

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
11/9/2017 3:28 PM  
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IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

DAVIS WRIGHT TREMAINE, LLP	No. 94839-9
Respondent,	
v.	
FREDRICK PETERSON,	STATEMENT OF ADDITIONAL AUTHORITY
Petitioner.	

Pursuant to RAP 10.8, Petitioner Fredrick Peterson submits the following additional authorities, which relate to Petitioner's argument in his Petition for Review that neither party was the prevailing party. *See* Petition for Review at 3-7:

*Torgerson v. One Lincoln Tower, LLC*, 166 Wn.2d 510, 210 P.3d 318 (2009) at 525 (Defendant Sellers who admitted breach and had judgment entered against them were nevertheless held to have been the substantially prevailing parties at trial and therefore entitled to award of attorney fees).

*Phillips Bldg. Co., Inc. v. An*, 81 Wn. App. 696, 915 P.2d 1146 (1996) at 702 (When both parties to an action are afforded some measure of relief and there is no singularly prevailing party, neither party may be entitled to attorney fees).

Respectfully submitted this 9<sup>th</sup> day of November, 2017.

*/s/ Dennis J. McGlothin*

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**CERTIFICATE OF SERVICE**

The undersigned certifies under penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the below written date, I caused delivery of a true copy of Statement of Additional Authority to the following individuals by Electronic Upload sent via the Court:

Anthony S. Wisen  
Davis Wright Tremaine LLP  
1201 Third Avenue, Suite 2200  
Seattle, WA 98101-3045  
tonywisen@dwt.com

DATED this 9<sup>th</sup> day of November, 2017, at Edmonds, Washington

*/s/ Lindsey M. Matter*

\_\_\_\_\_  
Lindsey M. Matter  
Paralegal

**WESTERN WASHINGTON LAW GROUP, PLLC**

**November 09, 2017 - 3:28 PM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 94839-9  
**Appellate Court Case Title:** Davis Wright Tremaine, LLP v. Frederick Peterson  
**Superior Court Case Number:** 14-2-01986-6

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