

Mark Dietzler

Of Counsel

Mark joined the firm after spending 30 years practicing insurance defense litigation a house counsel and for private law firms. He was managing attorney for Liberty Mutual Group, Inc.'s Seattle Staff Field Legal Office prior to joining our firm.

Mark has significant trial experience throughout the state and has tried cases in Pierce, King, Clallam, Jefferson, Thurston and Mason counties as well as other counties throughout the state. He has handled significant exposure litigation cases for a variety of insurance companies and self-insured public entities.

PRACTICE EMPHASIS AND EXPERIENCE

- Accident Investigation & Defense
- Automobile Liability
- Construction Litigation
- General Liability Defense
- Insurance Coverage
- Premises Liability



CONTACT

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EDUCATION

M.B.A., Pacific Lutheran University,
2001

J.D., University of Puget Sound (now
Seattle University) School of Law,
1991

B.A., University of Minnesota –
Morris, 1986

BAR / COURT ADMISSIONS

State of Washington

United States District Court, Western
District of Washington

United States Court of Appeals, Ninth
Circuit

REPRESENTATIVE CASES

- Motion for Summary Judgment Granted in Premises Liability Case

Prevailed on summary judgment in a premises liability case where Plaintiff sustained significant personal injuries when falling off the top of a truck load he was tarping at our client's facility. The court held that Plaintiff was an independent contractor, that Plaintiff failed to establish as a matter of law that Defendant retained the right to control the tarping activity, that Defendant did not owe a duty to provide Plaintiff with a safe workplace, and that Plaintiff failed to establish a duty based upon the requisite industry standard of care in Washington for tarping activity.

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- Defense Verdict in a School District Liability Negligence Case

A jury awarded the North Thurston County School District a defense verdict in March of 2008 in a case involving alleged negligence in overpitching a student during a spring baseball season. The defense argued that the pitching coach did not violate any WIAA regulations and that the plaintiff's involvement in summer and fall baseball programs contributed to his injuries.

- Favorable Defense Verdict in a Cervical Fusion Case

In January of 2012, a jury rendered a verdict of \$22,000 in an admitted liability accident case. Plaintiff had a cervical fusion and \$150,000 in medical expenses. Defense contended that the cervical fusion was unrelated to the accident and presented plaintiff with a \$120,000 Offer of Judgment resulting in defendant being awarded statutory fees and costs.

- Defense Verdict in a Wrongful Death Auto Pedestrian Crosswalk Case

In October of 2012, a unanimous defense verdict was reached with the jury concluding that plaintiff's decedent left a place of safety by walking into a dimly lit crosswalk on a dark rainy night. The decedent's average walking speed would have placed her two to four feet back on the sidewalk at the time defendant commenced his left-hand turn. Defense argued that the decedent, who was walking toward the impending impact, had five seconds to see, perceive, and stop walking to avoid the accident in the crosswalk.

- Favorable Defense Verdict in an Idaho Logging Road Accident

In March of 2013, a federal court jury in the Western District of Washington entered a favorable verdict for the defense in a disputed liability and damage logging road accident. Plaintiff contended that the defendant's logging truck was over the imaginary centerline and as a result suffered injuries requiring knee and shoulder surgeries with \$50,000 in medical expenses. The defense contended that plaintiff was inattentive while driving and that his injuries were pre-existing and unrelated to the accident. The net jury verdict to plaintiff was \$14,500 after reduction for plaintiff's comparative fault.

- Defense Verdict in a Wrongful Death Case Involving the Rescue Doctrine and Intoxication

In April of 2015, a Thurston County Superior Court jury entered a defense verdict in favor of Mr. Dietzler's client restaurant. Plaintiff's decedent alleged overservice and that restaurant employees violated the rescue doctrine by driving the decedent home and leaving him unattended in his vehicle. Decedent was the next morning in a ditch having died of hypothermia. The jury determined that there was not sufficient evidence of overservice, and that the restaurant was not vicariously liable for its employees as they were not acting as the restaurant's agents by driving the decedent to his home.

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- Defense Verdict in a Funeral Home Embalming Case

In April of 2017, a Pierce County Superior Court jury entered a defense verdict in favor of Mr. Dietzler's client funeral home. Plaintiffs alleged that the funeral home's embalmer was negligent by commencing embalming after being told that a private autopsy was being requested. It was alleged that the decedent was being improperly medicated and the embalming interfered with toxicology results. All allegations were disputed by the funeral home and the jury ultimately found in favor of the funeral home.

- Defense Verdict in a Bilateral Humorous Trip and Fall Accident

This case was tried to a defense verdict in Clallam County Superior Court in July of 2017. Plaintiff alleged improper design of ADA access and improper placement of a speed hump near the entrance to defendant's general store. The accident was captured on sore surveillance video. Plaintiff tripped on the speed hump propelling her forward into the rear of a parked car sustaining bilateral humorous fractures. The jury determined that there were no ADA violations and that the speed hump was an open and obvious condition.

- Favorable Verdict in a Negligent Infliction of Emotional Distress Claim

This case was tried to verdict in Kitsap County Superior Court in July of 2018. Two minors brought negligent infliction of emotional distress claims against their Underinsured Motorist Carrier after having watched their grandmother get run over by the underlying tortfeasor backing up his vehicle in a parking lot. After offsets from the court approved minor settlement, the net jury verdict to both minors was approximately \$30,000, substantially less than what was offered by the Underinsured Motorist Carrier at the court mandated settlement conference prior to trial.

PROFESSIONAL & CIVIC INVOLVEMENT

- Washington State Bar Association
- Washington Defense Trial Lawyers
- Tacoma-Pierce County Bar Association
- Robert J. Bryan Chapter XXXV American Inns of Court
- United States Air Force

ARTICLES & PRESENTATIONS

- Presenter: Parent Party Patrol
- Speaker: Omnipotent Depositions So Many New Uses and So Many New Forms, Washington State Trial Lawyers, 2003
- Speaker: Challenges to Reasonable and Necessary Medical Expenses, Liberty Mutual Insurance Group, Inc., 2018