



### At a Glance

PSAA Website  
[www.pugetsoundadjusters.org](http://www.pugetsoundadjusters.org)

Next Regular Meeting: May 18  
Time: 11:30am to 1pm  
Location: Billy Baroo's  
*See inside for more details*

Coming Up  
Golf Tournaments June 8 & June 15

#### Employment Listings



### Career Opportunities

To post a job opening  
send an email to:  
[info@pugetsoundadjusters.org](mailto:info@pugetsoundadjusters.org)

Check our website for the latest offerings:  
[www.PugetSoundAdjusters.org](http://www.PugetSoundAdjusters.org)



**President's Choice Charity  
Friendship Adventures**

[www.friendshipadventures.org](http://www.friendshipadventures.org)

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## Wrapping Up a Great Year!

PSAA Presidents

Deborah Jette  
Grange Insurance

Heather Stariha  
Allied/Nationwide Insurance

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Wow - here we are just one more official meeting away from the end of our inaugural PSAA year and what a year it has been!

If you missed the last meeting, you missed out for sure! I spoke! Briefly, but yes, the "silent" president does speak. My co-pres was unfortunate to miss out on a great meeting with **Peter Loveland** graciously accepting the role of "injured" party during the presentation by **Gordon Klug** and **Dr. Dale Culkin**.

Our May meeting will be the traditional Past President's Luncheon in which we honor those that have graciously served in the past. Having worked on the board for the last three years, I know that a lunch is not quite enough to thank them for all they have done. Also, we will be having our election of officers for the 2012-13 year. Please don't miss this meeting — salmon and steak are on the menu with a special dessert sponsored in part by our *Vendor of the Month for May* **SIR Construction!**

We are now just 39 days (at least at the time of this writing) until the PSAA South Golf Tournament at Northshore, and 46 days until the PSAA North Golf Tournament at Foster Golf Links. The registrations are coming in fast so hurry and register for our last event of the 2011-2012 year! Registration forms for both tournaments can be found on pages 14-15. You can pay online using a credit card, but remember to send in the registration form either by fax, email or snail mail — we can't acknowledge your team without it!

See everyone soon! ❖

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### ~ Our Mission ~

*"A professional organization dedicated to the ongoing education of the claims community.  
Providing an arena for member interaction and the sharing of resources."*



**2011-12  
PSAA OFFICERS**  
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Email: mlowe@smtacoma.com
- Roger Howson**.....Editor & Education Chair  
*Claims Dispute Resolution*  
Phone: 206/676-3851  
Email: rogerhowson@claimsdispute.com

### PSAA 2011-12 Liaisons

#### Holiday Party:

Deborah Jette; Erin Montgomery

#### Bowling:

Aundrea Boyd; David Kean

#### Symposium:

Heather Stariha; Roger Howson;

Tanya Padur; Joel Booth

#### Golf North/Seattle:

Deborah Jette; Tanya Padur

#### Golf South/Tacoma:

Heather Stariha; Lizzy Adkins; Terry Cook

### ↕ PSAA Executive Assistant & Publisher ↕



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Newsletter Publishing • Executive Assistance • Event Planning  
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## PSAA Luncheon

Date: May 18, 2012

Time: 11:30am to 1:00pm

Location: Billy Baroo's Bar & Grill  
(at Foster Golf Links)  
13500 Interurban Ave W  
Tukwila, WA  
206/588-2763 www.billybaroos.com

Menu: Sirloin Steak or Grilled Salmon  
Crème Brule for dessert!

