



Hon. Susan Adams

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

In re: GEORGE W. BUNN,)	CAUSE NO. 21-2-05262-4
)	
Plaintiff)	[PROPOSED] FINDINGS OF FACT,
vs.)	CONCLUSIONS OF LAW AND
)	JUDGMENT
BRADKEN, INC., and the Department of)	
Labor & Industries)	
)	
Defendant)	
)	

JUDGMENT SUMMARY (RCW 4.64.030)

1. Judgment Creditor: George W. Bunn
2. Judgment Debtor: Bradken, Inc.
3. Principle Amount of Judgment: \$0.00
4. Interest to Date of Judgment: \$0.00
5. Attorney Fees: \$82,200.00
6. Costs: \$16,076.28
7. Other Recovery Amounts: \$0.00
8. Principle Judgment Amount shall bear interest at 0% per annum.
9. Attorney Fees, Costs and Other Recovery Amounts shall bear Interest at 12% per annum.
10. Attorney for Judgment Creditor: Spencer D. Parr

**[PROPOSED] FINDINGS OF FACT, CONCLUSIONS OF LAW
AND JUDGMENT**

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651 Strander Blvd, Ste. 215
Tukwila, Washington 98188
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1 11. Attorney for Judgment Debtor: Chris Bishop

2 This matter came on regularly before the Honorable Susan Adams, in open court on
3 Monday, October 31, 2022 and was thereupon tried before a twelve-member jury. The Plaintiff,
4 George W. Bunn, appeared by her counsel, Spencer D. Parr; the Defendant, Bradken, Inc.,
5 appeared by its counsel, Chris Bishop and Joseph Pickels. The Court conducted a jury trial of
6 this matter based upon the Certified Appeal Board Record ("CABR"), whereupon the jury
7 rendered a Special Verdict in Plaintiff's favor.

8 Accordingly, the Court makes the following:

9
10 I. **FINDINGS OF FACT:**

11 1.1 This Superior Court has jurisdiction over the parties and the subject matter of this appeal.

12 1.2 In Department of Labor & Industries Claim No. SG-52829, Plaintiff George W. Bunn
13 sustained an occupational disease of bilateral carpal tunnel syndrome and bilateral cubital
14 tunnel syndrome. These conditions arose naturally and proximately out of the distinctive
15 conditions of his employment, including forceful grasping and handling of metal products
16 as well as vibration caused by holding a hose through which garnet was fed at high
17 pressure. Mr. Bunn underwent surgical procedures for his causally-related medical
18 conditions on May 19, 2016, for his right upper extremity, and July 20, 2016, for his left
19 upper extremity.

20 1.3 From August 15, 2017 through June 14, 2019, George W. Bunn was temporarily totally
21 disabled worker within the meaning of RCW 51.32.090, at least in part due to the limiting
22 nature of his occupational disease conditions covered under Labor & Industries Claim
23 No. SG-52829.

1 1.4 As of June 14, 2019, George W. Bunn's bilateral carpal tunnel syndrome and bilateral
2 cubital tunnel syndrome were medically fixed and stable and needed no additional proper
3 and necessary diagnostic procedures or medical treatment.

4 1.5 George W. Bunn had pre-existing, non-claim-related medical conditions which include
5 osteoarthritis of his bilateral shoulders, knees and ankles; diabetes; obesity; left hind-foot
6 fusion; right knee total replacement with revision surgery; and electrodiagnostic testing
7 that reveals he may have cervical radiculopathy.

8 1.6 As of June 14, 2019, George W. Bunn suffered permanent disability equal to a 9% loss
9 of use of each of his upper extremities, causally-related to his occupational disease in
10 Labor & Industries Claim No. SG-52829.

11 1.7 As of June 14, 2019, George W. Bunn was a permanently totally disabled worker within
12 the meaning of RCW 51.32.060.

13 1.8 The Department's claim-closure order dated June 14, 2019 is incorrect based upon the
14 Special Verdict rendered by the jury, with the findings of said Special Verdict fully
15 incorporated herein by reference thereto.

16 **II. CONCLUSIONS OF LAW:**

17 2.1 This Superior Court has jurisdiction over the parties and subject matter of this case.

18 2.2 In L&I Claim SG-52829, George W. Bunn has suffered the occupational disease
19 conditions of bilateral carpal tunnel syndrome and bilateral cubital tunnel syndrome.
20

21 2.3 In L&I Claim SG-52829, George W. Bunn was a temporarily totally disabled worker
22 within the meaning of RCW 51.32.090 from August 14, 2017 through June 14, 2019.

23 2.4 As of June 14, 2019, George W. Bunn's conditions covered under Labor & Industries
24 Claim SG-52829 were fixed and stable and in need of no further diagnostic evaluation or
25 medical treatment.

1 2.5 As of June 14, 2019, George W. Bunn suffered a 9% loss of use of both upper extremities
2 as a result of his occupational disease conditions covered under L&I Claim SG-52829.

3 2.6 As of June 14, 2019, George W. Bunn was a permanently totally disabled worker within
4 the meaning of RCW 51.32.060.

5 2.7 The order of the Department of Labor & Industries dated June 14, 2019 is incorrect.

6
7 2.8 Pursuant to RCW 51.52.130, Plaintiff should receive \$82,200.00 (137 hours X \$600/hr.)
8 for his reasonable attorney's fees before this court and \$16,076.28 for his reasonably-
9 expended costs and expenses to present his case, for a total of \$98,276.28 as a result of
10 Plaintiff's successful action taken before this Superior Court.

11 III. JUDGMENT:

12 It is hereby ORDERED, ADJUDGED and DECREED that:

13 3.1 The Board of Industrial Insurance Appeals Decision & Order dated March 22, 2021 is
14 reversed in L&I Claim No. SG-52829.

15
16 3.2 Pursuant to the findings of fact and law made herein, the Department of Labor &
17 Industries closing order dated June 14, 2019 is reversed and remanded with direction to
18 order the Self-Insured Employer to pay George W. Bunn time loss from August 14, 2017
19 through June 14, 2019 and to thereafter place Mr. Bunn on its rolls of permanently and
20 totally disabled injured workers in L&I Claim No. SG-52829.

21 3.3 Plaintiff has a judgement against the Defendant, Bradken, Inc., pursuant to RCW
22 51.52.130, for reasonable attorney fees before this court only in the amount of
23 \$82,200.00, together with costs, expenses and expert witness fees in the amount of
24 \$16,076.28, for a total judgment of \$98,276.28.

SSD 1/27/2023

Honorable Susan Adams
Judge, Pierce County Superior Court



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Presented by:
SPENCER D. PARR
WSBA # 42704
ATTORNEY FOR PLAINTIFF

Spencer Parr

1/23/2023

Copy received,
Approved as to form and
Notice of presentation waived:

Bradken, Inc.

Per

CHRISTOPHER A. BISHOP
WSBA # 39853
ATTORNEY FOR DEFENDANT

[Signature]

1/25/2023