

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NICK LOWRY, on behalf of himself and all  
others similarly situated,

Plaintiff,

v.

ADDITECH, INC., a Texas corporation,

Defendant.

No.

**DEFENDANT’S NOTICE OF  
REMOVAL OF CIVIL ACTION**

(King County Superior Court  
Case No. 19-2-00613-7 SEA)

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1332(d), 1441, 1446, and 1453, Defendant Additech, Inc. (“Defendant” or “Additech”) hereby removes the above-captioned action from the Superior Court of the State of Washington in and for King County<sup>1</sup> to this Court on the ground of original jurisdiction based on 28 U.S.C. § 1332(d). The following statement is submitted in accordance with 28 U.S.C. § 1446.

**I. STATE COURT ACTION**

1. On or about January 8, 2019, Plaintiff Nick Lowry (“Plaintiff”) filed a Class Action Complaint (the “Complaint”) in the Superior Court of the State of Washington in and for King County, entitled *Nick Lowry, on behalf of himself and all others similarly*

<sup>1</sup> A true and correct copy of the Civil Cover Sheet is attached hereto as Exhibit E.

1 *situated v. Additech, Inc., a Texas corporation*, Case No. 19-2-00613-7 SEA (the “State  
2 Court Action”), a true and correct copy of which is attached hereto as Exhibit A.

3 2. Plaintiff seeks to represent a class consisting of “All persons who purchased  
4 Additech’s Fuel System Cleaner or Diesel Guard products in Washington State, at any time  
5 after January 7, 2015.” Ex. A at ¶ 56. The Complaint asserts that Plaintiff, and the putative  
6 class members, purchased Additech’s products that allegedly “did not deliver the benefits  
7 promised by Additech.” *Id.* at ¶¶ 55, 56.

8 3. The Complaint asserts two causes of action against Additech: (1) Violation  
9 of Washington’s Consumer Protection Act, RCW 19.86, *et seq.* – *Non-Per Se* Deceptive  
10 Business Practices; and (2) Violation of the Washington Consumer Protection Act, RCW  
11 19.86 *et seq.* – *Non-Per Se* Unfair Business Practices. Ex. A at ¶¶ 64-85.

12 4. A copy of the Summons (a true and correct copy of which is attached hereto  
13 as Exhibit D), Complaint (Exhibit A), and Civil Cover Sheet (Exhibit E) were served on  
14 Defendant’s registered agent for service on or about January 22, 2019.

15 5. Defendant is the only defendant in the State Court Action. There are no  
16 unserved defendants, and as such, Defendant is the only defendant that need consent to this  
17 removal.

18 **II. JURISDICTION PURSUANT TO THE CLASS ACTION**  
19 **FAIRNESS ACT IS SATISFIED**

20 6. The Class Action Fairness Act of 2005 (“CAFA”) grants federal district  
21 courts original jurisdiction over civil class action lawsuits filed under federal or state law in  
22 which any member of a putative class of plaintiffs is a citizen of a state different from any  
23 defendant, where the matter in controversy exceeds \$5,000,000, exclusive of interest and  
24 costs, and where the number of putative class members exceeds 100. 28 U.S.C.  
25 §§ 1332(d)(1)(B), (d)(2)(A), and (d)(5)(B); *see Kuxhausen v. BMW Fin. Servs. NA LLC*,  
26 707 F.3d 1136, 1139 (9th Cir. 2013) (“Federal jurisdiction under CAFA has three elements:

1 (1) there must be minimal diversity of citizenship between the parties, (2) the proposed  
2 class must have at least 100 members and (3) the amount in controversy must exceed the  
3 sum or value of \$5,000,000.”) (internal citation and quotation omitted).

4 7. There is no presumption against removal under CAFA. *Dart Cherokee*  
5 *Basin Operating Co., LLC v. Owens*, 135 S. Ct. 547, 554, 190 L. Ed. 2d 495 (2014) (“no  
6 antiremoval presumption attends cases invoking CAFA, which Congress enacted to  
7 facilitate adjudication of certain class actions in federal court”). To the contrary, “CAFA’s  
8 provisions should be read broadly, with a strong preference that interstate class actions  
9 should be heard in a federal court if properly removed by any defendant.” *Id.* at 554  
10 (quoting S. Rep. No. 109-14, p. 43 (2005)).

11 8. This action satisfies all requirements for removal under CAFA, as set forth  
12 below. Further, while there are a number of exceptions to this rule of original jurisdiction  
13 contained in 28 U.S.C. § 1332(d)(3)-(5), none of the exceptions are applicable here, as  
14 demonstrated below.

15 **A. Minimum Diversity Exists.**

16 9. Under 28 U.S.C. § 1332(d)(2)(A), a district court may assert jurisdiction  
17 over a class action in which “any member of a class of plaintiffs is a citizen of a State  
18 different from any defendant.”

19 10. Plaintiff alleges that he is domiciled in the State of Washington (Ex. A at  
20 ¶ 10) and is therefore a citizen of Washington for jurisdictional purposes.<sup>2</sup>

21 11. Additech is a corporation and is therefore deemed to be a citizen of the state  
22 in which it has been incorporated and the state where it has its principal place of business.  
23 28 U.S.C. § 1332(c)(1). A corporation’s principal place of business is generally its  
24 headquarters. *Hertz Corp. v. Friend*, 559 U.S. 77, 92-93, 130 S. Ct. 1181, 175 L. Ed. 2d

25 \_\_\_\_\_  
26 <sup>2</sup> As for the citizenship of the putative class Plaintiff seeks to represent, that class is comprised of individuals who purchased Additech’s products in the state of Washington. Ex. A at ¶ 56.

1 1029 (2010) (the “‘principal place of business’ is best read as referring to the place where a  
2 corporation’s officers direct, control, and coordinate the corporation’s activities,” and in  
3 practice, the principal place of business “should normally be the place where the  
4 corporation maintains its headquarters – provided that the headquarters is the actual center  
5 of direction, control, and coordination”).

6 12. As Plaintiff alleges, Additech is “a Texas corporation” with its headquarters  
7 and principal place of business in Texas. Ex. A at ¶ 11. The State of Texas’s Comptroller  
8 of Public Accounts search website further shows that Additech is a Texas corporation with  
9 its corporate headquarters and principal place of business located in Sugar Land, Texas.  
10 See URL at <https://mycpa.cpa.state.tx.us/coa/coaSearchBtn>.

11 13. Consequently, Additech’s citizenship is diverse from Plaintiff’s and the  
12 minimum diversity requirement under CAFA is satisfied.

13 **B. The Amount in Controversy Exceeds \$5,000,000.**

14 14. CAFA authorizes the removal of class actions in which, among the other  
15 factors mentioned above, the aggregate amount in controversy for all class members  
16 exceeds five million dollars (\$5,000,000.00). See 28 U.S.C. § 1332(d). Here, the  
17 allegations in Plaintiff’s Complaint and the claimed damages exceed the jurisdictional  
18 minimum.

19 15. A plaintiff’s complaint is a court’s “first source of reference in determining  
20 the amount in controversy.” *LaCrosse v. Knight Transp. Inc.*, 775 F.3d 1200, 1202 (9th  
21 Cir. 2015) (citing *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 289, 58 S.  
22 Ct. 586, 82 L. Ed. 845 (1938)). Here, in determining the amount in controversy for  
23 purposes of removal, the ultimate inquiry is what amount is put “in controversy” by  
24 Plaintiff’s Complaint—not what a court or jury might later determine to be the actual  
25 amount of damages, if any. See *Ibarra v. Manheim Invs., Inc.*, 775 F.3d 1193, 1198 n.1  
26 (9th Cir. 2015) (defendants “are not stipulating to damages suffered” in a removal petition,

1 “but only estimating the damages that are in controversy,” because “jurisdiction must be  
2 analyzed on the basis of pleadings filed at the time of removal”).

3 16. Plaintiff brings this action on behalf of himself and a putative class defined  
4 as: “All persons who purchased Additech’s Fuel System Cleaner or Diesel Guard products  
5 in Washington State, at any time after January 7, 2015.” Ex. A at ¶ 56. Additionally,  
6 Plaintiff alleges that there are more than 1,000 people in the purported class. *Id.* at ¶ 57.

7 17. Plaintiff alleges that he and the purported class “suffered injury in fact and  
8 lost money,” and that they are entitled to “recovery of actual damages, treble damages,  
9 attorneys’ fees, costs of suit, and such further relief as the Court may deem proper.” Ex. A  
10 at ¶¶ 71, 73, 83, 85. Given the four-year damages period and treble damages alleged by  
11 Plaintiff, as well as the attorneys’ fees<sup>3</sup> and costs of suit, the damages in this matter could  
12 easily exceed the \$5,000,000 threshold.

13 18. “[A] defendant’s notice of removal need include only a plausible allegation  
14 that the amount in controversy exceeds the jurisdictional threshold. Evidence establishing  
15 the amount is required by § 1446(c)(2)(B) only when the plaintiff contests, or the court  
16 questions, the defendant’s allegation.” *Dart Cherokee*, 135 S. Ct. at 554. This standard  
17 applies to complaints like the Complaint in this action, which does not allege or seek a  
18 specific amount of damages: “When plaintiffs favor state court and have prepared a  
19 complaint that does not assert the amount in controversy...the Supreme Court has said that  
20 a defendant can establish the amount in controversy by an unchallenged, plausible assertion  
21 of the amount in controversy in its notice of removal.” *Ibarra*, 775 F.3d at 1197-98 (citing  
22 *Dart Cherokee*, 135 S. Ct. at 554-55).

23 19. Additech alleges that the amount in controversy exceeds \$5,000,000 only for  
24 the purposes of establishing subject matter jurisdiction under CAFA. Additech’s

25 \_\_\_\_\_  
26 <sup>3</sup> In determining whether a Complaint meets the amount in controversy requirement, the Court should also  
consider potentially available attorney’s fees. *See, e.g., Galt G/S v. JSS Scandinavia*, 142 F.3d 1150, 1156  
(9th Cir. 1998); *Goldberg v. C.P.C. Int’l, Inc.*, 678 F.2d 1365, 1367 (9th Cir. 1982).

1 allegations are not admissions of liability or damages with respect to any aspect of this case,  
2 or to the proper legal test(s) applicable to Plaintiff's allegations, or whether a class action is  
3 proper. *LaCrosse*, 775 F.3d at 1203 ("Even when defendants have persuaded a court upon  
4 a CAFA removal that the amount in controversy exceeds \$5 million, they are still free to  
5 challenge the actual amount of damages in subsequent proceedings and at trial.") (quoting  
6 *Ibarra*, 775 F.3d at 1198 n.1). While Additech denies the validity and merit of all of  
7 Plaintiff's claims and the demands for monetary and other relief that flow from them  
8 (assuming them to be accurate for purposes of this removal only), "a reasonable person,  
9 reading the complaint...would conclude that [Plaintiff] was seeking damages in an amount  
10 greater than the minimal jurisdictional amount of this Court." *See* LCR 101(a).

11 20. Additech reserves the right to provide evidence as to the above calculations  
12 and all other amounts sought by Plaintiff in the Complaint should Plaintiff challenge or  
13 should the Court question the amount in controversy.

#### 14 C. Size of the Purported Class.

15 21. The Complaint alleges that the number of putative class members exceeds  
16 1000. *See* Ex. A at ¶ 57. Therefore, the aggregate membership of the proposed class is at  
17 least 100, as required under CAFA. *See* 28 U.S.C. § 1332(d)(5)(B).

### 18 III. NO CAFA EXCEPTIONS APPLY

19 22. CAFA contains exceptions to its grant of original jurisdiction for when the  
20 primary defendants are citizens of the State in which the action was originally filed (28  
21 U.S.C. §§ 1332(d)(3) and (d)(4)), and for when the defendants are government entities or  
22 the putative class numbers less than 100 in the aggregate (28 U.S.C. § 1332(d)(5)).

23 23. Because Additech is neither a citizen of the state of Washington nor a  
24 government entity (*see* Ex. A at ¶ 11), and because the putative class numbers more than  
25 100 in the aggregate (*see* Ex. A at ¶ 57), the exceptions to jurisdiction set forth in CAFA do  
26 not apply.

**IV. REMOVAL IS TIMELY**

24. As set forth above, the Complaint was served on Defendant’s agent for service of process on January 22, 2019. This Notice of Removal is timely in that it has been filed within thirty days of the date of service of the Complaint consistent with 28 U.S.C. § 1446(b).

**V. ADDITECH PROVIDED NOTICE TO PLAINTIFF**

25. Pursuant to 28 U.S.C. § 1446(d), promptly after filing the Notice of Removal, Additech will give written notice to Plaintiff’s counsel of record: Beth E. Terrell and Benjamin M. Drachler at Terrell Marshall Law Group, 936 North 34th Street, Suite 300, Seattle, Washington 98103; and, Daniel L. Warshaw, Michael H. Pearson, Eric J. Mont at Pearson, Simon & Warshaw LLP, 15165 Ventura Boulevard, Suite 400, Sherman Oaks, California 91403.

26. In addition, a copy of this Notice of Removal will be filed with the Clerk of the Court for the Superior Court of Washington for King County.

**VI. VENUE**

27. Venue lies in the United States District Court in and for the Western District of Washington, pursuant to 28 U.S.C. §§ 1391(a) and 1441(a), because the King County Superior Court, where the suit was originally filed, is located within the District. Plaintiff also alleges injury in this district. *See* Ex. A at ¶¶ 55, 56, 71, 83.

**VII. INTRADISTRICT ASSIGNMENT**

28. Pursuant to LCR 3(d)(1), this action is properly removed to the Seattle Division of the Western District of Washington because the claims arose in Snohomish County, Washington. *See* Ex. A at ¶¶ 52, 55.

**VIII. ATTACHMENT OF PLEADINGS**

29. As required by 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings, and orders served upon Additech and found in the files of the Superior Court of the State of Washington for King County are attached hereto. *See* chart below.

Exhibit	Document
A	Class Action Complaint
B	Order Setting Civil Case Schedule
C	Case Information Cover Sheet and Area Designation
D	Summons
E	Case Assignment Area Designation and Case Information Cover Sheet
F	Notice Regarding Assigned Judge
G	Notice of Appearance (Terrell Marshall Law Group)
H	Motion for Limited Admission of Daniel L. Warshaw Pursuant to APR 8(b) <i>Pro Hac Vice</i>
I	Notice of Hearing re Motion for Limited Admission of Daniel L. Warshaw Pursuant to APR 8(b) <i>Pro Hac Vice</i>
J	Motion for Limited Admission of Michael H. Pearson Pursuant to APR 8(b) <i>Pro Hac Vice</i>
K	Notice of Hearing re Motion for Limited Admission of Michael H. Pearson Pursuant to APR 8(b) <i>Pro Hac Vice</i>
L	Motion for Limited Admission of Eric J. Mont Pursuant to APR 8(b) <i>Pro Hac Vice</i>
M	Notice of Hearing re Motion for Limited Admission of Eric J. Mont Pursuant to APR 8(b) <i>Pro Hac Vice</i>
N	Declaration of Service
O	Order Granting Motion for Limited Admission of Daniel L. Warshaw Pursuant to APR 8(b) <i>Pro Hac Vice</i>
P	Order Granting Motion for Limited Admission of Eric J. Mont Pursuant to APR 8(b) <i>Pro Hac Vice</i>
Q	Order Granting Motion for Limited Admission of Michael H. Pearson Pursuant to APR 8(b) <i>Pro Hac Vice</i>
R	Notice of Appearance (Yarmuth LLP)



Exhibit	Document
S	Service of Process Receipt <sup>4</sup>
T	Plaintiff’s First Set of Interrogatories and Requests for Production of Documents Propounded to Defendant Additech, Inc.

WHEREFORE, having provided notice as is required by law, the above-entitled action should be removed from the Superior Court of the State of Washington in and for King County, to this Court.

DATED: February 19, 2019.

**YARMUTH LLP**

By: s/Lynn M. Engel  
Lynn M. Engel, WSBA No. 21934

By: s/Ralph H. Palumbo  
Ralph H. Palumbo, WSBA No. 4751

By: s/Elizabeth S. Weinstein  
Elizabeth S. Weinstein, WSBA No. 45763

1420 Fifth Avenue, Suite 1400  
Seattle, WA 98101  
Phone: 206.516.3800  
Email: [lengel@yarmuth.com](mailto:lengel@yarmuth.com)  
[rpalumbo@yarmuth.com](mailto:rpalumbo@yarmuth.com)  
[eweinstein@yarmuth.com](mailto:eweinstein@yarmuth.com)

*Attorneys for Defendant*

---

<sup>4</sup> Exhibits S and T were served upon Additech but are not part of the court file.

**CERTIFICATE OF SERVICE**

I hereby certify that on this date I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record who receives CM/ECF notification:

Beth E. Terrell  
Benjamin M. Drachler  
Terrell Marshall Law Group PLLC  
936 North 34th Street, Suite 300  
Seattle, WA 98103-8869  
Phone: 206.816.6603  
Email: [bterrell@terrellmarshall.com](mailto:bterrell@terrellmarshall.com)  
[bdrachler@terrellmarshall.com](mailto:bdrachler@terrellmarshall.com)

*Attorneys for Plaintiff Nick Lowry*

Daniel L. Warshaw (*pro hac vice*)  
Michael H. Pearson (*pro hac vice*)  
Eric J. Mont (*pro hac vice*)  
Pearson, Simon & Warshaw, LLP  
15165 Ventura Blvd, Suite 400  
Sherman Oaks, CA 91403  
Phone: 818.788.8300  
Email: [dwarshaw@pswlaw.com](mailto:dwarshaw@pswlaw.com)  
[mpearson@pswlaw.com](mailto:mpearson@pswlaw.com)  
[emont@pswlaw.com](mailto:emont@pswlaw.com)

*Attorneys for Plaintiff Nick Lowry*

Dated: February 19, 2019 at Seattle, Washington.

*s/Kelly M. Kennedy*  
Kelly M. Kennedy, Legal Assistant

# **EXHIBIT A**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

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

NICK LOWRY, on behalf of himself and all  
others similarly situated,

Plaintiff,

vs.

ADDITECH, INC., a Texas corporation,

Defendant.

NO. 19-2-00613-7 SEA

**CLASS ACTION COMPLAINT**

Plaintiff Nick Lowry, on behalf of himself and all others similarly situated, alleges the following against Defendant Additech, Inc. (“Additech”). Plaintiff’s allegations are based upon personal knowledge as to his own acts and experiences in this matter, the investigation of counsel, and upon information and belief as to all other matters.

**I. INTRODUCTION**

1. This action challenges Additech’s advertising of its fuel additives. Additech’s advertising makes false and misleading representations about the additives’ efficacy that preys on consumers with limited knowledge of the inner-workings of combustion engines.

2. Additech markets and sells two fuel additives, Fuel System Cleaner and Diesel Guard, through large third-party, retail gas-station partners, such as QFC and Fred Meyer. Additech provides its retail partners with an integrated fuel additive system at the pump and supplies an interactive merchandising system that includes various on-site advertising and

1 video displays marketing its additives. Additech's on-site advertising touts the purported  
2 benefits of Additech's fuel additives, urging consumers to "go green with Additech" and  
3 representing without limitation that its products "reduce emissions," "increase mileage," and  
4 "restore power," to your engine.<sup>1</sup> As displayed in **Figure 1** below, advertising affixed to the  
5 side of the fuel pump purports to show how Additech works, picturing an intake valve coated in  
6 carbon deposits and an "after Additech" photo displaying a pristine intake valve with the  
7 carbon deposits completely removed.

8 **FIGURE 1**



21 3. Additech's website reinforces these representations, guaranteeing that  
22 Additech's products will "maximize[] gas mileage" and protect your engine, "boosting  
23 performance and helping avoid costly repairs." The website claims further that Additech's Fuel  
24  
25

26 \_\_\_\_\_  
27 <sup>1</sup> Photos of this on-site advertising are attached hereto as Exhibits 1-4.

1 System Cleaner and Diesel Guard “add miles of life to your car or truck” by “deep clean[ing]  
2 your engine, removing sludge and built up carbon deposits from vital engine parts.”<sup>2</sup>

3 4. Additech’s claims about the benefits of its fuel additives are primarily based on  
4 their ability to clean and prevent buildup of carbon deposits on intake valves and manifolds.  
5 Additech’s products purportedly clean these engine parts when the additive-fuel mixture is  
6 injected into the intake manifold and washes over the backside of the valves.