Cost: Members \$20 Vendors \$25

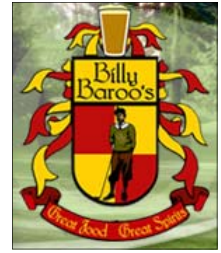
Speaker: Honoring Our Past Presidents &  
Election of Officers

Please RSVP

[www.PugetSoundAdjusters.org](http://www.PugetSoundAdjusters.org)

[www.facebook.com/pugetsoundadjusters](http://www.facebook.com/pugetsoundadjusters)

[www.twitter.com/psadjusters](http://www.twitter.com/psadjusters)



Now pay using PayPal at our website:  
[www.pugetsoundadjusters.org](http://www.pugetsoundadjusters.org)

### Additional Meeting Information

Please keep in mind that we'd like to start and end promptly during our monthly meetings. Here is the timeline for each meeting:

- 11:30 a.m. Registration
- 11:45 a.m. Buffet
- 12:00 p.m. Meeting Called to Order
- 1:00 p.m. End of Meeting

Please arrive on time and have your cash or check (payable to PSAA) ready, or provide your paypal receipt. We appreciate your cooperation and assistance.

PLEASE SUPPORT OUR VENDOR PARTNERS

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## Puget Sound Adjusters Association

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## SCAA Past Presidents 1930 to 2011

1930-31 Wendell Bonesteel  
1931-32 Arthur E. Campbell  
1932-33 Kenneth M. Elliott  
1933-34 G.F. Fitzgerald  
1934-35 G.J. Fitzgerald  
1935-36 R.N. Brown  
1936-37 R.N. Brown  
1937-38 E.A. Eastman  
1938-39 Otto Kleeson  
1939-40 O.R. Martin  
1940-41 C.B. Mooney  
1941-42 C.H. Tandy  
1942-43 Earl Holmes  
1943-44 Donald Husted  
1944-45 J.W. Goulder  
1945-46 E.E. Hilton  
1946-47 Sutton Scanlon  
1947-48 Robert Cummins  
1948-49 H.C. Tingvall  
1949-50 Lee McGonagle  
1950-51 Russell T. Paderson  
1951-52 Alden Thompson  
1952-53 W. Nelms Paris  
1953-54 W.W. Laughlin  
1954-55 George Walmsley  
1954-55 E.A. Paulson  
1955-56 Granville Jordan  
1956-57 M.P. Warner  
1957-58 Robert C. Keating  
1958-59 R.H. Thompson  
1959-60 John F. Fuller  
1960-61 John E. McMahan  
1961-62 Allan C. Parker  
1962-63 Richard C. Hourigan  
1963-64 James Scott  
1964-65 Dale Easley  
1965-66 A.P. McMahan  
1966-67 Wm. Caton  
1967-68 Harry M. Kelsey  
1968-69 Joseph Whitlow  
1969-70 Ted Bullard  
1970-71 Don Long  
1971-72 Merton Buckley  
1972-73 Dick Cuff  
1973-74 Lee Marjnarich  
1974-75 DeWelle Ellsworth  
1975-76 Robert Dailey  
1976-77 Fred Greiner  
1977-78 Gordon S. Everett  
1978-79 Ronald M. Abraham  
1979-80 Norm McFarland  
1980-81 Richard Gaither  
1981-82 Sharon Setzler

1982-83 Charles Bingham  
1983 Gene Key  
1983-84 Milton Gustafson  
1984-85 Frank Lucarelli  
1985-86 Walt Stolle  
1986-87 Thomas G. Ewing Jr.  
1987-88 Robert W. Jeans  
1988-89 Lawrence E. Garlinghouse Sr.  
1989-90 Nancy V. Bryant  
1990-91 Patrick F. Wasser  
1991-92 E. Michael Radcliff  
1992-93 Willie Markey  
1993-94 Myron (Jay) S. Jared, III  
1994-95 Bob Haggerty  
1995-96 Sue Dahlin  
1996-97 William R. Markey  
1997-98 Kathy Johnson Barnett  
1998-99 Keo Capestany  
1999-00 Steve DeKoekkoek  
2000-01 Carol Seepersad Green  
2001-02 Fred Biehl  
2002-03 Janice Howard  
2003-04 Donna Silver  
2004-05 C. Annette Grace  
2005-06 Lizzy Adkins  
2006-07 Julie Benedict  
2007-08 Gail Tuomi  
2008-09 James Gomez  
2009-10 Dean West  
2010-11 Jim Peterson



