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**SUPREME COURT OF THE STATE OF WASHINGTON**

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THE STATE OF WASHINGTON,

Respondent,

v.

KONINKLIJKE PHILIPS ELECTRONICS N.V., PHILIPS  
ELECTRONICS NORTH AMERICA CORPORATION, TOSHIBA  
CORPORATION, TOSHIBA AMERICA ELECTRONIC  
COMPONENTS, INC., LG ELECTRONICS, INC., LG  
ELECTRONICS U.S.A., INC., HITACHI, LTD., HITACHI  
DISPLAYS, LTD. (N/K/A JAPAN DISPLAY INC.), HITACHI  
ELECTRONICS DEVICES (USA)  
INC., AND HITACHI ASIA, LTD.)

Petitioners.

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**ANSWER TO PETITION FOR REVIEW**

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**ORIGINAL**

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## I. INTRODUCTION

Defendants participated in a massive criminal conspiracy to fix the prices of cathode ray tubes (CRTs) distributed throughout the United States and purchased in Washington State in countless consumer goods, such as televisions and computer monitors. Defendants sold hundreds of millions of price-fixed CRTs for integration into consumer goods knowing and intending that they would be sold in Washington State.

The Court of Appeals correctly concluded that 1) a federal statute of limitations does not apply to state antitrust claims; 2) the Consumer Protection Act (CPA) is clear on its face that the statute of limitations found in RCW 19.86.120 does not apply to *parens patriae* claims; and 3) because the State's *parens patriae* claims are brought for the benefit of the state, those claims are not subject to any catch-all statute of limitations.

To obtain discretionary review under RAP 13.4(b), Defendants must show that the Court of Appeals' decision (1) conflicts with another Court of Appeals decision; (2) conflicts with a Supreme Court decision; (3) involves a significant constitutional question; or (4) involves an issue of substantial public interest. Defendants have failed. While they spend most of their brief arguing that the court below misapplied precedent, they are quite careful never to claim that the decision actually *conflicts* with any of that precedent, and they never cite RAP 13.4(b)(1) or (2).

Defendants do claim that the petition involves an issue of substantial public interest under (b)(4), but they are unable to explain the public interest in limiting the State's ability to seek restitution and injunctive relief against those who engage in criminal price fixing. Review should be denied.

## II. STATEMENT OF THE ISSUES

The criteria for this Court to accept review under RAP 13.4 are not met in this case, and the Court should therefore deny review. If review were accepted, the issues would be:

1. Is a *parens patriae* suit, brought by the State under the Consumer Protection Act to seek injunctive relief and restitution on behalf of state consumers who may not otherwise seek relief, an action "in the name or for the benefit of the state," for purposes of RCW 4.16.160?
2. Is a *parens patriae* suit, brought by the State under RCW 19.86.080, subject to the CPA's four-year statute of limitations which, by its very language, applies only to RCW 19.86.090 claims?
3. Should a statute of limitations found in the federal Sherman Act, which applies to federal claims on behalf of direct purchasers, be grafted onto the State's *parens patriae* suit,

which is a purely state-law cause of action seeking relief for indirect purchasers?

### III. STATEMENT OF THE CASE

#### A. The Washington Attorney General's Action

Defendants fixed prices of CRTs<sup>1</sup> in violation of the CPA, RCW 19.86 *et. seq.* This illegal activity caused innumerable Washington residents to suffer damages and harmed the state's economy. The Attorney General filed this lawsuit in response, pursuant to RCW 19.86.030, which makes illegal "[e]very contract, combination, in the form of trust or otherwise, or conspiracy in restraint of trade or commerce." The suit seeks restitution and injunctive relief on behalf of persons residing in the State pursuant to RCW 19.86.080, damages on behalf of State agencies pursuant to RCW 19.86.090, and civil penalties pursuant to RCW 19.86.140. Compl. ¶ 27-28. Defendants' conspiracy extended to on or about November 25, 2007. The State filed its action on May 1, 2012.

