

FILED
SUPREME COURT
STATE OF WASHINGTON
2/5/2018 2:51 PM
BY SUSAN L. CARLSON
CLERK

NO. 94593-4

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

LAWRENCE HILL, ADAM WISE, and ROBERT MILLER, on behalf
of themselves and all persons similarly situated

Plaintiffs/Cross-Petitioners,

v.

GARDA CL NORTHWEST, INC., f/k/a AT SYSTEMS, INC. a
Washington Corporation

Defendant/Cross-Respondents

RESPONDENT HILL ET AL.'S RESPONSE TO AMICUS CURIAE
BRIEF OF KING COUNTY

Daniel F. Johnson, WSBA No. 27848
BRESKIN JOHNSON & TOWNSEND PLLC
1000 Second Avenue, Suite 3670
Seattle, Washington 98104
Phone: (206) 652-8660
Fax: (206) 652-8290

Adam J. Berger, WSBA No. 20714
SCHROETER GOLDMARK & BENDER
500 Central Building
810 Third Avenue,
Seattle, WA 98104
(206) 622-8000

Attorneys for Plaintiffs/Cross-Petitioners

Plaintiffs/Cross-Petitioners Lawrence Hill et al. hereby respond to the amicus curiae brief of King County.

King County's brief provides little assistance to the Court in this case. It focuses solely on distinctions in RCW 49.12.187 between exceptions for public employees and employees in the construction trades with respect to the state's rest and meal period rules. These distinctions are immaterial to any issue in this appeal, because the employer in this case, Garda CL NW, is neither a public employer nor in the construction trades. Indeed, King County's brief takes no position on the ultimate resolution of the questions before the Court, i.e., whether the Court of Appeals properly vacated the trial court's awards for (1) double damages for missed meal periods and (2) prejudgment interest for missed rest breaks.

King County's brief accurately conveys that the exceptions in RCW 49.12.187 are clearly limited to public and construction employers, and to that extent supports the arguments set forth by Plaintiffs/Cross-Petitioners regarding the inapplicability of Garda's CBA defense as a basis for denying double damages. Beyond that, the Court should decline any implicit invitation in the County's brief to issue advisory opinions on the scope and operation of the construction versus public employee exceptions in RCW 49.12.187 that can have no bearing on the questions before the Court in this case.

Dated this 5th day of February, 2018.

s/ Daniel Johnson

Daniel F. Johnson, WSBA No. 27848
BRESKIN JOHNSON TOWNSEND, PLLC
1000 Second Avenue, Suite 3670
Seattle, WA 98104
Tel: (206) 652-8660
Fax: (206) 652-8290
djohnson@bjtlegal.com

SCHROETER GOLDMARK & BENDER
Adam M. Berger, WSBA No. 20714
810 Second Avenue, Suite 500
Seattle, WA 98104
Tel: (206) 622-8000
Fax: (206) 682-2305
berger@sgb-law.com

Attorneys for Plaintiffs/Cross-
Petitioners

CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on February 5, 2018, I caused the foregoing to be filed electronically with:

The Supreme Court of the State of Washington
and a true and correct copy of the same to be delivered to follow to:

Catharine M. Morisset
Fisher & Phillips LLP
1201 Third Avenue, Suite 2750
Seattle, WA 98101
cmorisset@laborlawyers.com

Via Hand Delivery
 Via Email

Clarence M. Belnavis
Alex Wheatley
Fisher & Phillips LLP
111 SW Fifth Avenue, 4040
Portland, OR 97204
(506) 242-4263 (f)
cbelnavis@laborlawyers.com
awheatley@laborlawyers.com

Via First Class Mail
 Via Email

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

s/ Jamie Telegin
Jamie Telegin, Legal Assistant

BRESKIN JOHNSON TOWNSEND PLLC

February 05, 2018 - 2:51 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 94593-4
Appellate Court Case Title: Lawrence Hill, et al. v. Garda CL Northwest, Inc.
Superior Court Case Number: 09-2-07360-1

The following documents have been uploaded:

- 945934_Briefs_20180205144932SC264985_5467.pdf
This File Contains:
Briefs - Other
The Original File Name was Response to Amicus Brief of King County 2018.pdf

A copy of the uploaded files will be sent to:

- awheatley@laborlawyers.com
- berger@sgb-law.com
- cbelnavis@fisherphillips.com
- cmorisset@fisherphillips.com
- jmatautia@fisherphillips.com
- jneedlel@wolfenet.com
- kathy.wheat@klgates.com
- katie@fairworkcenter.org
- patrick.madden@klgates.com
- rnelson@skellengerbender.com

Comments:

Respondent Hill et al.'s Response to Amicus Curiae Brief of King County

Sender Name: Jamie Telegin - Email: jtelegin@bjtlegal.com

Filing on Behalf of: Daniel Foster Johnson - Email: djohnson@bjtlegal.com (Alternate Email: jtelegin@bjtlegal.com)

Address:
1000 Second Avenue
Suite 3670
Seattle, WA, 98104
Phone: (206) 652-8660 EXT 213

Note: The Filing Id is 20180205144932SC264985