

Appellant, David Moeller, respectfully submits *Mayer v. Sto Industries, Inc.*, Case No. 76720-3, ___ Wn.2d ___, ___ P.3d ___ (2006) as supplemental authority in the above-captioned matter. *Mayer v. Sto Industries, Inc.*, which was decided in the context of damage to real property, holds that where the damage to property is permanent, a plaintiff is entitled to recovery for the costs of restoration and repair and also for the property's diminished value. *Slip Opinion at p. 9*; (citing *Pugel v. Monheimer*, 83 Wn. App. 688, 692, 922 P.2d 1377 (1996), and *Grant v. Leith*, 67 Wn.2d 234, 237, 407 P.2d 157 (1965)).

RESPECTFULLY SUBMITTED this 11th day of April, 2006.

LOWENBERG, LOPEZ & HANSEN, P.S.



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