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FILED
JAN 12 2018
SONYA KRASKI
COUNTY CLERK
SNOHOMISH CO. WASH.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SNOHOMISH

STATE FARM FIRE & CASUALTY, as subrogee
for Joseph and Michelle Strickland;

Plaintiff,

vs.

WHIRLPOOL CORPORATION, a foreign
corporation; MAYTAG CORPORATION, a
foreign corporation, a subsidiary of Whirlpool
corporation; MAYTAG PROPERTIES, LLC a
foreign limited liability company, a subsidiary of
Whirlpool corporation,

Defendants.

No. 16-2-15734-31

ORDER ON STATE FARM'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT SEEKING DISMISSAL
OF CERTAIN DEFENSES

This motion came upon the court's calendar upon State Farm Fire and Casualty's
("State Farm") Motion for Partial Summary Judgment Seeking Dismissal of Certain Defenses.

State Farm sought dismissal of the following defenses asserted by the defendants:

1. Fault of State Farm's insureds, Mr. and Ms. Strickland (collectively "Strickland")
and Fault of any other 3rd Parties.

1 2. Strickland's comparative negligence including, but not limited to, any allegation
2 that they abused or misused the subject refrigerator or made any modification or changes
3 in the condition of the refrigerator after its purchase).

4 3. Intervening/superseding negligence of the Stricklands or any other 3rd party.

5 4. Spoliation, waiver, estoppel, laches and/or unclean hands.

6 5. Failure to state a claim upon which relief can be granted.

7 The court reviewed the files in this matter and specifically the following:

8 1. State Farm's Motion for Partial Summary Judgment and Memorandum In Support of
9 Summary Judgment (including the Declaration of Craig Evezich (and its attachments));

10 2. Defendants response to Partial Summary Judgment including the declarations of
11 Tracy D. Knox and Donald P. Grob (and their attachments); and,

12 3. State Farm's reply to defendants' response (including the declaration of Craig
13 Evezich (and its attachments)).

14 After having reviewed the above mentioned pleadings and matters filed in this
15 case, and hearing oral argument regarding the same, and there being no just reason for
16 delay, the court finds that Whirlpool has failed to produce evidence sufficient to support
17 a genuine issue of material fact regarding the existence of the defenses identified
18 above.
19
20

21 Accordingly, based upon the above findings, the court holds, as a matter of law, and
22
23 **ORDERS that:**

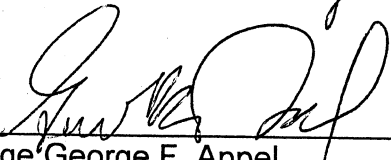
24
25 Order on State Farm's Motion for Partial SJ
26 Re Defendants' defenses
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1. State Farm's motion is granted;
2. The defenses asserted by Whirlpool, and identified above, are dismissed.

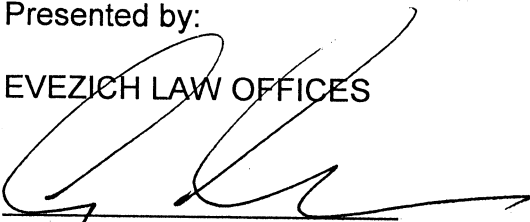
DONE IN OPEN COURT this 12th day of January, 2018



Judge George F. Appel

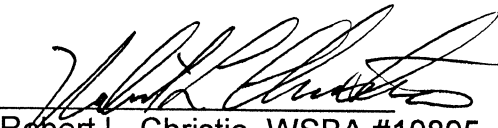
Presented by:

EVEZICH LAW OFFICES



Craig Evezich, WSBA #20957
Attorney for State Farm

Notice of presentation waived;
approved as to form and content



Robert L. Christie, WSBA #10895
Tracy D. Knox, *Pro hac vice*
Attorney for defendants