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NO. 74212-4-I

COURT OF APPEALS, DIVISION I

OF THE STATE OF WASHINGTON

GENE BUSROE and SUE BUSRO,
husband and wife,

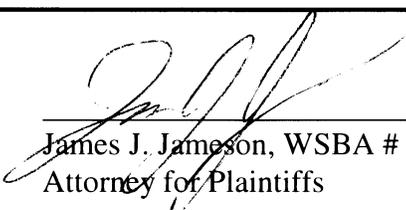
Plaintiffs/Appellants

v.

DREAMERS ROD, CUSTOM &
PICK-UPS N.W., INC.,

Defendants/Respondents

REPLY BRIEF OF APPELLANTS


James J. Jameson, WSBA # 11490
Attorney for Plaintiffs

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STATE OF WASHINGTON
COURT OF APPEALS
DIVISION I
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ARGUMENT

As set forth in the opening brief of Appellants, the trial court's error in finding that the pickup was painted three years after the bead blasting process was central to its conclusion that Defendant was not liable to Plaintiffs for the improper paint job. Appellants' Statement of the Case in their opening brief sets forth the uncontroverted facts which clearly show that no evidence supported this finding by the trial court. Respondent's brief states that an employee of Defendant helped unload some parts on September 28, 2006 and then, with no evidence to support it, concludes that this unloading was post bead blasting. (Brief of Respondent pages 4-6). There is simply no evidence to support this conclusion. In fact, the testimony of the owner of Defendant, Craig Leckner, is that this time frame is when the rusted hulk and assorted parts were first brought in. (RP Vol. II, page 7 lines 20-22). Appellant's opening brief at page 5 sets forth the undisputed testimony of Gene Busroe that the bead blasting occurred shortly before the painting of the vehicle and not three years prior to painting.

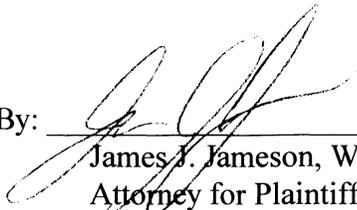
CONCLUSION

In conclusion, nothing in the Brief of Respondent contradicts the undisputed evidence that the bead blasting process took place shortly before the painting of the vehicle, rather than three years earlier as erroneously found by the trial court. Given that this finding was the lynchpin to the court's conclusion that Defendant was not liable to Plaintiffs for their damages (a fact not disputed in the Brief of Respondent) it is requested that this court reverse the trial court's Order Granting Judgment in favor of Defendant and Dismissing the Complaint with Prejudice and to order a new trial on Plaintiff's Amended Complaint.

DATED: August 11, 2016

RESPECTFULLY SUBMITTED:

By: _____


James J. Jameson, WSBA # 11490
Attorney for Plaintiffs

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IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON, DIVISION I

GENE BUSROE and SUE BUSROE,
husband and wife,

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DECLARATION OF MAILING

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COURT OF APPEALS
STATE OF WASHINGTON

I, Sunni Bailey, declare that on the 11th day of August, 2016, I deposited in the U.S. Mail, postage prepaid thereon, an envelope directed to:

Thomas L. Hause
Gourley Law Group
P.O. Box 1091
Snohomish, WA. 98291-8092

Said envelope contained Reply Brief of Appellants

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

Signed at Everett, Washington this 11th day of August, 2016.


Sunni Bailey
Legal Assistant

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