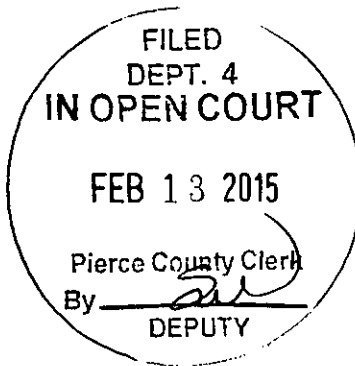


13-2-15638-1 44134338 OR 02-17-15

The Honorable BRYAN E. CHUSHCOFF



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

KLAUS SNYDER, individually and as the
representative of all persons similarly situated,

Plaintiff,

FARMERS INSURANCE COMPANY OF
WASHINGTON and MID-CENTURY
INSURANCE COMPANY,

Defendants.

No. 13-2-15638-1

ORDER ON DEFENDANTS' "MOTION
FOR CLASS DETERMINATION OF
LAW"

~~PROPOSED~~ - BEC

THIS MATTER has come before the Court upon the motion of the Defendants for a "determination of law regarding the proof of liability and diminished value damages Plaintiff must submit under the Washington Supreme Court's ruling in *Moeller v. Farmers Ins. Co. of Washington*, 173 Wn.2d 264 (2011) (*Moeller III*).” The Court has considered the following pleadings:

1. *Defendants' Motion for Determination of Law;*
2. *Plaintiff's Opposition to Defendants' Motion for Determination of Law;*

ORDER ON MOTION FOR
DETERMINATION OF LAW - 1

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3. Declaration of Stephen M. Hansen; and

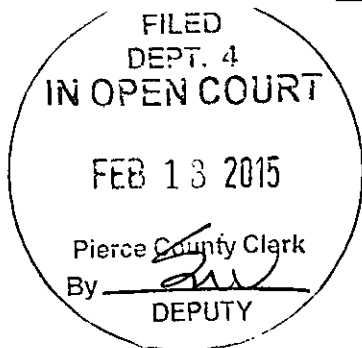
4. Defendants' Reply in Support of Motion for Determination of Law.

The Court has additionally considered the statements and arguments of counsel, the pleadings on file, and deems itself fully advised; NOW, THEREFORE, it is hereby

ORDERED, ADJUDGED and DECREED as follows:

1. Farmers' policy holders are entitled to compensation for the cost of repair, plus compensation for the difference between the pre-accident fair market value and the post-repair fair market value of the automobile if the post-repair fair market value of the vehicle is less;
2. The holding in *Moeller v. Farmers* does not require Plaintiffs to "disaggregate" non-physical or "stigma" market value loss from those market value losses resulting from physical/discernible differences after repair. To the extent that there is any physical damage that is discernible damage, then under *Moeller v. Farmers*, a Plaintiff recovers his or her entire market value loss. If purely stigma damages were shown to constitute 100 % of the loss, in that the repairs are completely undetectable, then a plaintiff is probably not entitled to any recovery. But if a loss is not 100% caused by pure stigma, then a plaintiff is entitled to the full measure of fair market value loss.

DONE IN OPEN COURT this ^{gk} 13 day of February, 2015.




[Signature]
BRYAN E. CHUSHCOFF
Superior Court Judge

Presented By:

Law Offices of STEPHEN M. HANSEN, P.S.

By:


STEPHEN M. HANSEN, WSBA # 15642
Of Attorneys for Plaintiff

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