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SUPREME COURT
STATE OF WASHINGTON
Mar 07, 2016, 1:52 pm
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SUPREME COURT
OF THE STATE OF WASHINGTON

JUDY R. DEGGS, as Personal
Representative for the
Estate of RAY GORDON
SUNDBERG, deceased,

Petitioner,

v.

ASBESTOS CORPORATION
LIMITED; ASTENJOHNSON,
INC.; CBS CORPORATION (FKA
VIACOM INC., FKA
WESTINGHOUSE ELECTRIC
CORPORATION); INGERSOLL-
RAND COMPANY,

Respondents,

and

BARTELLS ASBESTOS
SETTLEMENT TRUST; GASKET
COMPANY; GENERAL
REFRACTORIES COMPANY;
JOHN CRANE, INC.;
METROPOLITAN LIFE
INSURANCE COMPANY,
and FIRST DOE through ONE
HUNDREDTH DOE,

Defendants.

No. 91969-1

THIRD
STATEMENT OF
ADDITIONAL
AUTHORITIES

COMES NOW petitioner Judy R. Deggs, as Personal
Representative for the Estate of Ray Gordon Sundberg, deceased and

Third Statement of Additional Authorities - 1

Talmadge/Fitzpatrick/Tribe
2775 Harbor Ave SW
Third Floor, Suite C
Seattle, Washington 98126
(206) 574-6661

FILED AS
ATTACHMENT TO EMAIL



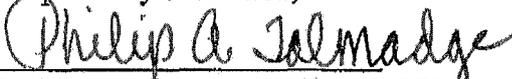
ORIGINAL

submits the following additional authority to the Court pursuant to RAP 10.8:

- *Lindeman v. Kelso Sch. Dist. No. 458*, 162 Wn.2d 196, 201, 172 P.3d 329 (2015) (Supreme Court is final authority on interpretation of statutory language);
- *In re Estate of Burmeister*, 124 Wn.2d 282, 286, 877 P.2d 195 (1994) (citing *In Re Estate of Bordeaux*, 37 Wn.2d 561, 564-65, 225 P.2d 433 (1950), when prior judicial interpretation of a statute is erroneous, stare decisis does not compel adherence to such an erroneous interpretation);
- *Johnson v. Ottomeier*, 45 Wn.2d 419, 427, 275 P.2d 723 (1954) (in noting that Washington's original 1873 wrongful death contained language, later deleted by the Legislature, that limited a decedent's statutory claim to circumstances where the decedent might have maintained an action had he or she lived, the Court stated: "If any legislative history is entitled to be regarded as significant, we think it should be this deliberate act in removing the exclusionary language from the statute.").

DATED this 7th day of March, 2016.

Respectfully submitted,



Philip A. Talmadge, WSBA #6973
Talmadge/Fitzpatrick/Tribe
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Seattle, WA 98126
(206) 574-6661

Meredith Good, WSBA #39890
Brayton Purcell LLP
806 SW Broadway, Suite 1100
Portland, OR 97205-3333
(503) 295-4931
Attorneys for Petitioner Deggs

DECLARATION OF SERVICE

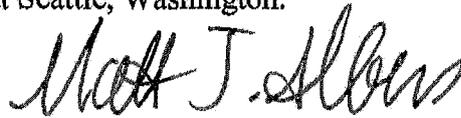
On said day below I electronically served a true and accurate copy of the Third Statement of Additional Authorities in Supreme Court Cause No. 91969-1 to the following parties:

