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S. Ct. No. 90233-0

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SUPREME COURT OF THE STATE OF WASHINGTON

KENT L. and LINDA DAVIS, JEFFREY and SUSAN TRININ,
and SUSAN MAYER, derivatively on behalf of
OLYMPIA FOOD COOPERATIVE,

Plaintiffs/Petitioners,

vs.

GRACE COX, ROCHELLE GAUSE, ERIN GENIA, T.J. JOHNSON,
JAYNE KASZYNSKI, JACKIE KRZYZEK, JESSICA LAING,
RON LAVIGNE, HARRY LEVINE, ERIC MAPES, JOHN NASON,
JOHN REGAN, ROB RICHARDS, SUZANNE SHAFER,
JULIA SOKOLOFF, and JOELLEN REINECK WILHELM,

Defendants/Respondents.

STATEMENT OF ADDITIONAL AUTHORITIES ON BEHALF OF
AMICUS CURIAE WASHINGTON STATE ASSOCIATION FOR
JUSTICE FOUNDATION

George M. Ahrend	Bryan P. Harnetiaux	David P. Gardner
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On Behalf of
Washington State Association for Justice Foundation

 ORIGINAL

Pursuant to RAP 10.8, amicus curiae Washington State Association for Justice Foundation submits the following statement of additional authorities:

Regarding Cox's Response to Brief of Amici Curiae American Civil Liberties Union, et al., at 12 n.5 (citing Peregrine Funding, Inc. v. Sheppard Mullin Richter & Hampton LLP, 133 Cal. App. 4th 658, 676 (2005), for the proposition that on a motion to strike the defendant retains the burden of proof on affirmative defenses): see Bently Reserve L.P. v. Papaliolios, 218 Cal. App. 4th 418, 434 n.7, 160 Cal. Rptr. 3d 423 (2013) (noting divergent California case law on this issue); Henne v. City of Yakima, — Wn. 2d —, — P.3d —, 2015 WL 276358 (Jan. 22, 2015) (noting significant differences between RCW 4.24.525 and California law, and stating that California law does not control the interpretation of RCW 4.24.525).

DATED this 10th day of February, 2015.


George M. Ahrend Bryan P. Harnetiaux David P. Gardner
WSBA #25160 *For* WSBA #5169 *For* WSBA #39331

On Behalf of WSAJ Foundation

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Subject: RE: Davis v. Cox (S.C. #90233-0)

Rec'd 2/10/2015

From: George Ahrend [mailto:gahrend@ahrendlaw.com]
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Subject: Davis v. Cox (S.C. #90233-0)

Dear Mr. Carpenter,

On behalf of the Washington State Association for Justice Foundation, a statement of additional authorities is attached to this email for filing with the court. Counsel for the parties and amici are being served simultaneously by copy of this email, per prior arrangement.

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