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Court of Appeals  
Division I  
State of Washington  
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Case No. 76310-5

No. 96538-2

IN THE COURT OF APPEALS, DIVISION I  
STATE OF WASHINGTON

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STATE OF WASHINGTON, WASHINGTON STATE DEPARTMENT  
OF TRANSPORTATION; DANIEL A. SLIGH and SALLETTE R.  
SLIGH, individually and the marital community composed thereof;  
BRYCE KENNING, a single person,

Respondents,

v.

MULLEN TRUCKING 2005, LTD, a Canadian corporation or business  
entity d/b/a MULLEN TRUCKING LP; WILLIAM SCOTT and JANE  
DOE SCOTT, individually and the marital community composed thereof;  
SAXON ENERGY SERVICES, INC.; TAMMY J. DETRAY and  
GREGORY S. DETRAY, individually and the marital community  
composed thereof; G&T CRAWLERS SERVICE, a Washington business  
entity; MOTORWAYS TRANSPORT, LTD a Canadian corporation;  
AMANDEEP SIDHU and JANE DOE SIDHU, individually and the  
marital community composed thereof,

Appellants.

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REPLY BRIEF OF APPELLANT MOTORWAYS TRANSPORT, LTD

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Mark P. Scheer, WSBA No. 16651  
mscheer@scheerlaw.com  
Matthew C. Erickson, WSBA No. 43790  
merickson@scheerlaw.com  
Scheer Law Group  
701 Pike Street, Suite 2200  
Seattle, WA 98101  
206-262-1200  
Attorneys for Appellant Motorways Transport, LTD,  
and Amandeep Sidhu and Jane Doe Sidhu

**A. Introduction**

The State's total recovery for the bridge strike must be reduced by its own proportionate wrongdoing because the State is not immune under RCW 46.44.020 and its fault is allocated under RCW 4.22.070. Failure to allocate the State's fault would be clear error and would be patently unjust to Motorways, which did not hit the bridge.

The State does not have immunity under RCW 46.44.020 because the statute applies to defendants, not plaintiffs. Even if the statute does apply, the State is still an entity capable of fault under RCW 4.22.070. In turn, the State's *fault* must be allocated even if it is immune from *liability*.

The State does not have immunity as to Motorways. RCW 46.44.020 does not apply because Motorways did not hit the Skagit River Bridge. Nor does the State have sovereign immunity as to motor vehicle accidents generally. In turn, the State's fault must be allocated as to Motorways even if it is not allocated as to Mullen.

Nor can the State avoid allocation of its fault under *RCW 46.44.110*. The statute does not entitle the State to the full amount of damages, only damages attributable to the fault of the driver. Hence, the State's comparative fault must be determined.

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## **B. RCW 46.44.020 Does Not Apply Where the State is the Plaintiff**

The State continues to erroneously maintain that RCW 46.44.020 renders it immune from any wrongdoing in the present case. The statute does not apply here. As discussed extensively in the defendants' prior briefing, RCW 46.44.020 is intended as a shield not a sword. The statute shields the State from liability from certain drivers' claims arising out of bridge collisions. It does not apply when the State is seeking its own damages from drivers. Otherwise, the State could pursue such claims with impunity; and drivers would have little or no defense in the face of a government plaintiff incapable of fault and liability.

There are no cases applying RCW 46.44.020 when the State is a plaintiff. After an extensive search, Motorways has also been unable to find any authority (either inside or outside of Washington) under which the state is entitled to immunity as a plaintiff. The case law that does address the issue states that no such immunity exists.

