

Bond Case Briefs

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Walter Family Grain Growers, Inc. v. Foremost Pump & Well Services, LLC

Court of Appeals of Washington, Division 3 - March 24, 2022 - P.3d - 2022 WL 869673

Farming company brought action against electric utility, among others, asserting negligence claim based on allegations that excessive voltage destroyed newly-installed irrigation and power equipment and resulted in lost crops.

The Superior Court granted summary judgment for utility company. Farming company appealed.

The Court of Appeals held that:

- Utility owed company ordinary duty of care, and
- Genuine issue of material fact precluded summary judgment.

Electric company owed farming company ordinary duty of care, rather than heightened duty of care, for purposes of company's negligence claim against utility arising from allegations that excessive voltage service destroyed newly-installed irrigation and power equipment and resulted in lost crops, where 480-volt service provided by utility company was low voltage and of minimal danger.

Genuine issue of material fact existed as to whether electric utility breached its duty of ordinary care owed to farming company, precluding summary judgment for utility in negligence action brought by company arising from allegations that excessive voltage service destroyed newly-installed irrigation and power equipment and resulted in lost crops.