

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MATTHEW HARTLEY,
Plaintiff,

v.

SUNBELT RENTALS, INC. et al.,
Defendants.

CASE NO. 24-cv-01078-JHC

ORDER

I

INTRODUCTION

This matter comes before the Court on Defendant Custom Equipment LLC’s Motion for Summary Judgment (Dkt. # 39) and Defendant Sunbelt Rentals, Inc.’s Motion for Summary Judgment (Dkt. # 45). Defendants¹ seek summary judgment dismissal of all of Plaintiff’s claims. *See* Dkt. ## 39; 45. Plaintiff responds that questions of material fact preclude summary

¹ Plaintiff’s Complaint names another Defendant, Stratford-Cambridge Group (SGI). *See* Dkt. # 1-1. Custom Equipment moves for summary judgment dismissal of the claims against SGI. Dkt. # 39 at 17. As explained below, the Court grants SGI summary judgment as to all of Plaintiff’s claims, so the Court uses the term “Defendants” to refer solely to Custom Equipment and Sunbelt Rentals.

1 judgment for Defendants. Dkt. ## 49; 50. For the reasons below, the Court GRANTS in part
2 and DENIES in part Defendants' motions.

3 **II**
4 **BACKGROUND**

5 A. Factual Background

6 Plaintiff Matthew Hartley sues Defendants Custom Equipment and Sunbelt Rentals to
7 recover for personal injuries sustained in a workplace accident on June 14, 2021. Dkt. # 1-1 at 5.
8 Plaintiff testified that at the time of the accident, he was moving a Sunbelt Rentals Hy-Brid HB-
9 1030 scissor lift between buildings. Dkt. # 51-1 at 9:6–10:2; *see* Dkt. # 51-25 at 5. As he
10 navigated down a ramp, he let go of the joystick that controlled the movement of the lift because
11 the lift “was starting to speed up.” Dkt. # 51-1 at 9:7–11. When he released the joystick,
12 Plaintiff expected the lift to stop moving. *Id.* Instead, the lift “kept speeding up,” even after he
13 hit the lift’s emergency stop button (e-stop). *Id.* at 9:12–14. Plaintiff understood this was “not
14 good,” so he braced himself on the lift’s back rail. *Id.* at 9:14–10:2. The lift then collided with a
15 concrete wall and came to an abrupt stop. *Id.* at 21:23–22:7.

16 Plaintiff retained Craig Sylvester, a forensic engineering expert, to determine the “root
17 cause” of the accident. Dkt. # 53 at 2; *see also* Dkt. ## 41 at 2; 51-25 at 5–6. According to
18 Sylvester, the lift “experienced a loss of braking control while descending the parking garage
19 ramp and crashed into a concrete wall due to (1) a mis-wired e-stop on the Platform Control box
20 and (2) the lift’s drive system that had one or both parking brakes mechanically disengaged.”
21 Dkt. # 51-25 at 29. Sylvester also concluded that the lift’s “drive system parking brake
22 mechanical lever and drive enable interlock design is inadequate to prevent the lift from
23 inadvertently being operated with the drive brakes mechanically disengaged AND the drive
24 system enabled at the same time.” *Id.* at 30. He contends that these conclusions are “based on a

1 reasonable degree of engineering and scientific probability and are based on the ongoing
2 investigation conducted by Sylvester Forensics.” *Id.* at 29. He adds that his conclusions are
3 based on several sources of information, including eye-witness deposition testimony from
4 Plaintiff and his spotter, Arturo Caleb Zertuche, three hands-on inspections of the lift, his own
5 engineering analysis of the lift’s braking design, and the incident investigation results provided
6 by Defendants. *Id.* at 29–30.

7 Defendants retained four expert witnesses: (1) John L. Straubinger, a mechanical
8 engineer tasked with “attend[ing] joint inspections of the Hy-Brid lift and evaluat[ing] the
9 braking system[,]” *see* Dkt. # 58 at 11; (2) Mark J. Lawless, President of Construction Systems
10 Management Inc. (CSMI), *see* Dkt. # 43 at 53; (3) Dr. Lawrence Murphy, a board-certified
11 neurologist, *see id.* at 88; and (4) Dr. Bruce A. Rolfe, a board-certified orthopedic surgeon, *see*
12 *id.* at 115.