7 5. Approximately 50% of new vehicles, however, utilize gasoline direct injection  
8 (“GDI”) engines that inject fuel directly into the combustion chamber, bypassing the intake  
9 valves entirely and providing none of the cleaning benefits advertised by Additech. Diesel  
10 engines also use direct injection, meaning that fuel cannot “wash” intake valves and manifolds  
11 to remove deposits as represented. Thus, in both GDI and Diesel engines, Additech’s products  
12 cannot provide the benefits promised in its advertising. Even in standard gasoline engines,  
13 Additech’s bold advertising depicting a single application removing all carbon buildup on  
14 intake valves has no basis in fact.

15 6. Although Additech’s fuel additives do not, and in the case of GDI and diesel  
16 engines cannot, provide the advertised benefits, Additech inundates consumers purchasing fuel  
17 at its partner gas stations with false and misleading representations about the advantages of  
18 using its products, preying on those unfamiliar with engine functionality. Consumers are  
19 especially susceptible to relying on Additech’s representations about the efficacy of its products  
20 because the delivery system is integrated with the fuel pump. Unfortunately, this business  
21 strategy has proven to be effective—Additech’s advertising has hoodwinked thousands of  
22 Washington consumers into buying a fuel additive that is little more than snake oil.

23 7. Plaintiff, on behalf of himself and the Class set forth below, seeks to recover  
24 damages and obtain injunctive relief under the Washington Consumer Protection Act (“CPA”)  
25 to remedy Additech’s predatory unfair and/or deceptive advertising practices.

26 \_\_\_\_\_  
27 <sup>2</sup> ADDITECH, <https://additech.com/products-page/> (last visited Dec. 11, 2018).

1 **II. JURISDICTION AND VENUE**

2 8. Defendant is within the jurisdiction of this Court. Defendant is registered to do  
3 business and does conduct business in Washington State by marketing, advertising, and selling  
4 its fuel additives to Washington residents through third-party retail partners in Washington.  
5 Thus, Defendants have obtained the benefits of the laws of Washington and are subject to the  
6 jurisdiction of this Court.

7 9. Venue is proper in King County. Defendant transacts business in King County  
8 and therefore resides in King County. RCW 4.12.020(3); RCW 4.12.025(1) & (3).

9 **III. PARTIES**

10 10. Plaintiff Nick Lowry is domiciled in the State of Washington and lives in  
11 Edmonds, WA.

12 11. Defendant Additech, Inc. is a Texas corporation headquartered in Houston,  
13 Texas. Additech is in the business of marketing and selling fuel additives. Additech sells its  
14 additives through third-party retailers in Alabama, Alaska, Colorado, Florida, Georgia, Idaho,  
15 Louisiana, South Carolina, Texas, and Washington.

16 **IV. FACTUAL ALLEGATIONS**

17 **A. Engine Basics.**

18 12. Internal combustion engines convert fuel into energy by mixing the fuel with air  
19 and igniting the mixture inside the engine. The resulting explosion pushes the pistons  
20 downward within the cylinder, which rotates the crankshaft creating rotational forces that spin  
21 the vehicle's wheels.

22 13. Traditional combustion engines use port fuel injection ("PFI") to transport  
23 gasoline from the fuel tank to the intake manifold where the fuel is mixed with air before  
24 ignition. In PFI engines, gasoline is pumped from the fuel tank into fuel injectors, which are  
25 mounted above the cylinders that house the engine's pistons. The injectors spray gasoline at  
26 low pressure into the air intake tract where air and fuel mix together into a fine mist. At certain  
27

1 intervals, the intake valves covering the cylinders open to allow the mixture to enter the  
2 combustion chamber.

3 14. The air intake manifold (or tract) sits immediately outside the combustion  
4 chamber and is separated only by the intake valves covering the engine's cylinders. Because of  
5 this anatomy, the gasoline injected by PFI engines washes over the backside of the intake valve  
6 before entering the combustion chamber.

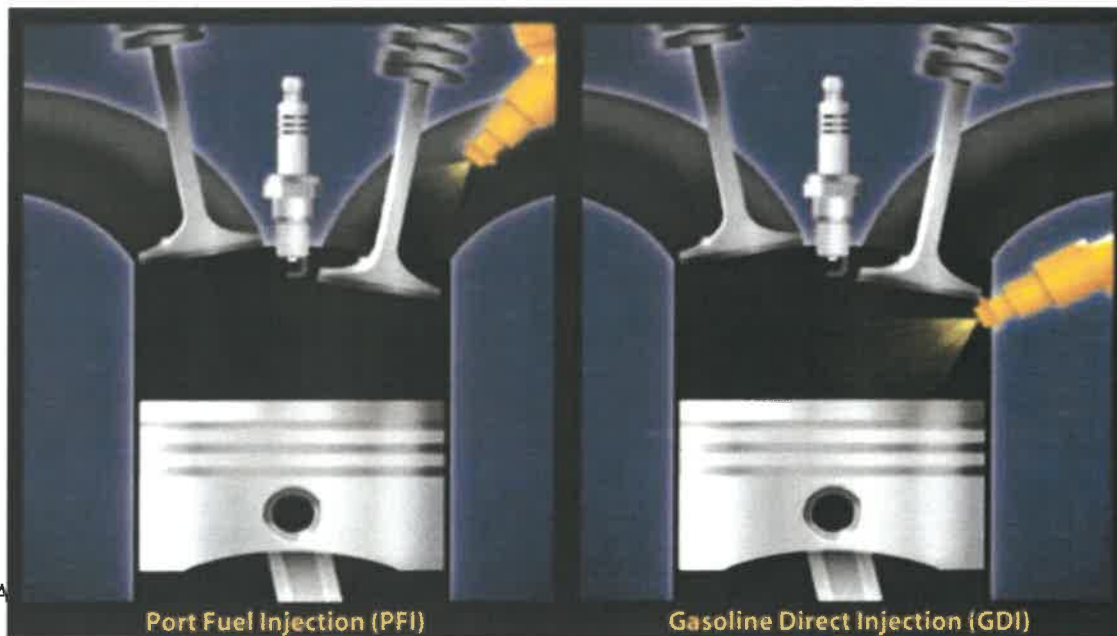
7 15. As illustrated by the image on the left side of **Figure 2** below, in engines using  
8 port fuel injection the fuel injectors are located outside of the combustion chamber.

9 16. Although many vehicles still use PFI engines, vehicle manufacturers have  
10 increasingly moved to a more efficient method of fuel injection that saves fuel and enhances  
11 performance: gasoline direct injection ("GDI"). Today, approximately 50% of new vehicles are  
12 equipped with GDI engines and it is estimated that by 2021 that number will be 80%.

13 17. As illustrated by the image on the right side of **Figure 2** below, in GDI engines,  
14 gasoline is injected at high pressure directly into the combustion chamber, bypassing the intake  
15 manifold altogether.

16 18. Like GDI engines, diesel engines inject fuel directly into the combustion  
17 chamber. In order to ignite the fuel, diesel engines compress air in the cylinder prior to fuel  
18 injection, heating the cylinder to a temperature sufficient for ignition.

19 **FIGURE 2**





1 Port Fuel Injection Visual, <http://www.bgnebraska.com/bg-gdi-solution/> (last visited Dec. 11,  
2 2018)

3 **B. Fuel Additives.**

4 19. Many fuel retailers include additives in their fuels, such as oxygenates, anti-  
5 oxidants, metal deactivators, corrosion inhibitors, antiknock agents, and fuel detergents, that are  
6 designed to enhance engine performance and reduce damaging emissions.

7 20. Fuel detergents are among the most common additives and are designed to  
8 prevent and remove carbon deposits that form on engine components as a result of fuel  
9 combustion.

10 21. Detergent additives include: (1) polyether amines; and (2) polyisobutylene-  
11 based compounds (“PIBs”) such as mannichs, amines, and succinimides. The effectiveness of  
12 the fuel detergent depends on the chemical(s) used and the location of the carbon deposit.

13 22. These chemicals are often combined into proprietary “detergent packages” that  
14 are added to gasoline and diesel fuel to help prevent build-up of carbon deposits and clean  
15 those that have already formed.

16 23. In addition to detergents, many additives contain octane or cetane enhancers  
17 designed to increase a fuel’s octane or cetane ratings. Gasolines with higher octane ratings are  
18 capable of handling more compression before igniting, resulting in greater horsepower and  
19 increased performance. Diesel fuels with higher cetane ratings have shorter ignition delay  
20 periods, which also generates additional horsepower and enhances performance.

21 24. Since the 1990s, the EPA has required a minimum level of detergent for all fuel  
22 sold in the United States. Thus, all gasoline and diesel fuels contain the minimum level  
23 mandated by the EPA. Many fuel retailers add proprietary detergent blends designed to provide  
24 more effective control of carbon deposits.

1           25.     Approximately 60% of fuels sold in the United States are at or very close to the  
2 minimum level of detergency to the EPA minimum. However, the EPA minimum may not be  
3 sufficient to prevent carbon deposits.

4           26.     In 2004, eight automakers (GM, Toyota, Honda, Mercedes-Benz, Fiat-Chrysler,  
5 Volkswagen, Audi, and BMW) created the “Top Tier Performance” standard for detergent  
6 content. The Top Tier Performance standard is the only industry standard that requires an  
7 enhanced detergent package beyond the EPA minimum. Top Tier gasoline typically contains  
8 between two and three times the concentration of detergent additives compared to the EPA  
9 minimum and is currently sold in approximately one-third of all gas stations.

10          27.     For more than fifteen years, the industry standard for evaluating fuel deposits  
11 has been ATSM D6201. The ATSM D6201 standard requires that fuel be tested in a Ford 2.3L  
12 PFI engine for 100 continuous hours. To qualify for Top Tier certification, a fuel must have  
13 less than a 50 milligram carbon deposit average per intake valve.

14          28.     In the fuel additive marketplace, there are two means of obtaining additives for  
15 one’s engine. The most common method is to purchase fuel at the pump that has additives  
16 already mixed in. Owners can also to purchase a bottle of additive at an automotive retailer and  
17 pour it into the fuel tank separately.

18          29.     Two significant players in the gasoline additive marketplace are Chevron and  
19 Shell. Each utilize their own proprietary additive. Chevron’s Techron is a patented fuel additive  
20 consisting of polyether amine based detergents. All of Chevron’s gas is sold with Techron,  
21 which is mixed in at the pump. Since the rollout of Techron, all Chevron gasoline qualifies for  
22 Top Tier certification. Techron can also be purchased in a bottle independently. In fact,  
23 Chevron claims a bottle of Techron results in an additive concentration at least ten times  
24 stronger than Chevron gasoline pre-mixed with Techron. Shell’s V-Power gasoline is another  
25 patented premium based gasoline with its own proprietary additive; it also meets the standard  
26 for Top Tier certification.

27

1           30. Detergent additives function by coating the air intake tract and backside of the  
2 valve to remove and prevent carbon buildup. However, in GDI and diesel engines, the additives  
3 bypass the air intake tract altogether because fuel is injected directly into the combustion  
4 chamber. Accordingly, in roughly 50% of cars today, detergent additives are incapable of  
5 preventing the formation of carbon deposits on intake manifolds and valves.

6           31. Some studies have shown that detergent additives can effectively reduce carbon  
7 deposits on intake tracts in non-GDI engines. The American Automobile Association  
8 conducted a study in 2016 on the effectiveness of Top Tier gasoline. Carbon deposits in the  
9 intake valve were shown to diminish 45% to as much as 72% after 5,000 miles on the road.<sup>3</sup>

10 **C. Additech.**

11           32. Additech develops and distributes two fuel additives, one for gasoline engines,  
12 Fuel System Cleaner, and the other for diesel engines, Diesel Guard. These products are sold in  
13 ten states: Alabama, Alaska, Colorado, Florida, Georgia, Idaho, Louisiana, South Carolina,  
14 Texas, and Washington.

15           33. Additech's Fuel System Cleaner and Diesel Guard products are detergent  
16 additives.

17           34. Additech's fuel additives are sold at the pump by the following retailers: QFC,  
18 H.E.B., Fred Meyer, King Soopers, Smith's Stores, City Market, and Kroger. The fuel additives  
19 are offered at over 3,000 fuel pumps and have over 4 million transactions annually.<sup>4</sup> In return  
20 for distribution of Additech's products, gas stations receive a share of the revenue generated by  
21 sales.

22           35. In contrast to other additives, like Techron and V-Power, which are included in  
23 the price of fuel, Additech is an independent product with individual pricing on top of any fuel  
24

25 <sup>3</sup> AAA FUEL QUALITY RESEARCH: Proprietary research into the effectiveness of fuel additive packages in  
26 commercially-available gasoline, AMERICAN AUTOMOBILE ASSOCIATION,  
<https://www.aaa.com/AAA/common/AAR/files/Fuel-Quality-Full-Report.pdf> (last visited Dec. 11, 2018).

27 <sup>4</sup> ADDITECH, <https://additech.com/about-us/> (last visited Dec. 11, 2018).

1 purchased. There are three tiers of Additech products a customer can choose from. When Mr.  
2 Lowry purchased the Fuel System Cleaner, as illustrated in **Figure 3** below, the tiers were  
3 called: (1) better mileage for \$2.99 per gallon; (2) best mileage for \$7.99; and (3) fuel system  
4 service for \$14.99. Recently, Additech renamed these tiers, offering (1) weekly clean for \$3.99;  
5 (2) monthly clean for \$7.99; and (3) quarterly clean for \$14.99. On information and belief, the  
6 renamed tiers are otherwise materially identical to the options offered when Mr. Lowry  
7 purchased Additech's Fuel System Cleaner.<sup>5</sup>

8         36. In addition to supplying an integrated fuel additive system, Additech provides  
9 retailers with an interactive merchandising system that includes various on-site advertising and  
10 video displays that play commercials for Additech's products while drivers fill up. After a  
11 customer selects the desired grade of gasoline, an audio recording claims that for less than half  
12 the cost of having the fuel system cleaned by a mechanic, Additech's products "clean your  
13 entire engine as your drive" and "are guaranteed to work." The recording then prompts  
14 consumers to "press yes to get Additech today."

15         37. Advertising affixed to the pump and supplied by Additech, claims that  
16 Additech's products will reduce harmful emissions. As illustrated in **Figure 3**, these  
17 advertisements are intended to induce environmentally conscious consumers to purchase the  
18 additives, indicating that consumers should "go green with Additech." Sometime after Mr.  
19 Lowry purchased Additech's Fuel System Cleaner, this advertising was changed. The sticker  
20 affixed to the pump now states "Additech concentrate plus—drive better farther longer."<sup>6</sup>

21  
22  
23  
24  
25  
26         <sup>5</sup> A photo of the sticker depicting the renamed tiers is attached hereto as Exhibit 5.

27         <sup>6</sup> See Exhibit 5.

FIGURE 3



38. The display attached to the pump cycles through the purported benefits of Additech's products, indicating that the additives will "reduce emissions," "increase mileage," and "restore power" to your engine.<sup>7</sup> The displayed advertisements urge consumers to "go green with Additech fuel additives"<sup>8</sup> and claim that "if ten percent of motorists used Additech when they buy gas we would save enough gas to take 300,000 cars off the road."<sup>9</sup>

39. Additech's representations about the benefits of its fuel additives are primarily based on their ability to clean and prevent further buildup of carbon deposits on intake valves and manifolds.

<sup>7</sup> See Exhibits 3-4.

<sup>8</sup> See Exhibit 1.

<sup>9</sup> A photo of this display is attached hereto as Exhibit 6.

1           40. As illustrated in **Figure 1** above, Additech’s advertisements at the pump include  
2 pictures illustrating the cleaning power of its additives. The “gunk” or carbon deposits cover  
3 the backside of the intake valve in the “before Additech” photo and in the “after Additech”  
4 photo, the backside of the valve is pristine.

5           41. The picture of the intake valve unambiguously and deceptively represents that  
6 all carbon deposits will be removed with a single application of Additech’s additives.

7           42. Additech’s webpage doubles down on these representations. The home page of  
8 Additech’s website claims that its “state-of-the-art fuel additives” clean your engine, increase  
9 fuel efficiency, and reduce the need for repairs, ensuring “your car will run in exceptional  
10 condition”<sup>10</sup> The home page bolsters these claims by representing that Additech’s products are  
11 “created by the world’s top scientists” and are “scientifically proven to improve fuel economy.”

12           43. The product page for Additech’s Fuel System Cleaner represents further that the  
13 Fuel System Cleaner “restores lost gas mileage,” “restores power and performance,” “protects  
14 against costly repairs,” and “restores renewed life to your car or truck.” The product page goes  
15 on, purporting to explain how the Fuel System Cleaner achieves these results:

16                   Additech fuel system cleaner has a unique triple detergent  
17 technology that deep cleans your engine to remove harmful  
18 sludge and corrosive deposits from intake valves and fuel  
19 injectors. Additech also lubricates to enhance the friction fighting  
20 properties of your motor oil and provide added protection against  
corrosion caused by ethanol. Performance, protection, better  
mileage and longer running engines, that’s Additech.<sup>11</sup>

21           44. Additech represents that Diesel Guard, which it began selling in March of 2017,  
22 provides similar benefits for diesel engines. The Diesel Guard product page claims that Diesel  
23 Guard “deep cleans diesel engines,” “adds miles to engine life,” “minimizes friction,”  
24  
25

26 <sup>10</sup> ADDITECH, <https://additech.com/> (last visited Dec. 11, 2018).

27 <sup>11</sup> ADDITECH, <http://additech.com/fuel-system-cleaner/> (last visited Dec. 11, 2018).

1 “maximizes mileage,” “removes corrosion” and “improves performance and cold starts,”  
2 “keep[ing] you out of the repair shop.”<sup>12</sup>

3 45. Additech’s advertising makes several false and misleading statements about the  
4 effectiveness of its products, preying on consumers unfamiliar with how engines function. In  
5 the approximately 50% of new vehicles equipped with diesel or GDI engines, intake valves and  
6 manifolds will not be cleaned at all due to the structure of the engine. And even if some benefit  
7 may accrue in a non-GDI engine, Additech’s advertisements showing a single application  
8 completely removing intake valve deposits as depicted in **Figure 1** are false and have no basis  
9 in fact.

10 46. Even worse, if the intake valve is covered in carbon deposits as depicted in  
11 **Figure 1**, some of the additive would be converted to exhaust gas effluent and emitted into the  
12 environment through the exhaust pipes. Under these conditions, the use of Additech’s additives  
13 can actually *increase* harmful emissions.

14 47. Additech’s claims that both of its products are scientifically proven to improve  
15 fuel economy are similarly misleading.

16 48. In 2008, the National Center for Vehicle Emissions Control and Safety at  
17 Colorado State University tested the effectiveness of Additech’s Fuel System Cleaner.  
18 Specifically, the additive was tested to determine the accuracy of Additech’s claims that its  
19 Fuel System Cleaner (1) restores lost gas mileage; and (2) is guaranteed to maximize gas  
20 mileage. Although the test used only one vehicle, the increase in gas mileage after using  
21 Additech’s Fuel System Cleaner was statistically insignificant.<sup>13</sup>

22 49. Because its advertisements are displayed at the pump, every purchaser is  
23 exposed to Additech’s false and misleading representations. As a consequence of the ease of  
24 delivery, consumers are highly susceptible to relying on those representations. The more  
25

26 <sup>12</sup> ADDITECH, <https://additech.com/diesel-guard/> (last visited Dec. 11, 2018).

27 <sup>13</sup> <https://denver.cbslocal.com/2011/03/09/cbs4-puts-fuel-additives-to-the-test/>.

1 detailed information provided on Additech's website only compounds the deceptive nature of  
2 its on-site advertising, lending unwarranted credibility to Additech's claims by assuring  
3 consumers that its additives are created by the world's top scientists and scientifically proven to  
4 be effective.

5 50. The deceptive representations on Additech's website and contained in its on-site  
6 advertising have injured thousands of Washington consumers, inducing them to purchase fuel  
7 additives that do not, and in most cases cannot, provide the benefits Additech claims they will.

8 **D. Plaintiff Nick Lowry.**

9 51. Nick Lowry lives in Edmonds, Washington and owns a 1999 Toyota Corolla.

10 52. Mr. Lowry first learned about Additech's products when he saw Additech's on-  
11 site advertising while refueling at a Fred Meyer gas station in Lynnwood, Washington—located  
12 at 4615 196<sup>th</sup> Street SW.

13 53. Mr. Lowry initially purchased Additech's Fuel System Cleaner based on the  
14 representations made at the pump, including that the Fuel System Cleaner reduces harmful  
15 emissions, improves gas mileage, and cleans intake valves and other engine components.

16 54. After his first purchase, Mr. Lowry reviewed the representations on Additech's  
17 website, which convinced him to purchase Additech's Fuel System Cleaner for his Corolla on  
18 two other occasions.