The Ninth Circuit has held that a state voluntarily bringing suit as a plaintiff in state court cannot invoke sovereign immunity under the Eleventh Amendment when the defendant seeks removal to federal court. *Calif. ex rel. Lockyer v. Dynegy, Inc.*, 375 F.3d 831, 848 (9th Cir. 2004) (citing *Oklahoma ex rel. Edmondson v. Magnolia Marine Transp. Co.*, 359 F.3d 1237, 1239 (10th Cir. 2004) ("The Eleventh Amendment's

abrogation of federal judicial power 'over any suit...commenced or prosecuted against one of the United States' does not apply to suits commenced or prosecuted by a State."); *Regents of Univ. of Cal. v. Eli Lilly & Co.*, 119 F.3d 1559, 1564 (Fed. Cir. 1997) ("The Eleventh Amendment applies to suits 'against' a state, not suits by a state."); *Huber, Hunt & Nichols, Inc. v. Architectural Stone Co.*, 625 F.2d 22, 24 n.6 (5th Cir. 1980) ("Of course, the eleventh amendment is inapplicable where a state is a plaintiff...").

As the *Dynegy* Court noted, there is "little indication that sovereign immunity was ever intended to protect plaintiff states. Rather, it plainly understands sovereign immunity as protection from being sued." *Dynegy*, 375 F.3d at 847.

Incidentally, the State's reliance on *Ottis Holwegner Trucking v. Moser*, 72 Wn. App. 114 (1993) is unfounded. *Ottis* held that RCW 46.44.020 prevents a truck driver who crashes into an overhead structure from asserting that the State's negligence contributed to the crash.<sup>1</sup> *Ottis* involved a plaintiff trucking company asserting claims against the defendant State to recoup a portion of the damages the company incurred.<sup>2</sup> In turn, the State was immune from liability under RCW 46.44.020. In the

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<sup>1</sup> *Ottis*, at 122-23.

<sup>2</sup> In addition, *Ottis* does not address the issue of whether the State's *fault* (not its liability) could be apportioned for purposes of RCW 4.22.070. The law is well established that the State's portion of fault can and must be allocated in the present case.

present case, however, the State is the plaintiff and the one trying to recoup damages. In turn, RCW 46.44.020 does not apply.

In the present case, the State cannot claim immunity under RCW 46.44.020. By filing this lawsuit, the State waived the protections afforded by the statute and consented to the risk of liability.

**C. The Legislative Intent of RCW 46.44.020 Does Not Prevent Allocation of Fault of Immune Parties**

Even if RCW 46.44.020 *does* apply in the present case, the statute does not prevent allocation of the State's fault.

The State argues that its fault cannot be allocated based on the legislative intent of RCW 46.44.020.<sup>3</sup> Respondent's Brief at 24-26. When the statute was passed in 1937, contributory negligence was a complete bar to recovery. The State asserts that without RCW 46.44.020, even a small percentage of liability attributed to the bridge owner would completely destroy recovery for bridge damage. *Id.* at 25-26. The State claims that RCW 46.44.020 is meant to prevent such a windfall to the driver. *Id.*

The State's point is moot. Contributory negligence is no longer a complete bar to recovery under RCW 4.22.070. Hence, there is no risk of

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<sup>3</sup> The State also admits that no one is liable under RCW 46.44.020 because the statute is only meant to protect the State, not create a cause of action. See Respondent's Brief at 39 ("RCW 46.44.020 does not establish the liability of Motorways or any other defendant.").

a windfall to the driver. In turn, the State's fault is allocated, even if it is immune from liability under RCW 46.44.020, in order to determine proportionate liability of the defendants.

The State also attempts to argue that RCW 46.44.020 and RCW 4.22.070 conflict and, therefore, RCW 46.44.020 controls because it is the more specific statute. This argument fails.

The "general-specific" rule of statutory construction does not apply because the statutes are easily harmonized by a plain reading of the statutory language in context. Under RCW 46.44.020, no liability may attach to the State as an immune party. Under RCW 4.22.070, fault can be allocated to immune parties, but liability cannot. Both statutes preclude *liability* from attaching to immune parties. In turn, the statutes do no conflict and meaning must be given to both.

**D. Entities Immune From Liability Under RCW 46.44.020 Are Still Capable of Fault and that Fault can be Allocated**

The State claims that if it is an immune party under RCW 46.44.020, it has no tort liability for the accident and its fault cannot be allocated under RCW 4.22.070. Respondent's Brief at 34-38. The State conflates fault and liability.

