

COURT OF APPEALS, DIVISION II,  
OF THE STATE OF WASHINGTON

JAMES and DEBORAH SHARBONO,  
individually and the marital community  
composed thereof,

Respondents,

vs.

UNIVERSAL UNDERWRITERS  
INSURANCE COMPANY, a foreign  
insurer,

Appellant,

LEN VAN DE WEGE and "JANE  
DOE" VAN DE WEGE, husband and  
wife and the marital community  
composed thereof,

Defendant,

CLINTON L. TOMYN, individually and  
as Personal Representative of the Estate  
of CYNTHIA L. TOMYN, deceased;  
and as Parent/Guardian of NATHAN  
TOMYN, AARON TOMYN, and  
CHRISTIAN TOMYN, minor children,

Respondents.

NO. 38425-6-II

STATEMENT OF  
ADDITIONAL  
AUTHORITY

APPELLANT'S EXHIBIT  
STATE OF WASHINGTON  
COURT OF APPEALS, DIVISION II  
CLINTON L. TOMYN

COMES NOW appellant Universal Underwriters Insurance  
Company and submits the following authority to the Court pursuant to  
RAP 10.8:

- *Woo v. Fireman's Fund Ins. Co.*, Docket No. 61571-8 (Court of Appeals, Div. I, filed May 19, 2009) (governing interest rate for judgment based on tortious conduct of defending insurer including bad faith and CPA is the tort judgment rate specified in RCW 4.56.110(3), not the contract rate, further showing trial court decision was erroneous).

DATED this 20th day of May, 2009.

Respectfully submitted,

*Philip A. Talmadge*

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Attorneys for Appellant  
Universal Underwriters Insurance Co.

DECLARATION OF SERVICE

On said day below, I sent by email and deposited with the U.S. Postal Service a true and accurate copy of the Statement of Additional Authority in Court of Appeals Cause No. 38425-6-II to the following parties:

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Original sent by fax for filing with:

Court of Appeals, Division II  
950 Broadway, Suite 300  
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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: May 20, 2009, at Tukwila, Washington.

  
Paula Chapler, Legal Assistant  
Talmadge/Fitzpatrick

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**FAX COVER SHEET**

TO: Court of Appeals, Division II  
Fax No.: (253) 593-2806  
FROM: Paula Chapler  
Talmadge/Fitzpatrick  
RE: **Sharbono v. Universal**  
**Court of Appeals Cause No. 38425-6-II**  
DATE: May 20, 2009

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STATE OF WASHINGTON

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