

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;)	RESPONDENT
and KATHY D. CMOS, individually, and as)	CMOS' RAP 10.8
Administratrix and Representative of the)	STATEMENT OF
Estate of Mike P. Cmos, Jr.;)	ADDITIONAL
)	AUTHORITIES
Respondents,)	
)	
v.)	
)	
CH2M HILL, INC., a Florida corporation and)	
KELLY IRVING,)	
Appellants.)	
)	
)	
)	

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 COURT OF APPEALS
 STATE OF WASHINGTON
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The following authorities are relevant to the Appellants' Assignment of Error No. 2 that the trial court erred in ruling that the defendants owed a legal duty to the plaintiffs:

"... [W]e think engineers who undertake engineering services in

this state are under a duty of reasonable care. The interest in safety is significant.” *Affiliated FM Ins. Co. v. LTK Consulting Services, Inc.*, No. 82738-9, 2010 LEXIS 926, 20, 2010 WL 4350338 (Wash. Nov. 4, 2010).

“Although we have not held so specifically until now, we think engineers’ common law duty of care has long been acknowledged in this state.” *Id.* at 2010 LEXIS 926, 21.

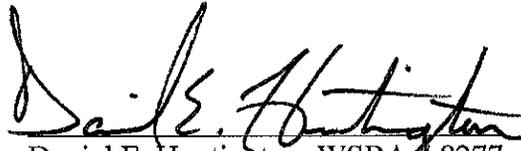
“Washington law has never permitted a tortfeasor to escape tort liability for wrongful conduct just because a contract exists.”

Id. at 13, n. 3.

The following authority is relevant to the Appellants’ Assignment of Error No. 4, assigning error to Finding of Fact No. 37 (CP 3114) regarding the relevant engineering standard of care:

“We therefore hold the measure of reasonable care for an engineer undertaking engineering services is the degree of care, skill, and learning expected of a reasonably prudent engineer in the state of Washington acting in the same or similar circumstances.” *Affiliated FM Ins. Co.*, *supra*, LEXIS 926 at 23.

DATED this 16 day of November, 2010.

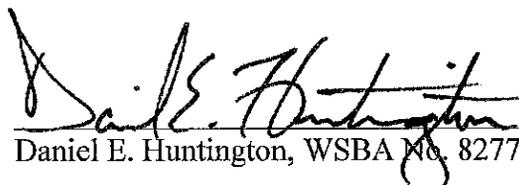
A handwritten signature in black ink, appearing to read "Daniel E. Huntington". The signature is written in a cursive style with a large initial "D" and "H".

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CERTIFICATE OF SERVICE

I hereby certify that on the 10 day of November, 2010, I caused the original and true and correct copies of the foregoing Respondent Cmos' RAP 10.8 Statement of Additional Authorities to be served on the following court and counsel of record in the manner indicated:

Charles K. Wiggins	<input checked="" type="checkbox"/>	Regular Mail
Kenneth W. Masters	<input type="checkbox"/>	Certified Mail
Wiggins & Masters, PLLC	<input type="checkbox"/>	Email (Copy)
241 Madison Avenue North	<input type="checkbox"/>	Facsimile
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Terence J. Scanlan	<input checked="" type="checkbox"/>	Regular Mail
Skellenger Bender, P.S.	<input type="checkbox"/>	Certified Mail
1301 Fifth Avenue, Suite 3401	<input type="checkbox"/>	Hand Delivered (Copy)
Seattle, WA 98101-2605	<input type="checkbox"/>	Facsimile
Douglas J. Green	<input checked="" type="checkbox"/>	Regular Mail
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Green & Yalowitz, PLLC	<input type="checkbox"/>	Hand Delivered (Copy)
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