

SUPREME COURT  
OF THE STATE OF WASHINGTON

RECEIVED BY E-MAIL

STEVEN AND KAREN DONATELLI,

Respondents,

v.

D.R. STRONG CONSULTING  
ENGINEERS, INC.,

Petitioner.

No. 86590-6

THIRD  
STATEMENT OF  
ADDITIONAL  
AUTHORITIES

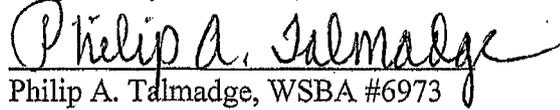
COMES NOW the petitioner D.R. Strong Consulting Engineers, Inc., and submits the following additional authorities to the Court pursuant to RAP 10.8:

- CP 95 ("The court appreciates that plaintiffs did not plead statutory duties but common law duties are pled.");
- CP 78 (D.R. Strong did not contract to provide project management or project processing services to the Donatellis);
- CP 12, 28 (D.R. Strong obtained preliminary plat approval, valid for 60 months, from King County on October 4, 2004 and this was provided to the Donatellis);
- CP 41, 42 (D.R. Strong obtained City/County approval of the plans, but a hydrant permit was required);
- CP 16 (Donatelli did not secure hydrant permits);
- RCW 4.24.115 (statute regulates contractual allocation of risk in construction industry, something commonly done in that industry).

ORIGINAL

DATED this 11th 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 76<sup>th</sup> 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 Third Statement of Additional Authorities in Supreme Court Cause No. 86590-6 to the following parties:

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

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

Original efiled with:  
Washington Supreme Court  
Clerk's Office  
415 12<sup>th</sup> 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 11, 2012, at Tukwila, Washington.

  
Paula Chapler  
Talmadge/Fitzpatrick

**OFFICE RECEPTIONIST, CLERK**

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**To:** Paula Chapler  
**Subject:** RE: Donatelli v. D.R. Strong Consulting Engineers, Inc. -- Third Statement of Additional Authorities

Rec. 9-11-12

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.

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**From:** Paula Chapler [<mailto:paula@tal-fitzlaw.com>]  
**Sent:** Tuesday, September 11, 2012 4:01 PM  
**To:** OFFICE RECEPTIONIST, CLERK  
**Subject:** Donatelli v. D.R. Strong Consulting Engineers, Inc. -- Third Statement of Additional Authorities

Per Mr. Talmadge's request, attached please find the Third 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