

COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION I

WILLIAM BARBER, as personal representative of the ESTATE OF
HERBERT DOWE HOLCOMBE, III,

Appellants,

v.

THE PRESBYTERY OF OLYMPIA, PUGET SOUND RETREAT
COMMITTEE, SOUND VIEW PRESBYTERIAN CAMP, SOUND VIEW
CAMP AND RETREAT CENTER, INTERNATIONAL SERVICE
ORGANIZATION OF SAA, INC., PUGET SOUND SAA, and
INTERNATIONAL SERVICE ORGANIZATION OF COSA,

Respondents.

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STATE OF WASHINGTON
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BRIEF OF RESPONDENTS

THE PRESBYTERY OF OLYMPIA, SOUND VIEW PRESBYTERIAN
CAMP, and SOUND VIEW CAMP AND RETREAT CENTER

Celeste T. Stokes, WSBA 12180
Kevin M. Carey, WSBA 17102
BOLTON & CAREY
Attorneys for Respondents
7016 35th Avenue NE
Seattle, WA 98115-5917
(206) 522-7633

ORIGINAL

TABLE OF CONTENTS

I. INTRODUCTION 1

II. RESPONDENTS’ PRESBYTERY OF OLYMPIA,
SOUND VIEW PRESBYTERIAN CAMP AND
SOUND VIEW CAMP AND RETREAT
CENTER’S RESPONSE TO “ASSIGNMENTS
OF ERROR” AND “ISSUES RELATED TO
ASSIGNMENTS OF ERROR” 1

III. STATEMENT OF THE CASE 2

A. STATEMENT OF FACTS 2

B. STATEMENT OF PROCEDURE 5

IV. SUMMARY OF ARGUMENT 6

V. ARGUMENT 7

A. THE STANDARD OF REVIEW OF
AN ORDER GRANTING SUMMARY
JUDGMENT. 7

B. SIMPLY THE FACT OF AN ACCIDENT
DOES NOT GIVE RISE TO THE
INFERENCE OF NEGLIGENCE
ON THE PART OF RESPONDENTS. 8

C. THERE IS NO EVIDENCE THAT
RESPONDENTS BREACHED ANY
DUTY OWED TO MR. HOLCOMBE. 9

D. APPELLANT DID NOT SUBMIT
ANY RELEVANT, ADMISSIBLE
EVIDENCE TO SUPPORT HIS CLAIMS. 15

VI. CONCLUSION 18

VII. APPENDIX 19

A.	CP 47, Photo	20
B.	CP 77, Photo	21
C.	CP 83, Photo	22

TABLE OF AUTHORITIES

CASES

Brant v. Market Basket Stores, 72 Wn.2d 446, 448,
433 P.2d 863 (1967)9,10

Carlyle v. Safeway Stores, Inc., 78 Wn.App. 272 (1995)8

Charlton v. Day Marina, Inc., 46 Wn. App 784, 789,
732 P.2d 1008 (1987)15

Chamberlain v. Dept. of Transp., 79 Wn.App 212, 219,
901 P.2d 344 (1995)14

Cofer v. Pierce County, 8 Wn.App. 258, 505 P.2d 476 (1973).....7,8

Degel v. Majestic Mobile Manor, Inc., 129 Wn.2d 43,
914 P.2d 728 (1996)7

Doherty v. Metro Seattle, 83 Wn.App. 464, 921 P.2d 1098 (1996)7

Eriks v. Denver, 118 Wn.2d 451, 458, 824 P.2d 1207 (1992)15

Hansen v. Washington Natural Gas Co., 95 Wn.2d 773 778,
632 P.2d 504 (1981)9

Kalinowski v. Y.M.C.A., 17 Wn.2d 380, 391, 135
P.2d 852 (1943)9

Las v. Yellow Front Stores, 66 Wn.App. 196, 831
P.2d 744 (1992)8

Miniken v. Carr, 71 Wn.2d 325, 428 P.2d 716 (1967)13

Nelson v. Tacoma, 19 Wn.App. 807, 577 P.2d 986 (1978)13,14

Ochampaugh v. City of Seattle, 91 Wn.2d 514, 523,
588 P.2d 1351 (1979)14

Schaaf v. Highfield, 127 Wn.2d 17, 21, 896 P.2d 665 (1995)7

<i>Tincani v. Inland Empire Zoological Soc.</i> , 124 Wn.2d 121, 138, 875 P.2d 621 (1994)	10,11,12
<i>Ward v. J.C. Penny Company</i> , 67 Wn.2d 858, 861, 410 P.2d 614 (1966)	15
<i>Young v. Key Pharmaceuticals., Inc.</i> , 112 Wn.2d 216, 226, 770 P.2d 182 (1989)	8

