimed breach and resulting injury. Pedroza v. Bryant, 101 Wash.2d 226,228, 677 P.2d 166 (1984). As set out above, the Leins had a duty to inspect and repair any defects in the common areas of the farm, for the protection of their tenants. Their employee built the dock, which then stood in the pond for about 20 years until the day Tambra Curtis stepped onto it and part of it gave way beneath her. The Defendants never inspected the dock or instructed any employee to inspect the dock. They made no effort to ascertain after the incident why the dock gave way. Instead they had the

dock destroyed immediately after learning of the event. Under these facts, Plaintiff is entitled to invoke the doctrine of res ipsa loquitur.

The doctrine of res ipsa loquitur spares the plaintiff the requirement of proving specific acts of negligence in cases where a plaintiff asserts that he or she suffered injury, the cause of which cannot be fully explained, and the injury is of a type that would not ordinarily result if the defendant were not negligent. In such cases the jury is permitted to infer negligence. Miller v. Kennedy, 91 Wash.2d 155, 159-60, 588 P.2d 734 (1978); Douglas v. Bussabarger, 73 Wash.2d 476, 482, 438 P.2d 829 (1968) (citing Pederson v. Dumouchel, 72 Wash.2d 73, 81, 431 P.2d 973 (1967)); Kemalyan v. Henderson, 45 Wash.2d 693, 702, 277 P.2d 372 (1954). The doctrine permits the inference of negligence on the basis that the evidence of the cause of the injury is practically accessible to the defendant but inaccessible to the injured person. Covey v. W. Tank Lines, 36 Wash.2d 381, 390, 218 P.2d 322 (1950); see also Hogland v. Klein, 49 Wash.2d 216, 219, 298 P.2d 1099 (1956).

Pacheco v. Ames, 149 Wash.2d 431, 436, 69 P.3d 324 (2003).

The question of whether the doctrine applies to a particular case is a question of law. Pacheco, at 436 (citing Zukowsky v. Brown, 79 Wash.2d 586, 592, 488 P.2d 269 (1971); Morner v. Union Pac. R.R. Co., 31 Wash.2d 282, 196 P.2d 744 (1948)). Res ipsa loquitur applies when the evidence shows:

'(1) the accident or occurrence producing the injury is of a kind which ordinarily does not happen in the absence of someone's negligence, (2) the injuries are caused by an agency or instrumentality within the exclusive control of the defendant, and (3) the injury-causing accident or

occurrence is not due to any voluntary action or contribution on the part of the plaintiff.'

Zukowsky, 79 Wash.2d at 593, 488 P.2d 269 (quoting Horner v. N. Pac. Beneficial Ass'n Hosps., Inc., 62 Wash.2d 351, 359, 382 P.2d 518 (1963)).

Pacheco, *supra*, at 436-437.

Further,

The first element, that the accident or occurrence producing the injury is of a kind which ordinarily does not happen in the absence of someone's negligence, is satisfied when one of three conditions exist:

'(1) When the act causing the injury is so palpably negligent that it may be inferred as a matter of law, i.e., leaving foreign objects, sponges, scissors, etc., in the body, or amputation of a wrong member; (2) when the general experience and observation of mankind teaches that the result would not be expected without negligence; and (3) when proof by experts in an esoteric field creates an inference that negligence caused the injuries.'

Zukowsky, 79 Wash.2d at 595, 488 P.2d 269 (quoting Horner, 62 Wash.2d at 360, 382 P.2d 518 and citing Pederson, 72 Wash.2d 73, 431 P.2d 973).

Pacheco, *supra*, at 438-439.

In the present case, the second condition applies: the general experience and observation of humankind teaches that a wooden dock in a pond does not break under the step of a person walking onto the dock absent negligence in the installation and/or upkeep of the dock.

In Penson v. Inland Empire Paper Co., 73 Wash. 338, 132 P. 39 (1913), a board in a scaffold erected by an employer gave way when stepped on by his employee in the course of painting the inside of a roof. The court found that res ipsa loquitur applied, observing:

The actual occasion of the accident was not a subject of speculation. The staging was being used as intended. The 2x4 support broke. The breaking itself demonstrated to a certainty that it was inadequate either by reason of an open or a latent defect. ... The timber had not been selected by the respondent, placed by him, nor was his use of the scaffold of such a character as to necessitate any close observation of it. No duty of inspection or critical observation was imposed upon him or could be implied from the nature of his work or his use of the scaffold.