19 55. Although Mr. Lowry purchased Additech's Fuel System Cleaner at the  
20 Lynnwood Fred Meyer on at least three occasions in the last year, it did not deliver the benefits  
21 promised by Additech. Even after several applications of the Fuel System Cleaner, Mr. Lowry  
22 observed no increase in gas mileage or any difference in the performance or maintenance  
23 requirements of his vehicle.

24 **V. CLASS ALLEGATIONS**

25 56. Class Definition. Pursuant to Federal Rule of Civil Procedure 23, Plaintiff brings  
26 this lawsuit as a class action on behalf of the following Washington State Class:  
27



1 All persons who purchased Additech's Fuel System Cleaner or  
2 Diesel Guard products in Washington State, at any time after  
3 January 7, 2015.

4 Excluded from the proposed Class are Additech; any affiliate, parent, or subsidiary of  
5 Additech; any entity in which Additech has a controlling interest; any officer, director, or  
6 employee of Additech; any successor or assign of Additech; anyone employed by counsel in  
7 this action; any judge to whom this case is assigned, his or her spouse, or members of the  
8 judge's staff; and anyone who purchased Additech's Fuel System Cleaner or Diesel Guard  
9 products for the purpose of resale.

10 57. Numerosity. On information and belief, there are more than 1,000 people in the  
11 proposed Class.

12 58. Commonality. There exist questions of law and fact common to Plaintiff and the  
13 proposed Class, including but not limited to:

14 a. Whether Defendant's Fuel System Cleaner and Diesel Guard products  
15 improve gas mileage as represented in its advertising;

16 b. Whether Defendant's Fuel System Cleaner and Diesel Guard products  
17 clean engine components as represented in its advertising;

18 c. Whether Defendant's Fuel System Cleaner and Diesel Guard products  
19 reduce maintenance requirements as represented in its advertising;

20 d. Whether Defendant's Fuel System Cleaner and Diesel Guard products  
21 reduce harmful emissions as represented in its advertising;

22 e. Whether Defendant's Fuel System Cleaner and Diesel Guard products  
23 enhance engine performance as represented in its advertising;

24 f. Whether Defendant's practices are unfair or deceptive acts or practices  
25 under the CPA; and

26 g. The nature and extent of Class-wide injury and the measure of  
27 compensation for such injury.

1           59.    Typicality. Plaintiff's claims are typical of the claims of the Class. They arise  
2 out of the same common course of conduct by Defendant and are based on the same legal and  
3 remedial theories. Class members were all exposed to substantially similar false and/or  
4 misleading advertising created by Defendant and were induced to purchase Defendant's  
5 products as a result.

6           60.    Adequacy of Representation. Plaintiff is an appropriate representative party for  
7 the Class and will fairly and adequately protect the interests of the Class. Plaintiff understands  
8 and is willing to undertake the responsibilities of acting in a representative capacity on behalf  
9 of the proposed Class. Plaintiff will fairly and adequately protect the interests of the Class and  
10 has no interests that directly conflict with interests of the Class. Plaintiff has retained competent  
11 and capable attorneys who are experienced trial lawyers with significant experience in complex  
12 and class action litigation, including consumer class actions. Plaintiffs and their counsel are  
13 committed to prosecuting this action vigorously on behalf of the Class and have the financial  
14 resources to do so.

15           61.    Predominance. Defendant has engaged in a standard practice using false and/or  
16 misleading advertising to promote its products. The advertising to which Plaintiff was exposed  
17 is substantially similar, if not identical, to the advertising seen by the Class. Because  
18 Defendant's liability hinges on the legality of advertising to which each Class member was  
19 exposed, the common issues arising from this conduct predominate over any individual issues.  
20 Adjudication of these common issues in a single action has important and desirable advantages  
21 of judicial economy.

22           62.    Superiority. Plaintiff and members of the Class have suffered harm and  
23 damages as a result of Defendant's unlawful and wrongful conduct. Absent a class action,  
24 however, most Class members likely would find the cost of litigating their claims prohibitive.  
25 Class treatment is superior to multiple individual suits or piecemeal litigation because it  
26 conserves judicial resources, promotes consistency and efficiency of adjudication, provides a  
27

1 forum for small claimants, and deters illegal activities. The members of the Class are readily  
2 identifiable from Defendant's records and there will be no significant difficulty in the  
3 management of this case as a class action.

4 63. Injunctive Relief. Defendant's conduct is uniform to all members of the Class.  
5 Defendants have acted or refused to act on grounds that apply generally to the Class, so that  
6 final injunctive relief or declaratory relief is appropriate with respect to the Class as a whole.

7 **VI. CAUSES OF ACTION**  
8 **FIRST CLAIM FOR RELIEF**  
9 **VIOLATION OF THE WASHINGTON CONSUMER PROTECTION ACT, RCW 19.86,**  
10 ***ET SEQ.* – NON-PER SE DECEPTIVE BUSINESS PRACTICES**

11 64. Plaintiff re-alleges and incorporates the preceding paragraphs as if fully set forth  
12 herein.

13 65. Plaintiff and Class members are "persons" within the meaning of the  
14 Washington Consumer Protection Act, RCW 19.86.010(1).

15 66. Defendant is a "person" within the meaning of the Washington Consumer  
16 Protection Act, RCW 19.86.010(1), and conducts "trade" and "commerce" within the meaning  
17 of the Washington Consumer Protection Act, RCW § 19.86.010(2).

18 67. The conduct described above and throughout this Complaint is deceptive within  
19 the meaning of the Washington Consumer Protection Act, RCW 19.86.010, *et seq.*

20 68. Defendant engages in deceptive acts or practices in the conduct of its business  
21 by engaging in a pattern or practice of omitting, concealing, and/or misrepresenting material  
22 facts regarding the efficacy, quality, characteristics, and/or benefits of its Fuel System Cleaner  
23 and Diesel Guard products to induce consumers to purchase these products.

24 69. Defendant's deceptive acts or practices have repeatedly occurred in trade or  
25 commerce within the meaning of the Washington Consumer Protection Act, RCW 19.86.010(2)  
26 and RCW 19.86.020, and were and are capable of deceiving a substantial portion of the public.  
27

1 The acts complained of herein are ongoing and/or have a substantial likelihood of being  
2 repeated.

3 70. Defendant's deceptive acts or practices have impacted the public interest  
4 because they have injured Plaintiff and thousands of other persons, and have the capacity to  
5 injure thousands more. Defendant deceived Plaintiff and Class members into believing that its  
6 Fuel System Cleaner and Diesel Guard products provide engine cleaning, fuel efficiency,  
7 performance, emissions, and maintenance related benefits these products do not provide.

8 71. As a direct and proximate result of Defendant's deceptive acts or practices,  
9 Plaintiff and Class members have suffered injury in fact and lost money. Defendant's conduct  
10 has injured the property of Plaintiff and the other members of the Class, in that Defendant's  
11 conduct induced Plaintiff and Class members to spend money and purchase products that do  
12 not provide the benefits advertised by Defendant.

13 72. Plaintiff and Class members are therefore entitled to legal relief against  
14 Defendant, including recovery of actual damages, treble damages, attorneys' fees, costs of suit,  
15 and such further relief as the Court may deem proper.

16 73. Plaintiff and Class members are also entitled to injunctive relief in the form of  
17 an order prohibiting Defendant from engaging in the alleged misconduct and such other  
18 equitable relief as the Court deems appropriate, including, but not limited to, disgorgement, for  
19 the benefit of Class members, of all or part of the ill-gotten profits received from Defendant's  
20 unlawful scheme.

21 **SECOND CLAIM FOR RELIEF**  
22 **VIOLATION OF THE WASHINGTON CONSUMER PROTECTION ACT, RCW 19.86**  
23 ***ET SEQ.* – NON-PER SE UNFAIR BUSINESS PRACTICES**

24 74. Plaintiff re-alleges and incorporates the preceding paragraphs as if fully set forth  
25 herein.

26 75. Plaintiff and Class members are "persons" within the meaning of the  
27 Washington Consumer Protection Act, RCW 19.86.010(1).

1 76. Defendant is a “person” within the meaning of the Washington Consumer  
2 Protection Act, RCW 19.86.010(1), and conducts “trade” and “commerce” within the meaning  
3 of the Washington Consumer Protection Act, RCW § 19.86.010(2).

4 77. The conduct described above and throughout this Complaint is unfair within the  
5 meaning of the Washington Consumer Protection Act, RCW 19.86.010, et seq.

6 78. Defendant engages in unfair acts or practices in the conduct of its business by  
7 engaging in a pattern or practice of omitting, concealing, and/or misrepresenting material facts  
8 regarding the efficacy, quality, characteristics, and/or benefits of its Fuel System Cleaner and  
9 Diesel Guard products to induce consumers to purchase these products.

10 79. Defendant’s systematic practices are unfair because these acts or practices: (1)  
11 cause substantial financial injury to Plaintiff and Class members; (2) are not outweighed by any  
12 countervailing benefits to consumers or competitors; and (3) is not reasonably avoidable by  
13 consumers.

14 80. Defendant’s systematic practice of misrepresenting the benefits provided by its  
15 Fuel System Cleaner and Diesel Guard products is unfair because this act or practice is  
16 immoral, unethical, oppressive, and/or unscrupulous.

17 81. Defendant’s deceptive acts or practices have repeatedly occurred in trade or  
18 commerce within the meaning of the Washington Consumer Protection Act, RCW 19.86.010(2)  
19 and RCW 19.86.020.

20 82. Defendant’s unfair acts or practices impact the public interest because they have  
21 injured Plaintiff and hundreds of Washington residents, and have the capacity to injure  
22 hundreds more. Defendant’s acts or practices unfairly induced Plaintiff and the Class to  
23 purchase Defendant’s Fuel System Cleaner and Diesel Guard products even though these  
24 products do not provide the engine cleaning, fuel efficiency, performance, emissions, and  
25 maintenance related benefits advertised by Defendant.  
26  
27



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

RESPECTFULLY SUBMITTED AND DATED this 8th day of January, 2019.

TERRELL MARSHALL LAW GROUP PLLC

By: /s/ Beth E. Terrell, WSBA #26759

Beth E. Terrell, WSBA #26759  
Email: bterrell@terrellmarshall.com  
Benjamin M. Drachler, WSBA #51021  
Email: bdrachler@terrellmarshall.com  
936 North 34th Street, Suite 300  
Seattle, Washington 98103-8869  
Telephone: (206) 816-6603  
Facsimile: (206) 319-5450

Daniel L. Warshaw, *pro hac vice forthcoming*  
Email: dwarshaw@pswlaw.com  
Michael H. Pearson, *pro hac vice forthcoming*  
Email: mpearson@pswlaw.com  
Eric J. Mont, *pro hac vice forthcoming*  
Email: emont@pswlaw.com  
PEARSON, SIMON & WARSHAW, LLP  
15165 Ventura Boulevard, Suite 400  
Sherman Oaks, California 91403  
Telephone: (818) 788-8300  
Facsimile: (818) 788-8104

*Attorneys for Plaintiff*

**— EXHIBIT 1 —**



**GO GREEN WITH**  
**Additech**  
**FUEL ADDITIVES**

A rectangular advertisement is mounted on a rusty, brown metal surface. The ad has a green background with abstract, glowing green and yellow light patterns. The text is centered and reads "GO GREEN WITH" in white, bold, sans-serif font. Below that is "Additech" in a stylized, pink-to-white gradient font with a leaf-like shape above the 'i'. Underneath is "FUEL ADDITIVES" in white, bold, sans-serif font. A small white square is located in the bottom right corner of the ad.

— **EXHIBIT 2** —

**REDUCE EMISSIONS**

**Additech**  
FUEL ADDITIVES



**— EXHIBIT 3 —**

**INCREASE MILEAGE**

**Additech**  
FUEL ADDITIVES

A white rectangular box is present in the bottom right corner of the advertisement.

— **EXHIBIT 4** —



**— EXHIBIT 5 —**



JP. TO  
NOL

**ADDITECH**

CONCENTRATE PLUS

**DRIVE  
BETTER  
FARTHER  
LONGER**

**EARN UP TO  
10x FUEL POINTS**  
WHEN PURCHASING WITH YOUR FRED MEYER REWARDS CARD AT THE GAS PUMP

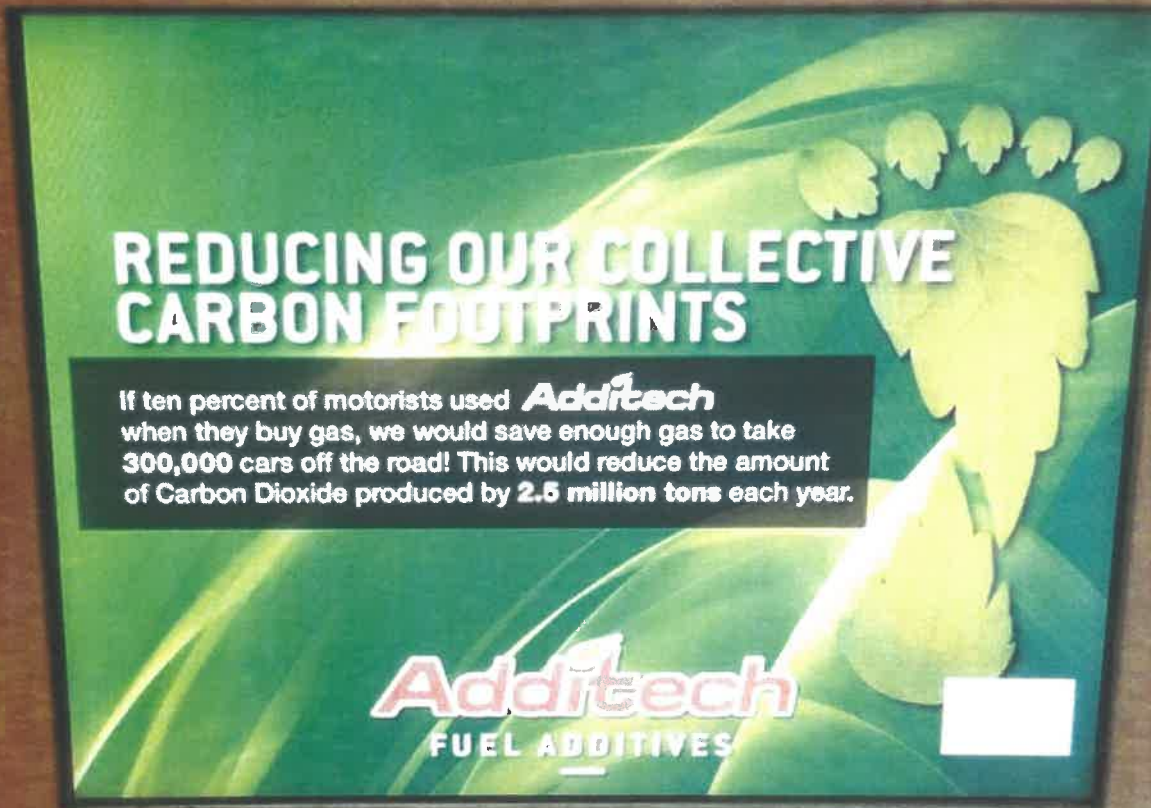
**QUARTERLY CLEAN** 150 FUEL POINTS **\$14.99**  
OR USE EVERY 3,000 MILES +tax  
11 fl oz

**MONTHLY CLEAN** 80 FUEL POINTS **\$7.99**  
+tax  
7 fl oz

**WEEKLY CLEAN** 40 FUEL POINTS **\$3.99**  
+tax  
5 fl oz

NEVER MIX WITH OTHER FUEL. PLEASE CONTACT FRED MEYER FOR ADDITIONAL PURCHASING REQUIREMENTS.  
FUEL POINTS ARE NOT CASH. PROGRAMS PLEASE CALL 1-800-448-2266 OR VISIT FREDMEYER.COM FOR  
FULL DETAILS AND PURCHASING REQUIREMENTS. SEE ADDITIONAL SIGNAGE AT THE PUMP FOR MORE INFORMATION.


**— EXHIBIT 6 —**



**REDUCING OUR COLLECTIVE  
CARBON FOOTPRINTS**

If ten percent of motorists used *Additech* when they buy gas, we would save enough gas to take **300,000** cars off the road! This would reduce the amount of Carbon Dioxide produced by **2.5 million tons** each year.

**Additech**  
FUEL ADDITIVES



# **EXHIBIT B**

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING

Nick Lowry		NO. 19-2-00613-7 SEA
	Plaintiff(s)	ORDER SETTING CIVIL CASE SCHEDULE
vs		ASSIGNED JUDGE: , Dept.
INC. ADDITECH		FILED DATE: 01/08/2019
	Defendant(s)	TRIAL DATE:01/06/2020

---

A civil case has been filed in the King County Superior Court and will be managed by the Case Schedule on Page 3 as ordered by the King County Superior Court Presiding Judge.

I. NOTICES

**NOTICE TO PLAINTIFF:** The Plaintiff may serve a copy of this **Order Setting Case Schedule (Schedule)** on the Defendant(s) along with the **Summons and Complaint/Petition**. Otherwise, the Plaintiff shall serve the *Schedule* on the Defendant(s) within 10 days after the later of: (1) the filing of the **Summons and Complaint/Petition** or (2) service of the Defendant's first response to the **Complaint/Petition**, whether that response is a **Notice of Appearance**, a response, or a Civil Rule 12 (CR 12) motion. The *Schedule* may be served by regular mail, with proof of mailing to be filed promptly in the form required by Civil Rule 5 (CR 5).

**NOTICE TO ALL PARTIES:**

All attorneys and parties should make themselves familiar with the King County Local Rules [KCLCR] -- especially those referred to in this *Schedule*. In order to comply with the *Schedule*, it will be necessary for attorneys and parties to pursue their cases vigorously from the day the case is filed. For example, discovery must be undertaken promptly in order to comply with the deadlines for joining additional parties, claims, and defenses, for disclosing possible witnesses [See KCLCR 26], and for meeting the discovery cutoff date [See KCLCR 37(g)].

**You are required to give a copy of these documents to all parties in this case.**

**I. NOTICES (continued)**

**CROSSCLAIMS, COUNTERCLAIMS AND THIRD PARTY COMPLAINTS:**

A filing fee of **\$240** must be paid when any answer that includes additional claims is filed in an existing case.

**KCLCR 4.2(a)(2)**

A Confirmation of Joinder, Claims and Defenses or a Statement of Arbitrability must be filed by the deadline in the schedule. The court will review the confirmation of joinder document to determine if a hearing is required. If a Show Cause order is issued, all parties cited in the order must appear before their Chief Civil Judge.

**PENDING DUE DATES CANCELED BY FILING PAPERS THAT RESOLVE THE CASE:**

When a final decree, judgment, or order of dismissal of all parties and claims is filed with the Superior Court Clerk's Office, and a courtesy copy delivered to the assigned judge, all pending due dates in this *Schedule* are automatically canceled, including the scheduled Trial Date. It is the responsibility of the parties to 1) file such dispositive documents within 45 days of the resolution of the case, and 2) strike any pending motions by notifying the bailiff to the assigned judge.

Parties may also authorize the Superior Court to strike all pending due dates and the Trial Date by filing a *Notice of Settlement* pursuant to KCLCR 41, and forwarding a courtesy copy to the assigned judge. If a final decree, judgment or order of dismissal of all parties and claims is not filed by 45 days after a *Notice of Settlement*, the case may be dismissed with notice.

**If you miss your scheduled Trial Date**, the Superior Court Clerk is authorized by KCLCR 41(b)(2)(A) to present an *Order of Dismissal*, without notice, for failure to appear at the scheduled Trial Date.

**NOTICES OF APPEARANCE OR WITHDRAWAL AND ADDRESS CHANGES:**

*All parties to this action must keep the court informed of their addresses.* When a Notice of Appearance/Withdrawal or Notice of Change of Address is filed with the Superior Court Clerk's Office, parties must provide the assigned judge with a courtesy copy.

**ARBITRATION FILING AND TRIAL DE NOVO POST ARBITRATION FEE:**

A Statement of Arbitrability must be filed by the deadline on the schedule **if the case is subject to mandatory arbitration** and service of the original complaint and all answers to claims, counterclaims and cross-claims have been filed. If mandatory arbitration is required after the deadline, parties must obtain an order from the assigned judge transferring the case to arbitration. **Any party filing a Statement must pay a \$220 arbitration fee.** If a party seeks a trial de novo when an arbitration award is appealed, a fee of \$250 and the request for trial de novo must be filed with the Clerk's Office Cashiers.