It is well established that an entity's *fault* is allocated even if the entity is immune from *liability*.<sup>4</sup> Immune entities are capable of fault but are shielded from liability (damages) for that fault. The immune entities' fault is allocated to determine the proportionate fault of the parties liable for damages.<sup>5</sup> In turn, even if the State is immune under RCW 46.44.020, its portion of fault must be allocated.

***1. The State is Capable of Fault Even if it is Immune From Liability***

The State relies heavily on the recent case of *Smelser v. Paul*, 188 Wn.2d 648 (2017), to argue that its fault cannot be allocated as an immune party under RCW 46.44.020. This argument fails for multiple reasons.

*Smelser* involved personal injury claims by a child against his parents and a negligent supervision claim against the father. The Court held that fault could not be apportioned to the father because parental immunity precludes a child from recovering against a parent for negligent supervision. *Smelser* at 654-9.

*Smelser* did not address immunity under RCW 46.44.020. In addition, like *Ottis*, *supra*, *Smelser* addressed the immunity of defendants, not plaintiffs, RCW 46.44.020 does not apply to plaintiffs. *Smelser* is thus irrelevant for the present case.

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<sup>4</sup> See, e.g., *Humes v. Fritz Companies, Inc.*, 125 Wn. App. 477, 491-92 (2005); *Washburn v. Beatt Equipment Co.*, 120 Wn.2d 246, 294 (1992).

<sup>5</sup> *Id.*

Next, the State argues that under *Smelser* its fault cannot be allocated because, as an immune party, it does not have a tort *duty* for which it is even capable of fault. Respondent’s Brief at 36. This argument fails.

Although the *Smelser* Court held that an entity without a duty does not have fault to be allocated, immunity does not equate to a lack of duty. In fact, the *Smelser* Court held that immunity is only determined *after* a duty has been established. “Under chapter 4.22 RCW, a determination of fault must precede any analysis of immunity.”<sup>6</sup> The Court also clarified that the immunity in question (parental immunity, which it analogized to governmental immunity) is not really a form of immunity at all.

Though parental negligence is denominated as “immunity,” we have emphasized that it is similar to how courts characterize discretionary governmental decision-making under the doctrine of “discretionary immunity.” *Zellmer*, 164 Wn.2d at 159-60 (recognizing that “[t]he parental immunity doctrine is similar to the ‘discretionary functions’ exception”).<sup>7</sup>

Instead, the Court merely recognizes that negligent supervision is not a valid cause of action against a parent.

The trial court and the Court of Appeals failed to first determine whether a parent can be liable in tort for his or her child’s injuries based on a theory of negligent supervision. While cases have described the principle as a form of ‘parental immunity,’ what the cases establish is that

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<sup>6</sup> *Smelser*, 188 Wn.2d at 659.

<sup>7</sup> *Id.* at 656 (quoting *Zellmer v. Zellmer*, 164 Wn.2d 147, 159-60 (2008)).

no tort liability or tort duty is actionable against a parent for negligent supervision. Simply stated, it is not a tort to be a bad, or even neglectful, parent.<sup>8</sup>

In light of the above, the *Smelser* Court held that certain forms of immunity, such as parental immunity, are more accurately characterized as doctrines establishing that certain conduct is simply not tortious.<sup>9</sup> This distinction is crucial for purposes of the present case. Immunity under RCW 46.44.020 does not presuppose a lack of duty. In turn, the State is *capable* of fault even if it is immune from liability.

**2. Entities Do Not Need to Have a Duty in Order for Fault to be Allocated Under RCW 4.22.070**

The Court's decision in *Smelser* is limited to the facts of the case as they were applied to the parental immunity doctrine. To the extent the *Smelser* Court held that immune parties, including immune parties under RCW 4.22.070, cannot have a tort duty to begin with, the case runs contrary to well-established legal precedent.