## TCAA Past Presidents 1990 to 2011

1990-91 Elaine Taffe (Mercereau)  
1991-92 Susan Noyes  
1992-93 Wendy Edmond  
1993-94 Nadine Mar  
1994-95 Chris Cohen  
1996-97 Liz Conner  
1997-98 Dana Mar  
1998-99 Debbie Monnett  
1999-00 Liz Laherty  
2000-01 Taylor Stott  
2001-02 Jim Davis  
2002-03 Brenda Ferguson  
2003-04 Saada Gegoux  
2004-05 Candy Worley  
2005-06 Dianne Peterson  
2006-07 Denise Ellison  
2007-08 Denise Ellison  
2008-09 Roger Howson  
2009-10 Roger Howson  
2010-11 Heather Stariha



Remember our Fallen Heroes

*Memorial Day*  
May 28, 2012

## Top 10 Best Insurance Commercials on TV

Go to:

[www.propertycasualty360.com/2012/05/01/top-10-best-insurance-commercials-on-tv?ref=hp](http://www.propertycasualty360.com/2012/05/01/top-10-best-insurance-commercials-on-tv?ref=hp)

## Vendor Partner Corner

### May Vendor of the Month



SIR CONSTRUCTION specializes in building restoration. Founded in 1987, SIR has become a leading expert in partial or total renovation of all styles of residential and commercial buildings. SIR commits to quality and efficiency in everything we do, placing a high value on assuring the satisfaction and peace of mind of every customer.

Whether it is a man-made or a natural disaster that strikes your home or business, it can be traumatic and disruptive. From that initial call for emergency services to project completion, SIR will assist with your insurance claim, restore your property to pre-loss condition and get you back to normal in a quick and timely manner.

We are available 24/7 to take care of all your building needs. Give us a call at 800-280-5658 or check out our website at [www.sirconstruction.com](http://www.sirconstruction.com).

Please feel free to contact our Vendor Partners on the board: Michelle Lowe, ServiceMaster of Tacoma, (253) 307-8625, [mlowe@smtacoma.com](mailto:m Lowe@smtacoma.com); Dave Kean, Sterling Group, DKI (253) 228-6190, [davidk@sterlingdki.com](mailto:davidk@sterlingdki.com).



## President's Choice Charity Friendship Adventures

[www.friendshipadventures.org](http://www.friendshipadventures.org)

## Auction to Benefit Friendship Adventures

by **Gale DeLisio**, *Halo Construction*

The **2012 Friendship Adventures Auction** was held at the Lynwood Convention Center on March 31, 2012. It was a fun-filled evening for everyone. We had 220 in attendance including 9 corporate sponsored tables.

We raised \$52,000 which was our best year ever, \$13K over our previous year. This amount will fully fund our formal dance in June for 400 participants, and keeps the cost down on activities for the participants throughout the year. It also allows us to expand our scholarship program, and add additional educational field trips.

We want to thank PSAA and all of our supporters for their generous contributions.

We hope that Joel Booth is displaying his leg lamp proudly! ❖



Case Study  
**SMITH FREED & EBERHARD P.C.**  
*Your Litigation Partner™*

## What Constitutes Excusable Neglect when a Plaintiff Names the Wrong Defendant?

by Kyle Riley

complaint and bring the action against the correct defendant. One such requirement is that the plaintiff's error in naming the wrong defendant must be the result of "excusable neglect." In a recent decision entitled Watson v. Ermand, the Court of Appeals analyzed what factual circumstances constitute excusable neglect that will allow a plaintiff to amend the complaint to add the correct defendant while maintaining the original filing date for statute of limitations purposes. (Case No: 41367-1-II, December 28, 2011).

Miles Ermand was driving his vehicle when it collided with a vehicle being driven by Plaintiff. After the collision, Miles showed Plaintiff a Safeco insurance card which listed Michael Ermand as the insured. According to Plaintiff, she then asked Miles whether his name was Michael Ermand. Miles responded affirmatively. After exchanging contact information, Plaintiff asked Miles to see his driver's license and suggested they call the police. Instead of responding to Plaintiff, Miles got in his vehicle and left the scene. Miles denied that Plaintiff ever asked for his name or his driver's license. Plaintiff subsequently provided a recorded statement to Safeco in which she stated that the driver of the other vehicle was Michael. All correspondence from Safeco to Plaintiff and/or her attorney listed Michael Ermand as "our insured."

