

FILED
SUPREME COURT
STATE OF WASHINGTON
4/27/2020 3:05 PM
BY SUSAN L. CARLSON
CLERK

SUPREME COURT
OF THE STATE OF WASHINGTON

THE PHOENIX INSURANCE
COMPANY, a foreign corporation,

Petitioner.

v.

MICHELSSEN PACKAGING
COMPANY, a Washington
Corporation, NORTHWEST
WHOLESALE INCORPORATED, a
Washington Corporation, and DOES 1-
20,

Respondents.

No. 98261-9

STATEMENT OF
ADDITIONAL
AUTHORITIES

COMES NOW the petitioner, and submits the following additional
authorities to the Court pursuant to RAP 10.8:

- *Schulz v. State*, __ Wn. App. 2d __, 459 P.3d 1090 (2020) (Division III recognizes DNR's statutory and common law duties as a landowner to prevent the spread of fire to neighbors' properties, citing RCW 76.04, *Oberg*, and *Sandberg*).

DATED this 27th day of April, 2020

Respectfully submitted,

/s/ Philip A. Talmadge
Philip A. Talmadge, WSBA #6973
Aaron P. Orheim, WSBA #47670
Talmadge/Fitzpatrick
2775 Harbor Avenue SW
Third Floor, Suite C
Seattle, WA 98126
(206) 574-6661

Mark C. Bauman (*pro hac vice*)
Christopher J. Brennan, WSBA #43605
Bauman Loewe Witt & Maxwell, PLLC
8765 East Bell Road, Suite 210
Scottsdale, AZ 85260
(480) 502-4664

Attorneys for Petitioner
Phoenix Insurance Company

DECLARATION OF SERVICE

On said day below I electronically served a true and accurate copy of the *Statement of Additional Authorities* in Supreme Court Cause No. 98261-9 to the following:

A. Troy Hunter, WSBA #29243
Issaquah Law Group PLLC
410 Newport Way NW, Suite C
Issaquah, WA 98027

Mark C. Bauman (*pro hac vice*)
Christopher J. Brennan, WSBA #43605
Bauman Loewe Witt & Maxwell, PLLC
8765 East Bell Road, Suite 210
Scottsdale, AZ 85260

A. Grant Lingg, WSBA #24277
Scott A. Samuelson, WSBA #23363
Forsberg & Umlauf PS
901 5th Ave., Suite 1400
Seattle, WA 98801

Copy electronically served via appellate portal to:
Washington Supreme Court
Clerk's Office

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

DATED: April 27, 2020, at Seattle, Washington.

/s/ Sarah Yelle
Sarah Yelle, Legal Assistant
Talmadge/Fitzpatrick

TALMADGE/FITZPATRICK

April 27, 2020 - 3:05 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 98261-9
Appellate Court Case Title: Phoenix Insurance Co. v. Michelsen Packaging Co., et al.
Superior Court Case Number: 18-2-00109-3

The following documents have been uploaded:

- 982619_Briefs_20200427150413SC170000_3894.pdf
This File Contains:
Briefs - Petitioners Additional Authorities
The Original File Name was Stmt of Add Authorities.pdf

A copy of the uploaded files will be sent to:

- Aaron@tal-fitzlaw.com
- Kathleen@Issaquahlaw.com
- cbrennan@blwmlawfirm.com
- glingg@foum.law
- matt@tal-fitzlaw.com
- sarah@tal-fitzlaw.com
- ssamuelson@foum.law
- swalker@foum.law
- troy@injurylawgroupnw.com

Comments:

Statement of Additional Authorities

Sender Name: Sarah Yelle - Email: sarah@tal-fitzlaw.com

Filing on Behalf of: Philip Albert Talmadge - Email: phil@tal-fitzlaw.com (Alternate Email: matt@tal-fitzlaw.com)

Address:
2775 Harbor Avenue SW
Third Floor Ste C
Seattle, WA, 98126
Phone: (206) 574-6661

Note: The Filing Id is 20200427150413SC170000