COURT RULES

CR 56(c)	7
CR 56(e)	16
ER 702	15

OTHER AUTHORITIES

WPI 120.07	10
<i>Restatement (Second) of Torts</i> §343 (1965)	10,11
<i>Restatement (Second) of Torts</i> §343A (1965)	12
<i>Restatement (Second) of Torts</i> §343A, comment f (1965)	12

I. INTRODUCTION

This lawsuit arises from a trip and fall incident by Herbert Holcombe which occurred on September 11, 2004. Respondents Presbytery of Olympia, Sound View Presbyterian Camp, and Sound View Camp and Retreat Center moved for Summary Judgment on the issue of liability. The court granted summary judgment finding that the Respondents did not breach any duty owed to Mr. Holcombe and the sole proximate cause of Mr. Holcombe's injuries and damages was his own negligence. (CP 281-83) Appellant appeals the ruling regarding breach of duty.

II. RESPONSE TO "ASSIGNMENTS OF ERROR" AND "ISSUES RELATED TO ASSIGNMENTS OF ERROR"

A. The trial court did not err in finding that Respondents' breached no duty owed to Herb Holcombe and granting Defendants' Motion for Summary Judgment. Mr. Holcombe knowingly chose a detour off a lighted pathway to enter an unknown area in the dark. Respondents fulfilled their duty to Mr. Holcombe by providing a safe route to his destination. There was no breach of duty and, hence, no negligence by Respondents.

B. The second assignment of error pertains to the co-Respondent Puget Sound Retreat Committee.

III. STATEMENT OF THE CASE

A. STATEMENT OF FACTS

Herbert Holcombe attended a retreat at Sound View Camp in September 2004. (CP 230) On September 11, 2004, at night, he tripped, fell and injured his shoulder.¹ (CP 17)

Respondents own and operate the rustic camp in the woods that is frequently rented out to various groups for retreats and other activities. (CP 40) The camp is developed to the extent of having several permanent structures including a dining hall, some cabins, and a dormitory-style Longhouse for visitors to sleep. (CP 40) The camp is intended to provide an outdoor camping experience. (See CP 40-41)

The Puget Sound Retreat Committee (“PSRC”) is part of Puget Sound SAA (Sex Addicts Anonymous). (CP 125) PSRC through its principal Evan Kentop arranged for a retreat called “Serenity on the Sound” to be held at the Sound View Camp and Retreat Center over the weekend of September 10-13, 2004. (CP 125) PSRC had sponsored retreats at the Camp for several years before 2004. (CP 125) Mr. Holcombe attended the retreat in 2003 and then again in 2004. (CP 61, 125)

¹ The nature of Mr. Holcombe’s injury is not relevant to this appeal.

In connection with the retreat in 2003, Mr. Holcombe was given a brochure from PSRC that outlined the retreat. (CP 49, 53, 62) The brochure clearly indicated this was a “camp.” (CP 53) The brochure instructed participants to bring a flashlight. (CP 53, 69, 125, 129-30)

In 2004, the “Serenity on the Sound” retreat began on Thursday, September 9. Mr. Holcombe registered on site at the camp when he arrived on September 10, 2004. (CP 62-63, 69, 125) He did not recall receiving a similar instructional brochure, but he admitted he knew this was a camp in the woods. (CP 55) He did not bring a flashlight. (CP 69) He did not notice any changes in the camp grounds from the year before. (CP 63) There were no changes in the camp between 2003 and 2004. (CP 42, 125)

On the evening of September 11, 2004, Mr. Holcombe attended a candlelight service in the dining hall after dinner. (CP 63) When the service ended, he left the dining hall to return to the Longhouse where he was staying to get a jacket. (CP 63) He intended to return to the dining hall, get a soda, and then walk to the waterfront to participate in a bonfire. (CP 70-71)

