

WATHEN | LEID | HALL | Rider

Insurance Law Newsletter

April 14, 2021

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Rider, P.C.

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Highlights

- **Kimberly Larsen Rider becomes a Shareholder**
- **CWLH changed its name to WLHR**
- **Wrongful death SJ won**
- **WLHR Secures Summary Judgement of Dismissal of Claims Stemming from Wrongful Termination**
- **Defense verdict won where the plaintiff was asking \$2,100,000 and was awarded only \$7,000.00**
- **WLHR Receives Zoom Defense Verdict**

WATHEN | LEID | HALL | RIDER

*Proudly Announces Kimberly L. Rider as
Newest Shareholder*

*Kimberly Larsen
Rider becomes
Shareholder*

*CWLH changes its
name to WLHR*

Effective January 1, 2021 our Firm changed its name from Cole, Wathen, Leid & Hall, P.C. to Wathen, Leid, Hall & Rider, P.C. The Firm's name change follows Kimberly L. Rider become our newest Shareholder. WLHR will continue its over 100-year history of litigation excellence. The firm will continue to represent our clients in all areas of insurance law and civil litigation. We also represent businesses and individuals.

Estate of Ley v Maurice

King County Superior Court Case No. 19-2-26864-6 SEA

Rory W. Leid, III, Hillarie H. Lee and Christos N. Argiannis



Karstetter v Weaver

King County Superior Court Case No. 16-2-12397-0 SEA

Rory W. Leid, III, Judson D. Taylor and Laura E. Gage

Wrongful Death Summary Judgment Won

Rory Leid, assisted by Christos Argiannis, successfully prevailed on summary judgment in a wrongful death claim establishing that their client, defendant Maurice, was not liable for the death that occurred where there were successive vehicle collisions.

The Estate of Ley claimed that the death was caused in part by Mr. Maurice who caused the initial accident. Subsequently, a drunk driver came and killed the decedent who was outside of his car on the side of the road at the time of the second accident.

On motion for summary judgment, defendant Maurice prevailed establishing that there was no cause in fact or proximate cause. The Estate brought a motion for reconsideration and parties were asked to brief the issues, focusing on foreign caselaw since no Washington cases exist for this exact scenario. Defendant Maurice prevailed once again on the motion for reconsideration.

WLHR Secures Summary Judgment of Dismissal of claims Stemming from Wrongful Termination

Rory W. Leid, III, assisted by associates Judson D. Taylor and Laura E. Gage, represented Randy and Sonya Weaver in the matter of Karstetter v. King County Corrections Guild, King County Superior Court Case No. 16-2-12397-0 SEA. Plaintiff Karstetter brought suit against a number of parties in this case from 2016, brought in interlocutory appeal before the Supreme Court of Washington in 2018.

Plaintiff filed suit against both Weavers for blacklisting, defamation, negligent infliction of emotional distress, and intentional infliction of emotional distress. The court dismissed all counts based primarily on a failure to that show damages were not the result of the plaintiff's actions and on a failure of the plaintiff to link the Weavers to those unproven damage amounts.

Andes v Tolonen

*King County Superior
Court No. 18-2-22985-5-
KNT*

William W. Weber



Defense verdict won where the plaintiff was asking 2.1 million and was awarded only \$7,000

In what was the first all-Zoom trial for the firm, and one of the first in the state, Bill Weber was able to achieve a great result for our client. The case involved a plaintiff involved in two incidents. In the first, plaintiff was struck in the shoulder area as a pedestrian by the mirror of a passing school bus. The facts and liability were disputed in this first incident. The second incident occurred approximately 18 months later, when our client rear ended plaintiff at a stop sign causing moderate property damage. Liability was admitted. A few weeks after the MVA, our client passed away from unrelated natural causes and we ultimately represented his adult son as the personal representative of his father's estate. Plaintiff was still treating for neck, back, shoulder, and headache complaints up to the time of the rear end accident.

Plaintiff was 53 years old at the time of the bus incident and was employed in the construction industry performing a great deal of physical labor. He missed some time from work following the bus incident. Following the second MVA, plaintiff continued to treat with chiropractic, physical therapy, massage therapy and a physiatrist. Eventually, plaintiff had numerous injections for on-going neck pain that was diagnosed as cervical facet syndrome. He also underwent radiofrequency ablation on one occasion with good temporary results. The parties stipulated to approximately \$54k in past medical treatment as reasonable and necessary. The parties also stipulated, and the judge instructed, the past medical specials should be apportioned \$47k to the bus incident and \$7k to the MVA.

Medical testimony established that the rear end accident caused aggravation injuries to the plaintiff's neck and back and new injuries to his hip. The testimony opined that the plaintiff returned to baseline within 6 to 12 months following the MVA. There was conflicting medical testimony as to whether the permanent cervical condition (3% total body impairment) was due solely to the first incident or not. The medical testimony agreed that future treatment would be necessary but differed in terms of what that treatment should be.

Plaintiff asked the jury to award \$2.1 million in damages. Co-defendant argued that \$150k would be reasonable for damages associated with their loss but argued for a defense verdict on liability too. Bill argued \$6k in general damages for a six-month exacerbation injury would be reasonable. The jury awarded \$71k to plaintiff for the bus incident but found the plaintiff to be 85% at fault. The jury awarded \$7k in medical specials they were instructed to award against our client but awarded no general damages. The total award against our client then was \$7k, substantially below settlement amounts offered at mediation and up to the time of trial.



Page Cellars

*King County Superior
Court No. 19-2-01275-7
SEA*

Rory W. Leid, III and
Christos N. Argiannis

WLHR Receives Defense Verdict in 2nd firm Zoom Trial

Rory Leid represented Page Cellars LLC in the matter Lisa Hackler v Page Cellars, et al, King County Superior Court Case No. 19-2-01275-7 SEA. Plaintiff sued Page Cellars LLC and The Evans Company for negligence when she slipped and fell on ice in the parking lot of Woodinville Park North. The Evans Company is the owner and landlord of Woodinville Park North and Page Cellars LLC operates a winery at this location as a tenant.

There were several issues of fact regarding who created the ice that Plaintiff fell on at Woodinville Park North. Additionally, Plaintiff testified that she saw the ice, prior to falling, and chose to walk across it. This was corroborated by the additional testimony of Plaintiff's friends who accompanied her that night, and they also saw the ice but chose to walk a different route.

The trial was conducted on zoom and lasted 8 days. Plaintiff was seeking in excess of \$2,000,000 in damages from the injuries she sustained. After deliberation, the jury returned with a verdict that Page Cellars LLC and The Evans Company were negligent but were not the proximate cause of Plaintiff's injuries.

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