NO. 102258-1

Court of Appeals No. 56950-7

IN THE SUPREME COURT FOR THE STATE OF WASHINGTON

MARTY MOORE, as personal representative of the estate of Rebecca Moore,

Appellant,

v.

FRED MEYER STORES, INC.; FRED MEYER, INC.; and THE KROGER CO.,

Respondents.

AMICUS CURIAE MEMORANDUM OF WASHINGTON DEFENSE TRIAL LAWYERS

Noah Jaffe, WSBA No. 43454
Amicus Committee Chair
Washington Defense Trial Lawyers
701 Pike Street, Suite 1400
Seattle, WA 98101
E-mail: NJaffe@nicollblack.com
Telephone: (206) 838-7545
Facsimile: (206) 838-7515

Christopher Nicoll
Nicoll Black & Feig
1325 Fourth Ave., Ste. 1650
Seattle, WA 98101
E-mail: CNicoll@nicollblack.com
Telephone: (206) 838-7545
Facsimile: (206) 838-7515

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES

WASHINGTON CASES

RULES

OTHER AUTHORITIES

I. IDENTITY AND INTEREST OF AMICUS

The Washington Defense Trial Lawyers Association (WDTL), established in 1962, includes more than 750 Washington attorneys engaged in civil defense litigation and trial work. The WDTL serves our members through education, recognition, collegiality, professional development and advocacy. The WDTL represents its members through amicus curiae submissions in cases that present issues of statewide concern to Washington civil defense attorneys and their clients. The petition in this case implicates applicable concerns for the WDTL, whose members have an interest in the preservation, clarity, and predictability of long-established common law principles of premises liability, which are greatly impacted by the Court of Appeals' decision.

II. ARGUMENT

Respondent Fred Meyer's Petition outlines the evidence and summarizes the legal elements of premises liability and the evolution of the *Pimentel* exception. The WDTL adds its voice

to the Respondent's reasoning for why the Court of Appeals' decision is incorrect and out of step with *Wiltse*, *Mucsi*, and the *Pimentel* exception post-*Johnson*. WDTL also writes to address the public interest component of RAP 13.4(b)(4), and renew concerns raised previously in *Johnson*. Left standing, the Court of Appeals' decision would dramatically increase the scope of liability for brick-and-mortar retailers. Requiring plaintiffs to prove a connection between the specific business operations and the hazard has been a central imperative of the *Pimentel* exception from its inception. When the exception was broadened beyond the self-service context plaintiffs were not absolved of their burden to present substantial evidence in support of this nexus before invoking the exception. Yet, that is what the Court of Appeals has concluded.

Surprisingly, Appellant's Answer incorrectly assumes this Court reviews instructions drafted by the Washington Pattern Instruction ("WPI") Committee outside the context of a specific case. WDTL encourages the Court to take this

opportunity to clarify that the Court is not directly involved in, nor does it review or approve of the WPI Committee's work before publication, the Committee is not a rule-making or law-making body, and the Committee's work—while a uniquely helpful resource—is not "the law."

A. Division Two's decision misreads this Court's decisions in *Wiltse*, *Mucsi*, and *Johnson*.

As a general rule, a plaintiff in a premises liability case must show that the proprietor had actual or constructive notice of an unsafe condition on the premises before it can be held liable. The Court created what began as a narrow exception to that notice requirement, in *Pimentel v. Roundup Co.*, 100 Wn.2d 39, 666 P.2d 888 (1983):

> [T]he unsafe condition must either be caused by the proprietor or his employees, or the proprietor must have actual or constructive notice of the unsafe condition. *Such notice need not be shown, however, when the nature of the proprietor's business and his methods of operation are such that the existence of unsafe conditions on the premises is reasonably foreseeable*.

Id., at 49 (emphasis added). The *Pimentel* exception has since broadened. *Johnson v. Liquor & Cannabis Bd.*, 197 Wn.2d 605, 618, 486 P.3d 125 (2021) ("[t]he self-service requirement of the exception no longer applies.")