#### B. Procedural History

After accepting service of process, and prior to any discovery being conducted, Defendants filed motions to dismiss the State's lawsuit

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<sup>1</sup> A cathode ray tube (CRT) is a vacuum tube containing one or more electron guns, and a fluorescent screen used to view images. It was long the predominant technology used in televisions and computer monitors and remains in widespread use today.

as barred by the statute of limitations found in RCW 19.86.120. CP at 29-37. The trial court denied the motions. CP at 95. The Court of Appeals affirmed on two grounds. First, the court held that the legislature did not intend for RCW 19.86.120 to be applied to *parens patriae* claims brought by the Attorney General. Second, the court held that the Attorney General's *parens patriae* action is sovereign in nature and is brought for the benefit of the State, thus exempting it from any otherwise applicable statute of limitations by RCW 4.16.160. By stipulation of the parties, the underlying litigation is currently stayed.

#### **IV. REVIEW SHOULD BE DENIED**

##### **A. Standard of Review**

This Court will grant review only if one or more of the factors in RAP 13.4(b) is present. Although Defendants never cite RAP 13.4(b)(1) or (2)—which require an actual *conflict* with a decision of this Court or the Court of Appeals—they spend most of their brief implying that these criteria are satisfied, arguing that the Appeals Court “departed from” or “broke with” precedent. Defendants do cite RAP 13.4(b)(4), claiming that a question of substantial public interest is raised. In reality, they have not satisfied any of these standards.

**B. The Court of Appeals Decision is Consistent with Washington Precedent**

Where Defendants do premise their arguments upon citations to precedent, they misconstrue and misread the applicable cases to create the impression that the court below has misapplied those cases. They do not, however, present any actual conflict.

**1. No Conflicting Precedent Exists as to RCW 4.16.160.**

Under federal law, there is generally no means by which indirect purchasers of price-fixed goods may seek a remedy against conspirators. Under Washington law, however, such relief is available, but only when the Attorney General brings suit as *parens patriae*, pursuant to RCW 19.86.080, on behalf of all persons residing in the state. This unique tool available to the Attorney General allows the State to seek restitution and injunctive relief on behalf of all and to protect our state economy generally.

RCW 4.16.160 contemplates precisely the type of action embodied in the CPA's *parens patriae* statute and mandates that "there shall be no limitation to actions brought in the name or for the benefit of the State, and no claim of right predicated upon the lapse of time shall ever be asserted against the State . . . ." RCW 4.16.160.

Defendants first claim that the plain language of this statute does not apply here because, in their view, the language of RCW 19.86.080

shows that a *parens patriae* claim is neither “in the name or for the benefit of the State.” Petition at 5. Defendants never made this argument in the Court of Appeals, and with good reason—it makes little sense and finds no support in precedent. Indeed, the very cases Defendants claim the Court of Appeals “departed from” refute this argument, and the Court of Appeals properly applied those cases.

Defendants first cite *Wash. State Major League Baseball Stadium Pub. Facilities Dist. v. Huber, Hunt, & Nichols-Kiewit Constr. Co.*, 165 Wn.2d 679, 202 P.3d 924 (2009) (hereafter *MLB*). In *MLB*, this Court held that an action is “‘for the benefit of the State’ under RCW 4.16.160 where it involves a duty and power inherent in the notion of sovereignty or embodied in the State constitution.” *MLB*, 165 Wn.2d at 689. The key question in evaluating whether an action is for the benefit of the State under RCW 4.16.160 is whether it “arises from . . . sovereign state powers or whether such action is proprietary and thus subject to the statute of limitation.” *MLB*, 165 Wn.2d at 686.<sup>2</sup> “The principal test for determining whether a[n] . . . act involves a sovereign or proprietary function is whether the act is for the common good or whether it is for the specific benefit or profit of the corporate entity.” Applying these rules, the court in *MLB* held that RCW 4.16.160 applied to a breach of contract action

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<sup>2</sup> There is no delegation of powers in the present case, so the question simply becomes whether the State is exercising a sovereign power.

brought by a special purpose district created by the legislature for the purpose of building a baseball stadium for the Seattle Mariners, a purpose this Court deemed a sovereign function. *MLB*, 165 Wn.2d at 690-93.

Applying these same rules here, as the Court of Appeals properly did, it is clear that the State's action falls squarely within RCW 4.16.160. *Parens patriae* claims are not brought for the specific benefit or profit of any corporate entity or state agency. They are to benefit the public. Moreover, by definition, *parens patriae* claims are sovereign functions that can only be utilized by the State.