It was dark. (CP 62, 72) After getting his jacket, Mr. Holcombe walked back to the dining hall. (CP 64) There are many unlit pathways/trails throughout the camp. (CP 40) However, along the trail

between the Longhouse and the Dining Hall is sufficiently illuminated with lights on the trail for safe walking at night. (CP 41, 126) At the point the trail lights end, the lights from the dining hall and the porch lights over the front door provide adequate lighting to walk to and enter the dining hall safely. (CP 41, 72, 126)

Appellant misrepresents a critical fact by claiming that there were no lights designating the path from the last trail light to the dining hall. (See Appellant's Opening Brief, at 4.) The undisputed evidence presented to the trial judge, including Mr. Holcombe's own admission, was that the designated pathway all the way to the dining hall was adequately lit and safe. (CP 41, 72, 126)

Instead of staying on the lighted trail and entering the dining hall through the front door which was illuminated with an outside light, Mr. Holcombe decided to take a shortcut to enter the dining hall via an unlit kitchen door. (CP 66) Mr. Holcombe admitted as he left the lighted path he could not see the ground in front of him. (CP 66, 67) He could not see where he was walking. (CP 67; see CP 83 Appendix C²) He was not aware of the configuration of the area of his shortcut. (CP 67) He had seen cars parked in that area prior to that evening, but had no idea what, if anything, was between the parking area and the back kitchen door. (CP

² Three of the color photographs submitted to the trial court are attached to this brief as Appendices A-C. These photographs were not transmitted to this Court in color.

67) No one advised, suggested, forced or otherwise made Mr. Holcombe walk through that area in complete darkness. (CP 43, 50, 74)

There were no barriers or other reasons Mr. Holcombe could not walk to the lighted front door safely. (CP 50, 71, 72) Nevertheless, in complete darkness and without a flashlight, he cut across the unlit area. (CP 64, 66, 67) In doing so he tripped and fell over a railroad tie that separated the parking area from the grass area and propane tank. Mr. Holcombe admitted that using a flashlight or walking on the lighted pathway would have prevented his accident. (CP 72, 74)

No previous trip and fall incidents or prior complaints about the railroad tie had ever been reported to the camp. (CP 43) There was no dispute that the railroad tie, which was placed as a barrier in front of a propane tank at the edge of the parking area, was visible in the daylight. (CP 47 Appendix A; CP 77 Appendix B) The railroad tie was not in a designated pathway. (*See id.*)

B. STATEMENT OF PROCEDURE

Mr. Holcombe filed his lawsuit alleging “Defendants, collectively, failed to take actions required of building and land owners and occupiers, failed to maintain the premises in a reasonably safe condition for its invitees, who were participants of the retreat and others” and that this

conduct constitutes negligence.” (CP 15-18)³

After taking Mr. Holcombe’s deposition, Respondents filed their Motion for Summary Judgment on the issue of liability and Mr. Holcombe’s own fault. Judge Douglass North agreed there were no questions of fact and all of the claims could be determined as a matter of law. Judge North granted the Motion and dismissed all the claims. Appellant has appealed the Order Granting Summary Judgment on the issue of Respondents’ liability for negligence. (CP 281-83)

IV. SUMMARY OF ARGUMENT

Recognizing the nature of the premises and consistent with their business purpose, the Respondents’ made minimal improvements to their camp in the woods. They provided lights on the main routes around the camp. There was a safe, lighted pathway for Mr. Holcombe to follow to the dining hall. However, he chose to walk off the pathway into pitch darkness, knowing he was not aware of the configuration of the area. As a result of his own choice, he tripped and fell over the railroad tie.

The trial court found that Respondents provided a safe, convenient route for Mr. Holcombe and that his own negligence in choosing to

³ This appeal concerns only Defendants Presbytery of Olympia, Sound View Presbyterian Camp, and Sound View Camp and Retreat Center which are essentially one entity and Puget Sound Retreat Committee which is a separate entity. International Service Organization of SAA was dismissed early in the proceedings on an unopposed Summary Judgment, and Service Organization of COSA and Puget Sound SAA have never appeared in this action.

deviate from the lighted path was the sole proximate cause of his injuries and damages. The evidence submitted supports Respondents' position and the issues were properly decided as a matter of law.