But, as this Court recognized in *Johnson*, while application of the exception may have broadened, the underlying mechanism for its application has *not* changed. The *Pimentel* exception *only* applies where a plaintiff has otherwise carried its burden to prove a connection linking the nature of the defendant's business or its mode of operation to the unsafe condition, to make the risk posed by that condition reasonably foreseeable. *See id.*, at 614 (*citing Wiltse v. Albertson's Inc.*, 116 Wn.2d 452, 461, 805 P.2d 793 (1991) ("[T]he rule should be limited to specific unsafe conditions that are continuous or foreseeably inherent in the nature of the business or mode of operation."); and *id.* at 617 (quoting *Mucsi v. Graoch Associates Ltd. Partnership No. 12*, 144 Wn.2d 847, 863, 31 P.3d 684 (2001) ("There must be evidence of actual or

constructive notice or foreseeability, and a reasonable time to alleviate the situation. [citation omitted] Mucsi has presented sufficient evidence…")).

Proof of a nexus was fundamental to this Court's analysis in *Johnson*, and its harmony with the preexisting law exemplified by *Wiltse* and *Mucsi*:

> *Mucsi* invoked this [*Pimentel*] rule again when issuing instructions as to what the trial court was to consider on remand:
>
> > There must be evidence of actual or constructive notice *or foreseeability*, and a reasonable time to alleviate the situation. [Citation omitted.] *Mucsi has presented sufficient evidence*, and when all inferences are viewed most favorably to him, the case must be submitted to the jury.

Johnson, 197 Wn.2d at 617 (emphasis added).

The fundamental error in the Court of Appeals' conclusion is that it elevates the *Pimentel* exception to supplant the otherwise applicable notice requirement, *even when plaintiff has not supplied sufficient evidence of foreseeability* to invoke it. This case is plainly distinguishable from *Mucsi*. There the

plaintiff *had* presented evidence to support the *Pimentel* exception; here the plaintiff did not. Division Two's decision erroneously absolves plaintiff of that burden of proof, running afoul of *Mucsi* and *Johnson.*

Similarly, in *Wiltse* this Court found the reasonable foreseeability exception inapplicable because the unsafe condition—water from a leaking roof—was not inherent in a store's mode of operation. *Wiltse*, 116 Wn.2d at 461. This Court "reasoned that [b]ecause *Pimentel* is a limited rule for self-service operations, not a *per se* rule, the rule should be limited to specific unsafe conditions that are continuous or foreseeably inherent in the nature of the business or mode of operation. Risk of water dripping from a leaky roof is not inherent in a store's mode of operation.*"* *Johnson*, 197 Wn.2d at 614 (citing *Wiltse,* 116 Wn.2d at 461). The present case closely resembles *Wiltse.* There, as here, a plaintiff invoking *Pimentel* must prove that the "specific unsafe conditions" at issue "are

continuous or foreseeably inherent in the nature of the business or mode of operation." *Id*.

Johnson preserved and underscored this requirement:

> Our precedent has made the exception from *Pimentel* into a general rule that an *invitee may prove* notice with evidence that the "nature of the proprietor's business and his methods of operation are such that the existence of unsafe conditions on the premises is reasonably foreseeable." 100 Wn.2d at 49, 666 P.2d 888.

Id., 197 Wn.2d at 618 (emphasis added). The expansion of *Pimentel* didn't eliminate the plaintiff/invitee's burden of proof. Division Two's holding, however, erroneously absolves premises liability plaintiffs of their burden to prove actual or constructive notice, or alternatively, to provide evidence of a link between the nature/method of the business operation and the unsafe condition as the predicate to a reasonable foreseeability instruction. The Court should grant review to correct this error.

B. Division Two's decision erroneously restructures premises liability law, significantly impacting brick-and-mortar retailers and the public interest.

