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SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

MAUREEN HAY, a Washington resident;
IGOR SMAL, a Washington resident; HANNA
SMAL, a Washington resident;
JORDAN SMITH, a Washington resident;
CAMERON SMITH, a Washington resident;
ALEX KULIBABA, a Washington resident;
NATALYA MANCHIK, a Washington
resident; DAN HART, a Washington resident;
SHAWNA HART, a Washington resident;
PETER MANNING, a Washington resident;
ADRIENNE MANNING, a Washington
resident; JOHN BETHKE, a Washington
resident; TAWNY CABRAL, a Washington
resident; WHITNEY DECORIA, a Washington
resident; RYAN DECORIA, a Washington
resident; VASILY LYSSYY, a Washington
resident; TATYANA LYSSYY, a Washington
resident; JOSEPHINE PANGAN, a
Washington resident; AUBREY BRADLEY, a
Washington resident; OZNUR BRADLEY, a
Washington resident; CODY WHITNEY, a
Washington resident; YVONNE JOHNSON, a
Washington resident; HAROON SAKHI, a
Washington resident; ADELA SAKHI, a
Washington resident; DARRYL JOHNSON, a
Washington resident; CHRISTINE JOHNSON,
a Washington resident; KEN EDWARDS, a
Washington resident; SHERRI PENA, a
Washington resident; YONG LIM, a
Washington resident; AMBER LEE, a

NO. 14-2-08793-0

ORDER ON PLAINTIFFS CHRISTINE
AND DARYL JOHNSON'S MOTION
FOR PARTIAL SUMMARY
JUDGMENT

~~PROPOSED~~

1 Washington resident; WHITNEY SARGENT,
2 a Washington resident; YEVGENIY "JOHN"
3 ZADNEPROVSKIY, a Washington resident;
4 MARINA ZADNEPROYSKIY, a Washington
5 resident; EUN YOUNG LEE, a Washington
6 resident; KURT BERG, a Washington resident;
7 TRACY BERG, a Washington resident; PETE
8 NITO, a Washington resident;
9 JENELYN NITO, a Washington resident;
10 WILLIAM DUNGER, a Washington resident;
11 TANYA DUNGER, a Washington resident ;
12 ANTON OMELIN, a Washington resident;
13 BANNY CHHOEUN, a Washington resident;
14 SARETH CHHOEUN, a Washington resident;
15 ADAM JACKSON, a Washington resident;
16 SARA JACKSON, a Washington resident;
17 LAYLA BUGADO, a Washington resident;
18 BRAD BUGADO, a Washington resident;
19 PHU DO, a Washington resident; HIEN
20 TRAN, a Washington resident; JASON IHDE,
21 a Washington resident; and BETH IHDE, a
22 Washington resident,

23 Plaintiffs,

24 vs.

25 HIGHMARK HOMES, LLC, a Washington
corporation; TOM TOLLEN and JANE DOE
TOLLEN, and the marital community
comprised thereof,

Defendants.

HIGHMARK HOMES, LLC, a Washington
limited liability company,

Third-Party Plaintiff,

vs.

AAA FRAMING CORPORATION, a
Washington corporation; ABSI BUILDERS,
INC., a Washington corporation; AFDEM &
SON'S DOZING, INC., a Washington

1 corporation; AMERICA 1ST ROOFING &
2 BUILDERS, INC., a Washington corporation;
3 BEST QUALITY FRAMING #1, LLC, a
4 Washington limited liability company; BEST
5 SIDERS CORPORATION, a Washington
6 corporation; BIGFOOT CONSTRUCTION,
7 LLC, a Washington limited liability company;
8 ERIK A. ARELLANO d/b/a ERIK
9 CONSTRUCTION, an individual; NJB
EXCAVATING, INC., a Washington
corporation; S & S HOME REPAIR INC., a
Washington corporation; BRENT L.
FERGUSON d/b/a TOPSHELF MILLWORK
INSTALLATION, an individual; and VAB
QUALITY WORKS LLC, a Washington
limited liability company,

10 Third-Party Defendants.

11 Plaintiffs Christine and Darryl Johnson, having moved the Court on a partial motion
12 for summary judgment against Defendant Highmark Homes LLC (hereafter "Highmark"), and
13 the Court having considered all arguments for and against said Motion, including oral
14 presentation and review of pleadings and papers filed in support or opposition thereof,
15 including:

- 17 1. Plaintiffs' Motion for Partial Summary Judgment;
- 18 2. Declaration of attorney Chris Casey and Exhibits;
- 19 3. Declaration of Robb Dibble and Exhibits;
- 20 4. Declaration of Martin Flores and Exhibits;
- 21 5. Declaration of Mike Johnson and Exhibits;
- 22 6. Defendant Highmark's Opposition to Motion for Partial Summary Judgment;
- 23 7. Plaintiff's Reply
- 24 8. .