13 B. Procedural History

14 This case was removed from King County Superior Court on the basis of diversity of
15 citizenship. Dkt. # 1 at 4; *see* 28 U.S.C. § 1332. In July 2024, Sunbelt Rentals answered
16 Plaintiff’s Complaint, and in September 2024, Custom Equipment answered Plaintiff’s
17 Complaint. *See* Dkt. ## 1-3; 15. In July 2025, nearly a year later, Defendants sought to amend
18 their Answers to add BNBuilders, Inc.—a nonparty that was the General Contractor at the jobsite
19 where the accident occurred—as a defendant. *See* Dkt. ## 27 at 2; 28 at 2. But the Court denied
20 these motions. Dkt. # 36. The Court also denied Defendants’ motion to exclude the testimony of
21 Plaintiff’s expert, and it denied Plaintiff’s motion to exclude the testimony of Defendants’ expert
22 witnesses. Dkt. # 69.

23 Defendants now move for summary judgment. Dkt. ## 39; 45. Plaintiff clarifies that he
24 intends to bring only a design defect claim and a failure to warn claim against Custom

Equipment, and he says that his only claim against Sunbelt Rentals is for negligence. Dkt. ## 49 at 20; 50 at 16.² Plaintiff also pursues a theory of *res ipsa loquitur* against both Defendants. Dkt. ## 49 at 17–20; 50 at 20–23.

III DISCUSSION

A. Summary Judgment Standards

“[F]ederal courts sitting in diversity jurisdiction apply state substantive law and federal procedural law.” *Freund v. Nycomed Amersham*, 347 F.3d 752, 761 (9th Cir. 2003) (quoting *Gasperini v. Ctr. for Humanities, Inc.*, 518 U.S. 415, 427 (1996)). This case is in federal court on the basis of diversity jurisdiction, so the Court applies Washington state substantive law and the federal summary judgment standard. *See* Dkt. ## 1 at 3; 8.

Under federal law, summary judgment is warranted when the evidence, viewed in the light most favorable to the non-moving party, shows “that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a); *see Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986). A fact is “material” if it might affect the outcome of the case. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). A factual dispute is “‘genuine’ only if there is sufficient evidence for a reasonable fact finder to find for

² On this basis, the Court grants summary judgment as to all claims in favor of SGI. *See* Dkt. ## 49 at 20–21; 39 at 17. Plaintiff says that he does not dispute SGI’s nonliability for the manufacture and distribution of the scissor lift at issue. Dkt. # 49 at 21. While Plaintiff also says that he “reserve[s] the right to seek a remedy from the Court” if evidence surfaces that SGI was involved in the manufacture and distribution of the lift, *id.*, summary judgment is appropriate because Plaintiff has not come forward with any evidence that would create a genuine issue of material fact about SGI’s liability. Dkt. # 39 at 17; *see, e.g., James v. City of Long Beach*, 18 F. Supp. 2d 1078, 1082 (C.D. Cal. 1998) (citing *Celotex*, 477 U.S. at 323–24) (“Where, as here, the non-moving party has the burden of proof at trial, summary judgment is appropriate if the non-moving party fails to come forward with any evidence which would create a genuine issue of material fact.”). For the same reasons, the Court grants Custom Equipment’s motion for summary judgment as to any after sale duty to warn claim under RCW 7.72.030(1)(c). *See* Dkt. ## 39 at 14; 64 at 1.

1 the non-moving party.” *Far Out Prods., Inc. v. Oskar*, 247 F.3d 986, 992 (9th Cir. 2001) (citing
2 *Anderson*, 477 U.S. at 248–49). Courts must “view the facts and draw reasonable inferences in
3 the light most favorable to the [non-moving] party.” *Scott v. Harris*, 550 U.S. 372, 378 (2007).