Id., at 346-347.

In common human experience, a wooden dock, bridge, walkway, or other structure does not break when stepped on absent some negligence in its construction or maintenance. The Leins had a duty to Ms. Curtis (their invitee) to inspect for dangerous conditions and to repair them or to warn her. The Leins' employee selected the wood and built the dock in the course of his employment. No one ever inspected the dock to ascertain whether the boards remained sound. Inspection could have included looking at the underside (which was directly exposed to the water in the pond), prodding the boards to see if they were sound, or even just stepping deliberately on each board to ascertain its integrity. The dock stood in the

pond (also constructed by the Leins) for some 20 years. It was in the common area of the farm, available for Ms. Curtis' use. After it broke under her, the Leins had it torn out and made no effort to find out why it gave way.

In Zukowsky v. Brown, 79 Wash.2d 586, 488 P.2d 269 (1971), the plaintiff was injured when the helm seat she was occupying on the defendants' pleasure boat collapsed during a cruise on the waters of Puget Sound. The court observed:

Mrs. Zukowsky has shown that she was injured when a helm seat on which she was sitting collapsed. In the general experience of mankind, the collapse of a seat is an event that would not be expected without negligence on someone's part.

Id., at 596.

Similarly, the collapse of a portion of a dock would not be expected without negligence on someone's part.

“The doctrine of res ipsa loquitur is a rule of evidence which, when applied in a proper case, warrants the court or jury in inferring negligence, thereby casting upon the defendant the duty to come forward with an exculpatory explanation, rebutting or otherwise overcoming the inference.” Covey v. Western Tank Lines, 36 Wash.2d 381, 390, 218 P.2d 322 (1950) (citing Morner v. Union Pac. R. Co., 31 Wash.2d 282, 196 P.2d 744 (1948)). “[O]nce the plaintiff has produced sufficient evidence to

raise the res ipsa loquitur inference, a jury question has been raised unless the defendant produces evidence of an alternate cause rebutting the inference.” [citations omitted] Robison v. Cascade Hardwoods, Inc., 117 Wash.App. 552, 563, 72 P.3d 244 (2003), rev. denied, 151 Wash.2d 1014, 89 P.3d 712 (2004). This is considered appropriate “because the defendant often has more access and control over the evidence.” [citations omitted] Id., at fn. 6.

As the court in Morner v. Union Pac. R. Co., supra, at 290-291, opined:

This doctrine constitutes a rule of evidence peculiar to the law of negligence and is an exception to, or perhaps more accurately a qualification of, the general rule that negligence is not to be presumed, but must be affirmatively proved. By virtue of the doctrine, the law recognizes that an accident, or injurious occurrence, may be of such nature, or may happen under such circumstances, that the occurrence is of itself sufficient to establish prima facie the fact of negligence on the part of the defendant, without further or direct proof thereof, thus casting upon the defendant the duty to come forward with an exculpatory explanation, rebutting or otherwise overcoming the presumption or inference of negligence on his part. Lynch v. Ninemire Packing Co., 63 Wash. 423, 115 P. 838, L.R.A.1917E, 178; Penson v. Inland Empire Paper Co., 73 Wash. 338, 132 P. 39, L.R.A.1915F, 15; 38 Am.Jur. 994, Negligence, § 298; 45 C.J. 1196, 1219, Negligence, §§ 769, 783.

The pivotal question in this case is whether “there is a ‘reasonable probability’ that the incident would not have occurred in the absence of

negligence.” Tinder v. Nordstrom, Inc., 84 Wash.App. 787, 792, 929 P.2d 1209 (1997).²

In Metropolitan Mrtg. & Securities Co., Inc. v. Washington Water Power, 37 Wash.App. 241, 247, 679 P.2d 943 (1984), Division III of the Court of Appeals observed that “the general experience of mankind teaches us that water mains do not break in the absence of someone's negligence.” Based on this observation, Division III overruled the trial court's holding that “the doctrine of res ipsa loquitur was inapplicable since Metropolitan failed to present any evidence the pipe rupture ordinarily would not happen if those controlling it used ordinary care.” Id., at 242. Metropolitan quoted with approval the following passage from George Foltis, Inc. v. New York, 174 Misc. 967, 21 N.Y.S.2d 800, 803 (1940), another case involving a broken water main:

It was defendant who selected the pipes and laid them. Cast-iron water mains which are properly laid four feet underground ordinarily do not break, any more than ordinarily trains are derailed, missiles fly, or elevators or walls fall; and when such a main does break the inference of negligence follows in logical sequence and to my mind is well-nigh irresistible, and that is sufficient to cause the doctrine to apply.

