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NO. 91846-5

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WASHINGTON STATE SUPREME COURT

HEIDI KROEBER a/k/a HEIDI LAZENBY

v.

GEICO INSURANCE COMPANY

Fifth Statement of Additional Authorities

LAW OFFICES OF RICHARD McKINNEY

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ORIGINAL

1. *Westchester Fire Ins. Co. v. Continental Ins. Cos.*, 126 N.J. Super. 29, 38, 312 A.2d 664, 669 (1973) (cited with approval by *State Farm Mut. Auto Ins. Co. v. Centennial Ins. Co.*, 14 Wn. App. 541, 543 P.2d 645 (1975) for example of motoring risk). *Westchester Fire* holds that throwing a stick with nail from window of moving car and thereby causing injury to bicyclist is accident "arising out" of use of car.
2. *Insurance Co. v. Insurance Co.*, 17 Wn. App. 331, 334-35, 562 P.2d 1004 (1977) approves *Westchester Fire, supra*, and also suggests that throwing debris or cigarettes from vehicle is conduct "arising out" of use of vehicle.

CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2015, one (1) copy of the **Statement of Additional Authorities** was mailed via Regular Mail to the following individual:

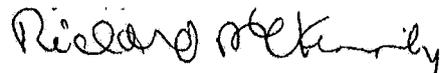
Alfred E. Donohue, WSBA #32774
Wilson Smith Cochran Dickerson
901 Fifth Avenue, Suite 1700
Seattle, WA 98164

I hereby certify that on October 19, 2015, one (1) copy of the **Statement of Additional Authorities** was emailed to the following:

EMAIL – supreme@courts.wa.gov
Washington Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED at Bremerton, Washington this 19th day of October, 2015.



RICHARD McKINNEY, WSBA NO. 4895
Attorney for Heidi Kroeber

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Attached are Kroeber's Fifth Supplemental Authorities.

Richard McKinney