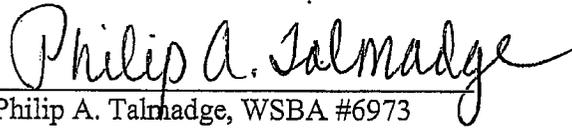


- *Falk v. Keene Corp.*, 113 Wn.2d 645, 782 P.2d 974 (1989) (a plaintiff may establish liability against a manufacturer under RCW 7.72.030 by showing that the product was unsafe to an extent beyond that which would be contemplated by the ordinary consumer);
- *Soproni v. Polygon Apartment Partners*, 137 Wn.2d 319, 971 P.2d 500 (1999) (consumer expectations test may be employed to judge whether a design of product was unsafe for purposes of RCW 7.72.030).

DATED this ~~28th~~ day of October, 2008.

Respectfully submitted,



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2008 OCT 28 P 4: 30 DECLARATION OF SERVICE

BY RONALD R. CARPENTER

On said day below I deposited in the U. S. Mail a true and accurate copy of the following documents: Statement of Additional Authorities, Supreme Court Cause No. 80728-1, to the following:

Timothy K. Thorson Neal J. Philip Linda B. Clapham Jason W. Anderson Carney Badley Spellman PS 701 5 th Avenue, Suite 3600 Seattle, WA 98104	Delaney L. Miller Landerholm Memovich Lansverk & Whiteside 805 Broadway St, Suite 1000 Vancouver, WA 98660-3343
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Original sent by email for filing:

Clerk of the Court
Supreme Court
415 12th Street W.
PO Box 40929
Olympia, WA 98504-0929

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: October 28, 2008, at Tukwila, Washington.

A handwritten signature in cursive script, appearing to read "Paula Chapler", written over a horizontal line.

Paula Chapler, Legal Assistant
Talmadge/Fitzpatrick