Mark B. Tuvim Kevin J. Craig Gordon & Rees, LLP 701 5 th Avenue, Suite 2100 Seattle, WA 98104	J. Scott Wood Daniel Ruttenberg Bonnie L. Alldredge Foley & Mansfield, PLLP 999 Third Avenue, Suite 3760 Seattle, WA 98104
Christopher S. Marks Eliot M. Harris Rachel Tallon Reynolds Sedgwick, LLP 520 Pike Street, Suite 2200 Seattle, WA 98101-4093	Matthew P. Bergman Brian Ladenburg Colin B. Mieling Bergman Draper Ladenburg, PLLC 821 2 nd Avenue, Suite 2100 Seattle, WA 98104
Meredith Good Brayton Purcell LLP 806 SW Broadway, Suite 1100 Portland, OR 97205-3333	Bonnie Lynn Black Attorney at Law 1020 North K Street, Apt. D Tacoma, WA 98403-1861
Jan E. Brucker Jan Brucker, Attorney 800 Fifth Avenue, Suite 3850 Seattle, WA 98104	Richard G. Gawlowski Wilson Smith Cochran Dickerson 901 Fifth Ave., Suite 1700 Seattle, WA 98164-2050
George M. Ahrend 100 E. Broadway Avenue Moses Lake, WA 98837	Bryan P. Harnetiaux 517 E. 17 th Avenue Spokane, WA 99203
Valerie D. McOmnie 4549 NW Aspen Street Camas, WA 98607-8302	Michael B. King Carney Badley Spellman, P.S. 701 Fifth Avenue, Suite 3600 Seattle, WA 98104-7010
Stewart A. Estes Keating, Bucklin & McCormack, Inc., P.S. 800 Fifth Avenue, Suite 4141 Seattle, WA 98104-3175	

Original E-filed with:
Washington Supreme Court
Clerk's Office
415 12th Street W
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: March 7, 2016 at Seattle, Washington.

A handwritten signature in cursive script that reads "Matt J. Albers". The signature is written in black ink and is positioned above a horizontal line.

Matt J. Albers, Paralegal
Talmadge/Fitzpatrick/Tribe

OFFICE RECEPTIONIST, CLERK

To: Matt Albers
Cc: mgood@braytonlaw.com; bleroy@braytonlaw.com; lleroy@braytonlaw.com; matt@bergmanlegal.com; brian@bergmanlegal.com; Colin Mieling; asbestos-sea@foylemansfield.com; asbestos-sea@gordonrees.com; Asbestos.Seattle@sedgwicklaw.com; chris.marks@sedgwicklaw.com; Eliot.Harris@sedgwicklaw.com; rachel.reynolds@sedgwicklaw.com; gawlowski@wscd.com; gahrend@ahrendlaw.com; scanet@ahrendlaw.com; bryanpharnetiauxwsba@gmail.com; valeriemcomie@gmail.com; sestest@kbmlawyers.com; King, Mike; bonnielablack@gmail.com; jbrucker@foylemansfield.com
Subject: RE: Deggs v. Absestos Corporation Limited, et al. - Supreme Ct Cause #91969-1

Rec'd 3/7/2016

Supreme Court Clerk's Office

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Matt Albers [mailto:matt@tal-fitzlaw.com]
Sent: Monday, March 07, 2016 1:36 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: mgood@braytonlaw.com; bleroy@braytonlaw.com; lleroy@braytonlaw.com; matt@bergmanlegal.com; brian@bergmanlegal.com; Colin Mieling <Colin@bergmanlegal.com>; asbestos-sea@foylemansfield.com; asbestos-sea@gordonrees.com; Asbestos.Seattle@sedgwicklaw.com; chris.marks@sedgwicklaw.com; Eliot.Harris@sedgwicklaw.com; rachel.reynolds@sedgwicklaw.com; gawlowski@wscd.com; gahrend@ahrendlaw.com; scanet@ahrendlaw.com; bryanpharnetiauxwsba@gmail.com; valeriemcomie@gmail.com; sestest@kbmlawyers.com; King, Mike <king@carneylaw.com>; bonnielablack@gmail.com; jbrucker@foylemansfield.com
Subject: Deggs v. Absestos Corporation Limited, et al. - Supreme Ct Cause #91969-1

Good afternoon,

Attached please find the following document for filing with the Court:

Document to be filed: Third Statement of Additional Authorities
Case Name: Judy R. Deggs vs. Asbestos Corporation Limited, et al.
Case Cause Number: 91969-1
Attorney Name and WSBA#: Philip A. Talmadge, WSBA #6973
Contact information: Matt J. Albers, (206) 574-6661, matt@tal-fitzlaw.com

If you have any questions, please feel free to contact me. Thank you!

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