

August 14, 2018

Washington Supreme Court Affirms Jury Verdict for Port of Tacoma

Decision affirms largest jury verdict in the state for tortious conduct by a regulatory agency

On August 8, 2018, the Washington Supreme Court unanimously affirmed a \$12 million jury verdict against Thurston County for tortious interference with a business expectancy and for violation of civil rights. In 2010, the Port of Tacoma sold a permitted gravel mine to a private company called Maytown Sand and Gravel, LLC, but after years of County interference with the use of its mining permit, Maytown returned the mine to the Port in 2013. Both sued Thurston County for its tortious actions.

Foster Pepper represented the Port at the month-long trial before a Lewis County jury, and on the County's appeals to Division II and the Supreme Court. The jury awarded \$8 million in damages to the Port and \$4 million to Maytown—setting the record for the largest jury verdict awarded against a local government for tortious interference in land use.

The lessons of the case extend beyond its specific facts, with the Supreme Court's opinion giving important guidance regarding the interplay of tort law, land use law, and civil rights. Of the many Foster Pepper attorneys who represented the Port at every step in the complicated regulatory processes and litigation, Land Use attorneys Pat Schneider and Steve Gillespie tried the case and defended the verdicts on appeal.

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