Plaintiff argues that "an appellate decision that simply follows this Court's most recent precedent holds no substantial public interest." Answer, p. 17. Yet, Plaintiff suggests the decision here requires permanent change to the pattern jury instructions, ironically highlighting the public interest in, and the need for this Court to grant review and clarify, the state of the law surrounding the *Pimentel* exception.

In *Johnson*, this Court considered arguments from the State and the WDTL that expansion of *Pimentel* beyond self-service stores raised the specter of vastly increased retailer liability. Wn.2d at 618. This Court reasoned:

> [t]his fear is unwarranted. Removing the self-service requirement does not obviate the need to prove the existence of the unreasonably dangerous condition itself. … Proof of a dangerous condition remains an element of a premises liability claim. *See Mucsi*, 144 Wash.2d at 859, 31 P.3d 684 (showing that a *specific* condition must exist even when "*the unsafe condition* was reasonably foreseeable" (emphasis added)) [citation omitted]. No case of ours invoking the reasonable

> foreseeability exception has suggested otherwise, and we do not do so today.

Id.

In short, this Court was satisfied that the expansion of *Pimentel* had not dramatically increased retailer liability, primarily because *Pimentel* remained an exception, only absolving plaintiffs of the notice requirement in those cases where plaintiff produced substantial evidence of "specific unsafe conditions that are continuous or foreseeably inherent in the nature of the business or mode of operation." *Id*, 197 Wn.2d at 614.

The concerns WDTL raised in *Johnson* are resurfaced and made manifest by Division Two's erroneous conclusion that a plaintiff is entitled to rely on the *Pimentel* exception, *even* when he or she has not presented substantial evidence of the required nexus. That is not the law as laid down in *Wiltse, Mucsi*, and *Johnson*. The reasonable foreseeability exception to the notice requirement obliges a plaintiff to establish a nexus

between the dangerous condition and the nature of the business or its mode of operation. This is a vital plank of business-owners' longstanding reliance on existent premises liability law. Division Two's decision eliminates this requirement, allowing a plaintiff to get an instruction on reasonable foreseeability in any case, even one where no evidence was presented linking the nature of the business or its operations to the unsafe condition at issue. This Court suggested in *Johnson* that there was no need for the State and WDTL's fears of expanded liability because of the safeguards that remained in place—but the decision below in *Moore* obliterates those safeguards.

The evidence here is that the incident occurred in a "dry aisle." *Moore*, 532 P.3d at 167. Liquid on the floor of a dry aisle cannot be linked to the nature of the business or its operations. Indeed, it was entirely possible the hazard was created by another customer who, without the proprietor's knowledge, may have spilled liquid shortly before the incident.

Id. This Court has held *those* facts are not sufficient to impose liability or invoke the *Pimentel* exception. *Wiltse*, 116 Wn.2d at 461–62 ("If a customer had knocked over merchandise in the aisle and the next customer had immediately tripped over that merchandise, certainly the store owner should not be responsible without being placed on notice of the hazard.") By erroneously relieving plaintiff of her burden of proof, this is precisely what the Court of Appeals' decision accomplishes.

The far-reaching impact of this ruling is not hard to envision. Consider a retailer that sells only "dry" goods like clothing or books. A floor in such a store *could* become wet for reasons unrelated to the nature of its business or operation—a recent spill from another customer, or a leaking roof or pipe. Allowing the issue of foreseeability to go to the jury in the absence of proof linking the hazard to the nature of the business or its operations, in essence forces such a business owner to follow all customers around or install cameras for continuous surveillance by a dedicated security team. Where the law still

reasonably requires notice, it would be inconsistent with past precedent, unfair and potentially quite expensive for brick-and-mortar establishments to make themselves instantly aware of hazards that do not foreseeably result from the nature of their business or operation.

