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WALKER WILCOX WINS APPEAL IN WASHINGTON

Walker Wilcox attorneys Robert Conlon and Christopher Wadley won an appeal on behalf of Walker Wilcox's client, a professional liability insurance carrier, in the Court of Appeals of the State of Washington, Division Three. The ruling affirmed the reasonableness of a reduced consent settlement ruling of the lower court, potentially saving the client more than $3 million.

A motion was filed by the claimant and an individual attorney insured under a professional liability insurance policy, in which the claimant and insured sought court approval of a proposed $3.8 million consent judgment to be entered against the insured without the consent of the insured's liability carrier. Walker Wilcox successfully opposed the motion and the court found the proposed $3.8 million judgment to be excessive and reduced the amount to $688,875. As the claimant and insured's first settlement was not final, they entered a second settlement over a year later for $2.9 million or whatever lesser amount the court deemed reasonable. Claimant then filed a "Petition for Finding New Settlement Reasonable and/or Motion for Reconsideration of Verbal Ruling." Walker Wilcox moved to strike the petition, arguing that it was untimely and did not identify a basis in fact and law seeking reconsideration as required by CR 59(b). The court denied the new motion and granted Walker Wilcox's motion to strike. The Judge entered an order finding that the reasonable settlement value of the consent judgment was $688,875, which claimant appealed.

On appeal the claimant attempted to argue that not having a hearing on the second settlement was improper under CR 59 and that the court failed to explain how it applied the individual reasonable factors delineated in *Glover v. Tacoma Gen. Hosp.*, (98 Wn.2d 708, (1983)). The Washington Division III Court of Appeals panel disagreed. "He provides no legal authority suggesting that any of the three matters he relies upon is a reversible abuse of discretion and his arguments are unpersuasive." Accordingly, the court affirmed the lower court's judgment.

Manuel Hidalgo v. Jeffrey Barker et al., 309 P.3d 687 (Wash. Ct. App. 2013)