On April 27, 2009, Plaintiff filed a personal injury lawsuit naming Michael Ermand as the defendant. Michael Ermand was served two days later. The statute of limitations expired on May 10, 2009. On June 8, 2009, Michael Ermand filed an Answer alleging that Miles Ermand was at fault for the accident. After conducting discovery, Plaintiff filed a motion to amend her complaint to add Miles Ermand as an additional defendant and assert a family car doctrine claim against Michael Ermand. The trial court denied Plaintiff's motion and the case was eventually dismissed. Plaintiff appealed the trial court's denial of her motion to amend.

CR 15(c) governs relation back of amendments to pleadings for statute of limitations purposes and provides the following:

"Whenever the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading, the amendment relates back to the date of the original pleading. An amendment changing the party against whom a claim is asserted relates back if the foregoing provision is satisfied and, within the period provided by law for commencing the action against him, the party to be brought in by amendment (1) has received such notice of the institution of the action that he will not be prejudiced in maintaining his defense on the merits, and (2) knew or should have known that, but for a mistake concerning the identity of the proper party, the action would have been brought against him."

Based on this rule, the Court of Appeals held that Plaintiff's motion to amend to add the family car doctrine claim against Michael Ermand should have been granted because this claim arose out of the same occurrence alleged in the original complaint.

The Court of Appeals then addressed whether Plaintiff's motion to amend to add Miles Ermand as a party should have also been granted. There was no dispute that all of the requirements of CR 15(c) were met in this case. However, the Court of Appeals noted that a plaintiff's failure to timely name a necessary party cannot be remedied under CR 15(c) if the failure was caused by inexcusable neglect. The Court then stated that plaintiffs are only required to conduct a reasonable investigation into ascertaining the identity of the correct defendant; they are not required to do everything imaginable. After examining two prior cases addressing the same issue, the Court of Appeals drew a distinction between plaintiffs who learned the identity of the correct defendant before the statute of limitations expired but failed to act in time and plaintiffs who,

**Claims Pointer:** When a plaintiff erroneously names a person as the defendant in a lawsuit after reasonably attempting, but failing, to learn the identity of the correct defendant until after the statute of limitations had expired, the plaintiff may amend the complaint to name the correct defendant and the amendment will relate back to the original filing date for statute of limitations purposes.

Plaintiffs sometimes fail to name the correct person as the defendant when filing a lawsuit. When a plaintiff does not discover this error until after the statute of limitations has expired, certain requirements must be met before a plaintiff will be allowed to amend the

## Case Study... (Continued)

despite reasonable efforts, did not come to realize the identity of the correct defendant until after the statute had expired. Based on this analysis, the Court of Appeals held that Plaintiff's neglect was excusable because, despite her reasonable efforts, she never received any information indicating that someone other than Michael Ermand was driving the car until after the statute of limitations expired. Accordingly, the Court of Appeals reversed the trial court's dismissal of the case and remanded with instructions to grant Plaintiff's motion to amend. ❖

— If you would like to be notified of these new cases, please send an email to:

[caseupdate@smithfreed.com](mailto:caseupdate@smithfreed.com)

This article is to inform our clients and others about legal matters of current interest. It is not intended as legal advice. Readers should not act upon the information without seeking professional counsel.



## Claims Conversation

with **Roger Howson**, Claims Dispute Resolution, PSAA Newsletter Editor & Education Chair, TCAA Past President

Puget Sound Adjusters Association

9/21/13 meeting of the 2013-2014 PSAA Board

Attendees: PSAA President Tanya Padur, PSAA Vice President Tanya Padur, PSAA Treasurer Tanya Padur, PSAA Editor Tanya Padur, and PSAA Vendor Partner

Scott Padur of Great Scott (due to current business conditions, soon to be renamed Fair to Middlin' Scott or FMS for short).

