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STATE OF WASHINGTON
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No. 99834-5

SUPREME COURT
OF THE STATE OF WASHINGTON

No. 81169-0-I

COURT OF APPEALS
DIVISION I
OF THE STATE OF WASHINGTON

MAPLEHURST BAKERIES, LLC,

Appellant/Petitioner,

v.

JOHN BEAN TECHNOLOGIES CORPORATION; and PRECISION
INDUSTRIAL CONTRACTORS, INC.,

Respondents.

**RESPONDENT JOHN BEAN TECHNOLOGIES
CORPORATION'S ANSWER IN OPPOSITION TO
MAPLEHURST'S PETITION FOR REVIEW**

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I. INTRODUCTION

Respondent John Bean Technologies Corporation (“JBT”) submits this answer in opposition to Petitioner Maplehurst Bakeries, LLC’s (“Maplehurst”) Petition for Review filed on May 26, 2021 (“Petition”). The Petition fails to meet any of the criteria enumerated by Rule 13.4(b) of the Rules of Appellate Procedure. Therefore, the Court should deny review of this case.

II. STATEMENT OF THE CASE

In violation of the forum selection clause in the parties’ contract, Maplehurst sued JBT in the Superior Court of King County, Washington on August 2, 2019, claiming damages arising out of work performed under the contract. CP 1-9.

On December 20, 2019, the Superior Court granted JBT’s motion to dismiss for improper venue. CP 157-58. The trial court denied Maplehurst’s motion for reconsideration on January 9, 2020. CP 179-80.

On April 26, 2021, the Court of Appeals issued its opinion (“Opinion”) affirming the dismissal of Maplehurst’s action. Pet. at App. A-1 to A-8. On May 28, 2021, the Court of Appeals denied Maplehurst’s motion to publish. App. 1-1.

III. ARGUMENT

A petition for review will be accepted by the Supreme Court only:

- (1) If the decision of the Court of Appeals is in conflict with a decision of the Supreme Court; or
- (2) If the decision of the Court of Appeals is in conflict with a published decision of the Court of Appeals; or
- (3) If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or
- (4) If the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

RAP 13.4(b). None of the four criteria apply in this case.

A. The Court of Appeals decision is not in conflict with a decision of the Supreme Court.

In its Petition, Maplehurst does not identify any Supreme Court decision in conflict with the Opinion in this case. Accordingly, this criterion does not apply.

B. The Court of Appeals decision is not in conflict with a decision of the Court of Appeals.

Maplehurst hangs its hat on a strained interpretation of *Voicelink Data Servs., Inc. v. Datapulse, Inc.*, 86 Wn.App. 613, 937 P.2d 1158 (1997). Maplehurst argues that *Voicelink* cites with approval the Utah case, *Prows v. Pinpoint Retail Sys., Inc.*, 868 P.2d 809, 813 (Utah 1993). Pet. at 13 n.39. However, the Court of Appeals rejected Maplehurst's interpretation:

[Maplehurst] appears to say that the Washington case of *Voicelink* cites *Prows* with approval for the proposition that a forum selection clause forcing a party to litigate in two

venues is unjust. See *Voicelink*, 86 Wn. App. at 619 n. 3. But *Voicelink* does not purport to approve of *Prows*. Rather, the case deems *Prows* as “readily distinguishable” and “inapposite to the case at hand.” *Id.*

Pet. at App. A-4 to A-5. In any event, *Prows* is not binding precedent in Washington.

Furthermore, the Opinion cites to *Voicelink* as authority for the rule that Washington courts enforce forum selection clauses unless they are unreasonable and unjust. Pet. at App. A-3. The decision of the Court of Appeals in this case is consistent with Washington law and does not conflict with any prior decision.

C. No significant question of law under the Constitution of the State of Washington or of the United States is involved.

Maplehurst baldly declares that the decision of the Court of Appeals raises a “new and significant question of law under the Washington and United States Constitution.” Pet. at 18. However, Maplehurst does not cite to any provision of the Washington or United States Constitutions that is implicated, nor does it explain its conclusory statement other than to say that jurisdiction is a paramount concern in any legal analysis. *Id.* at 19. Accordingly, the Court should disregard this argument.