4 The moving party bears the initial burden of showing there is no genuine dispute of
5 material fact and that it is entitled to prevail as a matter of law. *Celotex*, 477 U.S. at 323. If the
6 moving party does not bear the ultimate burden of persuasion at trial, it can show the lack of
7 such a dispute by either: (1) producing evidence negating an essential element of the nonmoving
8 party’s case, or (2) showing that the nonmoving party lacks evidence of an essential element of
9 its claim or defense. *Metro. Grp. Prop. & Cas. Ins. Co. v. Fite*, 738 F. Supp. 3d 1371, 1376
10 (W.D. Wash. 2024) (citing *Nissan Fire & Marine Ins. Co. v. Fritz Cos.*, 210 F.3d 1099, 1106
11 (9th Cir. 2000)). If the moving party meets its burden of production, the burden then shifts to the
12 nonmoving party to identify specific facts from which a factfinder could reasonably find in the
13 nonmoving party’s favor. *Id.* (citing *Celotex*, 477 U.S. at 324; *Anderson*, 477 U.S. at 250).

14 B. State Law Claims

15 The Washington Product Liability Act (WPLA) is “the exclusive remedy for product
16 liability claims” as it “supplants all common law claims or actions based on harm caused by a
17 product.” *Macias v. Saberhagen Holdings, Inc.*, 175 Wash. 2d 402, 409, 282 P.3d 1069 (2012)
18 (citations omitted). The statute defines a “product liability claim” broadly to include “any claim
19 or action brough for harm caused by the manufacture, . . . design, . . . warnings, instructions, . . .
20 or labeling of the relevant product. RCW 7.72.010(4). Thus, the WPLA “creates a single cause
21 of action for product-related harm with specified statutory requirements for proof.” *Kirkland v.*
22 *Emhart Glass S.A.*, 805 F. Supp. 2d 1072, 1076 (W.D. Wash. 2011) (citing *Stanton v. Bayliner*
23 *Marine Corp.*, 123 Wash.2d 64, 71, 866 P.2d 15 (1993)).

Under the WPLA, there are different standards of liability for manufacturers and product sellers. *See* RCW 7.72.030–.040. Manufacturers, among other things, are strictly liable for products that are not reasonably safe as designed and for products that are not reasonably safe due to inadequate warnings. RCW 7.72.030; *see Macias*, 175 Wash. 2d at 409 (“Strict liability principles apply to both defective design and failure to warn cases.”). On the other hand, product sellers are liable under the WPLA only if the plaintiff’s harm was proximately caused by the product seller’s (1) negligence; (2) breach of an express warranty; or (3) the intentional misrepresentation of facts or intentional concealment of information. RCW 7.72.040(1)(a)–(c).

Custom Equipment moves for summary judgment on Plaintiff’s manufacturer design defect and failure to warn claims under RCW 7.72.030(1)(a) and (b). Dkt. # 39. Sunbelt Rentals moves for summary judgment on Plaintiff’s product seller negligence claim under RCW 7.72.040. Dkt. # 45.

1. Design Defect and Failure to Warn

Defective Design. The elements of a design defect claim under the WPLA are (1) a manufacturer’s product; (2) that was not reasonably safe as designed; and (3) caused harm to the plaintiff. RCW 7.72.030(1); *see Bruns v. PACCAR, Inc.*, 77 Wash. App. 201, 208, 890 P.2d 469 (1995). The causation element of a design defect claim requires the plaintiff to show that the alleged defect or unsafe condition proximately caused their injuries. RCW 7.72.030(1); *see Bruns*, 77 Wash. App. at 214. Proximate cause consists of cause in fact and legal causation. *Tyner v. Dep’t of Soc. & Health Servs.*, 141 Wash.2d 68, 82, 1 P.3d 1148 (2000). Cause in fact is the “but for” cause of the injury. *Id.* (citing *Schooley v. Pinch’s Deli Mkt., Inc.*, 134 Wash.2d 468, 478, 951 P.2d 749 (1998)). Legal causation is a “much more fluid concept” that considers “whether, as a matter of policy, the connection between the ultimate result and the act of the

1 defendant is too remote or insubstantial to impose liability.” *Id.* (quoting *Schooley*, 134 Wash.2d
2 at 478–79).

