

Washington



Summary Judgement Dismissal Affirmed by Court of Appeals



Grant Lingg



Scott Samuelson

Grant Lingg and Scott Samuelson defended a fruit packaging company against a \$48.5 million fire claim brought by a neighboring property's insurance company. The claim arose after the neighboring property, another fruit packing facility, suffered substantial damages to its warehouse during the 2015 Sleepy Hollow wildfire. The plaintiff argued that our client's storage practices were negligent and caused the fire to unnecessarily spread. We filed a motion for summary judgment contending our client was not negligent as a matter of law. The superior court granted summary judgment, finding there was insufficient evidence that our client's storage practices caused the fire to spread to the neighboring warehouse. The plaintiff then appealed the decision. The Court of Appeals affirmed the dismissal, holding that our client was not negligent. The Court reasoned that the plaintiff had not presented enough evidence to rebut our client's contention that it exercised reasonable care to store flammable materials at its property, and thus failed to create a question of fact that would warrant a trial.