Tanya: I hereby call to order this meeting of the Board for the Puget Sound Adjusters Association.

Scott: Can we please wait to start this meeting until after I've ordered lunch?

T: That's going to take forever. Look at the length of that line.

S: Hey, it wasn't MY idea to do the Starbucks drive-through. Who does lunch at Starbucks, anyway?!

T: The PSAA Board notes your objection.

S: Will you please stop doing that. You ARE the PSAA Board!

T: But YOU'RE the PSAA Vendor Partner.

S: Yeah, but since YOU'RE the PSAA President, Vice President, Treasurer, and Editor you outvote me on every issue. By the way, I want to know how come we took a PSAA vote on where we're going on vacation this year.

T: Because you objected when I offered to leave the decision up to a vote by the Northwest division of SAMS and Associates.

S: That wasn't fair either! Lizzy ALWAYS takes your side!

T: If you don't like me having a majority vote you should go out and recruit some adjusters to fill the open Board positions.

S: What happened to our former PSAA Vice President, Aundrea Boyd?

T: Remember that movie about adjusters called "There Will Be Claims" starring Brad Pitt, Angelina Jolie, Emma Stone, and George Clooney?

S: Yeah... so what?

T: Well, George Clooney researched his Claims Manager role for "There Will Be Claims" by shadowing Greg Stariha at Country Financial.

S: And what's that got to do with Aundrea?

T: Greg supervises Aundrea. George fell in love with Aundrea while he was pretending to supervise her.

S: But what's that got to do with Aundrea not fulfilling her PSAA Board duties?

T: Unfortunately, at Country Financial even pretend supervisors aren't allowed to date real employees, so

## Claims Conversation... *(Continued)*

Aundrea had to quit her job.

S: That's terrible.

T: Not really, it worked out pretty well for her because now she's hanging out with George at his villa in Italy.

S: That's great!

T: Not great, because he keeps calling her Angelina.

S: That's got to be annoying.

T: Not nearly as annoying as when he calls her Brad.

S: Okay, so Aundrea is not coming back anytime soon.

S: What happened to our former PSAA Treasurer, Joel Booth?

T: The little bugger grew a beard and moved to Spokane.

S: Wow, some people will do ANYTHING to get out of serving their PSAA Board responsibilities.

T: I told you it was a bad idea to outlaw beards for PSAA Board Members.

S: I say we go back to the rule that outlaws beards only for female Board Members.

T: You can't have gender-specific rules.

S: Okay, then we should either rule that everyone has to grow a beard, keep the clean-shaved rule, or we go back to being a follicle tolerant community.

T: I don't care one way or another, but how do we feel about Board Members living in Spokane?

S: Hey, if Joel will vote with me once in a while I'll even pay for his gas back and forth. I wonder how he'd vote on you and me vacationing in Cancun.

S: I thought the 2011-2012 PSAA Board designated Roger Howson as "PSAA Education Chair and Editor" for life, so how come HE'S not here? Did he get bounced by the beard rule?

T: No. He did something to piss off Barb Tyler, and nobody has seen him since.

S: If he's missing, shouldn't PSAA file a missing person's report?

T: Sweetie, what part of "don't piss off Barb Tyler" don't you understand?

S: What about the PSAA Past Presidents, Heather Stariha and Deborah Jette?

T: They're in the car behind us.

S: Why aren't they riding with us?

T: We ran a PSAA membership drive, and all the new members are in their car.

S: BOTH of them?

T: Heather and Deborah are encouraging them to serve on next year's PSAA Board.

S: That would explain the duct tape. But have you noticed that funny look Deborah gets whenever she's using the cattle prod for recruiting Board members?

T: You didn't think it was so funny when she used it on you.

S: She was trying to change my vote!

T: If you'll remember, I told you we wanted a unanimous agreement on that particular issue.

S: Even if I did change my vote, I still think it's wrong to rewrite the PSAA history so that TCAA now stands for the Tanya Claims Adjusters Association. ❖

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