V. ARGUMENT

A. THE STANDARD OF REVIEW OF AN ORDER GRANTING SUMMARY JUDGMENT.

The appellate court reviews the facts and law with respect to summary judgment *de novo*. *Schaaf v. Highfield*, 127 Wn.2d 17, 21, 896 P.2d 665 (1995). The appellate court will make the same inquiry as the trial court, and view the facts and their reasonable inferences in the light most favorable to the non-moving party. *Degel v. Majestic Mobile Manor, Inc.*, 129 Wn.2d 43, 48, 914 P.2d 728 (1996).

The appellate court should affirm the summary judgment when “the pleadings, affidavits, depositions, and admission on file demonstrate there is no genuine issue concerning any material fact, and that the moving party is entitled to judgment as a matter of law.” *Doherty v. Metro Seattle*, 83 Wn.App. 464, 468, 921 P.2d 1098 (1996); CR 56(c). Summary judgment should be affirmed if reasonable persons could reach only one conclusion from all the evidence.” *Doherty*, 83 Wn.App.464

Appellant misinterprets *Cofer v. Pierce County*, 8 Wn.App. 258, 505 P.2d 476 (1973), claiming summary judgment must be denied if “any

reasonable hypothesis would entitle the non-moving party to prevail.”

(Appellant’s Opening Brief at 8.) *Cofer* actually states:

A summary judgment is a valuable procedure for cutting through sham claims and defenses. It may not, however, encroach upon a litigant's right to place his evidence before a jury of his peers. Summary judgment is a procedure for testing the existence of a party's evidence. Only where it appears from the pleadings, depositions and affidavits on file that a party will not be able to present an issue of material fact before the trier of fact should a summary judgment be granted

Id. at 261-62 (emphasis added). It is clear that some evidence, not mere hypothesis, must be submitted to defeat summary judgment.

Respondents showed there was an absence of any evidence supporting the issue of breach of duty, an essential element of Appellant’s negligence claim. *See, e.g., Carlyle v. Safeway Stores, Inc.*, 78 Wn.App. 272 (1995); *Las v. Yellow Front Stores*, 66 Wn.App. 196, 831 P.2d 744 (1992). Respondents prevailed on their motion for summary judgment by challenging the sufficiency of Appellant’s evidence and by submitting undisputed evidence of Mr. Holcombe’s own negligence. *See Young v. Key Pharmaceuticals*, 112 Wn.2d 216, 770 P.2d 182 (1989); *Las v. Yellow Front Stores*, 66 Wn.App. at 198. As to Respondents’ and Mr.

Holcombe's liability, there were no questions of fact and reasonable persons could reach only the conclusion reached by Judge North.

B. SIMPLY THE FACT OF AN ACCIDENT DOES NOT GIVE RISE TO THE INFERENCE OF NEGLIGENCE ON THE PART OF RESPONDENTS.

Respondents have not disputed that Mr. Holcombe was an invitee on their property. However, negligence cannot be inferred simply because Respondents are possessors of land and Mr. Holcombe fell on their land. *Brant v. Market Basket Stores*, 72 Wn.2d 446, 448, 433 P.2d 863 (1967). Contrary to Appellant's assertion, the mere existence of an accident or an injury is not sufficient proof of a dangerous condition to hold a property owner liable to an invitee. *See Hansen v. Washington Natural Gas Co.*, 95 Wn.2d 773 778, 632 P.2d 504 (1981); *Brant*, 72 Wn.2d at 448; *Kalinowski v. Y.M.C.A.*, 17 Wn.2d 380, 391, 135 P.2d 852 (1943).

Whether a condition is reasonably safe "depends upon the nature of the business conducted and the circumstances surrounding the particular situation." *Brant*, at 451. Clearly, given the nature of the "business," a camp in the woods, darkness at night is an expected condition. The fact that Mr. Holcombe intentionally walked off a lighted path into complete darkness and was injured is not proof that the camp owner was negligent.

C. THERE IS NO EVIDENCE THAT RESPONDENTS BREACHED ANY DUTY OWED TO MR. HOLCOMBE.

Appellant claims that these Respondents owed a duty to discover and repair a dangerous condition. Appellant would like the court impose a higher duty than is actually owed.