Review should also be granted to emphatically dispel the notion advanced in the Answer that the WPI Committee has the authority to make laws or regulations. It is central to the work of the WPI Committee that it is *not* a law making or rule making body, and that its work product, the Washington Pattern Jury Instructions, though intended to be a helpful tool, is not legally binding.

Plaintiff suggests this Court will review a proposed change to the WPI on premises liability after the WPI Committee modifies it, attaching as an addendum an e-mail from a member of the WPI Committee indicating that it anticipates making changes to the pattern instruction. Plaintiff argues the Court should follow that (incorrectly summarized)

Committee process rather than grant review to address the issue in an actual case.[1] She argues it is "more efficient" to let the WPI Committee address the issue in the first instance, after which she asserts this Court can "(and likely will)" amend the WPI. She contends that "simply approving a proper correction is the most efficient and effective way to clarify the law." *Id.* at 18. These assertions are incorrect and misleading.

"Our pattern instructions are drafted and approved by a committee that includes judges, law professors, and practicing attorneys." *State v. Bennett*, 161 Wn.2d 303, 307, 165 P.3d 1241 (2007). The WPI Committee does not make or interpret the law. "The [WPI] are not authoritative primary sources of the law and are not binding on trial courts." *Univ. of Washington v. Gov't Emps. Ins. Co.*, 200 Wn. App. 455, 475, 404 P.3d 559 (2017) (internal quotes and citation omitted). This Court only

[1] *See* Answer at 2, Issue 3 ("…this Court can (and likely will) amend the WPIC through its usual process for making such changes: the Pattern Jury Instruction Committee"); pp. 17-18 ("no substantial public interest…where this Court can (and likely will) amend the Pattern Instruction in due course").

addresses instructions in the context of the cases it reviews. It should grant review to do that here. That is the quickest route to clarifying the law.

The Preface for Volume 6 of the Washington Practice Series on civil jury instructions lays out how the WPI Committee is set up, who is on it, what it does, and what this Court does and does not do. 6 Washington Practice, "Washington Pattern Jury Instructions – Civil," ix – x (7th Ed. 2019) (App. A). The Committee itself is comprised of volunteer judges and lawyers who are nominated by specified interested organizations and appointed by the Court. The Committee researches and writes the pattern instructions and their commentaries. But the Court does not review or edit the Committee's work, nor does it sign-off on, or "approve" the Committee's work before publication. In an apparent effort to foreclose confusion over the Court's role and the authority of published pattern instructions, the last sentence of the Preface reads:

> While often commending the WPI Committee's work to the bench and bar, the Court does not review the instructions in advance of its case-by-case consideration of them.

Id.

The Court does not do what the Answer claims it does – it doesn't review or "approve" WPIC instructions in advance. If WPIs were approved in advance by the Court as plaintiff believes, trial courts would have to follow them as controlling law. But this is not the case: "Just because an instruction is approved by the [WPI] Committee does not necessarily mean that it is approved by" the Court. *Bennett*, 161 Wn.2d at 307.

The argument about the WPI review process advanced in the Answer should be addressed and rejected.

III. CONCLUSION

This Court should grant review because the Court of Appeals' decision conflicts with this Court's clear precedent on the *Pimentel* exception, and because the resulting decision significantly impacts the public interest.

This document contains 2,464 words, excluding the parts of the document exempted from the word count by RAP 18.17.

RESPECTFULLY SUBMITTED this 18th day of October, 2023.

NICOLL BLACK & FEIG

By:/s/ Christopher W. Nicoll
/s/ Noah S. Jaffe
Christopher W. Nicoll, WSBA # 20771
Noah S. Jaffe, WSBA #43454
Attorneys for Amicus Washington Defense Trial Lawyers

CERTIFICATE OF SERVICE

I, Ian McDonald, declare as follows:

1) I am a citizen of the United States and a resident of the State of Washington. I am over the age of 18 years and not a party to the within entitled cause. I am employed by the law firm of Betts Patterson & Mines, One Convention Place, Suite 1400, 701 Pike Street, Seattle, Washington 98101-3927.

