

72227-1

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No. 72227-1-1

COURT OF APPEALS  
DIVISION I  
OF THE STATE OF WASHINGTON

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CAMILLE PALMER, an individual,

Appellant,

v.

RAINBOW FACTORY SHOWROOM, LLC, a Washington Corporation,

Respondent.

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APPELLANT CAMILLE PALMER'S REPLY BRIEF

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STATE OF WASHINGTON  
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ORIGINAL

The Respondent's brief cites commentary on the policy behind the doctrine of *res ipsa loquitur*, but neither cites nor discusses in any meaningful way the actual elements of the doctrine, to wit:

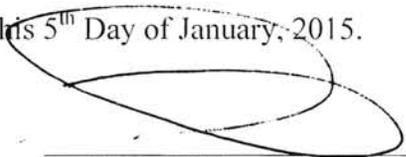
"...the plaintiff asserts that he or she suffered injury, the cause of which cannot be fully explained, and the injury is of a type that would not ordinarily result if the defendant were not negligent."

Robison v. Cascade Hardwoods, Inc., 117 Wn. App. 552, 563, 73 P.3d 244 (2003). The whole point of the doctrine is that there exist cases where, though the exact cause of the injury is unknown, "the thing [injury] speaks for itself". Respondent offers no evidence "completely explanatory" of how the accident happened, Curtis v. Lein, 169 Wn.2d 884, 894, 2010 (res ipsa loquitur inapplicable only where there is evidence "that is completely explanatory of how an accident occurred and no other inference is possible that the injury occurred another way"). Indeed, Respondent emphasizes in its brief that there is **no readily apparent explanation for the Plaintiff's severe hand injury**, though on the record there is no dispute that it occurred (1) as she travelled down the slide, with (2) no comparative fault on her part. See Respondent's Brief, pp. 6, 7.

#### CONCLUSION

Judgment should be reversed.

Respectfully submitted on this 5<sup>th</sup> Day of January, 2015.

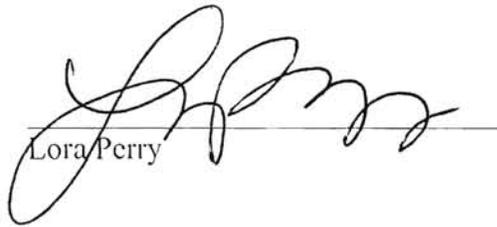
  
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**PROOF OF SERVICE**

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct: That on 5<sup>th</sup> day of January, 2015, I arranged for service VIA U.S. MAIL of the foregoing APPELLANT PALMER'S REPLY BREIF to the parties to this action as follows:

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