The duty owed by the Camp as a possessor of land, is to maintain its premises in a reasonably safe condition for its invitees. *Brant v. Market Basket Stores, Inc.*, 72 Wn.2d 446, 451, 433 P.2d 863 (1967). Washington has adopted the Restatement (Second) of Torts §343 (1965) to define a landowner's duty to those who visit its land. *See Tincani v. Inland Empire Zoological Soc.*, 124 Wn.2d 121, 138, 875 P.2d 621 (1994). A landowner is only liable to an invitees because of a condition on its land if it (a) knows or by the exercise of reasonable care would discover the condition, and should realize that it involves an unreasonable risk of harm to such invitees, (b) should expect that they will not discover or realize the danger, or will fail to protect themselves against it, and (c) fails to exercise reasonable care to protect them against the danger. *Restatement (Second) of Torts* § 343 (1965) (emphasis added); WPI 120.07.

The Restatement does not require “repair” of all potentially dangerous conditions and it does not require Respondents to insure Mr. Holcombe against his own bad judgment. There is no evidence that

Respondents breached the duty required by *Restatement (Second) of Torts* § 343 (1965) as outlined in *Tincani* because:

(a) Respondents knew the railroad tie was there; they placed it there as a barrier between the parking area and the propane tank. The railroad tie is an open and obvious condition in the daylight and presents no risk of harm to anyone with their eyes open. (CP 47 Appendix A; CP 77 Appendix B) Respondents also knew that it is dark in the woods at night. (CP 43) They provided safe, lighted pathways. (CP 40-41) In particular, the path from the Longhouse to the dining hall was illuminated. (CP 40-43) They had never had any reports of anyone tripping on the railroad tie during the day or night time. (CP 43) They had no reason to expect any person, especially an adult, would leave the lighted path to cut through the pitch darkness to save a couple steps to get into the dining hall. (CP 42)

(b) Respondents expected that the adults who came on their premises would know that it was a rustic camp in the woods and that the adult campers would appreciate that it is hard, if not impossible to see in the dark. (CP 43) Respondents expected campers to use flashlights or walk on the lighted pathways around the camp to protect themselves from a myriad of potential conditions in the darkness at the camp. (CP 42)

(c) Finally, although Respondents had no notice or

reason to anticipate that the railroad tie presented any particular hazard, they did provide a safe, lighted pathway for Mr. Holcombe away from the railroad tie that was convenient and not encumbered by any obstacles.⁴ (See CP 40-42)

Tincani states: “Reasonable care requires the landlord to inspect for dangerous conditions, followed by such repair, safeguards, or warning as may be reasonably necessary for protection under the circumstances.” 124 Wn.2d at 139. Appellant seems to insist that “repair” is required. He ignores the options of providing “safeguards” and “warning as may be reasonably necessary . . . under the circumstances.”

Here, Respondents exercised reasonable care to protect campers by providing lighted pathways. “Repair” in this case would mean installing lighting everywhere there was any hazard that could be covered by darkness, or removing the railroad ties and replacing them with some other barrier (although there is no evidence another barrier would have been seen in the dark). Mr. Holcombe was told to bring a flashlight to camp. Is it really necessary to further warn an adult that he should use the

⁴ The circumstances do not fall under *Restatement (Second) of Torts* §343A. Respondents did not expect and the facts do not support a claim that Mr. Holcombe was distracted or forgetful about the possible dangers of walking in the dark. Respondents had no reason to expect that Mr. Holcombe would proceed to encounter the known and obvious darkness. The advantage of doing so would not have outweighed the risk given there was a convenient lighted pathway. Given no such evidence, there is no liability. See *Tincani*, 124 Wn.2d at 139, and *Restatement (Second) of Torts* §343A, and comment f(1965).

flashlight when it is dark?

This case is distinguishable from *Miniken v. Carr*, 71 Wn.2d 325, 428 P.2d 716 (1967) (cited by Appellant without any discussion). In that case there were two identical, unmarked doors in an attorney's office. One door led to the restroom; the other opened to stairs leading to the basement. When directed "down the hall" to the restroom, the plaintiff opened the door to the basement and was catapulted down the stairs. *Id.* at 326. The court held that the identical doors presented a trap to visitors unfamiliar with the office. *Id.* at 329.

In this case, Mr. Holcombe was not faced with a dilemma of having to choose one unknown route over another unknown route. One path was lighted and safe, and a route taken previously by Mr. Holcombe. The route across the grass was completely dark. No one gave Mr. Holcombe any directions about where to walk. He made his own decision to walk from the Longhouse to the dining hall and then to walk off the lighted trail into complete darkness hoping to save a few steps. He was not "invited" into the darkness. He was invited to walk on the designated pathway by the lights that illuminated it.