**NOTICE OF NON-COMPLIANCE FEES:**

All parties will be assessed a fee authorized by King County Code 4A.630.020 whenever the Superior Court Clerk must send notice of non-compliance of schedule requirements and/or Local Civil Rule 41.

King County Local Rules are available for viewing at [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk).

## II. CASE SCHEDULE

* CASE EVENT	EVENT DATE
Case Filed and Schedule Issued.	01/08/2019
* Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing [See KCLMAR 2.1(a) and Notices on Page 2]. <b>\$220 arbitration fee must be paid</b>	06/18/2019
* <b>DEADLINE</b> to file Confirmation of Joinder if not subject to Arbitration [See KCLCR 4.2(a) and Notices on Page 2].	06/18/2019
<b>DEADLINE</b> for Hearing Motions to Change Case Assignment Area [KCLCR 82(e)].	07/02/2019
<b>DEADLINE</b> for Disclosure of Possible Primary Witnesses [See KCLCR 26(k)].	08/05/2019
<b>DEADLINE</b> for Disclosure of Possible Additional Witnesses [See KCLCR 26(k)].	09/16/2019
<b>DEADLINE</b> for Jury Demand [See KCLCR 38(b)(2)].	09/30/2019
<b>DEADLINE</b> for a Change in Trial Date [See KCLCR 40(e)(2)].	09/30/2019
<b>DEADLINE</b> for Discovery Cutoff [See KCLCR 37(g)].	11/18/2019
<b>DEADLINE</b> for Engaging in Alternative Dispute Resolution [See KCLCR 16(b)].	12/09/2019
<b>DEADLINE:</b> Exchange Witness & Exhibit Lists & Documentary Exhibits [KCLCR 4(j)].	12/16/2019
* <b>DEADLINE</b> to file Joint Confirmation of Trial Readiness [See KCLCR 16(a)(1)]	12/16/2019
<b>DEADLINE</b> for Hearing Dispositive Pretrial Motions [See KCLCR 56; CR 56].	12/23/2019
* Joint Statement of Evidence [See KCLCR 4 (k)]	12/30/2019
<b>DEADLINE</b> for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law and Jury Instructions (Do not file proposed Findings of Fact and Conclusions of Law with the Clerk)	12/30/2019
Trial Date [See KCLCR 40].	01/06/2020

The \* indicates a document that must be filed with the Superior Court Clerk's Office by the date shown.

## III. ORDER

Pursuant to King County Local Rule 4 [KCLCR 4], IT IS ORDERED that the parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for non-compliance. It is FURTHER ORDERED that the party filing this action must serve this *Order Setting Civil Case Schedule* and attachment on all other parties.

DATED: 01/08/2019



PRESIDING JUDGE

#### IV. ORDER ON CIVIL PROCEEDINGS FOR ASSIGNMENT TO JUDGE

##### **READ THIS ORDER BEFORE CONTACTING YOUR ASSIGNED JUDGE.**

This case is assigned to the Superior Court Judge whose name appears in the caption of this case schedule. The assigned Superior Court Judge will preside over and manage this case for all pretrial matters.

**COMPLEX LITIGATION:** If you anticipate an unusually complex or lengthy trial, please notify the assigned court as soon as possible.

**APPLICABLE RULES:** Except as specifically modified below, all the provisions of King County Local Civil Rules 4 through 26 shall apply to the processing of civil cases before Superior Court Judges. The local civil rules can be found at [www.kingcounty.gov/courts/clerk/rules/Civil](http://www.kingcounty.gov/courts/clerk/rules/Civil).

**CASE SCHEDULE AND REQUIREMENTS:** Deadlines are set by the case schedule, issued pursuant to Local Civil Rule 4.

##### **THE PARTIES ARE RESPONSIBLE FOR KNOWING AND COMPLYING WITH ALL DEADLINES IMPOSED BY THE COURT'S LOCAL CIVIL RULES.**

###### **A. Joint Confirmation regarding Trial Readiness Report**

No later than twenty one (21) days before the trial date, parties shall complete and file (with a copy to the assigned judge) a joint confirmation report setting forth whether a jury demand has been filed, the expected duration of the trial, whether a settlement conference has been held, and special problems and needs (e.g., interpreters, equipment).

The Joint Confirmation Regarding Trial Readiness form is available at [www.kingcounty.gov/courts/scforms](http://www.kingcounty.gov/courts/scforms). If parties wish to request a CR 16 conference, they must contact the assigned court. Plaintiff's/petitioner's counsel is responsible for contacting the other parties regarding the report.

###### **B. Settlement/Mediation/ADR**

a. Forty five (45) days before the trial date, counsel for plaintiff/petitioner shall submit a written settlement demand. Ten (10) days after receiving plaintiff's/petitioner's written demand, counsel for defendant/respondent shall respond (with a counter offer, if appropriate).

b. Twenty eight (28) days before the trial date, a Settlement/Mediation/ADR conference shall have been held. **FAILURE TO COMPLY WITH THIS SETTLEMENT CONFERENCE REQUIREMENT MAY RESULT IN SANCTIONS.**

###### **C. Trial**

Trial is scheduled for 9:00 a.m. on the date on the case schedule or as soon thereafter as convened by the court. The Friday before trial, the parties should access the court's civil standby calendar on the King County Superior Court website [www.kingcounty.gov/courts/superiorcourt](http://www.kingcounty.gov/courts/superiorcourt) to confirm the trial judge assignment.

#### **MOTIONS PROCEDURES**

##### **A. Noting of Motions**

**Dispositive Motions:** All summary judgment or other dispositive motions will be heard with oral argument before the assigned judge. The moving party must arrange with the hearing judge a date and time for the hearing, consistent with the court rules. Local Civil Rule 7 and Local Civil Rule 56 govern procedures for summary judgment or other motions that dispose of the case in whole or in part. The local civil rules can be found at [www.kingcounty.gov/courts/clerk/rules/Civil](http://www.kingcounty.gov/courts/clerk/rules/Civil).

**Non-dispositive Motions:** These motions, which include discovery motions, will be ruled on by the assigned judge without oral argument, unless otherwise ordered. All such motions must be noted for a date by which the ruling is requested; this date must likewise conform to the applicable notice requirements. Rather than noting a time of day, the Note for Motion should state "Without Oral Argument." Local Civil Rule



7 governs these motions, which include discovery motions. The local civil rules can be found at [www.kingcounty.gov/courts/clerk/rules/Civil](http://www.kingcounty.gov/courts/clerk/rules/Civil).

**Motions in Family Law Cases not involving children:** Discovery motions to compel, motions in limine, motions relating to trial dates and motions to vacate judgments/dismissals shall be brought before the assigned judge. All other motions should be noted and heard on the Family Law Motions calendar. Local Civil Rule 7 and King County Family Law Local Rules govern these procedures. The local rules can be found at [www.kingcounty.gov/courts/clerk/rules](http://www.kingcounty.gov/courts/clerk/rules).

**Emergency Motions:** Under the court's local civil rules, emergency motions will usually be allowed only upon entry of an Order Shortening Time. However, some emergency motions may be brought in the Ex Parte and Probate Department as expressly authorized by local rule. In addition, discovery disputes may be addressed by telephone call and without written motion, if the judge approves in advance.

**B. Original Documents/Working Copies/ Filing of Documents:** All original documents must be filed with the Clerk's Office. Please see information on the Clerk's Office website at [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk) regarding the requirement outlined in LGR 30 that attorneys must e-file documents in King County Superior Court. The exceptions to the e-filing requirement are also available on the Clerk's Office website. The local rules can be found at [www.kingcounty.gov/courts/clerk/rules](http://www.kingcounty.gov/courts/clerk/rules).

The working copies of all documents in support or opposition must be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the assigned judge. The assigned judge's working copies must be delivered to his/her courtroom or the Judges' mailroom. Working copies of motions to be heard on the Family Law Motions Calendar should be filed with the Family Law Motions Coordinator. Working copies can be submitted through the Clerk's office E-Filing application at [www.kingcounty.gov/courts/clerk/documents/eWC](http://www.kingcounty.gov/courts/clerk/documents/eWC).

**Service of documents:** Pursuant to Local General Rule 30(b)(4)(B), e-filed documents shall be electronically served through the e-Service feature within the Clerk's eFiling application. Pre-registration to accept e-service is required. E-Service generates a record of service document that can be e-filed. Please see the Clerk's office website at [www.kingcounty.gov/courts/clerk/documents/efiling](http://www.kingcounty.gov/courts/clerk/documents/efiling) regarding E-Service.

**Original Proposed Order:** Each of the parties must include an original proposed order granting requested relief with the working copy materials submitted on any motion. **Do not file the original of the proposed order with the Clerk of the Court.** Should any party desire a copy of the order as signed and filed by the judge, a pre-addressed, stamped envelope shall accompany the proposed order. The court may distribute orders electronically. Review the judge's website for information: [www.kingcounty.gov/courts/SuperiorCourt/judges](http://www.kingcounty.gov/courts/SuperiorCourt/judges).

**Presentation of Orders for Signature:** All orders must be presented to the assigned judge or to the Ex Parte and Probate Department, in accordance with Local Civil Rules 40 and 40.1. Such orders, if presented to the Ex Parte and Probate Department, shall be submitted through the E-Filing/Ex Parte via the Clerk application by the attorney(s) of record. E-filing is not required for self-represented parties (non-attorneys). If the assigned judge is absent, contact the assigned court for further instructions. If another judge enters an order on the case, counsel is responsible for providing the assigned judge with a copy.

**Proposed orders finalizing settlement and/or dismissal by agreement of all parties shall be presented to the Ex Parte and Probate Department.** Such orders shall be submitted through the E-Filing/Ex Parte via the Clerk application by the attorney(s) of record. E-filing is not required for self-represented parties (non-attorneys). Formal proof in Family Law cases must be scheduled before the assigned judge by contacting the bailiff, or formal proof may be entered in the Ex Parte Department. **If final order and/or formal proof are entered in the Ex Parte and Probate Department, counsel is responsible for providing the assigned judge with a copy.**

### C. Form

Pursuant to Local Civil Rule 7(b)(5)(B), the initial motion and opposing memorandum shall not exceed 4,200 words and reply memoranda shall not exceed 1,750 words without authorization of the court. The word count

includes all portions of the document, including headings and footnotes, except 1) the caption; 2) table of contents and/or authorities, if any; and 3) the signature block. Over-length memoranda/briefs and motions supported by such memoranda/briefs may be stricken.

***IT IS SO ORDERED. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTIONS. PLAINTIFF/PEITITONER SHALL FORWARD A COPY OF THIS ORDER AS SOON AS PRACTICABLE TO ANY PARTY WHO HAS NOT RECEIVED THIS ORDER.***



---

PRESIDING JUDGE

# **EXHIBIT C**

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING**

Nick Lowry

vs

Additech

No. 19-2-00613-7 SEA

**CASE INFORMATION COVER SHEET AND  
AREA DESIGNATION**

(CICS)

**CAUSE OF ACTION**

MSC - Miscellaneous

**AREA OF DESIGNATION**

SEA

Defined as all King County north of Interstate 90 and including all of Interstate 90 right of way, all of the cities of Seattle, Mercer Island, Issaquah, and North Bend, and all of Vashon and Maury Islands.

# **EXHIBIT D**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

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

NICK LOWRY, on behalf of himself and all  
others similarly situated,

Plaintiff,

vs.

ADDITECH, INC., a Texas corporation,

Defendant.

NO. 19-2-00613-7 SEA

**SUMMONS (20 DAY)**

TO: DEFENDANT ADDITECH, INC.  
c/o REGISTERED AGENT SOLUTIONS, INC., Registered Agent  
3400 Capitol Boulevard SE, Suite 101  
Tumwater, Washington 98501

A lawsuit has been started against you in the above-entitled court by the Plaintiff. The Plaintiff's claims are stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within twenty (20) days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where the Plaintiff is entitled to what has been asked for because you have not responded. If you serve a

1 notice of appearance on the undersigned person, you are entitled to notice before a default  
2 judgment may be entered.

3 You may demand that Plaintiff files this lawsuit with the Court. If you do so, the  
4 demand must be in writing and must be served upon the Plaintiff. Within fourteen (14) days  
5 after you serve the demand, the Plaintiff must file this lawsuit with the Court, or the service on  
6 you of this Summons and Complaint will be void.

7 If you wish to seek the advice of an attorney in this matter, you should do so promptly  
8 so that your written response, if any, may be served on time.

9 THIS SUMMONS is issued pursuant to Rule 4 of the Superior Court Civil Rules  
10 DATED this 8th day of January, 2019.

11 TERRELL MARSHALL LAW GROUP PLLC

12 By: /s/ Beth E. Terrell, WSBA #26759  
13 Beth E. Terrell, WSBA #26759  
14 Email: [bterrell@terrellmarshall.com](mailto:bterrell@terrellmarshall.com)  
15 Benjamin M. Drachler, WSBA #51021  
16 Email: [bdrachler@terrellmarshall.com](mailto:bdrachler@terrellmarshall.com)  
17 936 North 34th Street, Suite 300  
18 Seattle, Washington 98103-8869  
19 Telephone: (206) 816-6603  
20 Facsimile: (206) 319-5450

21 Daniel L. Warshaw, *pro hac vice forthcoming*  
22 Email: [dwarshaw@pswlaw.com](mailto:dwarshaw@pswlaw.com)  
23 Michael H. Pearson, *pro hac vice forthcoming*  
24 Email: [mpearson@pswlaw.com](mailto:mpearson@pswlaw.com)  
25 PEARSON, SIMON & WARSHAW, LLP  
26 15165 Ventura Boulevard, Suite 400  
27 Sherman Oaks, California 91403  
Telephone: (818) 788-8300  
Facsimile: (818) 788-8104

*Attorneys for Plaintiff*

**EXHIBIT E**



**KING COUNTY SUPERIOR COURT  
CASE ASSIGNMENT AREA DESIGNATION and CASE INFORMATION COVER SHEET  
(CICS)**

Pursuant to King County Code 4A.630.060, a faulty document fee of \$15 may be assessed to new case filings missing this sheet.

**CASE NUMBER:** \_\_\_\_\_  
(Provided by the Clerk)

**CASE CAPTION:** Nick Lowry v. Additech, Inc.  
(New case: Print name of person starting case vs. name of person or agency you are filing against.)  
(When filing into an existing family law case, the case caption remains the same as the original filing.)

Please mark one of the boxes below:

**Seattle Area, defined as:**

All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

**Kent Area, defined as:**

All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

I certify that this case meets the case assignment criteria, described in King County LCR 82(e).

/s/ Beth E. Terrell, WSBA #26759  
Signature of Attorney                      WSBA Number

1/8/2019  
Date

or

\_\_\_\_\_  
Signature of person who is starting case

\_\_\_\_\_  
Date

936 N. 34<sup>th</sup> Street, Suite 300, Seattle, WA 98103, 206-816-6603  
Address, City, State, Zip Code of person who is starting case if not represented by attorney

**KING COUNTY SUPERIOR COURT  
CASE ASSIGNMENT AREA DESIGNATION and CASE INFORMATION COVER SHEET**

**CIVIL**

Please check the category that best describes this case.

- |  |   |
|--|---|
| <p><b>APPEAL/REVIEW</b></p> <p><input type="checkbox"/> Administrative Law Review (ALR 2)*<br/>(Petition to the Superior Court for review of rulings made by state administrative agencies. ( e.g. DSHS Child Support, Good to Go passes, denial of benefits from Employment Security, DSHS, L &amp; I))</p> <p><input type="checkbox"/> DOL Revocation (DOL 2)*<br/>(Appeal of a DOL revocation Implied consent-Test refusal ONLY.) RCW 46.20.308(9)</p> <p><input type="checkbox"/> Subdivision Election Process Review (SER 2)*<br/>(Intent to challenge election process)</p> <p><input type="checkbox"/> Voter Election Process Law Review (VEP 2)*<br/>(Complaint for violation of voting rights act)</p> <p><input type="checkbox"/> Petition to Appeal/Amend Ballot Title (BAT 2)</p> <p><b>CONTRACT/COMMERCIAL</b></p> <p><input type="checkbox"/> Breach of Contract (COM 2)*<br/>(Complaint involving money dispute where a breach of contract is involved.)</p> <p><input type="checkbox"/> Commercial Contract (COM 2)*<br/>(Complaint involving money dispute where a contract is involved.)</p> <p><input type="checkbox"/> Commercial Non-Contract (COL 2)*<br/>(Complaint involving money dispute where no contract is involved.)</p> <p><input type="checkbox"/> Third Party Collection (COL 2)*<br/>(Complaint involving a third party over a money dispute where no contract is involved.)</p> | <p><b>JUDGMENT</b></p> <p><input type="checkbox"/> Abstract, Judgment, Another County (ABJ 2)<br/>(A certified copy of a judgment docket from another Superior Court within the state.)</p> <p><input type="checkbox"/> Confession of Judgment (CFJ 2)*<br/>(The entry of a judgment when a defendant admits liability and accepts the amount of agreed-upon damages but does not pay or perform as agreed upon.)</p> <p><input type="checkbox"/> Foreign Judgment (from another State or Country) (FJU 2)<br/>(Any judgment, decree, or order of a court of the United States, or of any state or territory, which is entitled to full faith and credit in this state.)</p> <p><input type="checkbox"/> Tax Warrant or Warrant (TAX 2)<br/>(A notice of assessment by a state agency or self-insured company creating a judgment/lien in the county in which it is filed.)</p> <p><input type="checkbox"/> Transcript of Judgment (TRJ 2)<br/>(A certified copy of a judgment from a court of limited jurisdiction (e.g. District or Municipal court) to a Superior Court.)</p> <p><b>PROPERTY RIGHTS</b></p> <p><input type="checkbox"/> Condemnation/Eminent Domain (CON 2)*<br/>(Complaint involving governmental taking of private property with payment, but not necessarily with consent.)</p> |
|--|---|

- Foreclosure (FOR 2)\*  
(Complaint involving termination of ownership rights when a mortgage or tax foreclosure is involved, where ownership is not in question.)
- Land Use Petition (LUP 2)\*  
(Petition for an expedited judicial review of a land use decision made by a local jurisdiction.) RCW 36.70C.040
- Property Fairness Act (PFA 2)\*  
(Complaint involving the regulation of private property or restraint of land use by a government entity brought forth by Title 64.)
- Quiet Title (QTI 2)\*  
(Complaint involving the ownership, use, or disposition of land or real estate other than foreclosure.)
- Residential Unlawful Detainer (Eviction) (UND 2)  
(Complaint involving the unjustifiable retention of lands or attachments to land, including water and mineral rights.)
- Non-Residential Unlawful Detainer (Eviction) (UND 2)  
(Commercial property eviction.)
- OTHER COMPLAINT/PETITION**
- Action to Compel/Confirm Private Binding Arbitration (CAA 2)  
(Petition to force or confirm private binding arbitration.)
- Assurance of Discontinuance (MSC 2)  
(Filed by Attorney General's Office to prevent businesses from engaging in improper or misleading practices.)
- Birth Certificate Change(PBC 2)  
(Petition to amend birth certificate)
- Bond Justification (PBJ 2)  
(Bail bond company desiring to transact surety bail bonds in King County facilities.)
- Change of Name (CHN 5)  
(Petition for name change, when domestic violence/anti-harassment issues require confidentiality.)
- Certificate of Rehabilitation (CRR 2)  
(Petition to restore civil and political rights.)
- Certificate of Restoration Opportunity (CRP 2)  
(Establishes eligibility requirements for certain professional licenses)
- Civil Commitment (sexual predator) (PCC 2)  
(Petition to detain an individual involuntarily.)
- Notice of Deposit of Surplus Funds (DSF 2)  
(Deposit of extra money from a foreclosure after payment of expenses from sale and obligation secured by the deed of trust.)
- Emancipation of Minor (EOM 2)  
(Petition by a minor for a declaration of emancipation.)
- Foreign Subpoena (OSS 2)  
(To subpoena a King County resident or entity for an out of state case.)
- Foreign Protection Order (FPO 2)  
(Registering out of state protection order)
- Frivolous Claim of Lien (FVL 2)  
(Petition or Motion requesting a determination that a lien against a mechanic or materialman is excessive or unwarranted.)
- Application for Health & Safety Inspection (HSI 2)

- Injunction (INJ 2)\*  
(Complaint/petition to require a person to do or refrain from doing a particular thing.)
- Interpleader (IPL 2)  
(Petition for the deposit of disputed earnest money from real estate, insurance proceeds, and/or other transaction(s).)
- Malicious Harassment (MHA 2)\*  
(Suit involving damages resulting from malicious harassment.) RCW 9a.36.080
- Non-Judicial Filing (MSC 2)  
(See probate section for TEDRA agreements. To file for the record document(s) unrelated to any other proceeding and where there will be no judicial review.)
- Other Complaint/Petition (MSC 2)\*  
(Filing a Complaint/Petition for a cause of action not listed)
- Minor Work Permit (MWP 2)  
(Petition for a child under 14 years of age to be employed)
- Perpetuation of Testimony (PPT 2)  
(Action filed under CR 27)
- Petition to Remove Restricted Covenant (MSC 2)  
Declaratory judgment action to strike discriminatory provision of real property contract.
- Public records Act (PRA 2)\*  
(Action filed under RCW 42.56)
- Receivership (RCV 2)  
(The process of appointment by a court of a receiver to take custody of the property, business, rents and profits of a party to a lawsuit pending a final decision on disbursement or an agreement.)
- Relief from Duty to Register (RDR 2)  
(Petition seeking to stop the requirement to register.)
- Restoration of Firearm Rights (RFR 2)  
(Petition seeking restoration of firearms rights under RCW 9.41.040 and 9.41.047.)
- School District-Required Action Plan (SDR 2)  
(Petition filed requesting court selection of a required action plan proposal relating to school academic performance.)
- Seizure of Property from the Commission of a Crime-Seattle (SPC 2)\*  
(Seizure of personal property which was employed in aiding, abetting, or commission of a crime, from a defendant after conviction.)
- Seizure of Property Resulting from a Crime-Seattle (SPR 2)\*  
(Seizure of tangible or intangible property which is the direct or indirect result of a crime, from a defendant following criminal conviction. (e.g., remuneration for, or contract interest in, a depiction or account of a crime.))
- Structured Settlements- Seattle (TSS 2)  
(A financial or insurance arrangement whereby a claimant agrees to resolve a personal injury tort claim by receiving periodic payments on an agreed schedule rather than as a lump sum.)
- Vehicle Ownership (PVO 2)\*  
(Petition to request a judgment awarding ownership of a vehicle.)
- TORT, ASBESTOS**
- Personal Injury (ASP 2)\*  
(Complaint alleging injury resulting from asbestos exposure.)