“Immunity” is defined in relevant part as “[a]ny exemption from a duty, liability, or service of process...” *Black's Law Dictionary* (10th ed. 2014) (emphasis added). This presupposes that an entity can have a duty from which it is immune from liability.

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<sup>8</sup> *Smelser* at 653-54.

<sup>9</sup> *Id.* at 659.

In *Humes v. Fritz Cos.*, 125 Wn. App. 477, 481 (2005), the Court held that an Indian tribe that is immune from liability for a condition existing on Indian land qualifies as an "entity" to which fault can be apportioned under RCW 4.22.070(1)). "Under Washington tort law, fault will be attributed to every entity that caused a plaintiff's injury, including entities that are immune to a suit from a plaintiff. RCW 4.22.070(1)." *Id.* at 490-91.

One does not need to prove that an entity has a duty in order for its fault to be allocated under RCW 4.22.070. The entity need only be a juridical being *capable of fault*. *Price v. Kitsap Transit*, 125 Wn.2d 456, 461 (1994) (emphasis added). "This interpretation agrees with the fundamental practice of not assigning fault to animals, inanimate objects, and forces of nature which are not considered "entities" under RCW 4.22.070(1)." *Id.*

The State is not an inanimate object. It is an entity *capable of fault* for purposes of RCW 4.22.070. In turn, its fault can be allocated even if it is immune from liability.

Justice Yu recognized the *Smelser* majority's error in her dissent; noting that the majority redefines the term "entity" under RCW 4.22.070 to be a juridical being capable of fault *that also has a duty in tort*. There is

no requirement that an entity have an established duty, only that it be capable of having one.

We formerly defined an entity as a juridical being capable of fault. *Price v. Kitsap Transit*, 125 Wn.2d 456, 461 (1994). Now it appears that a majority of this court holds that an entity is a juridical being capable of fault who has an actionable duty in tort to refrain from the particular fault alleged.

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It is difficult to reconcile this new definition with RCW 4.22.070(1)'s plain language, which allows apportionment of fault to entities immune from liability to the claimant...the majority's new definition of an entity precludes any possibility of applying RCW 4.22.070 to an immune entity. It is illogical to suppose that the legislature allowed apportionment of fault to entities immune from liability to the claimant with the intention that such apportionment could never actually occur.

*Smelser* at 660-61 (internal quotations omitted) (5-4 decision) (Yu, M., dissenting).

Justice Yu further notes that the parents in *Smelser* were entities *capable of fault* even if they were not liable for it.

[P]arents do have the mental capacity to be negligent—that is, they are capable of negligent parenting as a matter of fact, even though they are not liable in tort for such negligence as a matter of law.

*Id.* at 661.

The *Smelser* majority committed error to the extent it held that immunity presumes no duty and no actionable fault. RCW 4.22.070 clearly and plainly states that immune parties' fault can be allocated.

Finding otherwise would render a portion of the statute useless, in contravention of the principles of statutory construction.

Alternatively, the State argues that allocation under RCW 4.22.070 does not apply because the State is not an entity immune from liability *to the claimant*. This argument fails.

Although the State is not immune from liability to the claimant (i.e. to itself), it is still an entity whose fault is determined under the statute. “The entities whose fault shall be determined include the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants...” RCW 4.22.070(1). The State is a claimant who has incurred property damage from the bridge collapse. Therefore, its fault is determined under the statute.

**E. RCW 46.44.020 Does Not Prevent Allocation of the State’s Fault as to Motorways**

Even if the Court finds that the State is immune as to Mullen, and that its fault cannot be allocated under RCW 46.44.020, this does not apply to Motorways because Motorways did not hit the bridge.

RCW 46.44.020 immunizes the State from claims for damages caused by oversize loads striking bridges with over 14 feet of clearance. It does not render the State immune as to vehicles that did not strike these types of bridges. In turn, even if the Court finds that the State’s fault

cannot be allocated as to Mullen pursuant to RCW 46.44.020, the statute does not prevent the State's fault from being allocated as to Motorways.

