

RECEIVED VSC
SUPREME COURT
STATE OF WASHINGTON
Apr 28, 2014, 9:58 am
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No. 89873-1

SUPREME COURT,
OF THE STATE OF WASHINGTON

MUTUAL OF ENUMCLAW
INSURANCE CO.,

Respondent,

v.

GREGG ROOFING, INC.,

Petitioner.

PETITIONER'S
STATEMENT OF
ADDITIONAL AUTHORITY

Petitioner Gregg Roofing, Inc. submits the following additional authority:

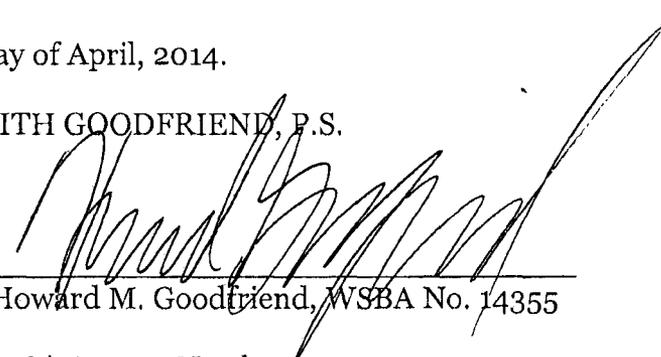
Experience Hendrix L.L.C. v. Hendrixlicensing.com Ltd., 742 F.3d 377 (9th Cir. 2014), *reversing* 2011 WL 4402775 (W.D. Wash. 2011). The Ninth Circuit reversed the district court's grant of judgment as a matter of law on the damages awarded to a business under the Consumer Protection Act for harm to reputation and loss of goodwill. 742 F.3d at 393 ("Damages for loss of professional reputation are not the type of damages which can be proved with mathematical certainty and are usually best left as a question of fact

for the jury.”), quoting *Wash. State Physicians Ins. Exh. & Ass’n v. Fisons*, 122 Wn.2d 299, 232, 858 P.2d 1054 (1993). The Ninth Circuit held that the jury had sufficient evidence of reputational harm to award \$750,000 in reputational damages and \$300,000 for loss of goodwill, reversing the district court’s ruling “in light of the standards governing Rule 50(b)(3),” while affirming the district court’s grant of a new trial as within the district court’s discretion. 742 F.3d at 393, 395.

The Court of Appeals relied upon the district court’s ruling in its Opinion at ¶¶ 33-36. See Petition 11.

DATED this 28th day of April, 2014.

SMITH GOODFRIEND, P.S.

By: 

Howard M. Goodfriend, WSBA No. 14355

1619 8th Avenue North
Seattle, WA 98109-3007
(206) 624-0974

Attorneys for Petitioner

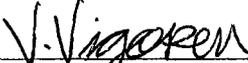
DECLARATION OF SERVICE

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct:

That on April 28, 2014, I arranged for service of the foregoing Petitioner's Statement of Additional Authority, to the court and to the parties to this action as follows:

Office of Clerk Washington Supreme Court Temple of Justice P.O. Box 40929 Olympia, WA 98504-0929	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail
Brent Beecher Hackett Beecher & Hart 1601 Fifth Avenue, Suite 2200 Seattle, WA 98101-1651	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail
William J. Leedom Bennett, Bigelow & Leedom PS 601 Union Street, Suite 1500 Seattle, WA 98101	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail

DATED at Seattle, Washington this 28th day of April, 2014.



Victoria K. Vigoren

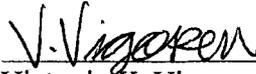
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William J. Leedom Bennett, Bigelow & Leedom PS 601 Union Street, Suite 1500 Seattle, WA 98101	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail

DATED at Seattle, Washington this 28th day of April, 2014.



Victoria K. Vigoren

OFFICE RECEPTIONIST, CLERK

From: OFFICE RECEPTIONIST, CLERK
Sent: Monday, April 28, 2014 9:59 AM
To: 'Victoria Vigoren'
Cc: Howard Goodfriend; Ian Cairns; wleedom@bblaw.com; bbeecher@hackettbeecher.com
Subject: RE: Mutual of Enumclaw Ins. Co. v. Gregg Roofing, Inc., Cause No. 89873-1

Rec'd 4-28-14

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.

From: Victoria Vigoren [mailto:victoria@washingtontappeals.com]
Sent: Monday, April 28, 2014 9:55 AM
To: OFFICE RECEPTIONIST, CLERK
Cc: Howard Goodfriend; Ian Cairns; wleedom@bblaw.com; bbeecher@hackettbeecher.com
Subject: Mutual of Enumclaw Ins. Co. v. Gregg Roofing, Inc., Cause No. 89873-1

Attached for filing is Petitioner's Statement of Additional Authority, in *Mutual of Enumclaw Insurance Co. v. Gregg Roofing, Inc.*, Cause No. 89873-1. The attorney filing this document is Howard M. Goodfriend, WSBA No. 14355, e-mail address: howard@washingtontappeals.com.

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