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

SCOTT HAMILTON, as guardian ad  
litem for Z.H.,

Plaintiffs,

v.

LINDA AMONDSO-N-MULLER,  
Personal Representative of the ESTATE  
of LAURA HAMILTON,

Defendants.

NO. 20-2-00543-21

STIPULATION AND ORDER RE: "ACT  
OF GOD" AND RELIGION

In her Answer, Defendant Hamilton asserted the defense: "Plaintiff Zachary Hamilton's injury was caused by an act of God—the natural forces of labor." The purpose of this language was to clarify Defendant Hamilton's position as to causation—natural forces rather than anything Laura Hamilton did or did not do. Defendant Hamilton's counsel represents that they did not plan to use the term "act of God" at trial or otherwise make religion an issue in this litigation.

The parties agree that proximate causation is a central issue in the case. Both parties will offer scientific evidence on proximate causation. Defendant Hamilton does not in any way waive her theory of causation based on the natural forces of labor. The parties agree that the term "act of God" will not be discussed or referenced in the presence of the jury, or in the jury instructions, the verdict form, or the arguments in this case. The parties agree that

1 religion is not relevant to the issues in the case and will also not be discussed or referenced  
2 in the presence of the jury. It is further agreed that Plaintiffs' theology expert will be  
3 withdrawn.

4 DATED this 26<sup>th</sup> day of May, 2022, at Seattle, Washington.

6 JOHNSON, GRAFFE, KEAY, MONIZ & WICK, LLP

7 *s/ Donna M. Moniz*  
8 *s/ Pierce Rand*

9 \_\_\_\_\_  
10 Donna M. Moniz, WSBA #12762  
11 R. Pierce Rand, WSBA #49736  
12 *Attorney for the Estate of Laura Hamilton*

12 OSBORN MACHLER

13 *s/ Susan Machler (per email approval)*  
14 *s/ Austin Neff (per email approval)*

15 \_\_\_\_\_  
16 Susan Machler, WSBA #23256  
17 Austin Neff, WSBA #57059  
18 *Attorneys for Plaintiffs*

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**ORDER**

Based on the forgoing stipulation, it is hereby Ordered as follows:

(1) The term "act of God" will not be discussed or referenced in the presence of the jury, or in jury instructions, the verdict form, or arguments in this case.

(2) This Stipulation and Order does not in any way prevent or limit Defendant Hamilton from advancing her defense theory based on the natural forces of labor.

(3) The parties disagree over whether religion was previously relevant to the issues in this lawsuit (the defense maintains it was never relevant) but agree that it is no longer relevant due to this stipulation. Religion will not be referenced or discussed in the presence of the jury.

(4) Plaintiffs shall withdraw their theologian expert, Geraldine O'Mahony, PhD, MA.

DATED this 26 day of May, 2022.

  
Honorable James W. Lawler

Presented by:

JOHNSON, GRAFFE, KEAY, MONIZ & WICK, LLP  
s/ Donna Moniz  
s/ Pierce Rand

Donna M. Moniz, WSBA #12762  
R. Pierce Rand, WSBA #49736  
*Attorney for the Estate of Laura Hamilton*

Approved as to form; notice of presentment waived:

OSBORN MACHLER

s/ Susan Machler  
s/ Austin Neff

Susan Machler, WSBA #23256  
Austin Neff, WSBA #57059  
*Attorneys for Plaintiff*

STIPULATION AND ORDER RE: "ACT OF GOD" AND RELIGION - 3

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