In 1961 the legislature abolished sovereign immunity and created a general right to sue the State for damages arising out of its tortious conduct.<sup>10</sup> The State can prescribe limitations on this right. However, the legislature has not passed a statute immunizing the State from damages for motor vehicle accidents other than bridge strikes by oversize loads. In turn, the State does not have statutory immunity as against Motorways.

In addition, the State does not have discretionary governmental immunity as against Motorways. Discretionary immunity is narrow and applies only to basic policy decisions made by a high-level executive. *Taggart v. State*, 118 Wn.2d 195, 214-5 (1992). Furthermore, the case law clearly establishes that the State can be sued by drivers for negligent signage and/or negligent road design where the drivers were not oversize loads impacting a bridge.<sup>11</sup> The State generally has a duty to put up

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<sup>10</sup> RCW 4.92.090; *Evangelical United Brethren Church v. State*, 67 Wn.2d 246, 252 (1965) ("There can be no question but that by the enactment of Laws of 1961, ch. 136, § 1 (RCW 4.92.090) the legislature intended to abolish on a broad basis the doctrine of sovereign tort immunity in this state...").

<sup>11</sup> See, e.g., *Gunshows v. Vancouver Tours*, 77 Wn. App. 430 (1995) (State has a duty to maintain a highway in a reasonably safe condition for people exercising ordinary care for their own safety; foreseeability of negligence by a user of a road does not affect the scope of the State's duty); *Cramer v. Dep't of Highways*, 73 Wn. App. 516 (1994) (motorcycle operator who fell on a curve on a state highway claimed that the State was negligent in maintaining the highway and in not posting an advisory speed sign); *Grimsrud v. State*, 63 Wn. App. 546 (1991) (where motorcycle operator sued State for damages sustained

proper warnings and signage on its roads and bridges.<sup>12</sup> Washington courts have held that the MUTCD's provisions evince applicable duties.<sup>13</sup> Moreover, this Court has also held that "[e]ven though much of the MUTCD language is advisory, a jury could find that the State was negligent in failing to properly sign..."<sup>14</sup>

The State's immunity under RCW 46.44.020 does not apply to Motorways. Motorways' truck was not an oversize vehicle and it did not hit the Skagit River Bridge. Nor can the State assert governmental immunity for its ordinary negligence unrelated to the height of the bridge. The case law clearly establishes that the State can be liable for negligent signage and/or negligent road design where the drivers were not oversize loads and no overhead bridge impact was involved. In turn, the State's fault must be allocated in order to determine Motorways' fault, if any.

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from a motorcycle accident on a roadway, issue of whether signs provided an adequate warning of the hazardous condition was a question of fact for the jury)

<sup>12</sup> See, e.g. *Lucas v. Phillips*, 34 Wn.2d 591(1949) (county breached duty by failing to place proper warning signs of the narrowness of the bridge due to inherently dangerous conditions of the bridge); *Owen v. Burlington Northern & Santa Fe Railroad Co.* 153 Wn.2d 780, 790 (2005) (where driver killed in car-train collision at railroad crossing, city had duty to provide reasonably safe roads including safeguarding against inherently dangerous conditions; city was negligent for failing to take adequate corrective actions where it had an array of remedial measures available—such as stop sign before the crossings, upgrading signals or separating railway and vehicle grades).

<sup>13</sup> *Owen*, 153 Wn.2d at 787-88 (“The MUTCD provides at least some evidence of the appropriate duty”)

<sup>14</sup> *Ottis*, 72 Wn. App. at 121-22.