3 As for Plaintiff’s design defect claim, Custom Equipment contends that Plaintiff cannot
4 show legal causation. Dkt. # 39 at 12–13. According to Defendant, Plaintiff’s expert—
5 Sylvester—offers opinions about the accident that are little more than “speculation.” *Id.* at 13.
6 Custom Equipment also contends that Sylvester’s report contradicts Plaintiff’s testimony that he
7 drove the lift 15–20 times down the same ramp without incident before the accident. *Id.*

8 But these arguments principally address “but for” causation. The Court has deemed that
9 Sylvester’s report is admissible.³ Dkt. # 69 at 6. His report is relevant because it will help the
10 trier of fact decide facts in issue and is reliable because he reviewed numerous sources of
11 information, used dependable principles and methods of forensic engineering, and applied these
12 principles and methods to the facts of the case. *Id.* The trier of fact may still view Sylvester’s
13 opinions as less credible because Plaintiff repeatedly used the lift without incident before the
14 accident and testing after the accident showed that the lift would not roll uncontrollably. *See*
15 Dkt. # 39 at 13. Yet viewing the evidence in the light most favorable to Plaintiff, Sylvester’s
16 report establishes that the defective design of the lift’s parking brakes was a root cause of the
17 accident. Dkt. # 51-25 at 29; *see* Dkt. # 69 at 7. This shows there is a connection between
18 Custom Equipment’s design and Plaintiff’s accident.

19
20 ³ Custom Equipment’s arguments on this point ignore that an “expert may base an opinion on
21 facts or data . . . that the expert has been made aware of . . . [and] they need not be admissible for the
22 opinion to be admitted.” Fed. R. Evid. 703; *see* Dkt. # 64 at 4–9 (arguing Sylvester should be unable to
23 rely on the BNBuilder incident report because it is, in Custom Equipment’s view, not admissible
24 evidence); *see also Feldman v. Allstate Ins. Co.*, 322 F.3d 660, 666 (9th Cir. 2003) (“Most evidentiary
rules are procedural in nature, and the Federal Rules of Evidence ordinarily govern.”). Even if this
evidentiary rule could be considered procedural, *see id.* (“state evidence rules that are ‘intimately bound
up’ with the state’s substantive decision making must be given full effect by federal courts sitting in
diversity”) (citation omitted), Washington courts employ a similar rule. *Desranleau v. Hyland’s, Inc.*, 10
Wash. App. 2d 837, 844, 450 P.3d 1203 (2019) (“ER 703 allows an expert witness to base their opinion
on facts or data regardless of their admissibility[.]”).

1 The case Custom Equipment principally relies on is *Little v. Countrywood Homes, Inc.*,
 2 132 Wash. App. 777, 133 P.3d 944 (2006). See Dkt. # 39 at 13. Here, unlike in *Little*, Plaintiff
 3 has submitted evidence—in the form of Sylester’s report—that would “allow[] a reasonable
 4 person to infer, without speculating,” that Custom Equipment’s defective design “more probably
 5 than not caused the accident.” *Little*, 132 Wash. App. at 782. And while Custom Equipment
 6 says that Plaintiff cannot show legal causation, the *Little* court considered factual causation. *Id.*
 7 (“But even assuming that those conditions constituted breaches of a duty that Countrywood
 8 owed Little, he did not provide evidence showing more probably than not that one of those
 9 breaches caused his injuries.”). Washington courts recognize that “[c]ause in fact usually is a
 10 question for the jury.” *Id.* at 780. This “but for” causation can be decided as a question of law
 11 only when “the causal connection is so speculative and indirect that reasonable minds could not
 12 differ.” *Moore v. Hagge*, 158 Wash. App. 137, 148, 241 P.3d 787 (2010) (citing *Doherty v.*
 13 *Mun. of Metro. Seattle*, 83 Wash. App. 464, 469, 921 P.2d 1098 (1996); *Yong Tao v. Heng Bin*
 14 *Li*, 140 Wash. App. 825, 834, 166 P.3d 1263 (2007)). Sylvester’s report could allow a
 15 reasonable juror to find that there is a factual connection between the lift’s brake design and the
 16 accident, so “but for” causation remains a question for the jury.