- |   |   |
|---|---|
| <p><input type="checkbox"/> <b>Wrongful Death (ASW 2)*</b><br/>(Complaint alleging death resulting from asbestos exposure.)</p> <p><b>TORT, MEDICAL MALPRACTICE</b></p> <p><input type="checkbox"/> <b>Hospital (MED 2)*</b><br/>(Complaint involving injury or death resulting from a hospital.)</p> <p><input type="checkbox"/> <b>Medical Doctor (MED 2)*</b><br/>(Complaint involving injury or death resulting from a medical doctor.)</p> <p><input type="checkbox"/> <b>Other Health care Professional (MED 2)*</b><br/>(Complaint involving injury or death resulting from a health care professional other than a medical doctor.)</p> <p><b>TORT, MOTOR VEHICLE</b></p> <p><input type="checkbox"/> <b>Death (TMV 2)*</b><br/>(Complaint involving death resulting from an incident involving a motor vehicle.)</p> <p><input type="checkbox"/> <b>Non-Death Injuries (TMV 2)*</b><br/>(Complaint involving non-death injuries resulting from an incident involving a motor vehicle.)</p> <p><input type="checkbox"/> <b>Property Damages Only (TMV 2)*</b><br/>(Complaint involving only property damages resulting from an incident involving a motor vehicle.)</p> <p><input type="checkbox"/> <b>Victims Vehicle Theft (VVT 2)*</b><br/>(Complaint filed by a victim of car theft to recover damages.) RCW 9A.56.078</p> <p><b>TORT, NON-MOTOR VEHICLE</b></p> <p><input type="checkbox"/> <b>Other Malpractice (MAL 2)*</b><br/>(Complaint involving injury resulting from other than professional medical treatment.)</p> | <p><input type="checkbox"/> <b>Personal Injury (PIN 2)*</b><br/>(Complaint involving physical injury not resulting from professional medical treatment, and where a motor vehicle is not involved.)</p> <p><input type="checkbox"/> <b>Products Liability (TTO 2)*</b><br/>(Complaint involving injury resulting from a commercial product.)</p> <p><input type="checkbox"/> <b>Property Damages (PRP 2)*</b><br/>(Complaint involving damage to real or personal property excluding motor vehicles.)</p> <p><input type="checkbox"/> <b>Property Damages-Gang (PRG 2)*</b><br/>(Complaint to recover damages to property related to gang activity.)</p> <p><input type="checkbox"/> <b>Tort, Other (TTO 2)*</b><br/>(Any other petition not specified by other codes.)</p> <p><input type="checkbox"/> <b>Wrongful Death (WDE 2)*</b><br/>(Complaint involving death resulting from other than professional medical treatment.)</p> <p><b>WRIT</b></p> <p><input type="checkbox"/> <b>Habeas Corpus (WHC 2)</b><br/>(Petition for a writ to bring a party before the court.)</p> <p><input type="checkbox"/> <b>Mandamus (WRM 2)**</b><br/>(Petition for writ commanding performance of a particular act or duty.)</p> <p><input type="checkbox"/> <b>Review (WRV 2)**</b><br/>(Petition for review of the record or decision of a case pending in the lower court; does not include lower court appeals or administrative law reviews.)</p> |
|---|---|

\*The filing party will be given an appropriate case schedule at time of filing.

\*\* Case schedule will be issued after hearing and findings.

# **EXHIBIT F**



## King County

Department of Judicial Administration  
BARBARA MINER  
Director and Superior Court Clerk  
(206) 296-9300 (206) 296-0100 TTY/TDD

FILED  
2019 JAN 10  
KING COUNTY  
SUPERIOR COURT CLERK

CASE #: 19-2-00613-7 SEA

January 10, 2019

Terrell Marshall Law Group PLLC  
936 North 34<sup>th</sup> Street, Suite 300  
Seattle, WA 98103-8869

RE: Nick Lowry vs Additech  
Cause No.: 19-2-00613-7 SEA

### NOTICE REGARDING ASSIGNED JUDGE (NT)

Dear Counsel:

Your recent new case filing was not assigned to a Judge. The Judge assigned to this case is **Judge Amini**. Please make a note of this in your files.

### **YOU MUST INFORM ALL PARTIES OF THE JUDGE ASSIGNMENT**

Sincerely,  
BARBARA MINER  
Director and Superior Court Clerk

BY: R.Fabian  
Deputy Clerk/Cashiers

**Seattle:**  
516 Third Avenue Room E609  
Seattle, WA 98104-2386  
(206) 477-0816

**Maleng Regional Justice Center:**  
401 Fourth Avenue North Room 2C  
Kent, WA 98032-4429  
(206) 477-3046

**Juvenile Section:**  
1211 East Alder #307  
Seattle, WA 98122-5598  
(206) 477-6770

# **EXHIBIT G**



**FILED**  
2019 JAN 14 12:43 PM  
KING COUNTY  
SUPERIOR COURT CLERK  
E-FILED  
CASE #: 19-2-00613-7 SEA

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

NICK LOWRY, on behalf of himself and all  
others similarly situated,

Plaintiff,

vs.

ADDITECH, INC., a Texas corporation,

Defendant.

NO. 19-2-00613-7 SEA

**NOTICE OF APPEARANCE**

(Clerk's Action Required)

TO: THE CLERK OF THE COURT:

PLEASE TAKE NOTICE that Benjamin M. Drachler of Terrell Marshall Law Group  
PLLC hereby appears for Plaintiff Nick Lowry in the above-captioned matter and requests that  
copies of all papers and pleadings, except process, be served on him at Terrell Marshall Law  
Group PLLC, 936 North 34th Street, Suite 300, Seattle, Washington, 98103-8869.

1 RESPECTFULLY SUBMITTED AND DATED this 14th day of January, 2019.

2 TERRELL MARSHALL LAW GROUP PLLC

3 By: /s/ Benjamin M. Drachler, WSBA #51021

4 Beth E. Terrell, WSBA #26759

5 Email: bterrell@terrellmarshall.com

6 Benjamin M. Drachler, WSBA #51021

7 Email: bdrachler@terrellmarshall.com

8 936 North 34th Street, Suite 300

9 Seattle, Washington 98103-8869

10 Telephone: (206) 816-6603

11 Facsimile: (206) 319-5450

12 Daniel L. Warshaw, *pro hac vice forthcoming*

13 Email: dwarshaw@pswlaw.com

14 Michael H. Pearson, *pro hac vice forthcoming*

15 Email: mpearson@pswlaw.com

16 Eric J. Mont, *pro hac vice forthcoming*

17 Email: emont@pswlaw.com

18 PEARSON, SIMON & WARSHAW, LLP

19 15165 Ventura Boulevard, Suite 400

20 Sherman Oaks, California 91403

21 Telephone: (818) 788-8300

22 Facsimile: (818) 788-8104

23 *Attorneys for Plaintiff*

# **EXHIBIT H**

FILED THE HONORABLE SUSAN AMINI  
2019 JAN 15 03:33 PM Department 20  
KING COUNTY Noted for Consideration: January 24, 2019  
SUPERIOR COURT CLERK  
E-FILED  
CASE #: 19-2-00613-7 SEA

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

NICK LOWRY, on behalf of himself and all  
others similarly situated,

Plaintiff,

vs.

ADDITECH, INC., a Texas corporation,

Defendant.

NO. 19-2-00613-7 SEA

**MOTION FOR LIMITED ADMISSION  
OF DANIEL L. WARSHAW  
PURSUANT TO APR 8(B) PRO HAC  
VICE**

**I. RELIEF REQUESTED**

The Moving Party named below moves the court for the limited admission of the Applicant for Limited Admission named below for the purpose of appearing as a lawyer in this proceeding.

**Identity of Moving Party** (Washington State Bar Association Member):

Name: Beth E. Terrell WSBA No. 26759

Address: 936 North 34th Street, Suite 300

Seattle, Washington, 98103-8869

Telephone No. (206) 816-6603 Email: bterrell@terrellmarshall.com

**Identity of Applicant for Limited Admission:**

Name: Daniel L. Warshaw Bar No. 185365

Jurisdiction of Primary Practice: California

Address: PEARSON, SIMON & WARSHAW, LLP

15165 Ventura Boulevard, Suite 400

Sherman Oaks, California 91403

Telephone No. (818) 788-8300 Email: dwarshaw@pswlaw.com

Washington Address (if applicable): \_\_\_\_\_

Telephone No. \_\_\_\_\_ Email: \_\_\_\_\_

**II. STATEMENT OF THE FACTS**

Daniel L. Warshaw has taken and passed the California State bar examination and is licensed to practice in the State of California.

Mr. Warshaw is currently in good standing in California.

Mr. Warshaw has not taken and subsequently failed the Washington bar examination.

There are currently no disciplinary actions or contempt proceedings pending against Mr. Warshaw before any court or administrative body.

Mr. Warshaw is aware of the contents of the Rules Governing the Courts of Washington and the Local Rules of the King County Superior Court.

Mr. Warshaw is co-counsel with local attorney Beth E. Terrell in this matter, Ms. Terrell is an attorney admitted to practice and in good standing in the State of Washington.

**III. STATEMENT OF THE ISSUE**

The following issue is presented for resolution by the court:

Should the Applicant for Limited Admission named above be granted limited admission to the practice of law pursuant to APR 8(b) for the purpose of appearing as a lawyer in this proceeding?

**IV. EVIDENCE RELIED UPON**

This motion is based on the accompanying certifications of the Moving Party and the Applicant for Limited Admission.

**V. LEGAL AUTHORITY**

This motion is made pursuant to Rule 8(b) of the Admission to Practice Rules (APR).

**VI. PROPOSED ORDER**

A proposed order granting the relief requested accompanies this motion.

RESPECTFULLY SUBMITTED AND DATED this 15th day of January, 2019.

TERRELL MARSHALL LAW GROUP PLLC

By: /s/ Beth E. Terrell, WSBA #26759

Beth E. Terrell, WSBA #26759  
Email: bterrell@terrellmarshall.com  
Benjamin M. Drachler, WSBA #51021  
Email: bdrachler@terrellmarshall.com  
936 North 34th Street, Suite 300  
Seattle, Washington 98103-8869  
Telephone: (206) 816-6603  
Facsimile: (206) 319-5450

Daniel L. Warshaw, *pro hac vice forthcoming*  
Email: dwarshaw@pswlaw.com  
Michael H. Pearson, *pro hac vice forthcoming*  
Email: mpearson@pswlaw.com  
Eric J. Mont, *pro hac vice forthcoming*  
Email: emont@pswlaw.com  
PEARSON, SIMON & WARSHAW, LLP  
15165 Ventura Boulevard, Suite 400  
Sherman Oaks, California 91403  
Telephone: (818) 788-8300  
Facsimile: (818) 788-8104

*Attorneys for Plaintiff*

**CERTIFICATION OF APPLICANT FOR LIMITED ADMISSION**

I hereby certify under penalty of perjury under the laws of the State of Washington that:

1. I am a member in good standing of the bar of the state or territory of the United States or of the District of Columbia listed above as my jurisdiction of primary practice.

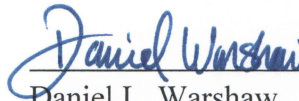
2. I am a resident of and maintain a law practice in that jurisdiction of primary practice.

3. I have read the Rules of Professional Conduct adopted by the Supreme Court of the State of Washington and agree to abide by them.

4. I have complied with all of the requirements of APR 8(b).

5. I have read the foregoing motion and certification and the statements contained in it are full, true and correct.

Signed on this 10<sup>th</sup> day of JANUARY, 2019, in Sherman Oaks, California.



\_\_\_\_\_  
Daniel L. Warshaw  
Applicant for Limited Admission

**CERTIFICATION OF MOVING PARTY/WSBA MEMBER**

I hereby certify under penalty of perjury under the laws of the State of Washington that:

1. I am an active member in good standing of the Washington State Bar Association.
2. I will be the lawyer of record in this proceeding, responsible for the conduct of the applicant, and present at proceedings in this matter unless excused by the court.
3. I have submitted a copy of this motion together with the required fee of \$415 to the Washington State Bar Association, 1325 Fourth Avenue, Suite 600, Seattle, Washington, 98101-2539.
4. I have complied with all of the requirements of APR 8(b).
5. I have read the foregoing motion and certification and the statements contained in it are full, true and correct.

DATED this 15th day of January, 2019.

By: /s/ Beth E. Terrell, WSBA #26759  
Beth E. Terrell, WSBA #267569



# **EXHIBIT I**

THE HONORABLE SUSAN AMINI

Department 20

FILED Noted for Consideration: January 24, 2019

2019 JAN 15 03:33 PM

Without Oral Argument

KING COUNTY

SUPERIOR COURT CLERK

E-FILED

CASE #: 19-2-00613-7 SEA

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

NICK LOWRY,

Plaintiff,

vs.

ADDITECH, INC.,

Defendant.

CASE NO. 19-2-00613-7 SEA  
NOTICE OF COURT DATE (Judges)  
(NOTICE FOR HEARING)  
SEATTLE COURTHOUSE ONLY  
(Clerk's Action Required) (NTHG)

TO: THE CLERK OF THE COURT and to all other parties per list on Page 2:  
PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the calendar checked below.

Calendar Date: January 24, 2019 Day of Week: Thursday

Nature of Motion: Motion for Limited Admission of Daniel L. Warshaw Pursuant to APR 8(b) Pro Hac Vice

CASES ASSIGNED TO INDIVIDUAL JUDGES – SEATTLE

If oral argument on the motion is allowed (LCR 7(b)(2)), contact staff of assigned judge to schedule date and time before filing this notice. Working Papers: The judge's name, date and time of hearing must be noted in the upper right corner of the Judge's copy. Deliver Judge's copies to Judges' Mailroom at C203

[XXX Without oral argument (Mon - Fri) [ ] With oral argument Hearing

Date/Time: Thursday, January 24, 2019, Without Oral Argument

Judge's Name: The Honorable Susan Amini Trial Date: January 6, 2020

CHIEF CRIMINAL DEPARTMENT – SEATTLE (E1201)

- [ ] Bond Forfeiture 3:15 pm, 2<sup>nd</sup> Thursday of each month
- [ ] Extraordinary Writs from criminal or infraction (Show Cause Hearing) LCR 98.40(d) 3:00 p.m. Mon-Thurs.
- [ ] Certificates of Rehabilitation- Weapon Possession (Convictions from Limited Jurisdiction Courts) 3:30 First Tues of each month

CHIEF CIVIL DEPARTMENT – SEATTLE (Please report to W719 for assignment)

Deliver working copies to Judges' Mailroom, Room C203. In upper right corner of papers write "Chief Civil Department" or judge's name and date of hearing

- [ ] Extraordinary Writs (Show Cause Hearing) (LCR 98.40) 1:30 p.m. Thurs/Fri -report to Room W719
- [ ] Supplemental Proceedings/ Judicial Subpoenas (1:30 pm Thurs/Fri)(LCR 69)
- [ ] Motions to Consolidate with multiple judges assigned (LCR 40(a)(4) (without oral argument) M-F
- [ ] Structured Settlements (1:30 pm Thurs/Fri)(LCR 40(2)(S))

Non-Assigned Cases:

- [ ] Non-Dispositive Motions M-F (without oral argument).
- [ ] Dispositive Motions and Revisions (1:30 pm Thurs/Fri).
- [ ] Certificates of Rehabilitation (Employment) 1:30 pm Thurs/Fri (LR 40(a)(2)(B))

You may list an address that is not your residential address where you agree to accept legal documents.

Sign: /s/ Beth E. Terrell, WSBA #26759 Print/Type Name: Beth E. Terrell

WSBA # 26759 (if attorney) Attorney for: Plaintiff

Address: 936 North 34th Street, Suite 300 City, State, Zip Seattle, Washington, 98103-8869

Telephone: (206) 816-6603 Email Address: bterrell@terrellmarshall.com Date: January 15, 2019

**DO NOT USE THIS FORM FOR FAMILY LAW OR EX PARTE MOTIONS.**

LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE

**IMPORTANT NOTICE REGARDING CASES**

Party requesting hearing must file motion & affidavits separately along with this notice. List the names, addresses and telephone numbers of all parties requiring notice (including GAL) on this page. Serve a copy of this notice, with motion documents, on all parties.

The original must be filed at the Clerk's Office not less than **six** court days prior to requested hearing date, except for Summary Judgment Motions (to be filed with Clerk 28 days in advance).

**THIS IS ONLY A PARTIAL SUMMARY OF THE LOCAL RULES AND ALL PARTIES ARE ADVISED TO CONSULT WITH AN ATTORNEY.**

The SEATTLE COURTHOUSE is in Seattle, Washington at 516 Third Avenue. The Clerk's Office is on the sixth floor, room E609. The Judges' Mailroom is Room C203.

# **EXHIBIT J**

FILED THE HONORABLE SUSAN AMINI  
2019 JAN 15 03:35 PM Department 20  
KING COUNTY Noted for Consideration: January 24, 2019  
SUPERIOR COURT CLERK  
E-FILED  
CASE #: 19-2-00613-7 SEA

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

NICK LOWRY, on behalf of himself and all  
others similarly situated,

Plaintiff,

vs.

ADDITECH, INC., a Texas corporation,

Defendant.

NO. 19-2-00613-7 SEA

**MOTION FOR LIMITED ADMISSION  
OF MICHAEL H. PEARSON  
PURSUANT TO APR 8(B) PRO HAC  
VICE**

**I. RELIEF REQUESTED**

The Moving Party named below moves the court for the limited admission of the Applicant for Limited Admission named below for the purpose of appearing as a lawyer in this proceeding.

**Identity of Moving Party** (Washington State Bar Association Member):

Name: Beth E. Terrell WSBA No. 26759

Address: 936 North 34th Street, Suite 300

Seattle, Washington, 98103-8869

Telephone No. (206) 816-6603 Email: bterrell@terrellmarshall.com

**Identity of Applicant for Limited Admission:**

Name: Michael H. Pearson Bar No. 277857

Jurisdiction of Primary Practice: California

Address: PEARSON, SIMON & WARSHAW, LLP

15165 Ventura Boulevard, Suite 400

Sherman Oaks, California 91403

Telephone No. (818) 788-8300 Email: mpearson@pswlaw.com

Washington Address (if applicable): \_\_\_\_\_

Telephone No. \_\_\_\_\_ Email: \_\_\_\_\_

**II. STATEMENT OF THE FACTS**

Michael H. Pearson has taken and passed the California State bar examination and is licensed to practice in the State of California.

Mr. Pearson is currently in good standing in California.

Mr. Pearson has not taken and subsequently failed the Washington bar examination.

There are currently no disciplinary actions or contempt proceedings pending against Mr. Pearson before any court or administrative body.