Defendants seek to confuse the issue and create conflict with *MLB* where none exists by claiming that the Court of Appeals improperly focused on the nature of the "cause of action" rather than the nature of the underlying governmental conduct. Pet. at 7. But the Court of Appeals drew no such distinction and none exists here. The State's relevant conduct here *is* the filing of the *parens patriae* action. That conduct—in which only the state can engage—is plainly sovereign and aimed at furthering the common good, not any proprietary interest of the state. Defendants ask the Court to believe that when a public entity builds a stadium and later brings a breach of contract action against a contractor, it acts in an inherently sovereign capacity, but when the State, to benefit the public, brings a claim that from time immemorial has been reserved to the

sovereign, it does not act in a sovereign capacity. The Court should decline review of this absurd argument.

Defendants also claim the Court of Appeals misapplied *Herrmann v. Cissna*, 82 Wn.2d. 1, 507 P.2d 144 (1973), but to do so they turn that ruling on its head. *Herrmann* stands squarely for the proposition that an action by a government agency may benefit some private parties and still be undertaken primarily in the public interest. *Id.* at 6. *Herrmann* involved an action by the State Insurance Commissioner, in his capacity as the statutory rehabilitator of an insurer, against former officers and directors of the defunct insurer.

The Court in *Herrmann* specified that, “if the State is a mere formal plaintiff in a lawsuit, acting only as a conduit through which one private person can conduct litigation against another, the State is not exempt from the defense that the statute of limitations has run on the action.” *Herrmann*, 82 Wn.2d. at 5 (quoting *State v. Vinther*, 176 Wash. 391, 29 P.2d 693 (1934)). The action must also be for the benefit of the state in order for RCW 4.16.160 to apply.

In holding that the State’s action was indeed for the benefit of the state in *Herrmann*, the Court declared as to the statute under which the State brought suit: “[t]he legislature clearly had in mind, in enacting the insurance code, that such actions on the part of the commissioner would

benefit the public generally.” *Herrmann*, 82 Wn.2d. at 5. Here, the State brings suit under the CPA, which states, in part, that the purpose of the act is to, “protect the public and foster fair and honest competition.” RCW 19.86.920. As in *Herrmann*, the actions taken by the State here, “while they undoubtedly benefit some private parties, are taken primarily in the public interest.” *Herrmann*, 82 Wn.2d. at 6.

Continuing their legal contortions, Defendants highlight that a *parens patriae* suit is brought on behalf of “persons residing in the state.” RCW 19.86.080(1). Defendants hope that the Court will infer, out of context, that this language implies that such claims are really designed only to benefit certain private parties, rather than the state as a whole. Not so.

In bringing a *parens patriae* action under the CPA, the State is not “acting only as a conduit through which one private person can conduct litigation against another.” *Herrmann*, 82 Wn.2d. at 5. The State is *the only plaintiff* that can bring such a claim. Moreover, while some of the restitution sought by the State will ultimately be distributed to consumers harmed by Defendants’ price fixing, that plainly does not convert the State into a mere shell plaintiff. *See, e.g., id.* at 6 (noting that “while [the state’s actions] undoubtedly benefit some private parties, [they] are taken primarily in the public interest”). Some restitution obtained by the State

may ultimately be used for purposes other than compensation, such as continued enforcement of the antitrust laws or *cy pres* grants.<sup>3</sup> Moreover, the State also seeks injunctive relief, and although Defendants repeatedly claim such relief is irrelevant because CRT technology has largely been supplanted, that claim makes no sense. There remains a market for CRTs and CRT products, and even if there did not, injunctive relief can prohibit price fixing more generally, not simply as to the exact products as to which Defendants originally conspired. Indeed, to accept Defendants' argument would mean that conspirators could always avoid injunctive relief simply by modifying the products whose prices they are fixing. That cannot be the law. The request for injunctive relief is critical, even where defendants claim to have moved on from the product in question. Courts are wary of "efforts to defeat injunctive relief by prostrations of reform." *State v. Ralph Williams' Nw. Chrysler Plymouth, Inc.*, 82 Wn.2d 265, 312, 510 P.2d 233 (1973).