² In Tinder the event in question was the abrupt stop of an escalator in a store. The court found that res ipsa loquitur did not apply because there were possible reasons an escalator might stop in the absence of negligence.

While Tinder was riding the escalator it stopped suddenly and abruptly, without any noises or motions that would indicate an obvious malfunction. Nordstrom provided for regular maintenance of the escalator, and it had been recently serviced. ... Examination of the escalator the day after the sudden stop revealed no evidence of a malfunction, and the stop remains an unexplained event.

Tinder, supra, at 793. This fact situation is in stark contrast to the facts in the present case, where the dock clearly broke when stepped upon and the defendants did no investigation afterward nor inspection at any time before.

A claim premised on res ipsa loquitur is not summarily defeated by a defendant proffering alternative explanations for the plaintiff's injuries.

This is because:

If the doctrine of res ipsa loquitur was inapplicable when a defendant offered a possible explanation that was not completely explanatory of the cause of the injury, and the plaintiff could not establish a prima facie case of negligence because he or she does not know how the injury was caused, then the defendant could avoid liability by simply submitting evidence of a possible cause of the injury. This would be the case notwithstanding the fact that the plaintiff has shown all of the above-stated elements of the doctrine of res ipsa loquitur. Such a result would allow the defendant to escape responsibility where an inference of negligence is the only tool with which the plaintiff may prove his or her case.

Pacheco, supra, at 442.

Once a party has established grounds for application of res ipsa loquitur, “[t]he presumption is overcome as a matter of law only when the explanation shows, without dispute, the happening was due to a cause not chargeable to defendant's negligence.” Bolander v. Northern Pacific Railway Co., 63 Wash.2d 659, 662, 388 P.2d 729 (1964) (quoting from D'Amico v. Conguista, 24 Wash.2d 674, 167 P.2d 157 (1946)). Even in situations where a defendant can show that it conducted regular inspections of the instrumentality causing injury the question of negligence remains a jury question “unless the explanation shows, without dispute, that the happening was due to a cause not chargeable to the

defendant's negligence." Mahlum v. Seattle School Dist., 21 Wash.2d 89, 99, 149 P.2d 918 (1944).

As opined in Pacheco v. Ames, *supra*, at 440-441:

Even where the defendant offers weighty, competent and exculpatory evidence in defense, the doctrine may apply. ZeBarth, 81 Wash.2d at 22, 499 P.2d 1; see also Siegler v. Kuhlman, 81 Wash.2d 448, 451-53, 502 P.2d 1181 (1972). In sum, the plaintiff is not required to "eliminate with certainty all other possible causes or inferences" in order for res ipsa loquitur to apply. Douglas, 73 Wash.2d at 486, 438 P.2d 829 (quoting William Lloyd Prosser, Law of Torts 222 (3d ed.1964)). [footnotes deleted]

The function of the doctrine is "to warrant an inference as to negligence which operates to cast upon the defendant the duty of going forward with the evidence at the proper time, by furnishing an explanation of how the accident happened and showing that it did not occur by reason of lack of due care on his part." Covey v. Western Tank Lines, 36 Wash.2d 381, 392, 218 P.2d 322 (1950) (citing Hardman v. Younkers, 15 Wash.2d 483, 131 P.2d 177 (1942)).

VI. CONCLUSION

The facts of the present case clearly warrant application of res ipsa loquitur. The Leins had a duty toward all tenants, including Tamba Curtis, to inspect and repair the dock, especially in light of the fact that their employee had originally built it. Tamba Curtis walked onto the dock

and her leg went all the way through it, causing painful injury to her. She did nothing to contribute in any way to her injury. In the ordinary experience of humankind, a dock in a pond does not give way underfoot if it is properly constructed and maintained. This is a classic situation for the application of res ipsa loquitur. Upon application of this doctrine, the burden shifts to the defendants to show that they adequately built and maintained the dock. This is a question of fact, to be determined at trial on this matter.

The trial court's order of dismissal should be reversed, and the matter should proceed to trial.

Dated this 29th day of October 2008.


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