17 Thus, the Court denies the motion for summary judgment on the design defect claim.

18 *Failure to Warn.* Custom Equipment’s motion does not mention the elements of a failure
 19 to warn claim under the WPLA nor does it substantively address the merits of this claim. See
 20 Dkt. # 39 at 11–13.⁴ Alone, this precludes summary judgment. *Hoover v. Switlik Parachute*

21
 22 ⁴ In its reply brief, Custom Equipment says the failure to warn claim is based on “speculation”
 23 that the brake levers were in the intermediate position. Dkt. # 64 at 8. The Court rejects this argument.
 24 Sylvester’s report establishes that the position of the brake levers is a material fact in dispute. See Dkt. #
 51-25 at 29–30. Besides, the Court need not consider arguments raised for the first time in a reply brief.
Zamani v. Carnes, 491 F.3d 990, 997 (9th Cir. 2007).

1 Co., 663 F.2d 964, 967 (9th Cir. 1981) (“Even where no evidence is presented in opposition to
2 the motion, summary judgment should not be granted if the evidence in support of the motion is
3 insufficient.”). Even so, “[c]ausation is an element of all three theories of liability under the
4 WPLA.” *Moore v. Harley-Davidson Motor Co. Grp.*, 158 Wash. App. 407, 425, 241 P.3d 808
5 (2010); *see* RCW 7.72.030(1). And for the reasons discussed in relation to the design defect
6 claim, Custom Equipment has not shown there is no genuine dispute of material fact on the
7 element of causation. Thus, the Court denies Custom Equipment’s motion with respect to
8 Plaintiff’s failure to warn claim under RCW 7.72.030(1)(b) too.

9 2. Product Seller Negligence

10 Sylvester reports that during an inspection of the lift in January 2023, he identified a fault
11 with the lift’s e-stop. Dkt. # 51-25 at 6. According to Sylvester’s report, “With the lift traveling
12 forward or reverse, pressing the e-stop button did not stop the lift as designed. Instead, the lift
13 continued to travel forward until the joystick was released.” *Id.* He reports that during a
14 subsequent inspection of the lift in July 2025, he found the lift’s e-stop was wired incorrectly.
15 Dkt. # 51-25 at 11–12. According to the report, this “defeated the emergency stop function
16 designed to remove power from the lift’s drive and prevent motion.” *Id.* at 12. The report
17 concludes that this incorrect wiring configuration was a “root cause” of the accident. *Id.* at 29.

18 But Sunbelt Rentals contends that this evidence cannot show that there is a genuine
19 dispute of material fact about whether it negligently miswired the lift’s e-stop because these
20 inspections took place years after the 2021 accident. Dkt. # 45 at 8–9. Sunbelt acknowledges
21 that its technicians repaired the e-stop wiring twice in June 2020, but it notes there is no evidence
22 the e-stop was miswired at that time. *Id.* at 9; *see* Dkt. # 51-25 at 27. Sunbelt also points out that
23 it hired Equipment Experts, Inc. to repair the lift’s e-stop after the accident, in November 2021.
24 Dkt. # 45 at 9; *see* Dkt. # 46-5 at 16. And Sunbelt says Plaintiff testified that he released the

1 lift's joystick while the accident unfolded. Dkt. # 45 at 9; *see* Dkt. # 51-1 at 9:13–21. So,
2 according to Sunbelt, the miswiring is not a fact in issue because the e-stop only interrupts power
3 to the drive motors if power is being supplied through the drive enable switch on the joystick.
4 Dkt. # 45 at 9.

