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NO. 91846-5

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WASHINGTON STATE SUPREME COURT

HEIDI KROEBER a/k/a HEIDI LAZENBY

v.

GEICO INSURANCE COMPANY

Second Statement of Additional Authorities

LAW OFFICES OF RICHARD McKINNEY

By: Richard McKinney, WSBA No. 4895
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206/933-1605; Fax: 206-937-5276



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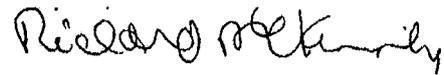
1. *Equilon Enterprises LLC. v. Great American Alliance Ins. Co.*, 132 Wn. App. 430, 132 P.3d 758 (2006) adopts broad (“but-for”) causation rule of *Maryland Cas. Co. v. Chicago and North Western Transportation Co.*, 126 Ill. App.3d 150, 466 N.E.2d 1091 (1984). This Maryland case involves coverage for a railway station for liability “arising out of the ownership, maintenance or use of that part of premises...leased to named insured [newsstand owner]...” Victim, an employee of newsstand owner, arrived before work at railway station where newsstand was located. About ten feet away from newsstand entrance, victim was attacked and eventually raped. Illinois Court finds coverage because lease of premises by newsstand owner was “but for” cause of employment of victim and therefore a cause of attack on victim.

2. *Continental Western Ins. Co. v. Costco Wholesale Corp.*, 2011 WL 2474219 (W.D. Wash. 2011) extends insurance coverage to Costco, lessee of space to Fine Lines, a countertop vendor. Policy protects Costco for injuries “arising out of your [Fine Lines] products which are sold or distributed in the regular course of business.” Plaintiff was Fine Lines employee who fell on rock outside Costco which housed Fine Lines vending location. Court holds that there was a weak causal connection between distribution of Fine Lines products and victim’s injuries, but

Washington law requires no more to establish causation for insurance purposes.

DATED this 11th day of September, 2015.

Respectfully submitted,

A handwritten signature in cursive script that reads "Richard McKinney".

RICHARD MCKINNEY, WSBA NO. 4895
Attorney for Heidi Kroeber

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2015, one (1) copy of the **Second Statement of Additional Authorities** was mailed via Regular Mail to the following individual:

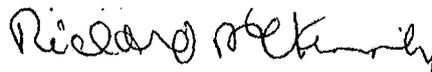
Alfred E. Donohue, WSBA #32774
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901 Fifth Avenue, Suite 1700
Seattle, WA 98164

I hereby certify that on September 8, 2015, one (1) copy of the **Second Statement of Additional Authorities** was emailed to the following:

EMAIL – supreme@courts.wa.gov
Washington Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

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

EXECUTED at Bremerton, Washington this 11th day of September, 2015.



RICHARD MCKINNEY, WSBA NO. 4895
Attorney for Heidi Kroeber

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Please find Second Statement of Additional Authorities of Heidi Kroeber.

Richard McKinney