**F. RCW 46.44.110 Is Not Before this Court on Appeal**

The State claims that Motorways and Mullen are liable under RCW 46.44.110, not RCW 46.44.020. Respondent’s Brief at 39. RCW 46.44.020 provides the State with immunity from suit while RCW 46.44.110 creates a cause of action for the State to recover damages against drivers that cause damage to State property. Under RCW 46.44.110, “[a]ny person operating any vehicle is liable for any damage to any public highway, bridge, elevated structure, or other state property sustained as the result of any negligent operation thereof.” RCW 46.44.110

The State never asserted an RCW 46.44.110 claim against Motorways and cannot do so for the first time on appeal. In its Amended Complaint, the State asserted an RCW 46.44.110 claim against *Saxon*, the maker of the metal casing shed that was being hauled by Mullen at the time of the accident. CP 79-80.<sup>15</sup> However, the State did not assert an RCW 46.44.110 claim against Motorways. The only claim asserted against Motorways is a common law claim for negligence. CP 81.

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<sup>15</sup> The State also asserts that *Saxon* is jointly and severally liable with Mullen and Scott for the damages caused by the collision under RCW 46.44.110. *Id.* It does not assert that Motorways is jointly and severally liable under the statute.

**G. RCW 46.44.110 Does Not Entitle the State to the Full Amount of the Bridge Repairs**

The State erroneously argues that RCW 46.44.110 entitles it to the full amount of damages caused by the bridge strike. This is incorrect. RCW 46.44.110 only says that the State is entitled to damages sustained “*as a result of any illegal operation of the vehicle.*” RCW 46.44.110 (emphasis added). The statute does not say that the State is entitled to the portion of damages attributable to the State’s own fault. These damages are not recoverable under RCW 46.44.110.

In addition, the State claims it is entitled to the full amount of the bridge repairs because it is immune its own fault being allocated under RCW 46.44.020. Even if the Court finds this to be true as to Mullen, it cannot be true as to Motorways. The State is not immune as to vehicles that did not hit the bridge. If the State can argue that Motorways’ alleged negligence was a proximate cause of the bridge crash, any fault of the State, be it from inadequate signage or otherwise, must also be allocated as part of a determination of Motorways’ negligence. Therefore, the total damages that the State is entitled to recover must be offset by the State’s own portion of fault.

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**H. Motorways Is Not Jointly and Severally Liable with the Other Defendants under RCW 46.44.110**

The State argues that Motorways and the other defendants are jointly and severally liable for the full amount of the State's damages. Respondent's Brief at 38-39. The issue of Motorways' joint and several liability is not before the Court on appeal. The only issue before the Court is whether RCW 46.44.020 precludes consideration of the State's fault in a comparative fault analysis under RCW 4.22.070. *See* Mullen's Motion for Discretionary Review at 1.

Whether Motorways can be held jointly and severally liable is a decision for the trial court on remand, and will depend on the outcome of this appeal. In turn, the issue should not be addressed.

Even if the issue is before this Court, Motorways is not jointly and severally liable with the other defendants. The State claims that the defendants are jointly and severally liable based on RCW 46.44.110 and RCW 4.22.030. Respondent's Brief at 5. However, RCW 46.44.110 merely states that the owner and operator of the *same* vehicle can be jointly and severally liable to the State.

When the operator is not the owner of the vehicle, object, or contrivance but is operating or moving it with the express or implied permission of the owner, *the owner and the operator* are jointly and severally liable for any such damage.

RCW 46.44.110.

The Statute does not say that owners and operators of *multiple vehicles* are jointly and severally liable as between themselves. The plain language of the statute only contemplates intra-vehicle joint and several liability, not inter-vehicle joint and several liability. In turn, Motorways cannot be jointly and severally liable with the other defendants under RCW 46.44.110.

**I. Conclusion**

The State does not have immunity under RCW 46.44.020 because the statute does not apply when the State is a plaintiff. Even if it does, the State's immunity from liability does not prevent a finding and allocation of the State's fault under RCW 4.22.070. Furthermore, any alleged immunity of the State would not apply as to Motorways. The statute clearly only applies to a vehicle striking a bridge (Mullen), and Motorways did not strike the bridge.

The State's total recovery for the bridge strike must be reduced by its own proportionate wrongdoing. Failure to allocate the State's fault would constitute clear error and would be patently unjust given that Motorways did not hit the bridge.