2) On October 18, 2023, I caused to be served upon counsel of record at the addresses and in the manner described below, the following documents:

Amicus Curiae Memorandum Of Washington Defense Trial Lawyers;

Counsel for Appellant Johnson:	☑ Appellate Portal
George M. Ahrend	☐ U.S. Mail
Ahrend Law Firm PLLC	☐ Hand Delivery
457 1st Ave. NW	☐ Telefax
P.O. Box 816	☐ UPS
Ephrata, WA 98823-0816	
Joseph M. Mano, Jr.	☑ Appellate Portal
Mano, Paroutaud, Groberg &	☐ U.S. Mail
Ricks	☐ Hand Delivery
20 SW 12th Street	☐ Telefax
P.O. Box 1123	☐ UPS
Chehalis, WA 98532	

Kenneth W. Masters Shelby R. Frost Lemmel Masters Law Group, P.L.L.C. 241 Madison Ave. North Bainbridge Island, WA 98110 ken@appeal-law.com shelby@appeal-law.com	☑ Appellate Portal ☐ U.S. Mail ☐ Hand Delivery ☐ Telefax ☐ UPS
Charles A. Willmes Jensen Morse Baker PLLC 1809 7th Ave Ste 410 Seattle, WA 98101-4403 charles.willmes@jmblawyers.com	☑ Appellate Portal ☐ U.S. Mail ☐ Hand Delivery ☐ Telefax ☐ UPS
Jesse Froehling Bastion Law 113 Cherry St., PMB 97380 Seattle, WA 98104-2205 jesse@bastion.law michael@froehlinglaw.com	☑ Appellate Portal ☐ U.S. Mail ☐ Hand Delivery ☐ Telefax ☐ UPS
Charles A. Willmes JENSEN MORSE BAKER PLLC 1809 Seventh Ave, Suite 410 Seattle, Washington 98101	☑ Appellate Portal ☐ U.S. Mail ☐ Hand Delivery ☐ Telefax ☐ UPS
Michael B. King Jason W. Anderson CARNEY BADLEY SPELLMAN, P.S. 701 Fifth Ave, Suite 3600 Seattle, Washington 98104	☑ Appellate Portal ☐ U.S. Mail ☐ Hand Delivery ☐ Telefax ☐ UPS

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

DATED this 18th day of October, 2023 at Seattle, Washington.

Ian McDonald

Appendix A

WASHINGTON PRACTICE SERIES™

Volume 6

Washington Pattern Jury Instructions—Civil

WPI

SEVENTH EDITION

Issued in July 2019

Prepared by the
WASHINGTON SUPREME COURT
COMMITTEE ON JURY INSTRUCTIONS

THOMSON REUTERS®

For Customer Assistance Call 1-800-328-4880

Mat #42553156

reatment—Mental

Attorney, Seattle
eatment

t Discrimination),

eatment

PREFACE

The Washington Pattern Jury Instructions (WPI) Committee operates under the auspices of the Washington Supreme Court, which appoints WPI Committee members from nominees submitted by the Superior Court Judges' Association, District and Municipal Court Judges' Association, Washington State Bar Association, Washington Association of Prosecuting Attorneys, Washington Defenders' Association, Washington Association of Criminal Defense Lawyers, Washington State Association for Justice, Washington Defense Trial Lawyers, University of Washington School of Law, Seattle University School of Law, Gonzaga University School of Law, and the Administrative Office of the Courts. The Supreme Court also provides oversight of the WPI Committee's financial affairs. While often commending the WPI Committee's work to the bench and bar, the Court does not review the instructions in advance of its case-by-case consideration of them.

