

RECEIVED *13*
SUPREME COURT
STATE OF WASHINGTON
Sep 07, 2012, 3:03 pm
BY RONALD R. CARPENTER *4*
CLERK

SUPREME COURT
OF THE STATE OF WASHINGTON

RECEIVED BY E-MAIL *gh*

STEVEN AND KAREN DONATELLI,

Respondents,

v.

D.R. STRONG CONSULTING
ENGINEERS, INC.,

Petitioner.

No. 86590-6

SECOND
STATEMENT OF
ADDITIONAL
AUTHORITIES

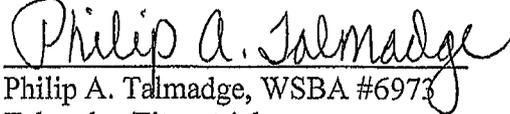
COMES NOW the petitioner D.R. Strong Consulting Engineers, Inc., and submits the following additional authorities to the Court pursuant to RAP 10.8:

- *Washington Water Power Co. v. Gray Bar Electric Co.*, 112 Wn.2d 847, 774 P.2d 1199 (1989) (under the Washington Product Liability Act (“WPLA”), economic loss is defined under a risk of harm analysis using either a sudden and dangerous or evaluative approach; economic loss is not recoverable);
- *Staton Hills Winery Co. Ltd. v. Collons*, 96 Wn. App. 590, 980 P.2d 784 (1999) (loss to wine tanks caused by failure of epoxy coating to tanks constituted economic loss that was not recoverable under the WPLA);
- *Hofstee v. Dow*, 109 Wn. App. 537, 36 P.3d 1073 (2001) (lost profits occasioned by quarantine of cow for brucellosis constituted economic loss and was not recoverable under the WPLA);
- *Nobl Park LLC of Vancouver v. Shell Oil Co.*, 122 Wn. App. 838, 95 P.3d 1265 (2004), *review denied*, 154 Wn.2d 1027 (2005) (plumbing corrosion in building over a period of years constituted economic loss that was not recoverable under the WPLA).

ORIGINAL

DATED this 7th day of September, 2012.

Respectfully submitted,



Philip A. Talmadge, WSBA #6973

Talmadge/Fitzpatrick

18010 Southcenter Parkway

Tukwila, WA 98188

(206) 574-6661

Michael J. Bond, WSBA #9154

Schedler Bond PLLC

2448 76th Avenue SE, Suite 202

Mercer Island, WA 98040

Attorneys for Petitioner

D.R. Strong Consulting Engineers, Inc.

DECLARATION OF SERVICE

On said day below I emailed a courtesy copy and put in the U.S. Mail a hard copy for service a true and accurate copy of the Second Statement of Additional Authorities in Supreme Court Cause No. 86590-6 to the following parties:

Justin D. Park
Romero Park & Wiggins P.S.
155 – 108th Avenue NE, Suite 202
Bellevue, WA 98004-5901

Michael J. Bond
Schedler Bond PLLC
2448 76th Avenue SE, Suite 202
Mercer Island, WA 98040

Original efiled with:
Washington Supreme Court
Clerk's Office
415 12th Street West
Olympia, WA 98504-0929

I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

DATED: September 7, 2012, at Tukwila, Washington.



Paula Chapler
Talmadge/Fitzpatrick

OFFICE RECEPTIONIST, CLERK

From: OFFICE RECEPTIONIST, CLERK
Sent: Friday, September 07, 2012 3:04 PM
To: 'Paula Chapler'
Subject: RE: Donatelli v. D.R. Strong Consulting Engineers, Inc. -- Cause No. 86590-6

Received 9/7/12

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Paula Chapler [<mailto:paula@tal-fitzlaw.com>]
Sent: Friday, September 07, 2012 3:03 PM
To: OFFICE RECEPTIONIST, CLERK
Subject: Donatelli v. D.R. Strong Consulting Engineers, Inc. -- Cause No. 86590-6

Per Mr. Talmadge's request, attached please find a Second Statement of Additional Authorities for filing in the following case:

Case Name: Steven and Karen Donatelli v. D.R. Strong Consulting Engineers, Inc.
Cause No. 86590-6
Attorney: Philip A. Talmadge, WSBA #6973
Talmadge/Fitzpatrick
18010 Southcenter Parkway
Tukwila, WA 98188
(206) 574-6661

Sincerely,

Paula Chapler
Legal Assistant
Talmadge/Fitzpatrick
(206) 574-6661