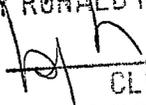


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THE SUPREME COURT OF THE STATE OF WASHINGTON  
BY RONALD R. CARPENTER

  
CLERK

MICHAEL BROOM, KEVIN  
BROOM and ANDREA BROOM,

Respondents,

v.

MORGAN STANLEY DW INC.,  
and KIMBERLY ANN  
BLINDHEIM,

Petitioners.

NO. 82311-1

PETITIONERS' SECOND  
STATEMENT OF  
ADDITIONAL AUTHORITIES

C/A NO. 60115-6-I

COME NOW the Petitioners Morgan Stanley DW Inc. and  
Kimberly Anne Blindheim and submit the following additional authorities  
to the Court pursuant to RAP 10.8:

1. In *Kitsap County Deputy Sheriff's Guild v. Kitsap County*, 167  
Wn. 2d 428, 434-35, 219 P.3d 675, 678, 2009 Wash. LEXIS 979 at  
\* 7 (2009), the Supreme Court of Washington stated in the context  
of a labor arbitration that “[r]eviewing an arbitration decision for  
mistakes of law or fact would call into question the finality of  
arbitration decisions and undermine alternative dispute resolution”  
and that “a more extensive review of arbitration decisions would  
weaken the value of bargained for, binding arbitration and could  
damage the freedom of contract.” The Court also stated that

“[w]hen parties voluntarily submit to binding arbitration, they generally believe that they are trading their right to appeal an arbitration award for a relatively speedy and inexpensive resolution to their dispute.” *Id.* (quoting *Clark County Pub. Util. Dist. No. 1 v. Int’l Bhd. of Elec. Workers*, 150 Wn. 2d 237, 247, 76 P.3d 248 (2003)).

The *Kitsap County* case relates to the issue of whether application of the “legal error on the face of the award” standard for judicial review is harmful to arbitration because it undermines its essential attributes of expediency, efficiency and finality. *See Supplemental Brief of Petitioners*, pp. 12-13; *Brief of Appellants*, p. 16.

RESPECTFULLY SUBMITTED this 21st day of January, 2010

SCHWABE, WILLIAMSON & WYATT, P.C.

By: 

Michael T. Garone, WSBA #30113

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Facsimile: 503-796-2900

Attorney for Petitioners

**DECLARATION OF SERVICE**

I, Michael T. Garone, hereby certify that I mailed a copy of the foregoing PETITIONERS' STATEMENT OF ADDITIONAL AUTHORITIES to the following parties via United States first-class mail with postage prepaid on the 21st day of January, 2010:

<p>Michael T. Schein Kevin P. Sullivan Sullivan &amp; Thoreson 701 5<sup>th</sup> Ave., Suite 4600 Seattle, WA 98104-7068</p> <p>Of Attorneys for Respondents</p>	<p>David Paltzik, Esq. Greenberg Traurig, P.A. 2375 E. Camelback Road, Suite 700 Phoenix, AZ 85016</p> <p>Bradford D. Kaufman, Esq. Jason M. Fedo, Esq. Greenberg Traurig, P.A. 777 S. Flagler Drive, Suite 300 East West Palm Beach, FL 33401</p> <p>Ira Hammerman Kevin Carroll Securities Industry 11001 New York Ave. NW Washington, DC 20005</p> <p>Of Attorneys for Amicus The Securities Industry and Financial Markets Association for Justice Foundation</p>
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<p>George M. Ahrend Attorney at Law P. O. Box 2149 Moses Lake, WA 98837</p> <p>Bryan P. Harnetiaux Attorney at Law 517 E. 17<sup>th</sup> Avenue Spokane, WA 99203</p> <p>Of Attorneys for Amicus Washington State Association for Justice Foundation</p>	<p>Carl J. Carlson Carlson &amp; Dennett PS 1601 Fifth Avenue, Suite 2150 Seattle, WA 98101</p> <p>Joseph C. Long University of Oklahoma Law School 2609 Acacia Court Norman, OK 73072</p> <p>Of Attorneys for Amicus Public Investors Arbitration Bar Association</p>
<p>Larry H. Vance Winston &amp; Cashatt 601 W. Riverside Avenue, Suite 1900 Spokane, WA 99201</p> <p>Of Attorneys for Associated General Contractors of Washington</p>	

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 Attorney for Petitioners

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**CERTIFICATE OF FILING** RONALD R. CARPENTER

I, Michael T. Garone, hereby certify that I filed the original and  
one copy of the foregoing PETITIONERS' STATEMENT OF  
ADDITIONAL AUTHORITIES on the Clerk of the Washington Supreme  
Court, 415 12th Ave SW, P.O. Box 40929, Olympia, WA 98504-0929, via  
Federal Express on the 21st day of January, 2010, with postage prepaid.

SCHWABE, WILLIAMSON & WYATT,  
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