This case is similar to *Nelson v. Tacoma*, 19 Wn.App. 807, 577 P.2d 986 (1978). In that case, a sidewalk had been partially blocked with snow. As a result, a pedestrian jaywalked across the street, slipped and

fell. The court held that the city did not have a duty to maintain a full block of a street safe for pedestrians to cross. The pedestrian had safe alternatives. *Id.* at 811. Mr. Holcombe had safe alternatives. Respondents were not required to provide additional lighting or other protections.

Appellant seems to be arguing that because Mr. Holcombe could not see the railroad tie it was a latent condition. A latent condition is one that is not readily apparent. *Chamberlain v. Dept. of Transp.*, 79 Wn.App 212, 219, 901 P.2d 344 (1995). Mr. Holcombe was well aware it was dark. It does not matter that he could not see the railroad tie in particular; he could not see anything at all except the lighted pathway. The railroad tie was covered by the natural condition of darkness at night. This was a natural circumstance. Under the circumstances exercising reasonable care does not require further affirmative acts. *See Ochampaugh v. City of Seattle*, 91 Wn.2d 514, 523, 588 P.2d 1351 (1979).⁵

All reasonable persons would appreciate that one who does not know what is in the area that is clothed in complete darkness should know that he might encounter tripping or other hazards if he walked into the dark area. There is no question of fact for a jury to determine.

⁵ In *Ochampaugh v. City of Seattle*, 91 Wn.2d 514, 523, 588 P.2d 1351 (1979), the cost to fill in, or fence a pond resulting from an old excavation was too heavy a burden to place on a landowner. The court also held that the damage to wildlife should be considered. There should be similar considerations made for a rustic camp in the woods.

D. APPELLANT DID NOT SUBMIT ANY RELEVANT, ADMISSIBLE EVIDENCE TO SUPPORT HIS CLAIMS.

The only evidence submitted by Appellant in response to Respondents' Motion for Summary Judgment was a declaration of Richard Gill and a declaration of Joe Cutro. Neither declaration provided any facts to dispute the evidence submitted by Respondents. Neither declaration was relevant to the issue of Respondents' negligence.

Appellant argues that his expert Richard Gill raised a question of fact. However, Mr. Gill did not provide any admissible evidence relevant to a claim that the Respondents were negligent.⁶ First, there was no need for a human factors expert in this case. The fact that there is no visibility in the darkness is so obvious an expert is not needed and would be properly excluded. *See* ER 702; *Ward v. J.C. Penny Company*, 67 Wn.2d 858, 861, 410 P.2d 614 (1966). No foundation was laid as required by ER 702 to show why an expert was needed to understand this case.

Mr. Gill did not even address the fact of darkness. Instead he expressed inappropriate and inadmissible legal opinions not based on any real facts. *See Charlton v. Day Marina, Inc.*, 46 Wn. App 784, 789, 732 P.2d 1008 (1987). The court may properly disregard expert affidavits that contain conclusions of law. *See Eriks v. Denver*, 118 Wn.2d 451,

⁶ Respondents objected to Gill's declaration testimony below. (CP 264-67) Judge North did not make any particular findings with regard to his testimony.

458, 824 P.2d 1207 (1992).

The following are examples of the flaws in Gill's testimony:

1. He has no personal knowledge of the camp contrary to the requirements of CR 56(e).

2. He opined that it was foreseeable that invitees walking to the back door of the dining hall would not be able to discern that the railroad tie was dangerous. Yet, he completely ignores the fact that there was a direct and lighted pathway with no obstacles available to Mr. Holcombe.

3. He exaggerates the facts by stating that Mr. Holcombe would have had to take a "much longer and more circuitous route" to get to the dining hall had he not taken the shortcut. Mr. Holcombe's own testimony was that the lighted pathway was only a few steps further and he knew it was a safe route. The comparable distances are easily appreciated in the photographs submitted into evidence. (CP 47 Appendix. A; CP 77 Appendix B)

4. Gill states that typically people take the most direct route to their destination. (CP 184) But he does not acknowledge that it was dark and impossible to see anything in the unlit areas. He fails to discuss the effect of pitch darkness on a person's choice of route.

5. Gill claims the lack of visual barriers invited Mr.

Holcombe to enter through the back door. (CP 184) Darkness and the fact that there was no light over the door Holcombe wanted to enter were obvious visual barriers. Again, any “invitation” to Mr. Holcombe was to walk on the lighted, designated pathway to enter the building through a lighted doorway.

