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SUPREME COURT  
STATE OF WASHINGTON  
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No. 91998-4

SUPREME COURT  
OF THE STATE OF WASHINGTON

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CANDACE NOLL, individually and as Personal  
Representative of the Estate of Donald Noll, Deceased,

*Respondents,*

v.

SPECIAL ELECTRIC COMPANY, INC.,

*Petitioner,*

American Biltrite, Inc., *et al.*,

*Defendants.*

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**PETITIONER'S STATEMENT OF ADDITIONAL AUTHORITIES  
IN SUPPORT OF PETITION FOR REVIEW**

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Michael B. King, WSBA No. 14405  
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*Attorneys for Petitioner Special Electric  
Company, Inc.*



Under RAP 10.8, Petitioner Special Electric Company, Inc., hereby submits the following additional authority, regarding the application by this Court of the United States Supreme Court's "stream of commerce" test for personal jurisdiction in products liability cases, and whether the decision of the Court of Appeals in this case conflicts with this Court's application of that test:

- *State v. LG Electronics, Inc.*, \_\_\_ Wn.2d \_\_\_, \_\_\_ P.3d \_\_\_, \_\_\_ WL \_\_\_, Slip. Op (July 21, 2016, No. 91391-9) at 15 (majority opinion of Gonzalez, J.) ("We find the allegations in the State's complaint sufficient to establish a prima facie case of purposeful minimum contacts. The State alleges that (1) the Companies together dominated the global market for CRTs, (2) the Companies sold CRTs into international streams of commerce with the intent that the CRTs would be incorporated into millions of CRT products sold across the United States and in large quantities in Washington, and (3) along with their coconspirators, *the Companies intended for their price fixing activities to elevate the price of CRT Products purchased by consumers in Washington.* CP at 15, 3. Taking these allegations as verities, as we must at this stage, *we agree with the State that "[t]he presence of millions of CRTs in Washington was not the result of chance or the random acts of third parties, but a fundamental attribute of [the Companies'] businesses.*" State of Wash.'s Suppl. Br. at 17." (emphasis added)).

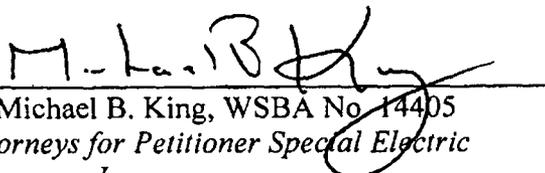
- *State v. LG Electronics, Inc.*, \_\_\_ Wn.2d \_\_\_, \_\_\_ P.3d \_\_\_, \_\_\_ WL \_\_\_, Slip. Op (July 21, 2016, No. 91391-9) at 10-11 (op. per

Gordon-McCloud, J., dissenting in part and concurring in part, joined by Madsen, C.J., and Owens, J.) ("*The majority then applies Justice Brennan's "chain of distribution" test (not Justice O'Connor's Asahi plurality or World-Wide Volkswagen) and holds that the trial court has jurisdiction over Defendants in this case because the State alleged that Defendants placed large quantities of their products into international streams of commerce with the knowledge that they will likely enter the Washington market at some point, and that many more than one of them did enter our state. Majority at 15. This is probably a correct application of Justice Brennan's test.*" (emphasis added)).

- *Compare* Decision of the Court of Appeals in the present case, 188 Wn. App. 572, 585, 355 P.3d 279 (2015) (acknowledging that "the record does not prove Special [the Petitioner] had actual knowledge that CertainTeed distributed its pipe outside California [e.g., into Washington]" but then holding that "[t]he governing precedents do not require a plaintiff to prove a component supplier's actual knowledge of the manufacturer's plans to ship the finished product into the forum state [here, Washington]").

Respectfully submitted this 21<sup>st</sup> day of July, 2016.

**CARNEY BADLEY SPELLMAN, P.S.**

By   
Michael B. King, WSBA No 14405  
*Attorneys for Petitioner Special Electric  
Company, Inc.*

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v.

SPECIAL ELECTRIC  
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and,

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DECLARATION OF  
SERVICE

I declare under penalty of perjury under the laws of the state of Washington as follows: I am an employee at Carney Badley Spellman, P.S., over the age of 18 years, and not a party to nor interested in this action. I caused to be delivered *Correspondence of Michael B. King, Petitioner's Statement of Additional Authorities in support of Petition for Review and Declaration of Service* via email & U.S. Mail on the following parties at the last known address as stated:

Brian D. Weinstein, WSBA #24497 Benjamin R. Couture, WSBA #29304 Weinstein Couture PLLC 818 Stewart St., Suite 930 Seattle, WA 98101 <a href="mailto:brian@weinsteincouture.com">brian@weinsteincouture.com</a> <a href="mailto:ben@weinsteincouture.com">ben@weinsteincouture.com</a>	Mr. William Kohlburn ( <i>Pro Hac Vice</i> ) Simmons Browder Gianaris Angelides & Barnerd LLC 231 S. Bemiston, Suite 525 St. Louis, MO 63105 <a href="mailto:bkohlburn@simmonsfirm.com">bkohlburn@simmonsfirm.com</a>
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DECLARATION OF SERVICE - 1

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Dated this 11<sup>th</sup> day of July, 2016.

  
Patti Saiden, Legal Assistant

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**Subject:** 91998-4; Noll v. Special Electric

Dear Clerk:

Attached for filing are the following documents:

- *Correspondence of Michael B. King;*
- *Petitioner's Statement of Additional Authorities in support of Petition for Review; and,*
- *Declaration of Service.*

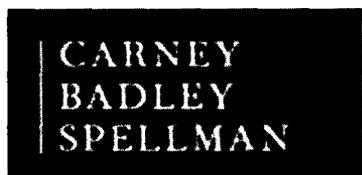
**Case Name:** Candace Noll, individually and as Personal Representative of the Estate of Donald Noll, Deceased, v. Special Electric Company, Inc..

**Cause #:** 91998-4

**Filing Attorney:**

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Thank you.



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