

SUPREME COURT  
OF THE STATE OF WASHINGTON

JUSTIN ENDICOTT, an individual,  
  
Respondent,  
  
v.  
  
ICICLE SEAFOODS, INC., an Alaska  
corporation,  
  
Appellant.

NO. 82635-8  
  
STATEMENT OF  
ADDITIONAL  
AUTHORITIES

RECEIVED  
SUPREME COURT  
STATE OF WASHINGTON  
09 SEP 18 PM 4:45  
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CLERK

COMES NOW the respondent Justin Endicott and submits the following additional authorities to the Court pursuant to RAP 10.8:

- *Hughes v. The Cape Caution*, 2003 WL 21715869 (W.D. Wash. 2003) (under the Jones Act, defendants have no right to demand a jury trial);
- *Simangunsong v. The Alaska Victory*, 2005 WL 2207018 (W.D. Wash. 2005) (same);
- *Anderson v. Foss Maritime Co.*, 2006 WL 4113463 (Wash. Super. 2006) (in a Jones Act case only the plaintiff has the right to demand a jury; federal substantive law controls, not the forum);
- *Lockwood v. AC&S, Inc.*, 109 Wn.2d 235, 744 P.2d 605 (1987) (3 letters written by company's director of environmental affairs held admissible under ER 801(d)(2); authority to speak inferred from company position);
- *Momah v. Bharti*, 144 Wn. App. 731, 182 P.3d 455 (2008), review denied, 165 Wn.2d 1027 (2009) (ER 801(d)(2) applies to an attorney's posting of informational printouts on his website; by posting the information on his website, the attorney adopted of the truth of the statements; such

FILED AS  
ATTACHMENT TO EMAIL

Statement of Additional Authorities - 1

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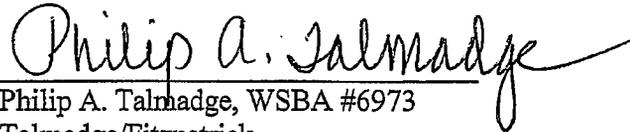
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actions constituted admission of a party opponent);

- *Saldivar v. Momah*, 145 Wn. App. 365, 186 P.3d 1117 (2008), *review denied*, 165 Wn.2d 1049 (2009) (plaintiff originally complained to the Medical Quality Assurance Commission about the defendant physician. Plaintiff then sued the physician and the physician was allowed to introduce into evidence a memorandum written by the MQAC investigator summarizing the plaintiff's complaint under ER 801(d)(2) as admission of party opponent).

DATED this 18<sup>th</sup> day of September, 2009.

Respectfully submitted,



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DECLARATION OF SERVICE

On this day said forth below, I emailed and deposited with the U.S. Postal Service a true and accurate copy of: Statement of Additional Authorities in Supreme Court Cause No. 82635-8 to the following parties:

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Original sent by email for filing with:  
Washington Supreme Court  
Clerk's Office  
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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: September 18, 2009 at Tukwila, Washington.

  
Paula Chapler, Legal Assistant  
Talmadge/Fitzpatrick

DECLARATION