6. Mr. Gill argues that the “hazardous condition is exacerbated by the concrete septic tank lids which look like an in-laid stone path.” (CP 185) A mere view of the photos does not give the impression of an in-laid path leading to the back door (*see CP 77*)⁷, but nevertheless, it is disingenuous of Gill to even suggest that a septic-tank-lid pathway enticed Mr. Holcombe to walk in the area when Mr. Holcombe could not even see the lids. He couldn’t see anything! Mr. Holcombe was not deceived by visual cues. He was well cued that it was dark and he could not see in the dark. He had not walked in that area before, he knew he didn’t know what was there, and he admitted it would have been safe to walk on the lighted path or to have been using a flashlight.

7. Mr. Gill complained that Respondents had no risk management program. (CP 186) Yet, he did not show that he had any knowledge whatsoever of any of the camp operations by Respondents.

⁷ The space between the railroad ties seen in the photo at CP 77 (Appendix B) was not present in 2004. Compare photo at CP 47, which was taken in 2004. (Appendix A).

He failed to acknowledge that there were safe, lighted pathways around the camp and in particular in the area Mr. Holcombe was walking. Given that the camp had some improvements, Respondents were obviously proactive in installing lighting to make sure the main pathways were safe.

8. Critically, Gill fails to acknowledge any of Mr. Holcombe's testimony that there was a safe, lighted pathway, that his shortcut would only save a few steps, that knew he could not see anything in the dark, that he did not know what was in the area, and that he knew he should have been using a flashlight.

Mr. Gill's testimony was not based in fact, was irrelevant, contained inadmissible legal conclusions, and certainly did not create any questions of fact about any negligence by Respondents.

Appellant also misrepresents the nature of Joe Cutro's stumble over the railroad tie. Mr. Cutro was walking backwards when he fell over the railroad tie. (CP 277) He does not know if this was in the day or at night. (CP 277) He never reported his fall to anyone. (CP 277) Respondents had no notice of this incident. (CP 43) This evidence is irrelevant and does not create a question of fact about any negligence on the part of Respondents.

VI. CONCLUSION

In reviewing the evidence in a light most favorable to the

Appellant, Respondents were properly entitled to judgment as a matter of law on the claims based on negligence. Summary judgment and dismissal of all claims against these Respondents was appropriate. Respondents respectfully request this Court to affirm Judge North's Order Granting Summary Judgment

Respectfully submitted this 2nd day of October 2009.



CELESTE T. STOKES, WSBA # 12180
KEVIN M. CAREY, WSBA #17102
Attorneys for Respondents Presbytery of
Olympia, Sound View Presbyterian Camp,
and Sound View Camp and Retreat Center