5 Plaintiff responds that Sylvester's report creates a genuine issue of material fact about
6 whether Sunbelt Rentals negligently maintained the lift's e-stop. Dkt. # 50 at 16–18. He also
7 identifies additional evidence that he says could lead a reasonable juror to find the e-stop was
8 miswired at the time of the accident. *Id.* He notes Terrence Teetz, the Sunbelt technician that
9 repaired the lift's e-stop in 2020, testified he did not recall having trouble figuring out the e-
10 stop's wiring and that he would look at a wiring schematic only if "he had trouble figuring out
11 the wires." *See* Dkt. # 67-2 at 15:3–25. And he says San Pan, the Sunbelt technician that
12 inspected the lift after the accident, testified that his inspection did not include the e-stop's
13 control box or wiring. Dkt. # 51-19 at 10:11–12:8. Plaintiff also reiterates that the e-stop did not
14 function as intended during the accident because it did not stop the movement of the lift. Dkt. #
15 50 at 18.

16 The evidence that the lift was miswired at the time of the accident is not overwhelming,
17 but it must be considered in the light most favorable to Plaintiff. And Plaintiff has presented
18 evidence that would allow a reasonable jury to find the lift's e-stop was miswired at the time of
19 the accident. The evidence shows that the e-stop wiring was repaired multiple times before the
20 accident. *See* Dkt. # 67-1 at 1–4. The technician that worked on the e-stop before the accident
21 testified that he would look at a wiring diagram only if "he had trouble figuring out the wires,"
22 and that he did not recall having trouble figuring out the wiring when he conducted his repair.
23 *See* Dkt. # 67-2 at 15:3–25. In other words, there is circumstantial evidence that the technician
24 did not consult a wiring diagram to conduct this repair. Also, no inspection of the e-stop wiring

1 was conducted after the accident, even though Plaintiff reported that the e-stop did not work as
2 intended. *See* Dkt. # 51-19 at 10:11–12:8. Plaintiff also testified that he pressed the e-stop
3 during the accident, but the lift continued to move. Dkt. # 51-1 at 9:12–14. In addition, although
4 there is testimony that the switch was rewired after the accident, the technician that performed
5 the repair testified that he “look[ed] at a schematic from the manufacturer to put [all the wires]
6 back the same way that they were when they came out.” Dkt. # 67-4 at 13:1–25. Even so, the e-
7 stop was later found to be miswired. Dkt. # 51-25 at 11–12. A reasonable juror could find this
8 evidence shows that technicians were prone to miswiring the e-stop during repairs, even if they
9 consulted a wiring diagram.

10 What is more, Plaintiff presents evidence that rebuts Sunbelt’s contention the miswiring
11 is not a fact in issue because Plaintiff took his hand off the joystick during the accident. *See* Dkt.
12 # 45 at 9. In particular, Sylester’s testing showed that the lift would continue to move even if the
13 joystick were released. Dkt. # 51-25 at 26 (“Most notable during this test, however, was that the
14 lift continued to roll down the ramp at a reduced speed and never came to a full stop even after
15 the operator released the joystick.”). Sunbelt’s arguments on this point are just as unavailing
16 because it provides no citations to the record or other evidence to supports its claims that “the E-
17 stop would have had no impact on the brakes regardless of how it was wired” and “[t]he E-stop
18 switch simply interrupts power if it is being supplied through the drive enable switch.” Dkt. # 45
19 at 9 (emphasis removed); *see* Fed. R. Civ. P. 56(c)(1).

20 Thus, Sunbelt Rentals fails to show that there is no genuine dispute of material fact about
21 whether the e-stop was miswired at the time of the accident and whether a miswired e-stop was a
22 proximate cause of the accident. The Court denies the motion for summary judgment on this
23 claim.

