

Clifford C. Benson	Associate Atty	Law Firm	1963 - 1968
KOMO-TV, Channel 4	Floor Director	Television production	1958 - 1963
US Coast Guard	Ensign/Lt. JG	Coast Guard Service	1955-1958

Special Training: Seminars in personal injury and consumer protection

ADDITIONAL BIOGRAPHICAL INFORMATION

Married to Gail since 2/5/1955; 4 children all graduated from Shoreline High, all four are College graduates. Resident of the Shoreline area over 45 years

The Homeland Project	Board of Directors and Secretary	1989-90
Shoreline Rotary President 1996-97		

Organizations in Shoreline participated in:

<u>Activity</u>	<u>Capacity</u>	<u>Years</u>
Shoreline Rotary	Member & Board of Directors and President	14 years
Rotary Projects:	Polio Plus Immunization Program Ethiopia, *	2004
Rotary	Water Project, Peru,	2006
Volunteer	Ronald Bog Beautification Project	1994
Goodwill Exchange	Team Leader	1990
PTA	Citizens Advisory Committee to Shoreline Public Schools	1964

CIVIC ACTIVITIES

Activity	Capacity	Years
Shoreline Rotary	Board of Directors and President-Elect	9 years
The Homeland Project	Board of Directors and Secretary	1989-90
Goodwill Exchange	Team Leader	1990
PTA Citizens Advisory Committee	Member to Shoreline Public Schools	1964
Chairman of the Board of Town & Country Tennis Club		

* Participated in NID program (doing polio immunization of children) Rotary International and Rotary District 5030 in Ethiopia October, 2002; Treasurer and Board Member of Coalition for Instant Runoff Voting in Washington (drafting and lobbying various election reform measures to state legislature); Reading tutor at Briarcrest Elementary School in 1999/2000; Member of Shoreline Rotary Club 1986 to present; President Shoreline Rotary 1995/96 year; Secretary and Board Member of Homeland Project 1988 and 1999 (organized to foster improved relations between the U.S. and USSR during that time); Chairman of the Board of Town & Country Tennis Club 1975; active in Cromwell Park PTA 1966-1968 Shoreline PTA Citizen's Advisory Committee to Shoreline Schools approx. 1968; former Democratic Precinct Officer.

Other Professional Achievements

Early in my career I was instrumental in forming the first Creditor-Debtor legislative subcommittee of the Seattle-King County Bar Association and was its first chairman. A proposal that Richard Durham and I conceived eventually was enacted into law which for the first time in this state allowed

for continuing liens in wage garnishments. Now codified in RCW 6.27.330 et seq.

A form of purchase and sale agreement adopted by the Washington manufactured home dealers association and still widely used by mobile home dealers in this state was a form that I drafted and designed.

Selected by attorneys as arbitrator in cases under the King County Superior Court's Mandatory Arbitration program over 60 times and have heard and decided many of those cases as an arbitrator

Speaker on consumer protection at the Washington State Trial Lawyers Association Peoples Law School.

Completed a 4-year program in 1996 tutoring my daughter, Lori Monlux, under Rule 6 of the Washington Rules of Practice which allows for a college graduate to apprentice and study with a practicing lawyer according to a prescribed course of study and upon completion qualify to take the bar. My pupil passed the Washington state bar on the first try and was licensed to practice law in 1996. The course we pursued covered all the principal areas of law and for me, as the tutor, was practically like going back to law school.

Member of the Rotary Club of Shoreline since 1986, and club President for the 1996/1997 Rotary year. Currently club Treasurer.

Drafted and filed Initiative 318 in 2004, an initiative seeking to establish instant runoff voting in Washington elections. Gained considerable press coverage for that effort on local radio and in the P.I., although our petition campaign fell short of the required number of signatures.

Treasurer for Maggie Fimia's first election campaign for Shoreline City Council in the fall of 2003.

Participated in polio immunization program in Ethiopia sponsored by Rotary District 4030 in 2004 and participated in a water project in Pisco Peru in 2006, sponsored by the Shoreline Breakfast Rotary Club

LIST OF SIGNIFICANT APPELLATE & TRIAL CASES

1. ***Horita v. Allstate*** King County Cause No. 07-2-27125-2 SEA (Nov 2010).