VII. APPENDIX

- A. CP 47, Photo
- B. CP 77, Photo
- C. CP 83, Photo

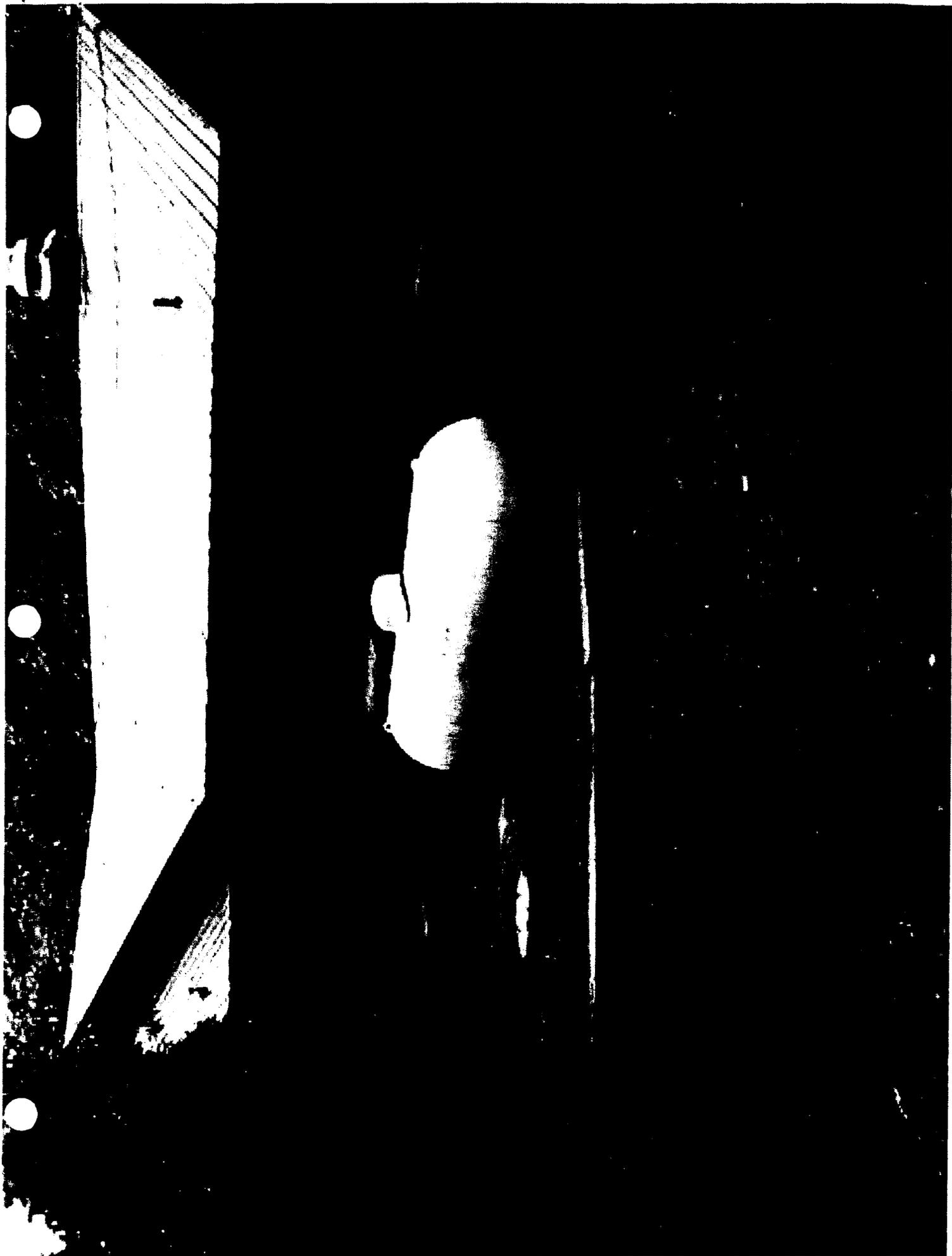
APPENDIX A

CP 47, Photo



APPENDIX B

CP 77, Photo



APPENDIX C

CP 83, Photo



COURT OF APPEALS
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WILLIAM BARBER, as personal
representative of the ESTATE OF HERBERT
DOWE HOLCOMBE, III,

Plaintiff/Appellant,

vs.

THE PRESBYTERY OF OLYMPIA, PUGET
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VIEW PRESBYTERIAN CAMP, SOUND
VIEW CAMP AND RETREAT CENTER,
INTERNATIONAL SERVICE
ORGANIZATION OF SAA, INC., PUGET
SOUND SAA, and INTERNATIONAL
SERVICE ORGANIZATION OF COSA,

Defendants/Respondents.

DECLARATION OF SERVICE

I hereby declare under penalty of perjury of the laws of the State of Washington that on this day I served via facsimile and ABC Legal Messenger, *Brief of Respondents The Presbytery of Olympia, Sound View Presbyterian Camp, and Sound View Camp and Retreat Center*, together with this *Declaration of Service*, to the following:

Karen Bamberger, Esq.
Betts Patterson & Mines
701 Pike Street, Suite 1400
Seattle, WA 98101

Jeff Deegan, Esq.
Keane Law Offices
100 NE Northlake Way, Suite 200
Seattle, WA 98105

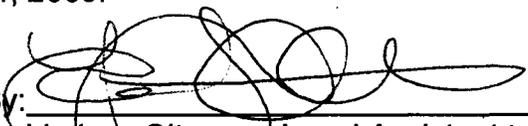
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STATE OF WASHINGTON
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Dated this 2nd day of October, 2009.

By: 

Lindsay Oltmann, Legal Assistant to
Kevin M. Carey, WSBA 17102
Attorneys for Respondents/Defendants
Presbytery of Olympia, Sound View Presbyterian
Camp and Sound View Camp and Retreat Center

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