1 3. Res Ipsa Loquitur

2 If the doctrine of res ipsa loquitur applies, Plaintiff need not prove that Defendants
3 committed any specific act of negligence. *Pacheco v. Ames*, 149 Wn.2d 431, 436, 69 P.3d 324
4 (2003). Instead, an instruction on this doctrine “permits the inference of negligence on the basis
5 that the evidence of the cause of the injury is practically accessible to the defendant but
6 inaccessible to the injured person.” *Id.* (citing *Covey v. W. Tank Lines*, 36 Wash.2d 381, 390,
7 218 P.2d 322 (1950)). Under Washington law, res ipsa loquitur applies only when the evidence
8 shows,

9 (1) the accident or occurrence producing the injury is of a kind which ordinarily
10 does not happen in the absence of someone’s negligence, (2) the injuries are caused
11 by an agency or instrumentality within the exclusive control of the defendant, and
12 (3) the injury-causing accident or occurrence is not due to any voluntary action or
13 contribution on the part of the plaintiff.

14 *Id.* (citation omitted) (cleaned up).

15 Among other arguments, Defendants contend that they did not retain “exclusive control”
16 over the scissor lift at the time of the accident, so Plaintiff is not entitled to a res ipsa loquitur
17 instruction. Dkt. # 39 at 17; *see* Dkt. # 66 at 9–10. But Plaintiff says “exclusive control” is
18 construed broadly and refers to “the right to control at the time of the accident.” Dkt. # 49 at 19
19 (citing *Ripley v. Lanzer*, 152 Wash. App. 296, 320, 215 P.3d 1020 (2009)). He also says that this
20 requirement is satisfied if Defendants had “[l]egal control or responsibility for the proper and
21 efficient functioning of the instrumentality which caused the injury” and “a superior, if not
22 exclusive, position for knowing or obtaining knowledge of the facts which caused the injury[.]”
23 *Id.* (citing *Ripley*, 152 Wash. App. at 320 (2009)). So he asserts that a res ipsa loquitur
24 instruction should be given because Custom Equipment “had full and exclusive control over the
design and manufacture of the drive motors and parking brake lever system” installed in the lift.

1 Dkt. # 49 at 19. And because “the internal working of the e-stop button was exclusively within
2 control of Sunbelt.” Dkt. # 50 at 23.

3 Yet the evidence contradicts Plaintiff’s arguments. Plaintiff’s testimony shows that he
4 was operating the lift at the time of the accident. Dkt. # 51-1 at 9:13–10:2. He also testified that
5 he conducted a “daily lift inspection” on the day of the incident. Dkt. # 46-2 at 10:3–10. He also
6 testified he needed to (1) disengage the e-stop before he could use the lift, *id.* at 8:10–15; and (2)
7 that he activated the e-stop before the accident. Dkt. # 51-1 at 14:2–21. This testimony
8 illustrates that Plaintiff was able to control and access the instrumentalities—the parking brake
9 levers, drive motors, and e-stop switch—that he claims caused the accident. This evidence
10 likewise indicates that Plaintiff bore some responsibility for the proper functioning of these
11 instrumentalities at the time of the accident. In addition, Plaintiff identifies no evidence that
12 would allow a reasonable juror to find Defendants possessed a superior or exclusive position for
13 obtaining knowledge about the facts of the accident. Thus, the evidence shows that Plaintiff’s
14 injuries were not caused by instrumentalities within the exclusive control of Defendants. So all
15 the requirements for a *res ipsa loquitur* instruction under Washington law are not met, and the
16 Court concludes that this doctrine does not apply here.

17 IV

18 CONCLUSION

19 For all these reasons, the Court GRANTS in part and DENIES in part Defendants’
20 Motions for Summary Judgment. Dkt. ## 39; 45.

21 The Court GRANTS Defendants summary judgment with respect to (1) liability for all
22 claims against SGI; (2) any after sale duty to warn claim under RCW 7.72.030(1)(c); and (3)
23 Plaintiff’s theory of *res ipsa loquitur*; the Court DISMISSES these claims with prejudice. The
24 Court otherwise DENIES Defendants’ motions.

Dated this 9th day of January 2026.

A handwritten signature in black ink, reading "John H. Chun", is written over a solid black horizontal line.

John H. Chun
United States District Judge