Won a \$137,000 Jury verdict in a bad faith insurance claim against Allstate

2. ***Berkheimers v. Sprinkle***, King County Cause No. 605194; 66 Wn.2d 354 (1965)

Successfully defended appeal involving redemption rights on foreclosure of mortgages arising from Sheriff's action in issuing deed after foreclosure sale. This case has been cited and relied on at least once in a subsequent decision of the Washington Supreme Court.

3. ***Bohall v. State, King County Cause No. 776631 (1975)***

Sole counsel for Petitioner, real estate broker, in appeal of administrative decision revoking broker's license. Decree reversing Dept. of Licensing Order entered by Judge Soukup based on "appearance of fairness doctrine."

4. ***Bowen v. Baumgardner***, King County Cause No. 700568; 6 Wn. App. 18 (1971)

Counsel for child injured when she "darted out" between parked cars. On appeal obtained reversal of trial court's dismissal of claim based on statutory construction of "no parking" sign. Case has been cited in two subsequent decisions of the Washington appellate courts.

5. ***Brost v. Bid Corporation***, King County Cause No. 841792 (1978)

Sole counsel for Petitioners in vigorously opposed injunction proceeding seeking postponement of foreclosure sale. Order granting injunction entered by Judge Nancy Holman on 3/8/78, also required Respondents to reveal terms of competing offers. Judge remarked in open court that counsel's argument was one of the best ever heard

6. **Burien Motors v. Balch et al**, King County Cause No. 727820, 9 Wn. App. 573 (1973)

Principal counsel for Yeakel Defendants at trial and appeal in suit against broker for damages for negligence in handling of assignment of lease of commercial property. Judgment entered against Defendants by Judge Dore and, although appeal unsuccessful, briefing covered extensive significant areas of law involving the duties of brokers and damages on rescission of contracts in circumstances where terms were imposed on landowner by County as a condition for authorizing changes in zoning consistent with comprehensive plan. Case has been cited in eleven subsequent decisions of the Washington appellate courts.

7. **Dupleich v. Lytle**, King County Cause No. 689609 (1978)

Sole counsel for Petitioner in protracted divorce modification proceedings. Decree entered by Judge Revelle granting modification of child support, vacating previous modification on theory of fraud and entering judgment for previous support retroactive to date of first modification petition plus attorneys fees – a sweeping and substantial recovery resulting from extensive discovery.

8. **Brown v. MacPhersons et al.**, King County Cause No. 740470, 744058 and 750110, 85Wn. 2d 17 (1975) and 86 Wn.2d 293 (1975).

Co-counsel for Edgers children, plaintiffs and appellants in suit against the State of Washington, Realtor and developers for deaths of parents resulting from snow avalanche. Judgment on pleadings dismissing claims against State entered by Judge Revelle. Initially affirmed on appeal, then reversed on re-hearing. Was principal author of appellants' brief and shared in appellate argument. Case is a leading authority in the area of governmental liability and duty to warn. The Court eventually agreed with our position that the state could be liable for failing to communicate warnings of hazards known to it where others relied on the state to give warnings. The case has been cited in thirty-five subsequent decisions of the Washington appellate courts.

9. **Frigidaire Sales v. Union Properties**, King County Cause No. 769471; 14 Wn. App. 634 (1975) and 88 Wn. 2d 400 (1977).

Sole counsel for Defendants at trial and appeal of suit seeking personal judgment against officers of corporate general partner of limited partnership. Claim dismissed on cross motions for summary judgment by Judge Howard. Affirmed on appeal in face of contrary decision of Texas Supreme Court. Petition for review to our Supreme Court granted and judgment again affirmed. Case was one of first impression in this state and now seems to be a leading case on issue of when "participating in control" of limited partnerships subjects one to personal liability. Case has been cited in ten subsequent decisions of the Washington appellate courts. The case has also been cited in law commentaries and casebooks.

10. **Gardner v. National American Insurance**, King County Cause No. 786604 (1974).