Mr. Pearson is aware of the contents of the Rules Governing the Courts of Washington and the Local Rules of the King County Superior Court.

Mr. Pearson is co-counsel with local attorney Beth E. Terrell in this matter, Ms. Terrell is an attorney admitted to practice and in good standing in the State of Washington.

**III. STATEMENT OF THE ISSUE**

The following issue is presented for resolution by the court:

Should the Applicant for Limited Admission named above be granted limited admission to the practice of law pursuant to APR 8(b) for the purpose of appearing as a lawyer in this proceeding?

**IV. EVIDENCE RELIED UPON**

This motion is based on the accompanying certifications of the Moving Party and the Applicant for Limited Admission.

**V. LEGAL AUTHORITY**

This motion is made pursuant to Rule 8(b) of the Admission to Practice Rules (APR).

**VI. PROPOSED ORDER**

A proposed order granting the relief requested accompanies this motion.

RESPECTFULLY SUBMITTED AND DATED this 15th day of January, 2019.

TERRELL MARSHALL LAW GROUP PLLC

By: /s/ Beth E. Terrell, WSBA #26759

Beth E. Terrell, WSBA #26759  
Email: bterrell@terrellmarshall.com  
Benjamin M. Drachler, WSBA #51021  
Email: bdrachler@terrellmarshall.com  
936 North 34th Street, Suite 300  
Seattle, Washington 98103-8869  
Telephone: (206) 816-6603  
Facsimile: (206) 319-5450

Daniel L. Warshaw, *pro hac vice forthcoming*  
Email: dwarshaw@pswlaw.com  
Michael H. Pearson, *pro hac vice forthcoming*  
Email: mpearson@pswlaw.com  
Eric J. Mont, *pro hac vice forthcoming*  
Email: emont@pswlaw.com  
PEARSON, SIMON & WARSHAW, LLP  
15165 Ventura Boulevard, Suite 400  
Sherman Oaks, California 91403  
Telephone: (818) 788-8300  
Facsimile: (818) 788-8104

*Attorneys for Plaintiff*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**CERTIFICATION OF APPLICANT FOR LIMITED ADMISSION**

I hereby certify under penalty of perjury under the laws of the State of Washington that:

1. I am a member in good standing of the bar of the state or territory of the United States or of the District of Columbia listed above as my jurisdiction of primary practice.

2. I am a resident of and maintain a law practice in that jurisdiction of primary practice.

3. I have read the Rules of Professional Conduct adopted by the Supreme Court of the State of Washington and agree to abide by them.

4. I have complied with all of the requirements of APR 8(b).

5. I have read the foregoing motion and certification and the statements contained in it are full, true and correct.

Signed on this 10<sup>th</sup> day of January, 2019, in Sherman Oaks, California.



Michael H. Pearson  
Applicant for Limited Admission



**CERTIFICATION OF MOVING PARTY/WSBA MEMBER**

I hereby certify under penalty of perjury under the laws of the State of Washington that:

1. I am an active member in good standing of the Washington State Bar Association.
2. I will be the lawyer of record in this proceeding, responsible for the conduct of the applicant, and present at proceedings in this matter unless excused by the court.
3. I have submitted a copy of this motion together with the required fee of \$415 to the Washington State Bar Association, 1325 Fourth Avenue, Suite 600, Seattle, Washington, 98101-2539.
4. I have complied with all of the requirements of APR 8(b).
5. I have read the foregoing motion and certification and the statements contained in it are full, true and correct.

DATED this 15th day of January, 2019.

By: /s/ Beth E. Terrell, WSBA #26759  
Beth E. Terrell, WSBA #267569

# **EXHIBIT K**

THE HONORABLE SUSAN AMINI

Department 20

Noted for Consideration: January 24, 2019 Without Oral Argument

**FILED**

2019 JAN 15 03:35 PM

KING COUNTY

SUPERIOR COURT CLERK

E-FILED

CASE #: 19-2-00613-7 SEA

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING**

NICK LOWRY,

Plaintiff,

vs.

ADDITECH, INC.,

Defendant.

CASE NO. 19-2-00613-7 SEA  
NOTICE OF COURT DATE (Judges)  
(NOTICE FOR HEARING)  
SEATTLE COURTHOUSE ONLY  
(Clerk's Action Required) (NTHG)

TO: **THE CLERK OF THE COURT** and to all other parties per list on Page 2:  
**PLEASE TAKE NOTICE** that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the calendar checked below.

Calendar Date: January 24, 2019 Day of Week: Thursday

Nature of Motion: Motion for Limited Admission of Michael H. Pearson  
Pursuant to APR 8(b) Pro Hac Vice

<b>CASES ASSIGNED TO INDIVIDUAL JUDGES – SEATTLE</b>	
If oral argument on the motion is allowed (LCR 7(b)(2)), contact staff of assigned judge to schedule date and time before filing this notice. <b>Working Papers:</b> The judge's name, date and time of hearing <u>must</u> be noted in the upper right corner of the Judge's copy. <b>Deliver Judge's copies to Judges' Mailroom at C203</b>	
<input checked="" type="checkbox"/> Without oral argument (Mon - Fri)	<input type="checkbox"/> With oral argument Hearing
Date/Time: <u>Thursday, January 24, 2019, Without Oral Argument</u>	
Judge's Name: <u>The Honorable Susan Amini</u> Trial Date: <u>January 6, 2020</u>	
<b>CHIEF CRIMINAL DEPARTMENT – SEATTLE (E1201)</b>	
<input type="checkbox"/> Bond Forfeiture 3:15 pm, 2 <sup>nd</sup> Thursday of each month	
<input type="checkbox"/> Extraordinary Writs from criminal or infraction (Show Cause Hearing) LCR 98.40(d) 3:00 p.m. Mon-Thurs.	
<input type="checkbox"/> Certificates of Rehabilitation- Weapon Possession ( <b>Convictions from Limited Jurisdiction Courts</b> ) 3:30 First Tues of each month	
<b>CHIEF CIVIL DEPARTMENT – SEATTLE (Please report to W719 for assignment)</b>	
<b>Deliver working copies to Judges' Mailroom, Room C203. In upper right corner of papers write "Chief Civil Department" or judge's name and date of hearing</b>	
<input type="checkbox"/> Extraordinary Writs (Show Cause Hearing) (LCR 98.40) 1:30 p.m. <b>Thurs/Fri</b> -report to Room W719	
<input type="checkbox"/> Supplemental Proceedings/ Judicial Subpoenas (1:30 pm <b>Thurs/Fri</b> )(LCR 69)	
<input type="checkbox"/> Motions to Consolidate with multiple judges assigned (LCR 40(a)(4) (without oral argument) M-F	
<input type="checkbox"/> Structured Settlements (1:30 pm <b>Thurs/Fri</b> )(LCR 40(2)(S))	
<b>Non-Assigned Cases:</b>	
<input type="checkbox"/> Non-Dispositive Motions M-F (without oral argument).	
<input type="checkbox"/> Dispositive Motions and Revisions (1:30 pm <b>Thurs/Fri</b> ).	
<input type="checkbox"/> Certificates of Rehabilitation ( <b>Employment</b> ) 1:30 pm <b>Thurs/Fri</b> (LR 40(a)(2)(B))	

**You may list an address that is not your residential address where you agree to accept legal documents.**

Sign: /s/ Beth E. Terrell, WSBA #26759 Print/Type Name: Beth E. Terrell

WSBA # 26759 (if attorney) Attorney for: Plaintiff

Address: 936 North 34th Street, Suite 300 City, State, Zip Seattle, Washington, 98103-8869

Telephone: (206) 816-6603 Email Address: bterrell@terrellmarshall.com Date: January 15, 2019

**DO NOT USE THIS FORM FOR FAMILY LAW OR EX PARTE MOTIONS.**

LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE

**IMPORTANT NOTICE REGARDING CASES**

Party requesting hearing must file motion & affidavits separately along with this notice. List the names, addresses and telephone numbers of all parties requiring notice (including GAL) on this page. Serve a copy of this notice, with motion documents, on all parties.

The original must be filed at the Clerk's Office not less than **six** court days prior to requested hearing date, except for Summary Judgment Motions (to be filed with Clerk 28 days in advance).

**THIS IS ONLY A PARTIAL SUMMARY OF THE LOCAL RULES AND ALL PARTIES ARE ADVISED TO CONSULT WITH AN ATTORNEY.**

The SEATTLE COURTHOUSE is in Seattle, Washington at 516 Third Avenue. The Clerk's Office is on the sixth floor, room E609. The Judges' Mailroom is Room C203.

# **EXHIBIT L**

FILED THE HONORABLE SUSAN AMINI  
2019 JAN 15 03:36 PM Department 20  
KING COUNTY Noted for Consideration: January 24, 2019  
SUPERIOR COURT CLERK  
E-FILED  
CASE #: 19-2-00613-7 SEA

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

NICK LOWRY, on behalf of himself and all  
others similarly situated,

Plaintiff,

vs.

ADDITECH, INC., a Texas corporation,

Defendant.

NO. 19-2-00613-7 SEA

**MOTION FOR LIMITED ADMISSION  
OF ERIC J. MONT PURSUANT TO  
APR 8(B) PRO HAC VICE**

**I. RELIEF REQUESTED**

The Moving Party named below moves the court for the limited admission of the Applicant for Limited Admission named below for the purpose of appearing as a lawyer in this proceeding.

**Identity of Moving Party** (Washington State Bar Association Member):

Name: Beth E. Terrell WSBA No. 26759

Address: 936 North 34th Street, Suite 300

Seattle, Washington, 98103-8869

Telephone No. (206) 816-6603 Email: bterrell@terrellmarshall.com

**Identity of Applicant for Limited Admission:**

Name: Eric J. Mont Bar No. 319592

Jurisdiction of Primary Practice: California

Address: PEARSON, SIMON & WARSHAW, LLP

15165 Ventura Boulevard, Suite 400

Sherman Oaks, California 91403

Telephone No. (818) 788-8300 Email: emont@pswlaw.com

Washington Address (if applicable): \_\_\_\_\_

Telephone No. \_\_\_\_\_ Email: \_\_\_\_\_

**II. STATEMENT OF THE FACTS**

Eric J. Mont has taken and passed the California State bar examination and is licensed to practice in the State of California.

Mr. Mont is currently in good standing in California.

Mr. Mont has not taken and subsequently failed the Washington bar examination.

There are currently no disciplinary actions or contempt proceedings pending against Mr. Mont before any court or administrative body.

Mr. Mont is aware of the contents of the Rules Governing the Courts of Washington and the Local Rules of the King County Superior Court.

Mr. Mont is co-counsel with local attorney Beth E. Terrell in this matter, Ms. Terrell is an attorney admitted to practice and in good standing in the State of Washington.

**III. STATEMENT OF THE ISSUE**

The following issue is presented for resolution by the court:

Should the Applicant for Limited Admission named above be granted limited admission to the practice of law pursuant to APR 8(b) for the purpose of appearing as a lawyer in this proceeding?

**IV. EVIDENCE RELIED UPON**

This motion is based on the accompanying certifications of the Moving Party and the Applicant for Limited Admission.

**V. LEGAL AUTHORITY**

This motion is made pursuant to Rule 8(b) of the Admission to Practice Rules (APR).

**VI. PROPOSED ORDER**

A proposed order granting the relief requested accompanies this motion.

RESPECTFULLY SUBMITTED AND DATED this 15th day of January, 2019.

TERRELL MARSHALL LAW GROUP PLLC

By: /s/ Beth E. Terrell, WSBA #26759

Beth E. Terrell, WSBA #26759  
Email: bterrell@terrellmarshall.com  
Benjamin M. Drachler, WSBA #51021  
Email: bdrachler@terrellmarshall.com  
936 North 34th Street, Suite 300  
Seattle, Washington 98103-8869  
Telephone: (206) 816-6603  
Facsimile: (206) 319-5450

Daniel L. Warshaw, *pro hac vice forthcoming*  
Email: dwarshaw@pswlaw.com  
Michael H. Pearson, *pro hac vice forthcoming*  
Email: mpearson@pswlaw.com  
Eric J. Mont, *pro hac vice forthcoming*  
Email: emont@pswlaw.com  
PEARSON, SIMON & WARSHAW, LLP  
15165 Ventura Boulevard, Suite 400  
Sherman Oaks, California 91403  
Telephone: (818) 788-8300  
Facsimile: (818) 788-8104

*Attorneys for Plaintiff*



**CERTIFICATION OF APPLICANT FOR LIMITED ADMISSION**

I hereby certify under penalty of perjury under the laws of the State of Washington that:

1. I am a member in good standing of the bar of the state or territory of the United States or of the District of Columbia listed above as my jurisdiction of primary practice.

2. I am a resident of and maintain a law practice in that jurisdiction of primary practice.

3. I have read the Rules of Professional Conduct adopted by the Supreme Court of the State of Washington and agree to abide by them.

4. I have complied with all of the requirements of APR 8(b).

5. I have read the foregoing motion and certification and the statements contained in it are full, true and correct.

Signed on this 10<sup>th</sup> day of January, 2019, in Sherman Oaks, California.



Eric J. Mont  
Applicant for Limited Admission

**CERTIFICATION OF MOVING PARTY/WSBA MEMBER**

I hereby certify under penalty of perjury under the laws of the State of Washington that:

1. I am an active member in good standing of the Washington State Bar Association.
2. I will be the lawyer of record in this proceeding, responsible for the conduct of the applicant, and present at proceedings in this matter unless excused by the court.
3. I have submitted a copy of this motion together with the required fee of \$415 to the Washington State Bar Association, 1325 Fourth Avenue, Suite 600, Seattle, Washington, 98101-2539.
4. I have complied with all of the requirements of APR 8(b).
5. I have read the foregoing motion and certification and the statements contained in it are full, true and correct.

DATED this 15th day of January, 2019.

By: /s/ Beth E. Terrell, WSBA #26759  
Beth E. Terrell, WSBA #267569

# **EXHIBIT M**

THE HONORABLE SUSAN AMINI

Department 20

Noted for Consideration: January 24, 2019 Without Oral Argument

FILED

2019 JAN 15 03:36 PM

KING COUNTY

SUPERIOR COURT CLERK

E-FILED

CASE #: 19-2-00613-7 SEA

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

NICK LOWRY,

Plaintiff,

vs.

ADDITECH, INC.,

Defendant.

CASE NO. 19-2-00613-7 SEA  
NOTICE OF COURT DATE (Judges)  
(NOTICE FOR HEARING)  
SEATTLE COURTHOUSE ONLY  
(Clerk's Action Required) (NTHG)

TO: THE CLERK OF THE COURT and to all other parties per list on Page 2:  
**PLEASE TAKE NOTICE** that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the calendar checked below.

Calendar Date: January 24, 2019 Day of Week: Thursday

Nature of Motion: **Motion for Limited Admission of Eric J. Mont Pursuant to APR 8(b) Pro Hac Vice**

<b>CASES ASSIGNED TO INDIVIDUAL JUDGES – SEATTLE</b>	
If oral argument on the motion is allowed (LCR 7(b)(2)), contact staff of assigned judge to schedule date and time before filing this notice. <b>Working Papers:</b> The judge's name, date and time of hearing <u>must</u> be noted in the upper right corner of the Judge's copy. <b>Deliver Judge's copies to Judges' Mailroom at C203</b>	
<input checked="" type="checkbox"/> Without oral argument (Mon - Fri)	<input type="checkbox"/> With oral argument Hearing
Date/Time: <u>Thursday, January 24, 2019, Without Oral Argument</u>	
Judge's Name: <u>The Honorable Susan Amini</u> Trial Date: <u>January 6, 2020</u>	
<b>CHIEF CRIMINAL DEPARTMENT – SEATTLE (E1201)</b>	
<input type="checkbox"/> Bond Forfeiture 3:15 pm, 2 <sup>nd</sup> Thursday of each month	
<input type="checkbox"/> Extraordinary Writs from criminal or infraction (Show Cause Hearing) LCR 98.40(d) 3:00 p.m. Mon-Thurs.	
<input type="checkbox"/> Certificates of Rehabilitation- Weapon Possession ( <b>Convictions from Limited Jurisdiction Courts</b> )	
3:30 First Tues of each month	
<b>CHIEF CIVIL DEPARTMENT – SEATTLE (Please report to W719 for assignment)</b>	
<i>Deliver working copies to Judges' Mailroom, Room C203. In upper right corner of papers write "Chief Civil Department" or judge's name and date of hearing</i>	
<input type="checkbox"/> Extraordinary Writs (Show Cause Hearing) (LCR 98.40) 1:30 p.m. <b>Thurs/Fri</b> -report to Room W719	
<input type="checkbox"/> Supplemental Proceedings/ Judicial Subpoenas (1:30 pm <b>Thurs/Fri</b> )(LCR 69)	
<input type="checkbox"/> Motions to Consolidate with multiple judges assigned (LCR 40(a)(4) (without oral argument) M-F	
<input type="checkbox"/> Structured Settlements (1:30 pm <b>Thurs/Fri</b> )(LCR 40(2)(S))	
<b>Non-Assigned Cases:</b>	
<input type="checkbox"/> Non-Dispositive Motions M-F (without oral argument).	
<input type="checkbox"/> Dispositive Motions and Revisions (1:30 pm <b>Thurs/Fri</b> ).	
<input type="checkbox"/> Certificates of Rehabilitation ( <b>Employment</b> ) 1:30 pm <b>Thurs/Fri</b> (LR 40(a)(2)(B))	

You may list an address that is not your residential address where you agree to accept legal documents.

Sign: /s/ Beth E. Terrell, WSBA #26759 Print/Type Name: Beth E. Terrell  
WSBA # 26759 (if attorney) Attorney for: Plaintiff  
Address: 936 North 34th Street, Suite 300 City, State, Zip Seattle, Washington, 98103-8869  
Telephone: (206) 816-6603 Email Address: bterrell@terrellmarshall.com Date: January 15, 2019

**DO NOT USE THIS FORM FOR FAMILY LAW OR EX PARTE MOTIONS.**

LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE

**IMPORTANT NOTICE REGARDING CASES**

Party requesting hearing must file motion & affidavits separately along with this notice. List the names, addresses and telephone numbers of all parties requiring notice (including GAL) on this page. Serve a copy of this notice, with motion documents, on all parties.

The original must be filed at the Clerk's Office not less than **six** court days prior to requested hearing date, except for Summary Judgment Motions (to be filed with Clerk 28 days in advance).

**THIS IS ONLY A PARTIAL SUMMARY OF THE LOCAL RULES AND ALL PARTIES ARE ADVISED TO CONSULT WITH AN ATTORNEY.**

The SEATTLE COURTHOUSE is in Seattle, Washington at 516 Third Avenue. The Clerk's Office is on the sixth floor, room E609. The Judges' Mailroom is Room C203.

**EXHIBIT N**

FILED  
2019 JAN 25  
KING COUNTY  
SUPERIOR COURT CLERK

CASE #: 19-2-00613-7 SEA

IN THE SUPERIOR COURT, IN AND FOR THE COUNTY OF KING, STATE OF WASHINGTON

**NICK LOWRY, ON BEHALF OF HIMSELF AND ALL  
OTHERS SIMILARLY SITUATED**  
Plaintiff/Petitioner

vs.  
**ADDITECH, INC., A TEXAS CORPORATION**  
Defendant/Respondent

Cause No.: **19-2-00613-7 SEA**

Hearing Date:

DECLARATION OF SERVICE OF  
**SUMMONS; CLASS ACTION COMPLAINT; CASE  
ASSIGNMENT AREA DESIGNATION AND CASE  
INFORMATION COVER SHEET; ORDER SETTING CIVIL  
CASE SCHEDULE; LETTER; PLAINTIFF'S FIRST SET OF  
INTERROGATORIES AND REQUESTS FOR PRODUCTION  
OF DOCUMENTS PROPOUNDED TO DEFENDANT  
ADDITECH, INC.**

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the **22nd day of January, 2019 at 12:08 PM** at the address of **3400 CAPITOL BLVD SE SUITE 101, TUMWATER, Thurston County, WA 98501**; this declarant served the above described documents upon **ADDITECH, INC., A TEXAS CORPORATION c/o REGISTERED AGENT SOLUTIONS, INC., REGISTERED AGENT** by then and there personally delivering **1** true and correct copy(ies) thereof, by then presenting to and leaving the same with **REGISTERED AGENT SOLUTIONS, INC., REGISTERED AGENT, Who accepted service, with identity confirmed by subject stating their name, a black-haired Asian female approx. 25-35 years of age, 5'-5'4" tall and weighing 140-160 lbs..**

No information was provided or discovered that indicates that the subjects served are members of the United States military.