Defendants also argue, without support, that because other portions of the CPA contain private causes of action, that diminishes the sovereign

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<sup>3</sup> Restitution is also a critical deterrent in a manner above and beyond simple damages. "Suits for injunctive relief and restitution enforce the laws of the particular jurisdiction in the public interest by restoring the status quo. Restitution orders are appropriate and necessary as a part of equitable relief . . . . The recovery of that which has been illegally acquired and which has given rise to the necessity for the injunctive relief not only restores the property to the party but insures future compliance where it is assured a wrongdoer is compelled to restore illegal gains." *State v. Ralph Williams' Nw. Chrysler Plymouth, Inc.*, 82 Wn.2d 265, 277, 510 P.2d 233 (1973) (citations omitted).

nature of the State's *parens patriae* authority. Defendants ignore the fundamental differences between private causes of action and *parens patriae* actions. The Appeals Court properly dispensed with the argument: "The Petitioners' primary contention, which is that the Attorney General's *parens patriae* action is not brought for the benefit of the State because the enforcement of the CPA has not been exclusively delegated to him, finds no support in the decisions of Washington appellate courts." *State v. LG Electronics, Inc.*, 340 P.3d 915, 927 (Wash. Ct. App. 2014) (Nos. 70298-0-I, 70299-8-I). Defendants point to no precedent supporting such a theory.

**2. No Conflicting Precedent Exists as to RCW 19.86.120.**

RCW 19.86.120 says that, "a claim for damages *under RCW 19.86.090* shall be forever barred unless commenced within four years" (emphasis added). The claim at issue on this appeal, however, was not brought under RCW 19.86.090; at issue here is the State's *parens patriae* action brought under RCW 19.86.080. The Appeals Court methodically considered both the plain language of RCW 19.86.120 and the legislative intent behind that statute and correctly concluded that the statute of limitations found there did not apply to *parens patriae* claims. Defendants point to no cases conflicting with that holding.

Defendants' argument is essentially that although the plain language of RCW 19.86.120 does not apply to *parens patriae* claims under RCW 19.86.090, *some* statute of limitations must apply, and the limitations period in .120 is the most analogous. In reality, however, that the legislature chose to apply a four-year limitations period to claims under one section of the CPA and not another is strong evidence that it did not intend that limitations period to apply, as the Court of Appeals recognized.

“Here, the legislature expressly made claims for damages under RCW 19.86.090 subject to the four-year limitation period; it did not mention claims brought pursuant to RCW 19.86.080. Moreover, despite its willingness to amend each of the foregoing provisions—including RCW 19.86.120—the legislature has not seen fit to include actions brought pursuant to RCW 19.86.080 within the ambit of RCW 19.86.120.” Op. at 15. This simply buttresses the Court of Appeals' conclusion that *parens patriae* claims fall under RCW 4.16.160's exemption for claims brought “in the name or for the benefit of the state.”

Seeking to overcome the CPA's plain language, Defendants assert that the Appeals Court (in a “flimsy” manner) must have misapplied the case of *Eastwood v. Cascade Broad. Co.*, 106 Wn.2d 466, 722 P.2d 1295 (1986). That case turned on a very specific question: was a common law “false light invasion of privacy” claim essentially a libel and slander claim, subject to the same statute of limitations, or was it something separate and of its own? Here, there is no doubt that *parens patriae*

claims are quite distinct from the RCW 19.86.090 claims that are subject to RCW 19.86.120's statute of limitations. Defendants claim that the Appeals Court was wrong to hold that *Eastwood* was not instructive. To the contrary, the Appeals Court very reasonably found that the *Eastwood* decision had nothing to do with ascertaining legislative intent, as the court was endeavoring to accomplish. Defendants ignore this fundamental distinction and insist that *Eastwood* stands for the proposition that if Cause of Action 'A' is similar enough to Cause of Action 'B,' then they must have the same statute of limitations. They also claim that the State's *parens patriae* action is sufficiently similar to a proprietary RCW 19.86.090 claim that the two should have the same statute of limitations by default. Even if *Eastwood* could be given the tortured reading Defendants suggest, they continue to ignore the fundamental differences between a *parens patriae* claim and a proprietary claim. The States' *parens patriae* claim is brought on behalf of indirect purchasers (who cannot bring their own claim), seeks restitution and injunctive relief, and is not proprietary in nature. *Eastwood* presents no conflict.

Neither does *Imperato v. Wenatchee Valley Coll.*, 160 Wn. App. 353, 247 P.3d 816 (2011). As the court below held, *Imperato* dealt not with different causes of action, but with the exact same cause of action brought in different venues and the legislative intent regarding venue.

Defendants claim that *Imperato* stands for the proposition that a court must choose a statute of limitations in the face of legislative silence. This assertion is conclusory, finds no support in the case itself, and badly misstates the decision. There is no conflict with *Imperato*.