In an effort to keep our instructions as current as possible, the WPI Committee often publishes updates when we have finished a suitable group of chapters, rather than holding an update until we have completed our review of an entire volume. For this reason, the instructions are not all current as of the same date. Readers should carefully note the currency date of a particular instruction when researching for any subsequent changes in the law. The seventh edition includes new and revised instructions that were first published in either the 2013 Supplement or the 2017–2018 Supplement to the sixth edition of the civil pattern jury instructions.

New and revised instructions for WPI Chapters 107 (Legal Malpractice), 165 (Negligent Misrepresentation), 310 (Consumer Protection Actions), 320 (Insurance Bad Faith Actions), 340 (Civil Rights—General introductory Instructions), 341 (Civil Rights—Municipal and Local Government Liability), 342 (Civil Rights—Fourth Amendment—Unreasonable Search and Seizure), and 348 (Civil Rights—Damages and Verdict Forms) were included in the 2013 Supplement. New and revised instructions for WPI Chapters 110 (Product Liability), 150 (Eminent Domain—General Instruc-

tions), 151 (Eminent Domain—Special Instructions), 155 (Workers' Compensation), 330 (Employment Discrimination), 360 (Involuntary Treatment—Mental Illness), 365 (Involuntary Treatment—Sexually Violent Predators), and 380 (Nuisance) were included in the 2017-2018 Supplement.

We would like to thank each of the WPI Committee members, and our staff attorney, Lynne Alfasso, for their countless hours of work, their dedication, and their inspired contributions toward improving the law. We also wish to thank the other members of the bench and bar who served on subcommittees focusing on particular specialized areas of the law. Their contributions greatly improve our work. The WPI Committee also thanks attorney Ashleigh B. Rhodes for her assistance with research on implicit bias in civil proceedings.

The WPI Committee dedicates the seventh edition of the civil pattern jury instructions to Richard F. Neidhardt. From 1999 to 2013, Mr. Neidhardt served as the Reporter and Counsel for the WPI Committee and made significant contributions to the pattern jury instructions and other projects of the WPI Committee designed to improve the administration of justice and the jury system. In 2013, the Washington Supreme Court appointed Mr. Neidhardt to the position of Reporter of Decisions for the Supreme Court, a role in which he served with distinction until his death in 2018.

HONORABLE HELEN L. HALPERT (Ret.), CO-CHAIR

HONORABLE LINDA C. KRESE, CO-CHAIR

WASHINGTON PRACTICE SERIES™

Volume 6

Washington Pattern Jury Instructions—Civil

WPI

SEVENTH EDITION

WPI 0.10–140.04

2022 Supplement
Issued in April 2022

Prepared by the
WASHINGTON SUPREME COURT COMMITTEE
ON
JURY INSTRUCTIONS

HON. KRISTIN V. RICHARDSON
Co-Chair
HON. MICHAEL R. SCOTT
Co-Chair

THOMSON REUTERS®

For Customer Assistance Call 1-800-328-4880

Mat #43012484

PREFACE

The Washington Pattern Jury Instructions (WPI) Committee operates under the auspices of the Washington Supreme Court, which appoints WPI Committee members from nominees submitted by the Superior Court Judges' Association, District and Municipal Court Judges' Association, Washington State Bar Association, Washington Association of Prosecuting Attorneys, Washington Defenders' Association, Washington Association of Criminal Defense Lawyers, Washington State Association for Justice, Washington Defense Trial Lawyers, University of Washington School of Law, Seattle University School of Law, Gonzaga University School of Law, and the Administrative Office of the Courts. The Supreme Court also provides oversight of the WPI Committee's financial affairs. While often commending the WPI Committee's work to the bench and bar, the Court does not review the instructions in advance of its case-by-case consideration of them.

In an effort to keep our instructions as current as possible, the WPI Committee often publishes updates when we have finished a suitable group of chapters, rather than holding an update until we have completed our review of an entire volume. For this reason, the instructions are not all current as of the same date. Readers should carefully note the currency date of a particular instruction when researching for any subsequent changes in the law. All new and revised instructions for this supplement are included in the Highlights pages.

