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**KING COUNTY DISTRICT COURT
SHORELINE DIVISION
STATE OF WASHINGTON**

Bruce Miller,		Plaintiff	CASE NO.: Y2-392 MOTION FOR RECONSIDERATION
	v		
Washington Mutual, Inc,		Defendant	

Comes now Plaintiff Bruce Miller to move the Court to reconsider this action.

The action was dismissed by the Court on August 6, 2002 thus:

*Dismissed without prejudice since [sic] case not filed in proper venue -
should be Seattle Division (no connection to Shoreline).*

The connection to Shoreline was established in Plaintiff's written testimony, in which he explained that he was in the City of Shoreline at the time the illegal email was received.

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RCW 3.66.040(4) states:

An action arising under RCW 3.66.020(2) for the recovery of damages for injuries to the person or for injury to personal property may be brought, at the plaintiff's option, either in the district in which the cause of action, or some part thereof, arose, or in the district in which the defendant, or, if there be more than one defendant, where some one of the defendants, resides at the time the complaint is filed. [Emphasis added].

Because this case is about damages, RCW 3.66.040(4) applies to this case. Because the receipt of the illegal email occurred in King County, King County District Court is the proper district.

RCW 3.66.040(4) is silent in regards to division.

LCRLJ 3.1, FILING OF CIVIL, IMPOUND AND SMALL CLAIMS CASES, does not clarify further the application of RCW 3.66.040(4) in regards to division; rather it refers back to RCW 3.66.040(4):

(a) "Venue", as prescribed in the CRLJ and RCW 3.66.040, includes the "district" venue and the "division" venue of the King County District Court.

It would seem logical that if the plaintiff is given the option to choose the District under 3.66.040(4), then the plaintiff would also have the option to choose the division.

Further, the King County District Court web page at <http://www.metrokc.gov/kcdc/scprep.htm> does provides specific guidance in regards to venue. This page states in part:

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How Do I File Against a Corporation?

. . . You may file your small claim action in the district court division where the corporation does business, the division in which the corporate office is located, or the division where the Registered Agent is located. (RCW 3.66.040(6)). [Emphasis added. See Appendix A].

Defendant does business in the City of Shoreline through an office at 18200 Midvale Ave N, Shoreline, WA, 98133. See Appendix B, which is a print out from Washington Mutual's own web site that clearly shows Washington Mutual has an office in the City of Shoreline.

Plaintiff has demonstrated herein that this Court does have jurisdiction and that the Shoreline Division is the correct venue.

Therefore, the Court has erred in its decision regarding venue and should accept jurisdiction and render a decision in this case.

Dated: August 14, 2002

Signed: _____

Bruce Miller, Plaintiff