Defendants also argue that the court improperly relied upon cases predating the 2007 amendments to the CPA. They accept that this Court held in those pre-2007 cases that the Attorney General's actions were brought primarily for the public benefit. They then assert that post-2007 cases, following explicit clarification<sup>4</sup> by the legislature of the Attorney General's *parens patriae* authority, are somehow only marginally brought for the public benefit. This Carrollian logic makes no sense. The relief available through *parens patriae* claims remains the same, the sovereign nature of such claims remains the same, and the inability of private plaintiffs to bring claims based on indirect purchases remains the same. This is not a situation where the claims so overlap that it makes sense to apply a limitations period that, by its plain language, is inapplicable.

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<sup>4</sup> The Attorney General's position is that the 2007 addition of the "*parens patriae*" language was a clarification of authority already vested in the Attorney General. However, the argument above is only stronger if the amendment is considered a substantive addition to the Attorney General's authority.

**C. No Conflicting Precedent Exists Concerning the Relevance of Federal Law**

Defendants claim that a statute of limitations found in the federal Sherman Act should apply to the State's CPA *parens patriae* cause of action. This despite the fact that the State has asserted no federal claim. The Defendants support this position with two pieces of misdirection. First, they argue that the Court is obliged to "harmonize" the CPA with the Sherman Act and to "seek uniformity" between the two. This is a gross mischaracterization of what the CPA and relevant case law actually say. Second, they suggest that claims brought under the Sherman Act are the equivalent of *parens patriae* claims brought pursuant to the CPA, and so should be subject to the same federal statute of limitations. In actuality, the differences between the two causes of action are stark and meaningful, and the Appeals Court properly identified them. At any rate, Defendants identify no precedent in conflict with the decision below.

Defendants mischaracterize the law by arguing that enforcement of the CPA must be in "uniformity" with federal law. Far from that being the case, Washington courts will look to federal court precedent to be guided by the interpretation given to corresponding federal statutes, when they exist. RCW 19.86.920.<sup>5</sup> Being thus guided is significantly different from

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<sup>5</sup> In relevant part: "It is the intent of the legislature that, in construing this act, the courts be guided by final decisions of the federal courts and final orders of the federal

disregarding state law and imposing federal law in its place. As the court below stated, federal antitrust law is “intended . . . to supplement, not displace, state antitrust remedies.” Op. at 7. In this case, Washington State law differs critically from federal law, and it would be a mistake to force an analogy where there is none. The question here concerns State claims that cannot even be brought under federal law. As such, there is no federal precedent on point. The court below stated the matter succinctly: “Petitioners wish for us to harmonize facially distinct state and federal statutory provisions, which were authored and enacted by different legislative bodies, each of which is beholden to a different electorate. This approach is incompatible with both our legislature's directive in RCW 19.86.920, and the meaning that has subsequently been ascribed to it by Washington appellate courts.” Op. at 16.

Even if the Court does find state *parens patriae* claims and Sherman Act claims analogous, departure from federal precedent is called for where State law is facially clear and any difference in application is rooted in the State statute itself. *See Blewett v. Abbott Lab.*, 86 Wn. App. 782, 788, 938 P.2d 842 (1997). Defendants are not asking this Court to

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trade commission interpreting the various federal statutes dealing with the same or similar matters and that in deciding whether conduct restrains or monopolizes trade or commerce or may substantially lessen competition, determination of the relevant market or effective area of competition shall not be limited by the boundaries of the state of Washington. To this end this act shall be liberally construed that its beneficial purposes may be served.” RCW 19.86.920.

follow federal case law, however. They are asking this Court to impose a federal statute in order to limit State claims that do not even have a federal counterpart.

If there were a federal statute that corresponded to our State's statute by allowing indirect purchaser *parens patriae* claims, and there were federal case law supporting an interpretation of that statute as subject to a statute of limitations that was a corollary to our RCW 19.86.120, the argument might hold water. None of that is the case, however.

In *State v. Black*, 100 Wn.2d. 793, 676 P.2d 963 (1984), for instance, a case in which the Court relied on federal precedent in interpreting State law, the State statute in question was a "verbatim" replica of the federal statute. *Id.* at 799. In addition to being a claim based on a state statute identical to its federal counterpart, it was also a claim for which significant federal case law exists that can guide State enforcement. In direct contrast to that, indirect purchaser *parens patriae* claims are unique to the State. There is no federal statute, or federal case law interpreting such a statute, that we can look to.