1 9.

2 10.

3 **THE COURT FINDS AND RULES AS FOLLOWS.**

CRC AM
Johnson residence

4 1. **Applicable Standards:** The following standards apply to the construction of the ~~2011 City~~
5 ~~Home~~ ~~houses~~ at issue in this matter

- 6 (a) 2009 International Residential Code (“IRC”).
- 7 (b) City of Fife approved building plans.
- 8 (c) Building product manufacturer installation requirements.

9 2. **T1-11 Siding Installation Violations**

10 (a) IRC: Four requirements violated

- 11 a.1 **703.1** Exterior walls shall provide the building with a weather resistant exterior
- 12 wall envelope.
- 13 a.2 **703.1.1** The exterior wall envelope shall be designed and constructed in a manner
- 14 that prevents the accumulation of water within the wall assembly by providing a
- 15 water resistant barrier behind the exterior veneer.
- 16 a.3 **301.1** Buildings and structures, and all parts thereof, shall be constructed to safely
- 17 support all loads, including dead loads, live loads, roof loads.
- 18 a.4 **601.2** Wall construction shall be capable of accommodating all loads imposed
- 19 exterior walls, and the associated openings, shall be designed and constructed to
- 20 resist safely the superimposed loads.

21 (b) Building Plans: Two building plan requirements violated

- 22 b.1 Plan sheet S-1.0 “Shear Wall Schedule”, requiring the panels be 5/8” thick and
- 23 nailed with 8d nails that are 0.131” diameter by 2-1/2” long.
- 24 b.2 Plan sheet S-1.0 Detail 2, requiring installation of horizontal straps at perforated
- 25 shear walls.

(c) Manufacture Installation Requirements: The T-11 manufacturer is LP Building Products. Six LP installation requirements violated

- 1 c.1 Apply siding in a manner that prevents moisture intrusion and water build-up.
- 2 c.2 Ensure all exposed wood substrate are sealed in a manner that prevents moisture
- 3 intrusion and water buildup.
- 4 c.3 Install behind each siding panel a properly installed, breathable water resistive
- 5 barrier.
- 6 c.4 Ensure all openings are properly sealed and flashed with water resistive barrier and
- 7 in a manner that prevents moisture intrusion or buildup.
- 8 c.5 Employ a double nailing procedure.
- 9 c.6 Ensure all gaps are sealed with a high quality sealant with a minimum service life
- 10 of 30 years.

11 **3. *Windows and Sliding Door Installation:***

12 (a) IRC: One requirement violated:

13 (a).1 **703.8** Approved corrosion resistant flashing shall be applied shingle fashion in a

14 manner to prevent entry of water into the wall cavity or penetration of water to the

15 building structural faming components... The flashing shall extend to the surface

16 of the exterior wall finish. Approved corrosion resistant flashings shall be installed

17 at all of the following locations: 1. Exterior window and door openings. Flashing at

18 exterior window and door openings shall extend to the surface of the exterior wall

19 finish or to the water resistive barrier for subsequent drainage.

20 (c) Manufacture Installation Requirement: The windows and sliding door are

21 manufactured by Cascade Windows. Three Cascade installation requirements violated

22 (c).1 Apply flashing across bottom of opening, extending beyond each side of the

23 opening by the width of the flashing.

24 (c).2 Apply 3/8" nominal bead of flexible sealant around the entire perimeter of the

25 window, aligning bead with pre-punched holds in nail fin.

(c).3 Apply flashing across the top of the window, overlapping the nail fin and side

flashing pieces, and extending beyond the outer edges of the side flashing by at

least 1". Seal flashing to the face of the nailing fin with flexible sealant.

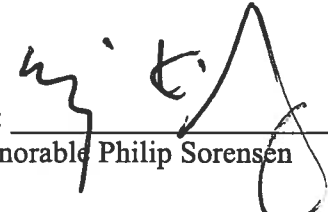
4. *Damage / Remediation:* *The preceding violations cause and/or contribute to property damage at the Johnson home and require repairs in compliance with applicable IRCs, approved building plans and manufacturer installation requirements.*

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5. Costs: The minimum cost of remediating the T1-11 siding and windows and sliding door at the Johnson house is not less than \$105,430.

DATED this 26 day of ~~January~~, 2016.
February

By: 
Honorable Philip Sorensen

PRESENTED BY:
Casey & Skoglund PLLC

/s/Chris Casey
Chris Casey, WSBA 27684
Attorney For Plaintiffs