D. The Petition does not involve an issue of substantial public interest.

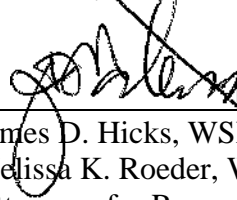
Similar to its constitutional analysis, Maplehurst alleges that the Opinion involves an issue of substantial public interest without citing to any formal expression of public policy affected by the Opinion. If Maplehurst's constitutional and public interest analyses were correct, then the boundaries of discretionary review would be obliterated, and any party receiving an unfavorable ruling from the Court of Appeals would be entitled to review by the Supreme Court. The Court should reject these thin arguments and conclude that Maplehurst has not satisfied any of Rule 13.4(b)'s criteria.

IV. CONCLUSION

There is nothing extraordinary about the Opinion that deserves review by the Washington Supreme Court. To the contrary, the Court of Appeals applied well-established Washington law to affirm the trial court's enforcement of a forum selection clause that Maplehurst agreed to. Therefore, JBT respectfully requests that the Court deny Maplehurst's Petition for Review.

RESPECTFULLY SUBMITTED this 25th day of June, 2021.

FOLEY & MANSFIELD, PLLP

A handwritten signature in black ink, appearing to read "J. Hicks", is written over a horizontal line. The signature is stylized and cursive.

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APPENDIX

Maplehurst Bakeries v. John Bean Technologies, et al., Court of Appeals Div. I Case No. 81169-0-01

John Bean Technologies Corporation's Answer to Maplehurst's Petition for Review

Pages	Court Filing Date	Description
1-1	May 28, 2021	Order Denying Motion to Publish

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

MAPLEHURST BAKERIES, LLC, an
Indiana limited liability company,

Appellant,

v.

JOHN BEAN TECHNOLOGIES
CORPORATION, a Delaware
corporation; and PRECISION
INDUSTRIAL CONTRACTORS, INC., a
Washington corporation,

Respondents.

No. 81169-0-I

ORDER DENYING
MOTION TO PUBLISH

Appellant Maplehurst Bakeries, LLC, has moved to publish the opinion filed on April 26, 2021. Following consideration of the motion, the panel has determined the motion should be denied.

Now, therefore, it is hereby

ORDERED that the motion to publish is denied.

FOR THE COURT:



CERTIFICATE OF SERVICE

The undersigned states:

I am a citizen of the United States of America and a resident of the State of Washington. I am over the age of 18 years; I am not a party to this action; and I am competent to be a witness herein.

On this 25th day of June, 2021, I caused to be filed the foregoing Respondent John Bean Technologies Corporation’s Answer in Opposition to Maplehurst’s Petition for Review and Appendix.

I also served a copy of said document via Email and Electronic filing on the following parties below:

Mark S. Anderson, WSBA # 17951 Macee Utecht, WSBA #55465 Cozen O’Connor 999 Third Avenue, Suite 1900 Seattle, WA 98104 manderson@cozen.com mutecht@cozen.com Attorneys for Appellant Maplehurst Bakeries, LLC	Jeffrey Daly, WSBA # 26915 Stephanie Ballard, WSBA # 49268 Preg O’Donnell & Gillett 901 5 th Avenue, Suite 3400 Seattle, WA 98164 JDaly@pregodonnell.com jdaly@poglaw.com SBallard@pregodonnell.com Attorneys for Defendant/ Respondent Precision Industrial Contractors, Inc.
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I declare under penalty of perjury under the laws of the State of Washington that foregoing is true and correct.

Executed at Seattle, Washington, this 25th day of June, 2021.

/s/ Lori Burley
Lori Burley

FOLEY & MANSFIELD

June 25, 2021 - 10:24 AM

Transmittal Information

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Appellate Court Case Number: 99834-5
Appellate Court Case Title: Maplehurst Bakeries, LLC v. John Bean Technologies Corp., et ano.

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