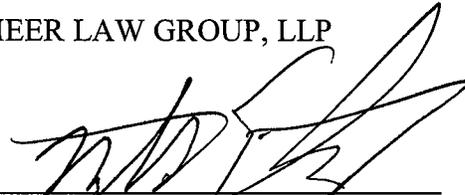
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RESPECTFULLY SUBMITTED this 12th day of February, 2018.

SCHEER LAW GROUP, LLP

By

A handwritten signature in black ink, appearing to be 'M. P. Scheer', written over a horizontal line.

Mark P. Scheer, WSBA No. 16651

mscheer@scheerlaw.com

Matthew C. Erickson, WSBA No. 43790

merickson@scheerlaw.com

Attorneys for Appellant Motorways

Transport, LTD, and Amandeep Sidhu and

Jane Doe Sidhu

**CERTIFICATE OF SERVICE**

I certify under penalty of perjury under the laws of the State of Washington, that the following is true and correct:

I am employed by the law firm of Scheer Law Group LLP.

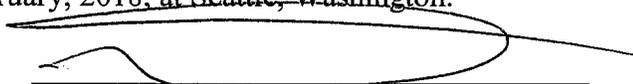
At all times hereinafter mentioned, I was and am a citizen of the United States of America, a resident of the State of Washington, over the age of eighteen (18) years, not a party to the above-entitled action, and competent to be a witness herein.

On the date set forth below I served the document(s) to which this is attached, in the manner noted on the following person(s):

<b>PARTY/COUNSEL</b>	<b>DELIVERY INSTRUCTIONS</b>
<b><u>CO Plaintiff</u></b> <u>State of Washington, Washington State</u> <u>Department of Transportation</u> Steve Puz Patricia D. Todd Attorney General of Washington PO Box 40126 Olympia, WA 98504	( ) Via U.S. Mail ( ) Via Legal Messenger (X) Email
<b><u>CO Defendants</u></b> <u>Tammy J. Detray and Gregory S.</u> <u>Detray and G&amp;T Crawlers Service</u> Aaron Dean Merrick, Hofstedt & Lindsey, P.S. 3101 Western Ave, Suite 200 Seattle, WA 98121	( ) Via U.S. Mail ( ) Via Legal Messenger (X) Email

<b>PARTY/COUNSEL</b>	<b>DELIVERY INSTRUCTIONS</b>
<p><b><u>CO Defendants</u></b>  <u>Mullen Trucking 2005, Ltd., William</u>  <u>D. Scott and Jane Doe Scott</u>            Brian Del Gatto            Wilson Elser Moskowitz Edelman &amp;            Dicker            1010 Washington Blvd.            Stamford, CT 06901</p>	<p>( ) Via U.S. Mail            ( ) Via Legal Messenger            (X) Email</p>
<p><b><u>CO Defendants</u></b>  <u>Mullen Trucking 2005, Ltd., William</u>  <u>D. Scott and Jane Doe Scott</u>            Steven W. Block            Foster Pepper PLLC            1111 3rd Ave Ste 3400            Seattle, WA 98101-3299</p>	<p>( ) Via U.S. Mail            ( ) Via Legal Messenger            (X) Email</p>
<p><b><u>CO Defendants</u></b>  <u>Patty Auvil d/b/a</u>  <u>Olympic Peninsula Pilot Service</u>            Amanda E. Vedrich            Bolton &amp; Carey            7016 35th Ave. N.E.            Seattle, WA 98115</p>	<p>( ) Via U.S. Mail            ( ) Via Legal Messenger            (X) Email</p>

DATED this 12<sup>th</sup> day of February, 2018, at Seattle, Washington.

  
 \_\_\_\_\_  
 Melanie Barnhill, Legal Secretary

# SCHEER LAW GROUP

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## Transmittal Information

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**Appellate Court Case Number:** 76310-5  
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Pets.  
**Superior Court Case Number:** 15-2-00163-1

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