In *Blewett*, the only case cited by Defendants as support for their position, the Court held that one of the purposes of following federal case law was to "minimize conflict between the enforcement of State and federal antitrust laws and to avoid subjecting Washington businesses to

divergent regulatory approaches to the same conduct.” *Blewett*, 86 Wn. App. at 788. Setting aside the fact that Defendants are asking for the imposition of a federal statute, and not for deference to federal case law, the potential conflict contemplated in *Blewett* is not at issue in this case. The State’s *parens patriae* claims seek relief that does not exist under federal law.

Defendants’ desire to adopt the Sherman Act’s statute of limitations would work an additional absurdity which they ignore. The *parens patriae* statute, RCW 19.86.080, also enables countless consumer protection actions having nothing to do with antitrust.<sup>6</sup> Defendants’ logic fails to explain why it is the Sherman Act’s four-year time limit that should apply, but not the three-year time limit found in the Federal Trade Commission Act, 15 USC § 57b(d). Why would our legislature have silently intended the Sherman Act’s four-year time limit to apply to a statute which is *also* an analogous corollary to the Federal Trade Commission Act? It simply makes no sense.

Furthermore, the legislature is free to set whatever time limit it likes regarding state antitrust claims. Federal cases can be relevant where federal and state law are the same and the question before the court is

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<sup>6</sup> See, e.g. RCW 19.146.100 (conduct that violates the Mortgage Broker Practices Act is a per se violation of the CPA); RCW 19.190.100 (sending SPAM in violation of RCW 19.190 is a per se violation of the CPA); RCW 19.09.340 (deceptive charitable solicitations that violate RCW 19.09 are per se violations of the CPA).

where to look for interpretation. But when it comes to *parens patriae* claims, Washington law has most explicitly diverged from federal law. The legislature also diverged in implementing our statute of limitations, choosing not to include *parens patriae* claims under RCW 19.86.120.

**D. The Negative Impacts Defendants Claim Will Follow From the Court of Appeals Opinion Are Imaginary**

In addressing the purported negative impacts of the Court of Appeals opinion, Defendants misconstrue the opinion, claiming that “[t]he court did away with temporal limitations on an entire class of claims.” Pet. at 18. The Court of Appeals did no such thing. The decision below overturned no precedent whatsoever and altered no existing law. The court simply clarified what was obvious on the face of the CPA and had, unsurprisingly, never before been challenged.

The Defendants make broad public policy pleas regarding the need for a statute of limitations as to state *parens patriae* causes of action. This amounts to nothing more than their own personal desire for one. Unfortunately for them, but fortunately for every consumer in the state, our legislature did not agree. The Court of Appeals recognized these arguments as being entirely misplaced:

It is true that, in many instances, the justifications for statutory limitation periods are consistent with those identified by the Petitioners. Yet, rather than identifying *specific* purposes animating RCW 19.86.120, the Petitioners treat these conventional justifications as

unassailable proof that, in order to vindicate the purposes of RCW 19.86.120, its limitation period must be applied to the Attorney General's *parens patriae* claim. Given that the legislature, in amending RCW 19.86.080 so as to authorize *parens patriae* claims, did not expressly subject such claims to the limitation period in RCW 19.86.120, these general policy goals are not probative of the legislature's specific intent concerning the applicability of RCW 19.86.120 to *parens patriae* claims.

*LG Electronics, Inc.*, 340 P.3d at 924.

Defendants cite no source for the proposition that the existence of policy arguments in favor of statutes of limitation generally necessitates a court imposing such a limit where it is not otherwise found. Or where, such as in this case, the legislature has made it clear it intended for one not to exist.

#### V. CONCLUSION

Defendants have failed to show any conflict with precedent, and have failed to meet the burden for obtaining discretionary review under RAP 13.4(b). The Petition should be denied.

RESPECTFULLY SUBMITTED this 20th day of February, 2015.

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## CERTIFICATE OF SERVICE

I certify, under penalty of perjury under the laws of the state of Washington, that on this date I have caused a true and correct copy of the Answer to Petition for Review and this Certificate of Service to be served on the following via e-mails:

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DATED this 20th day of February 2015, at Seattle, Washington.

  
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GRACE SUMMERS

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Attached please find Respondent's Answer to Petition for Review in the above matter.

**Thank you.**

*Grace Summers*

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