We would like to thank each of the WPI Committee members, and our staff attorney, Stephanie Happold, for their countless hours of work, their dedication, and their inspired contributions toward improving the law. We also wish to thank the other members of the bench and bar who served on subcommittees focusing on particular specialized areas of the law. Their contributions greatly improve our work.

HONORABLE KRISTIN V. RICHARDSON,
CO-CHAIR

HONORABLE MICHAEL R. SCOTT,
CO-CHAIR

6 Wash. Prac., Wash. Pattern Jury Instr. Civ. Preliminary Materials

Washington Practice Series TM | April 2022 Update

Washington Pattern Jury Instructions--Civil
Washington State Supreme Court Committee on Jury Instructions

Preliminary Materials

PREFACE

The Washington Pattern Jury Instructions (WPI) Committee operates under the auspices of the Washington Supreme Court, which appoints WPI Committee members from nominees submitted by the Superior Court Judges' Association, District and Municipal Court Judges' Association, Washington State Bar Association, Washington Association of Prosecuting Attorneys, Washington Defenders' Association, Washington Association of Criminal Defense Lawyers, Washington State Association for Justice, Washington Defense Trial Lawyers, University of Washington School of Law, Seattle University School of Law, Gonzaga University School of Law, and the Administrative Office of the Courts. The Supreme Court also provides oversight of the WPI Committee's financial affairs. While often commending the WPI Committee's work to the bench and bar, the Court does not review the instructions in advance of its case-by-case consideration of them.

In an effort to keep our instructions as current as possible, the WPI Committee often publishes updates when we have finished a suitable group of chapters, rather than holding an update until we have completed our review of an entire volume. For this reason, the instructions are not all current as of the same date. Readers should carefully note the currency date of a particular instruction when researching for any subsequent changes in the law. All new and revised instructions for this supplement are included in the Highlights pages.

We would like to thank each of the WPI Committee members, and our staff attorney, Stephanie Happold, for their countless hours of work, their dedication, and their inspired contributions toward improving the law. We also wish to thank the other members of the bench and bar who served on subcommittees focusing on particular specialized areas of the law. Their contributions greatly improve our work.

HONORABLE KRISTIN V. RICHARDSON, CO-CHAIR
HONORABLE MICHAEL R. SCOTT, CO-CHAIR

End of Document

NICOLL BLACK & FEIG

October 18, 2023 - 2:51 PM

Transmittal Information

Filed with Court:	Supreme Court
Appellate Court Case Number:	102,258-1
Appellate Court Case Title:	Marty Moore v. Fred Meyer Stores, Inc., et al.
Superior Court Case Number:	19-2-10000-7

The following documents have been uploaded:

- 1022581_Letters_Memos_20231018143611SC982283_5498.pdf
  This File Contains:
  Letters/Memos - Other
  The Original File Name was WDTL Amicus Memorandum - Moore v Fred Meyer.PDF

A copy of the uploaded files will be sent to:

- anderson@carneylaw.com
- charles.willmes@jmblawyers.com
- cnicoll@nicollblack.com
- imcdonald@nicollblack.com
- jesse@bastion.law
- ken@appeal-law.com
- king@carneylaw.com
- michael@froehlinglaw.com
- office@appeal-law.com
- sandip.soli@gmail.com
- shelby@appeal-law.com
- ssoli@rp-lawgroup.com

Comments:

Amicus Curiae Memorandum of Washington Defense Trial Lawyers

Sender Name: Ian McDonald - Email: imcdonald@nicollblack.com
Filing on Behalf of: Noah Jaffe - Email: njaffe@nicollblack.com (Alternate Email:)

Address:
1325 Fourth Avenue
Suite 1650
Seattle, WA, 98101
Phone: (206) 838-7555

Note: The Filing Id is 20231018143611SC982283