ORIGINAL PROOF OF SERVICE

PAGE 1 OF 2



For: Terrell Marshall Law Group PLLC  
Ref #: 2194-001

Tracking #: 0032306197



PLAINTIFF/PETITIONER: NICK LOWRY, ON BEHALF OF HIMSELF AND ALL OTHERS SIMILARLY SITUATED	CASE NUMBER: 19-2-00613-7 SEA
DEFENDANT/RESPONDENT: ADDITECH, INC., A TEXAS CORPORATION	

Service Fee Total: **\$79.50**

Declarant hereby states under penalty of perjury under the laws of the State of Washington that the statement above is true and correct.

DATED January 23, 2019



**Kevin Nakai, Reg. # 3465919, Washington**

**ORIGINAL PROOF OF SERVICE**

PAGE 2 OF 2



For: Terrell Marshall Law Group PLLC  
Ref #: 2194-001

Tracking #: 0032306197





# **EXHIBIT O**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**FILED** THE HONORABLE SUSAN AMINI  
2019 JAN 30 Department 20  
KING COUNTY Noted for Consideration: January 24, 2019  
SUPERIOR COURT CLERK

CASE #: 19-2-00613-7 SEA

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

NICK LOWRY, on behalf of himself and all  
others similarly situated,

Plaintiff,

vs.

ADDITECH, INC., a Texas corporation,

Defendant.

NO. 19-2-00613-7 SEA

**[PROPOSED] ORDER GRANTING  
MOTION FOR LIMITED ADMISSION  
OF DANIEL L. WARSHAW  
PURSUANT TO APR 8(B) PRO HAC  
VICE**

**I. BASIS**

A Motion For Limited Admission Pursuant To APR(8)(b) (*Pro Hac Vice*) and the attached Certification of Application for Limited Admission and Certificate of Moving Party (WSBA Member) has been presented by Beth E. Terrell.

**II. FINDINGS**

- (1) Daniel L. Warshaw qualifies for *Pro Hac Vice* Admission and has complied with all of the requirements of APR (8)(b);
- (2) Beth E. Terrell, an active member in good standing of the Washington State Bar Association, will be the lawyer of record in this proceeding, will be responsible for the conduct of Daniel L. Warshaw and present at proceedings in this matter unless excused by the Court.
- (3) Beth E. Terrell has provided evidence establishing that she has submitted a copy and the required fee to the Washington State Bar Association.

**[PROPOSED] ORDER GRANTING MOTION FOR LIMITED  
ADMISSION OF DANIEL L. WARSHAW PURSUANT TO APR 8(B)  
PRO HAC VICE - 1  
Case No. 19-2-00613-7 SEA**

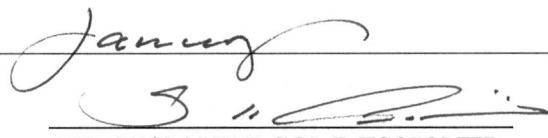
**TERRELL MARSHALL LAW GROUP PLLC**  
936 North 34th Street, Suite 300  
Seattle, Washington 98103-8869  
TEL. 206.816.6603 • FAX 206.319.5450  
www.terrellmarshall.com

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**III. [PROPOSED] ORDER**

It is hereby ORDERED that Daniel L. Warshaw is admitted to practice as a lawyer in this proceeding pursuant to APR 8(b). Beth E. Terrell, an active member in good standing of the Washington State Bar Association, will be the lawyer of record in this proceeding, will be responsible for the conduct of Daniel L. Warshaw and present at proceedings in this matter unless excused by the Court.

Dated this 29<sup>th</sup> day of January, 2019.

  
JUDGE/COURT COMMISSIONER  
Susan H. Amini

Presented By:

TERRELL MARSHALL LAW GROUP PLLC

By: /s/ Beth E. Terrell, WSBA #26759

Beth E. Terrell, WSBA #26759  
Email: bterrell@terrellmarshall.com  
Benjamin M. Drachler, WSBA #51021  
Email: bdrachler@terrellmarshall.com  
936 North 34th Street, Suite 300  
Seattle, Washington 98103-8869  
Telephone: (206) 816-6603  
Facsimile: (206) 319-5450

Daniel L. Warshaw, *pro hac vice forthcoming*  
Email: dwarshaw@pswlaw.com  
Michael H. Pearson, *pro hac vice forthcoming*  
Email: mpearson@pswlaw.com  
Eric J. Mont, *pro hac vice forthcoming*  
Email: emont@pswlaw.com  
PEARSON, SIMON & WARSHAW, LLP  
15165 Ventura Boulevard, Suite 400  
Sherman Oaks, California 91403  
Telephone: (818) 788-8300  
Facsimile: (818) 788-8104

*Attorneys for Plaintiff*

[PROPOSED] ORDER GRANTING MOTION FOR LIMITED  
ADMISSION OF DANIEL L. WARSHAW PURSUANT TO APR 8(B)  
PRO HAC VICE - 2  
Case No. 19-2-00613-7 SEA

TERRELL MARSHALL LAW GROUP PLLC  
936 North 34th Street, Suite 300  
Seattle, Washington 98103-8869  
TEL. 206.816.6603 • FAX 206.319.5450  
www.terrellmarshall.com

**EXHIBIT P**

FILED  
2019 JAN 30  
KING COUNTY  
SUPERIOR COURT CLERK

CASE #: 19-2-00613-7 SEA

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

NICK LOWRY, on behalf of himself and all  
others similarly situated,

Plaintiff,

vs.

ADDITECH, INC., a Texas corporation,

Defendant.

NO. 19-2-00613-7 SEA

**[PROPOSED] ORDER GRANTING  
MOTION FOR LIMITED ADMISSION  
OF ERIC J. MONT PURSUANT TO  
APR 8(B) PRO HAC VICE**

**I. BASIS**

A Motion For Limited Admission Pursuant To APR(8)(b) (*Pro Hac Vice*) and the attached Certification of Application for Limited Admission and Certificate of Moving Party (WSBA Member) has been presented by Beth E. Terrell.

**II. FINDINGS**

(1) Eric J. Mont qualifies for *Pro Hac Vice* Admission and has complied with all of the requirements of APR (8)(b);

(2) Beth E. Terrell, an active member in good standing of the Washington State Bar Association, will be the lawyer of record in this proceeding, will be responsible for the conduct of Eric J. Mont and present at proceedings in this matter unless excused by the Court.

(3) Beth E. Terrell has provided evidence establishing that she has submitted a copy and the required fee to the Washington State Bar Association.

~~[PROPOSED]~~ ORDER GRANTING MOTION FOR LIMITED  
ADMISSION OF ERIC J. MONT PURSUANT TO APR 8(B) PRO HAC  
VICE - 1  
Case No. 19-2-00613-7 SEA

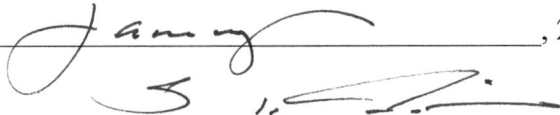
TERRELL MARSHALL LAW GROUP PLLC  
936 North 34th Street, Suite 300  
Seattle, Washington 98103-8869  
TEL. 206.816.6603 • FAX 206.319.5450  
www.terrellmarshall.com

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**III. [PROPOSED] ORDER**

It is hereby ORDERED that Eric J. Mont is admitted to practice as a lawyer in this proceeding pursuant to APR 8(b). Beth E. Terrell, an active member in good standing of the Washington State Bar Association, will be the lawyer of record in this proceeding, will be responsible for the conduct of Eric J. Mont and present at proceedings in this matter unless excused by the Court.

Dated this 29<sup>th</sup> day of January, 2019.



JUDGE/COURT COMMISSIONER

Susan H. Amini

Presented By:

TERRELL MARSHALL LAW GROUP PLLC

By: /s/ Beth E. Terrell, WSBA #26759

Beth E. Terrell, WSBA #26759  
Email: bterrell@terrellmarshall.com  
Benjamin M. Drachler, WSBA #51021  
Email: bdrachler@terrellmarshall.com  
936 North 34th Street, Suite 300  
Seattle, Washington 98103-8869  
Telephone: (206) 816-6603  
Facsimile: (206) 319-5450

Daniel L. Warshaw, *pro hac vice forthcoming*  
Email: dwarshaw@pswlaw.com  
Michael H. Pearson, *pro hac vice forthcoming*  
Email: mpearson@pswlaw.com  
Eric J. Mont, *pro hac vice forthcoming*  
Email: emont@pswlaw.com  
PEARSON, SIMON & WARSHAW, LLP  
15165 Ventura Boulevard, Suite 400  
Sherman Oaks, California 91403  
Telephone: (818) 788-8300  
Facsimile: (818) 788-8104

*Attorneys for Plaintiff*

[PROPOSED] ORDER GRANTING MOTION FOR LIMITED  
ADMISSION OF ERIC J. MONT PURSUANT TO APR 8(B) PRO HAC  
VICE - 2  
Case No. 19-2-00613-7 SEA

TERRELL MARSHALL LAW GROUP PLLC  
936 North 34th Street, Suite 300  
Seattle, Washington 98103-8869  
TEL. 206.816.6603 • FAX 206.319.5450  
www.terrellmarshall.com

# **EXHIBIT Q**

FILED  
2019 JAN 30  
KING COUNTY  
SUPERIOR COURT CLERK

CASE #: 19-2-00613-7 SEA

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

NICK LOWRY, on behalf of himself and all  
others similarly situated,

Plaintiff,

vs.

ADDITECH, INC., a Texas corporation,

Defendant.

NO. 19-2-00613-7 SEA

~~PROPOSED~~ ORDER GRANTING  
MOTION FOR LIMITED ADMISSION  
OF MICHAEL H. PEARSON  
PURSUANT TO APR 8(B) *PRO HAC  
VICE*

**I. BASIS**

A Motion For Limited Admission Pursuant To APR(8)(b) (*Pro Hac Vice*) and the attached Certification of Application for Limited Admission and Certificate of Moving Party (WSBA Member) has been presented by Beth E. Terrell.

**II. FINDINGS**

(1) Michael H. Pearson qualifies for *Pro Hac Vice* Admission and has complied with all of the requirements of APR (8)(b);

(2) Beth E. Terrell, an active member in good standing of the Washington State Bar Association, will be the lawyer of record in this proceeding, will be responsible for the conduct of Michael H. Pearson and present at proceedings in this matter unless excused by the Court.

(3) Beth E. Terrell has provided evidence establishing that she has submitted a copy and the required fee to the Washington State Bar Association.

~~PROPOSED~~ ORDER GRANTING MOTION FOR LIMITED  
ADMISSION OF MICHAEL H. PEARSON PURSUANT TO APR 8(B)  
PRO HAC VICE - 1  
Case No. 19-2-00613-7 SEA

TERRELL MARSHALL LAW GROUP PLLC  
936 North 34th Street, Suite 300  
Seattle, Washington 98103-8869  
TEL. 206.816.6603 • FAX 206.319.5450  
www.terrellmarshall.com



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**III. [PROPOSED] ORDER**

It is hereby ORDERED that Michael H. Pearson is admitted to practice as a lawyer in this proceeding pursuant to APR 8(b). Beth E. Terrell, an active member in good standing of the Washington State Bar Association, will be the lawyer of record in this proceeding, will be responsible for the conduct of Michael H. Pearson and present at proceedings in this matter unless excused by the Court.

Dated this 29<sup>th</sup> day of January, 2019.

  
\_\_\_\_\_  
JUDGE/COURT COMMISSIONER  
Susan H. Amini

Presented By:

TERRELL MARSHALL LAW GROUP PLLC

By: /s/ Beth E. Terrell, WSBA #26759

Beth E. Terrell, WSBA #26759  
Email: bterrell@terrellmarshall.com  
Benjamin M. Drachler, WSBA #51021  
Email: bdrachler@terrellmarshall.com  
936 North 34th Street, Suite 300  
Seattle, Washington 98103-8869  
Telephone: (206) 816-6603  
Facsimile: (206) 319-5450

Daniel L. Warshaw, *pro hac vice forthcoming*  
Email: dvarshaw@pswlaw.com  
Michael H. Pearson, *pro hac vice forthcoming*  
Email: mpearson@pswlaw.com  
Eric J. Mont, *pro hac vice forthcoming*  
Email: emont@pswlaw.com  
PEARSON, SIMON & WARSHAW, LLP  
15165 Ventura Boulevard, Suite 400  
Sherman Oaks, California 91403  
Telephone: (818) 788-8300  
Facsimile: (818) 788-8104

*Attorneys for Plaintiff*

[PROPOSED] ORDER GRANTING MOTION FOR LIMITED  
ADMISSION OF MICHAEL H. PEARSON PURSUANT TO APR 8(B)  
PRO HAC VICE - 2  
Case No. 19-2-00613-7 SEA

TERRELL MARSHALL LAW GROUP PLLC  
936 North 34th Street, Suite 300  
Seattle, Washington 98103-8869  
TEL. 206.816.6603 • FAX 206.319.5450  
www.terrellmarshall.com

**EXHIBIT R**

The Honorable Susan Amini

**FILED**  
2019 FEB 13 10:30 AM  
KING COUNTY  
SUPERIOR COURT CLERK  
E-FILED  
CASE #: 19-2-00613-7 SEA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

NICK LOWRY, on behalf of himself and all  
others similarly situated,

Plaintiff,

v.

ADDITECH, INC., a Texas corporation,

Defendant.

No. 19-2-00613-7 SEA

**NOTICE OF APPEARANCE**

*[Clerk's Action Required]*

TO: THE CLERK OF THE COURT

AND TO: ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE that Lynn M. Engel, Ralph H. Palumbo and Elizabeth S. Weinstein of Yarmuth LLP hereby enter their appearances on behalf of Defendant Additech, Inc., and you are notified that the service of all further pleadings, notices, documents, or other papers herein, exclusive of process, may be had upon said Defendant by serving the undersigned attorneys at their address stated below.

//

//

//

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

DATED: February 11, 2019.

**YARMUTH LLP**

By: s/Lynn M. Engel  
Lynn M. Engel, WSBA No. 21934

By: s/Ralph H. Palumbo  
Ralph H. Palumbo, WSBA No. 4751

By: s/Elizabeth S. Weinstein  
Elizabeth S. Weinstein, WSBA No. 45763

1420 Fifth Avenue, Suite 1400  
Seattle, WA 98101

Phone: 206.516.3800

Email: [lengel@yarmuth.com](mailto:lengel@yarmuth.com)  
[rpalumbo@yarmuth.com](mailto:rpalumbo@yarmuth.com)  
[eweinstein@yarmuth.com](mailto:eweinstein@yarmuth.com)

*Attorneys for Defendant Additech, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this date I electronically served the foregoing document via the e-service feature within the Clerk’s online eFiling application, pursuant to LGR 30(b)(4)(B), upon the following parties and/or counsel of record:

Beth E. Terrell  
Benjamin M. Drachler  
Terrell Marshall Law Group PLLC  
936 North 34th Street, Suite 300  
Seattle, WA 98103-8869  
Email: [bterrell@terrellmarshall.com](mailto:bterrell@terrellmarshall.com)  
[bdrachler@terrellmarshall.com](mailto:bdrachler@terrellmarshall.com)

*Attorneys for Plaintiff Nick Lowry*

Daniel L. Warshaw (*pro hac vice*)  
Michael H. Pearson (*pro hac vice*)  
Eric J. Mont (*pro hac vice*)  
Pearson, Simon & Warshaw, LLP  
15165 Ventura Blvd, Suite 400  
Sherman Oaks, CA 91403  
Email: [dwarshaw@pswlaw.com](mailto:dwarshaw@pswlaw.com)  
[mpearson@pswlaw.com](mailto:mpearson@pswlaw.com)  
[emont@pswlaw.com](mailto:emont@pswlaw.com)

*Attorneys for Plaintiff Nick Lowry*

Dated: February 11, 2019 at Seattle, Washington.

*s/Kelly M. Kennedy*  
Kelly M. Kennedy, Legal Assistant

# **EXHIBIT S**



Corporate Mailing Address  
1701 Directors Blvd.  
Suite 300  
Austin, TX 78744

Phone: (888) 705-RASi (7274)

## SERVICE OF PROCESS RECEIPT

1/22/2019

Sandra Cepeda  
**Additech, Inc.**  
13000 Executive Dr  
2nd Floor  
Sugar Land, TX 77478 USA

### NOTICE OF CONFIDENTIALITY

This notice and the information it contains are intended to be a confidential communication only to the individual and/or entity to whom it is addressed. If you have received this notice in error, immediately call our SOP Department at (888) 705-7274.

**RE: Additech, Inc.**

This receipt is to inform you that Registered Agent Solutions, Inc. has received a Service of Process on behalf of the above-referenced entity as your registered agent and is hereby forwarding the attached document(s) for your immediate review. A summary of the service is shown below; however, it is important that you review the attached document(s) in their entirety for complete and detailed information.

For additional information and instruction, contact the document issuer: TERRELL MARSHALL LAW GROUP PLLC

#### SERVICE INFORMATION

Service Date: 1/22/2019  
Service Time: 12:06 PM PST  
Service Method: Process Server

#### RASi REFERENCE INFORMATION

Service No.: 0097663  
RASi Office: Washington  
Rec. Int. Id.: AXS

#### CASE INFORMATION

Case Number: 19-2-00613-7-SEA  
File Date: 01/08/2019  
Jurisdiction: KING COUNTY SUPERIOR COURT, WASHINGTON  
Case Title: NICK LOWRY VS. ADDITECH, INC.

#### ANSWER / APPEARANCE INFORMATION

20 days  
*(Be sure to review the document(s) for any required response dates)*

#### AGENCY / PLAINTIFF INFORMATION

Firm/Issuing Agent: TERRELL MARSHALL LAW GROUP PLLC  
Attorney/Contact: BETH E. TERRELL  
Location: Washington  
Telephone No.: 206-816-6603

#### DOCUMENT(S) RECEIVED & ATTACHED

Complaint  
Summons  
Interrogatories  
OtherDetail: CASE INFORMATION COVER SHEET; REQUESTS FOR PRODUCTION OF DOC'S  
Order: SETTING CIVIL CASE SCHEDULE

#### ADDITIONAL NOTES

DOCUMENT CONTAINS A CERTIFICATION OF ATTORNEY, A VERIFICATION, AND EXHIBITS, PLEASE REVIEW.

**Questions or Comments...** Should you have any questions or need additional assistance, please contact the SOP Department at (888) 705-7274.

You have been notified of this Service of Process by Insta-SOP Delivery, a secure email transmission. The transmitted documents have also been uploaded to your Compliance account. RASi offers additional methods of notification including Telephone Notification and FedEx Delivery. If you would like to update your account's notification preferences, please log into your Compliance account at [www.rasi.com](http://www.rasi.com).

*Thank you for your continued business!*

# **EXHIBIT T**



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

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

NICK LOWRY, on behalf of himself and all  
others similarly situated,

Plaintiff,

vs.

ADDITECH, INC., a Texas corporation,

Defendant.

NO. 19-2-00613-7 SEA

**PLAINTIFF’S FIRST SET OF  
INTERROGATORIES AND REQUESTS  
FOR PRODUCTION OF DOCUMENTS  
PROPOUNDED TO DEFENDANT  
ADDITECH, INC.**

TO: DEFENDANT ADDITECH, INC.; and

TO: YOUR ATTORNEYS OF RECORD.

Pursuant to Washington Court Rules 26, 33 and 34, Plaintiff Nick Lowry (“Plaintiff”) propounds the following Interrogatories and Requests for Production of Documents (collectively, the “Discovery Requests”) to you and your attorneys of record. These Discovery Requests are intended to draw upon the combined knowledge of you, your agents, and your attorneys.

1. Interrogatories

Pursuant to Civil Rule 33, submit your answers to these Interrogatories in writing and under oath to the undersigned counsel within forty (40) days from the date of service upon you. In answering these Interrogatories, furnish such information as is available to you, regardless of whether this information is obtained directly by you, through your agents or representatives, or by any of your attorneys. Where facts set forth in answers or portions thereof are supplied upon

1 information and belief, rather than actual knowledge, the answer should so state, and specifically  
2 describe or IDENTIFY the source or sources of such information and belief. If any of these  
3 Interrogatories cannot be answered in full, after exercising due diligence to secure the  
4 information requested, then you should answer to the fullest extent possible, specifying the  
5 reasons for your inability to answer the remainder, and stating whatever information or  
6 knowledge you have concerning the unanswered portion or portions.

7 If privilege is claimed as to the information sought in any Interrogatory, state the nature  
8 of the privilege claimed, and IDENTIFY the dates, subject matter, locations, documents, and  
9 parties involved in the communications, activities, or information that is claimed to be  
10 privileged.