Sole counsel for Plaintiff in claim on homeowners insurance for theft losses allegedly perpetrated by Plaintiff's runaway, teen-age daughter. Summary judgment of liability granted by Judge Horswill. Involved issue of whether child was a "resident" of insured's household.

11. **State v. Jackson**, Snohomish County Cause No. 6055 (1974).

Sole counsel for defendant in first degree kidnapping prosecution. Jury verdict of not guilty on sharply conflicting testimony.

12. **Vioen v. Cluff**, King County Cause No. 598826, 69 Wn. 2d 306 (1966).

Principal counsel for Plaintiff on appeal of jury verdict for Defendant in claim for injuries to child while social guest at Defendant's home. Won reversal on appeal based on our argument that the jury was improperly instructed that contributory negligence of parent was imputed to the child. Case has been cited in at least five subsequent decisions of the Washington appellate courts.

13. **Irwin Concrete v. Sun Coast Properties, Inc.**, Pierce County Cause No. 234032, 33 Wn. App. 190 (1982),

Sole counsel for Hernando Chaves, a civil engineer and lien claimant, in this protracted, complex, multiple party lien foreclosure action. Obtained a judgment after several days in trial in Judge Donald Thompson's court against Continental, Inc., the construction lender, on the theory of unjust enrichment. Trial court affirmed on appeal by Continental. Case has been cited in nine subsequent decisions of the Washington appellate courts.

14. ***State of Washington v. New Life Homes***, King County Cause No. 864268

Sole trial counsel for Louis H. Gillette and his wife, former owners of a mobile home dealership and individual defendants, in this substantial consumer protection action. Took the case on only 2 weeks prior to trial. Jury trial presided over by Judge David Soukup spanned a 3 week period and resulted in a money judgment, restitution and civil penalties against the Gillettes.

15. ***Wellington v. Wellington***, Snohomish County Cause No. 121599, 19 Wn. App. 328 (1978).

Sole counsel for defendant, former husband of plaintiff, in defending her action on foreign judgment, *i.e.* California judgment for child support in arrears. Judgment entered by Judge Bibb which we appealed. Although we did not prevail on appeal, the case is a significant authority on the enforcement of foreign judgments which would be barred under Washington's statute of limitations. Has been cited at least once in subsequent decision of the Washington appellate courts.

16. ***Wong v. Griffin College***, King County Cause No. 90-2-09650-5 (1990-1993)

Principal counsel for student of Griffin College in suit to recover for time and expenses wasted by student on misrepresented college courses. Trial court concluded that the practices of the college violated the consumer protection act in several ways, but also concluded that the student suffered no damage recognized under the consumer protection act. The student recovered his tuition payments. The trial extended over a 45 day period before Judge Jerome Johnson and attracted much attention in the news. The most significant result of the case was that Griffin College closed shortly after the trial.

17. ***Campbell v. Seattle Engine Rebuilders and Remanufacturing, Inc.***, 75 Wn. App. 89 (1994).

Sole counsel for Defendant auto repair facility in claim by customer under the automotive repair act. Successfully defended claims of breach of warranty and consumer protection violations, but judgment granted on theory that charges for requested repairs were "not authorized." Affirmed on appeal and cross-appeal.

18. ***Estate of Harford, In re***, 936 P.2d 48, 86 Wn.App. 259 (Wash.App.Div. 1, 1997)

Trial court decision in favor of our clients, beneficiaries of their mother's estate, the Estate of Edith Harford, reversed on appeal, the appellate court holding that the trial judge had not entered findings sufficient to support its decision. The trial judge invalidated a stipulated order that had granted a ¼ interest in the Edith's estate to children of her step-daughter, Opal. The trial judge ruled in our favor and granted an order invalidating a settlement agreement of the parties based on finding that it was a mistake and thereby denied relief to the Opal's children.

19. ***MHM & F, LLC v. Pryor***, 168 Wash.App. 451, 277 P.3d 62 (Wash. App., 2012)

Successfully defended an appeal of a trial court judgment in our client's favor which had granted a judgment of unlawful detainer, evicting a tenant of a mobile home park. The appellate court held that the jurisdictional issues raised by the appellant for the first time on appeal were in fact not jurisdictional because the trial court was not asked to make a ruling on those issues.