

NEWS & INSIGHTS

PACCAR INC WINS FORUM NON CONVENIENS APPEAL IN WASHINGTON STATE

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Lightfoot attorneys Banks Sewell, Brad Powell and Sandy Hooper won a victory on December 23, 2013 in the Washington Court of Appeals for PACCAR Inc. The Washington Court of Appeals ruled that a Seattle trial court abused its discretion by requiring PACCAR to stipulate in a product liability suit to Washington's statute of repose as a condition of dismissal under the *forum non conveniens* doctrine.

Plaintiff's decedent was killed at a construction site in Fort Worth, Texas after rolling over the 1990 model Kenworth truck he was operating. Seeking to avoid Texas's fifteen year statute of repose, Plaintiff filed suit in Washington state, where PACCAR's headquarters are located. Washington's twelve year statute of repose contains a "useful safe life" exception which Plaintiff claimed. PACCAR filed a motion to dismiss for *forum non conveniens* arguing that Washington was an inconvenient forum because the relevant facts and evidence were in Texas where the accident occurred. The trial court granted PACCAR's motion to dismiss, but conditioned dismissal on PACCAR's agreement to stipulate that Washington's statute of repose applied when the case was re-filed in Texas.

PACCAR did not accept the trial court's condition to dismissal. Over Plaintiff's objection, the Washington Court of Appeals granted PACCAR's request for interlocutory review, and following briefing and oral argument, reversed the trial court's order imposing the condition, calling it "a gratuitous substantive advantage" erroneously given to Plaintiff by the trial court.

The Court of Appeals' opinion can be found [here](#).