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SUPREME COURT  
STATE OF WASHINGTON  
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IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

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BRIAN FAIR and SHIRLEY FAIR  
and the marital community composed  
thereof,

Appellants,

v.

LESLIE ALAN POWERS and  
PATRICIA POWERS, husband and  
wife, and KEITH THERRIEN and  
MARSHA THERRIEN, husband and  
wife,

Respondents.

No. 88846-9

STATEMENT OF  
ADDITIONAL  
AUTHORITIES

Respondents Leslie Alan Powers and Patricia Powers, Keith Therrien and Marsha Therrien (collectively, "Powers") submit the following statement of additional authorities regarding an issue of fact raised at oral argument.

Powers stated in response to questioning by the Court at oral argument that the trial court found as undisputed that TCG reimbursed Fair for attorney fees expended in the TCG-LKO contract action. Acknowledging that the trial court's findings are superfluous on summary judgment, the undersigned counsel committed to finding and referencing the underlying evidence for the trial court's finding. The relevant evidence is referenced below by CP number, and has been appended

Statement of Additional Authorities - 1

Talmadge/Fitzpatrick  
18010 Southcenter Parkway  
Tukwila, Washington 98188-4630  
(206) 574-6661 (206) 575-1397 Fax

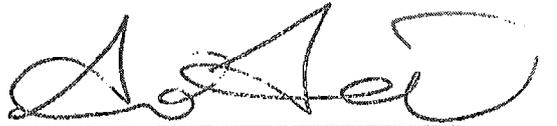
 ORIGINAL

hereto for ease of reference.

- CP 356-58 (excerpt of deposition transcript of Brian Fair dated March 16, 2011)

DATED this 8<sup>th</sup> day of October, 2013.

Respectfully submitted,



Sidney Tribe, WSBA #33160

Talmadge/Fitzpatrick

18010 Southcenter Parkway

Tukwila, WA 98188

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Attorneys for Respondents Leslie Alan Powers  
and Patricia Powers, Keith Therrien and  
Marsha Therrien



1 Q -- over the ownership issues, when it came to Brian Fair  
2 personally, as I understand there comes a point in time where  
3 you began to be represented by Lacy Kane, correct?

4 A Uh-huh.

5 Q In the beginning both you personally and TCG were represented  
6 by Eisenhower Carlson; is that correct?

7 A Yes.

8 Q During the period of time that your personal legal  
9 representation was being provided by Eisenhower & Carlson in  
10 the ownership litigation was TCG paying their bills?

11 A Yes.

12 Q When you started having your own attorney, Lac-- here at Lacy  
13 Kane in the ownership dispute, did TCG pay Lacy Kane's  
14 billings?

15 A Yes.

16 Q Were there ever any Lacy Kane or Eisenhower billings for the  
17 ownership dispute that you personally paid?

18 A No.

19 Q Were there ever any billings of either Lacy Kane or  
20 Eisenhower that your wife personally paid?

21 A No.

22 Q Were there ever any legal fees or costs associated with the  
23 ownership dispute that were incurred for Brian Fair  
24 personally and his wife that you and your wife personally  
25 paid as opposed to TCG paying?

1 A No.

2 MR. SMITH: Object to form.

3 A No.

4 Q That doesn't strike you as less than -- being less than  
5 forthright?

6 MR. SMITH: Object to form.

7 THE WITNESS: Can I answer?

8 MR. SMITH: Yes.

9 A No.

10 Q Okay. So has TCG since reimbursed you the money?

11 A No.

12 Q Is it -- is that the plan that they will?

13 A It will be distributed.

14 Q What does that mean?

15 A It doesn't need to sit in a TCG account.

16 Q So it will be distributed to whom?

17 A To -- to Brian.

18 Q As what?

19 A As a dividend.

20 Q Okay.

21 A It has been distributed.

22 Q It already has been?

23 A Yes.

24 Q So let me make sure I have the circle.

25 A Uh-huh.

1 Q So for -- I can't remember when the ownership case got filed.  
2 Was it back in 2007?

3 A Yes.

4 Q Okay. So from 2007 until December of 2010 LKO funds legal  
5 expenses for Brian Fair personally? Do I have that right?

6 A Yes.

7 Q Then in December of 2010, in January 2011, around the same  
8 time Brian Fair is going to be asking for his personal legal  
9 fees, Brian Fair writes some checks for about three-quarters  
10 of those monies back to TCG? Do I have that right?

11 A In December 2010?

12 Q Yeah.

13 A That's what I -- I -- yeah.

14 Q Since then --

15 A Uh-huh.

16 Q -- you've distributed those monies back to Brian Fair through  
17 the form of distributions? Do I have that right?

18 A Yes.

19 Q Okay.

20 MR. KELLER: I got on a tangent there and I burned  
21 up more clock than I was hoping for. I still want to make my  
22 projection here on time.

23 MR. SMITH: I appreciate that.

24 A What is the projection?

25 Q (By Mr. Keller) Well, I have a drop-dead of 6:30 --

DECLARATION OF SERVICE

On said day below I emailed a courtesy copy and deposited with the U.S. Postal Service a true and accurate copy of Statement of Additional Authorities in Supreme Court Cause No. 88846-9 to the following:

Catherine Wright Smith  
Smith Goodfriend PS  
1619 8<sup>th</sup> Avenue North  
Seattle, WA 98109-3007

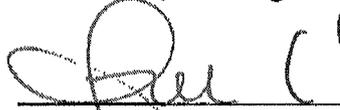
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Original efiled with:  
Washington Supreme Court  
Clerk's Office  
415 12<sup>th</sup> Street West  
Olympia, WA 98504-0929

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 8, 2013 at Tukwila, Washington.



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Ireli Colon, Paralegal  
Talmadge/Fitzpatrick

## OFFICE RECEPTIONIST, CLERK

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**To:** Irelis Colon  
**Subject:** RE: LK Operating LLC v. The Collection Group, LLC et al - Cause No. 88846-9

Rec'd 10-8-13

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**From:** Irelis Colon [<mailto:irelis@tal-fitzlaw.com>]  
**Sent:** Tuesday, October 08, 2013 3:12 PM  
**To:** OFFICE RECEPTIONIST, CLERK  
**Subject:** LK Operating LLC v. The Collection Group, LLC et al - Cause No. 88846-9

Dear Clerk:

Attached please find the Statement of Additional Authorities for the following case:

**Case Name:** LK Operating LLC v. The Collection Group, LLC et al

**Supreme Court Cause No.:** 88846-9

**Attorney for Respondent:** Sidney Tribe, WSBA #33160  
Talmadge/Fitzpatrick PLLC  
18010 Southcenter Parkway  
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Tel: 206-574-6661  
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Sincerely,

**IRELIS COLON (IRIS)**  
*Paralegal*  
Talmadge/Fitzpatrick, PLLC

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