11 These Interrogatories are continuing in nature. In accordance with Civil Rule 26, you are  
12 required to supplement your answers to the Interrogatories in the event new or additional  
13 information becomes known to you.

14 With respect to any Interrogatory calling for the identification or listing of documents,  
15 unless otherwise indicated herein, you may, in lieu thereof, attach the documents in their original  
16 state and condition and segregated and separated with an identification of the Interrogatory or  
17 Interrogatories to which they are submitted as being responsive. Produce each such document in  
18 a manner that preserves its sequential relationship with other documents being produced,  
19 including the file folder, and folder tabs associated with its file location, and if not apparent on  
20 the folder or tabs, accompanied by identification of the person or department from whose files it  
21 was taken, and such additional source information as is necessary to enable the parties to  
22 determine the document's original pre-production location.

23 1. **Requests for Production of Documents**

24 Pursuant to Civil Rule 34, you are directed to provide a written response to these Requests for  
25 Production of Documents and produce and make available for inspection and copying all of the  
26 documents requested herein in their original state and condition at the offices of Terrell Marshall

1 Law Group PLLC, 936 North 34th Street, Suite 300, Seattle, Washington, 98103, forty (40) days  
2 after service of this request, or at such other time and place as may be mutually agreed upon by  
3 the parties. Deliver each document produced in a manner that preserves its sequential  
4 relationship with other documents being produced, including the file folder and folder tab  
5 associated with its file location, and if not apparent on the folder or tab, accompanied by  
6 identification of the person or department from whose files it was taken and such additional  
7 source information as is necessary to enable the parties to determine the document's original  
8 pre-production location. When documents are produced pursuant to these Discovery Requests,  
9 the documents are to be produced in a manner so that the particular request to which they are  
10 responsive can be readily identified.

11 These Requests for Production of Documents are continuing in nature. In accordance  
12 with Civil Rule 26, you are requested to supplement your responses to these requests in the event  
13 that new or additional information within their scope becomes known to you.

14 If any document is withheld under a claim of privilege: (1) IDENTIFY such document with  
15 sufficient particularity as to author(s), addressee(s), recipient(s), subject matter and contents to  
16 allow the matter to be brought before the court; (2) state the nature of the privilege(s) asserted;  
17 and (3) state in detail the factual basis for the claim of privilege.

## 18 II. DEFINITIONS

19 Throughout these Discovery Requests, including the definition of terms, the words used  
20 in the masculine gender include the feminine, and the words used in the singular include the  
21 plural. Wherever the word "or" appears herein, the meaning intended is the logical inclusive "or"  
22 — that is, "and/or." Wherever the word "including" appears, the meaning intended is "including  
23 but not limited to."

24 As used throughout these Discovery Requests, the following terms have the following  
25 indicated meanings:

26 1. "ALL" means "EVERY" and includes "EACH" and "ANY," and vice versa.

1           2.       “CORRESPONDENCE” includes ALL letters, telegrams, notices, messages, or  
2 other written communications or memoranda, including electronic communications, or other  
3 records of conversations, MEETINGS, conferences or other oral communications.

4           3.       “DATE” means the exact day, month, and year if ascertainable or, if not, the best  
5 approximation, including ANY known relationship to other events.

6           4.       “DEFENDANT” means Defendant Additech, Inc., Defendant’s attorneys, and  
7 ANY employees, agents, or persons working on ANY Defendant’s behalf, and if applicable,  
8 Defendant’s subsidiaries, predecessors or assignors, as well as ANY directors, officers,  
9 employees, agents, partners, principals, or persons acting on behalf of Defendant.

10          5.       “DOCUMENT(S)” shall be construed in the broadest possible sense pursuant to  
11 Civil Rule 34(a), and means, without limitation, ALL written or graphic matter, however  
12 produced or reproduced, of EVERY kind and description, in YOUR actual or constructive  
13 possession, custody, care or control, known to YOU, or which can be located or discovered by  
14 YOU through reasonably diligent efforts, regardless of origin or location, including, without  
15 limitation, ANY writing, drawing, graph, chart, recording, or transcription stored or maintained  
16 on audio tape, video tape, magnetic tape, CD-ROM, floppy disk, hard disk, photograph, phono  
17 record, or ANY other data compilation or graphic matter of ANY type or description from which  
18 information can be obtained or translated as set forth in Evidence Rule 1001, including but not  
19 limited to ANY CORRESPONDENCE, letter, email, memorandum, telegram, telegraph, report,  
20 record, pamphlet, manual, book, inter-office, intra-office, inter-company, or intra-company  
21 communication, or ANY handwritten or other note to which DEFENDANT, ANY of the officers  
22 or agents of DEFENDANT, or ANY counsel to DEFENDANT has or has had access. If a  
23 DOCUMENT has been prepared in several copies which are for ANY reason not identical, or if  
24 the original identical copies are no longer identical by reason of subsequent notation or other  
25 modification of ANY kind whatsoever, including but not limited to notations on the backs of  
26 pages thereto, EACH non-identical copy is a separate DOCUMENT.

1           6.       “ELECTRONICALLY STORED INFORMATION” (“ESI”) has the same full  
2 meaning as construed by Civil Rules 26 and 34 and includes, without limitation, the following:

3           a.       Activity listings of electronic mail receipts and/or transmittals;  
4           b.       Output resulting from the use of any software program, including without  
5 limitation word processing documents, spreadsheets, database files, charts, graphs and outlines,  
6 electronic mail, AOL Instant Messenger (or similar program) or bulletin board programs,  
7 operating systems, source code, PRF files, PRC files, batch files, ASCII files, and all  
8 miscellaneous media on which they reside and regardless of whether such electronic data exist in  
9 an active file, deleted file, or file fragment; and

10           c.       Any and all items stored on computer memories, hard disks, floppy disks,  
11 CD-ROM, magnetic tape, microfiche, or on any other vehicle for digital data storage and/or  
12 transmittal, including without limitation a personal digital assistant or smartphone, e.g., Palm  
13 Pilot, Blackberry, Treo, iPod, iPhone, iPad, or other device. Plaintiff requests that ESI be  
14 processed and produced in a manner that preserves all metadata and that the parties confer  
15 regarding the production of metadata and the form or any electronic production prior to the  
16 gathering or processing of ESI.

17           7.       “IDENTIFY” when REFERRING TO a DOCUMENT or CORRESPONDENCE  
18 means to state:

19           a.       The description of such DOCUMENTS or writings in sufficient detail in  
20 order to enable them to be identified by subpoena duces tecum;  
21           b.       The title and each subtitle thereof;  
22           c.       The DATE and number of pages thereof;  
23           d.       A brief summary of the contents;  
24           e.       The author, each addressee, and the distribution list thereof;  
25           f.       The IDENTITY of each person who witnessed, or was in a position to  
26 witness said communication;

- 1           g.     The DATE on which the DOCUMENT was prepared or signed;
- 2           h.     The physical location of the DOCUMENT and the name and address of its
- 3 custodian or custodians;
- 4           i.     The IDENTITY of each DOCUMENT referenced by this DOCUMENT;
- 5           j.     The source of (or the IDENTITY of each person who supplied) ANY
- 6 information contained therein; and
- 7           k.     If any such DOCUMENT was, but is no longer in YOUR possession or
- 8 subject to YOUR control, what disposition was made of it and the reason for its disposition.

9           8.     “IDENTIFY” when REFERRING TO a MEETING means, for each such

10 MEETING, to state:

- 11           a.     The DATE and hour when held;
- 12           b.     The address where held;
- 13           c.     The IDENTITY of each person who represented YOU at each MEETING
- 14 or conference;
- 15           d.     The IDENTITY of ANY other person(s) present; and
- 16           e.     Each action taken, decision made, agreement reached or topic discussed at
- 17 the MEETING or conference.

18           9.     “IDENTIFY” when REFERRING TO oral communications means to state, with

19 respect thereto, ANY communication or portion thereof between ANY two or more persons that

20 is not or was not recorded, including, but not limited to, telephone conversations, face-to-face

21 conversations, MEETINGS, and conferences. State the persons involved, the DATE, the setting,

22 and the circumstances.

23           10.    “IDENTIFY” or “IDENTITY” when REFERRING TO a person means to state:

- 24           a.     His/her full name;
- 25           b.     His/her present employer and position with employer;
- 26           c.     His/her present residence address;

27 PLAINTIFF’S FIRST SET OF INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF DOCUMENTS PROPOUNDED  
TO DEFENDANT ADDITECH, INC. - 6  
Case No. 19-2-00613-7 SEA

1 d. His/her present residence telephone number;

2 e. His/her present business address;

3 f. If his/her present residence or business address is unknown, state his/her  
4 last known residence address and residence telephone number, his/her last known business  
5 affiliation and business address, and ANY information YOU have that might reasonably lead to  
6 the discovery of his/her present whereabouts; and

7 g. With respect to persons who are not natural persons, state the last known  
8 complete address, including zip code, the last known complete telephone number, including the  
9 area code, of its headquarters, and its nearest or local office or agent.

10 11. "INDIVIDUAL," "PERSON," or "PERSONS" means natural persons,  
11 proprietorships, sole proprietorships, corporations, nonprofit corporations, municipal  
12 corporations, local, state, federal or foreign governments or governmental agencies, political  
13 subdivisions, general or limited partnerships, business trusts, trusts, estates, clubs, groups,  
14 unincorporated associations, or other business or public organizations.

15 12. "MEETING" means ANY encounter between two or more PERSONS during  
16 which a communication of ANY kind occurred and shall include, but not be limited to, formal  
17 gatherings, conversations, communication by electronic media, and telephone calls.

18 13. "NATIVE FILE FORMAT" shall mean that the information or data requested  
19 should be produced in electronic form in the application in which it was created and used in the  
20 regular course of business. If the NATIVE FILE FORMAT is derived from software not  
21 accessible with Microsoft Office applications or other common applications, **the parties shall**  
22 **meet and confer regarding reliable methods of converting the data into such an application**  
23 **for production.**

24 14. "PLAINTIFF" means Plaintiff Nick Lowry.

25 15. "POLICY" or "POLICIES" shall mean each rule, procedure, or directive, formal  
26 or informal, and each common understanding or course of conduct which was recognized as such

1 by your present or former officers, agents, employees or other persons acting or purporting to act  
2 on your behalf, which was in effect at any time during the period covered by these  
3 interrogatories and which includes any change of policy.

4 16. "PRODUCTS" means Additech Fuel System Cleaner and Additech Diesel Guard.

5 17. "PRODUCT TIER" means EACH version of YOUR PRODUCTS made available  
6 for purchase by consumers.

7 18. "REFER TO" or "RELATE TO" (including all verb tenses of those words) means  
8 to describe, comprise, concern, contain, reflect, show, discuss, explain, evidence, identify, list,  
9 comment on, illustrate, or document directly or indirectly, in whole or in part.

10 19. "SOCIAL MEDIA" means ANY online or digital forum that enables  
11 INDIVIDUALS to create and share content, communicate with one another, or participate in  
12 social networking, including but not limited to Facebook, Instagram, Twitter, LinkedIn,  
13 Google+, YouTube, Pinterest, Tumblr, Flickr, Reddit, Snapchat, WhatsApp, Quora, Vine,  
14 Periscope, or ANY other video or web blogging sites or apps.

15 20. "YOU" and "YOUR" means DEFENDANT Additech, Inc., Defendant's  
16 attorneys, and ANY employees, agents, or persons working on ANY DEFENDANT'S behalf,  
17 and if applicable, DEFENDANT'S subsidiaries, predecessors or assignors, as well as ANY  
18 directors, officers, employees, agents, partners, principals, or persons acting on behalf of  
19 DEFENDANT.

### 20 III. RELEVANT TIME PERIOD

21 Unless otherwise stated, the relevant time period for these discovery requests is from  
22 January 1, 2014 to the present.

### 23 IV. INTERROGATORIES

24 **INTERROGATORY NO. 1:** IDENTIFY ALL PERSONS involved in and/or  
25 otherwise knowledgeable regarding the development, marketing, sale, and/or guarantee of  
26 YOUR PRODUCTS.

27 PLAINTIFF'S FIRST SET OF INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF DOCUMENTS PROPOUNDED  
TO DEFENDANT ADDITECH, INC. - 8  
Case No. 19-2-00613-7 SEA



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**ANSWER:**

**INTERROGATORY NO. 2:** IDENTIFY ANY AND ALL distributors, wholesalers and/or retail resellers of YOUR PRODUCTS.

**ANSWER:**

**INTERROGATORY NO. 3:** IDENTIFY EACH AND EVERY State in which YOUR PRODUCTS were/are sold.

**ANSWER:**

**INTERROGATORY NO. 4:** IDENTIFY ALL PERSONS involved in and/or otherwise knowledgeable regarding the development, manufacturing, testing, and distribution of YOUR PRODUCTS.

**ANSWER:**

**INTERROGATORY NO. 5:** IDENTIFY ALL PERSONS who purchased YOUR PRODUCTS in the State of Washington.

**ANSWER:**

1           **INTERROGATORY NO. 6:**           IDENTIFY ANY complaint and/or inquiry from  
2 ANY governmental, regulatory and/or other safety agency regarding YOUR PRODUCTS.

3           **ANSWER:**  
4  
5

6           **INTERROGATORY NO. 7:**           If YOU contend that this case is not suitable for  
7 treatment as a class action, state all facts supporting YOUR contention.

8           **ANSWER:**  
9  
10

11           **INTERROGATORY NO. 8:**           If YOU contend that YOUR PRODUCTS can  
12 provide the benefits promised in YOUR advertising in a gasoline direct injection (“GDI”)  
13 engine, state ALL facts supporting YOUR contention.

14           **ANSWER:**  
15  
16

17           **INTERROGATORY NO. 9:**           IDENTIFY ALL third parties that prepared reports  
18 regarding the efficacy of YOUR PRODUCTS.

19           **ANSWER:**  
20

21           **INTERROGATORY NO. 10:**           IDENTIFY ANY consumer complaint and/or  
22 refund demand pursuant to YOUR “money back guarantee” regarding YOUR PRODUCTS.

23           **ANSWER:**  
24  
25  
26

1           **INTERROGATORY NO. 11:**     IDENTIFY ALL PRODUCT TIERS sold, the time  
2 period and price at which EACH PRODUCT TIER was sold, and the retailer or gas station at  
3 which EACH PRODUCT TIER was sold at any time during the RELEVANT TIME PERIOD.

4           **ANSWER:**

5  
6  
7           **INTERROGATORY NO. 12:**     IDENTIFY (separately for EACH PRODUCT and  
8 PRODUCT TIER) the total number of purchases of YOUR PRODUCTS, by state and year,  
9 during the RELEVANT TIME PERIOD

10          **ANSWER:**

11  
12  
13                                   **V. REQUESTS FOR PRODUCTION**

14          **REQUEST FOR PRODUCTION NO. 1:** ANY AND ALL DOCUMENTS reflecting  
15 the efficacy of YOUR PRODUCTS.

16          **RESPONSE:**

17  
18  
19          **REQUEST FOR PRODUCTION NO. 2:** ANY AND ALL DOCUMENTS reflecting  
20 YOUR advertising, including but not limited to at-the-pump and point of sale, and marketing,  
21 including but not limited to third party reports and/or focus group surveys, of YOUR  
22 PRODUCTS.

23          **RESPONSE:**

24  
25  
26  
27  
PLAINTIFF'S FIRST SET OF INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF DOCUMENTS PROPOUNDED  
TO DEFENDANT ADDITECH, INC. - 11  
Case No. 19-2-00613-7 SEA

1           **REQUEST FOR PRODUCTION NO. 3:** ANY AND ALL DOCUMENTS reflecting  
2 the sales (wholesale and retail) of YOUR PRODUCTS.

3           **RESPONSE:**  
4  
5

6           **REQUEST FOR PRODUCTION NO. 4:** ANY AND ALL DOCUMENTS reflecting  
7 government agency review and/or approval of YOUR PRODUCTS.

8           **RESPONSE:**  
9  
10

11           **REQUEST FOR PRODUCTION NO. 5:** ANY AND ALL DOCUMENTS reflecting  
12 COMMUNICATIONS with actual and/or potential customers regarding YOUR PRODUCTS.

13           **RESPONSE:**  
14  
15

16           **REQUEST FOR PRODUCTION NO. 6:** ANY AND ALL DOCUMENTS reflecting  
17 complaints or warranty and/or refund claims by purchasers of YOUR PRODUCTS.

18           **RESPONSE:**  
19  
20

21           **REQUEST FOR PRODUCTION NO. 7:** ANY AND ALL DOCUMENTS reflecting  
22 COMMUNICATIONS with retailers, including but not limited to QFC, H.E.B., Fred Meyer,  
23 King Soopers, Smith's Stores, City Market, and Kroger, regarding customer satisfaction (or  
24 complaints) and the efficacy of YOUR PRODUCTS.

25           **RESPONSE:**  
26  
27

1 **REQUEST FOR PRODUCTION NO. 8:** ANY AND ALL DOCUMENTS sufficient  
2 to IDENTIFY Washington consumers who purchased YOUR PRODUCTS.

3 **RESPONSE:**

4  
5  
6 **REQUEST FOR PRODUCTION NO. 9:** ANY AND ALL DOCUMENTS reflecting  
7 the scientific development and testing of YOUR PRODUCTS.

8 **RESPONSE:**

9  
10  
11 **REQUEST FOR PRODUCTION NO. 10:** If YOU contend that common class issues  
12 do not predominate over individual issues, ANY AND ALL DOCUMENTS supporting YOUR  
13 contention.

14 **RESPONSE:**

15  
16  
17 **REQUEST FOR PRODUCTION NO. 11:** If YOU contend that the issues alleged in the  
18 Complaint are not typical to each member of the putative class, ANY AND ALL DOCUMENTS  
19 supporting YOUR contention.

20 **RESPONSE:**

21  
22  
23 **REQUEST FOR PRODUCTION NO. 12:** If YOU contend that the putative class is not  
24 sufficiently numerous, ANY AND ALL DOCUMENTS supporting YOUR contention.

25 **RESPONSE:**



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**CERTIFICATION OF ATTORNEY**

I am the attorney for Defendant in this matter, and I hereby certify that I have read the foregoing Plaintiff's First Set of Interrogatories and Requests for Production of Documents Propounded to Defendant and the Answers and Responses thereto, and believe that the same are in compliance with CR 26(g).

DATED this \_\_\_\_ day of \_\_\_\_\_, 2019.

By: \_\_\_\_\_

1 Daniel L. Warshaw, *pro hac vice forthcoming*  
Email: [dwarshaw@pswlaw.com](mailto:dwarshaw@pswlaw.com)  
2 Michael H. Pearson, *pro hac vice forthcoming*  
Email: [mpearson@pswlaw.com](mailto:mpearson@pswlaw.com)  
3 Eric J. Mont, *pro hac vice forthcoming*  
Email: [emont@pswlaw.com](mailto:emont@pswlaw.com)  
4 PEARSON, SIMON & WARSHAW, LLP  
15165 Ventura Boulevard, Suite 400  
5 Sherman Oaks, California 91403  
6 Telephone: (818) 788-8300  
7 Facsimile: (818) 788-8104

8 *Attorneys for Plaintiff*

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
PLAINTIFF'S FIRST SET OF INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF DOCUMENTS PROPOUNDED  
TO DEFENDANT ADDITECH, INC. - 15  
Case No. 19-2-00613-7 SEA

TERRELL MARSHALL LAW GROUP PLLC  
936 North 34th Street, Suite 300  
Seattle, Washington 98103-8869  
TEL. 206.816.6603 • FAX 206.319.5450  
[www.terrellmarshall.com](http://www.terrellmarshall.com)





CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

NICK LOWRY, on behalf of himself and all others similarly situated

(b) County of Residence of First Listed Plaintiff Snohomish County (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Beth Terrell / Benjamin Drachler / Terrell Marshall Law Group PLLC 936 North 34th Street, Suite 300, Seattle, WA 98103 Phone: 206.816.6603

DEFENDANTS

ADDITECH, INC., a Texas corporation

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) Lynn Engel / Ralph Palumbo / Elizabeth Weinstein / Yarmuth LLP 1420 Fifth Avenue, Suite 1400, Seattle, WA 98101 Phone: 206.516.3800

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. § 1332(d)

Brief description of cause: Violation of Washington Consumer Protection Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 02/19/2019 SIGNATURE OF ATTORNEY OF RECORD s/Lynn M. Engel

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: ['Little More Than Snake Oil': Class Action Alleges Additech Falsely Advertises Fuel Additives](#)

---