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BY RONALD J. DUNN ENTER
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No. 84168-3

SUPREME COURT
OF THE STATE OF WASHINGTON

LARRY MICHAELS and DEBBIE MICHAELS, husband and wife and the marital community comprised thereof; DAN P. EVANS, a single person; and KATHY D. CMOS, individually, and as Administratrix and Representative of the estate of Mike P. Cmos, Jr.;

Respondents,

v.

CH2M HILL, INC., a Florida corporation, and KELLY IRVING,

Appellants.

CH2M HILL & IRVING'S
RAP 10.8 STATEMENT OF
ADDITIONAL AUTHORITIES

In relation to the Respondents' recent Additional Authority (*Affiliated*) Appellants CH2M Hill, Inc. and Kelly Irving call the Court's attention to the following additional authorities:

When a fragmented Court decides a case and no single rationale explaining the result enjoys the assent of five Justices, "the holding of the Court may be viewed as that position taken by those Members who concurred in the judgments on the narrowest grounds."

ORIGINAL

Marks v. United States, 430 U.S. 188, 193, 97 S. Ct. 990, 51 L. Ed. 2d 260 (1977) (quoting *Gregg v. Georgia*, 428 U.S. 153, 169 n.15, 96 S. Ct. 2090, 49 L. Ed. 2d 859 (1976)); accord *State v. Hickman*, 157 Wn. App. 767, 773-74, 238 P.3d 1240 (2010); *Asarco, Inc. v. Dep't of Ecology*, 145 Wn.2d 750, 787 & n.1, 43 P.3d 471 (2002) (Bridge, J., concurring).

RESPECTFULLY SUBMITTED this 19th day of November, 2010.

WIGGINS & MASTERS, P.L.L.C.



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CERTIFICATE OF SERVICE BY MAIL

I certify that I mailed or caused to be mailed a copy of the foregoing **CH2M HILL & IRVING'S RAP 10.8 STATEMENT OF ADDITIONAL AUTHORITIES** this 19th day of November 2010 to the following counsel of record and the following court reporters at the following addresses:

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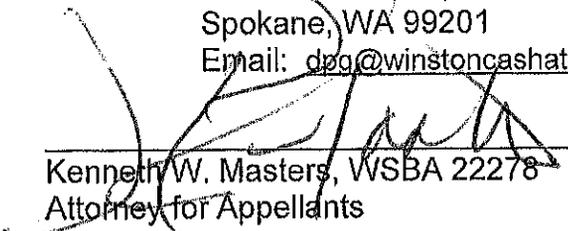
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