

JUL 08 2026

SUPERIOR COURT CLERK
BY ~~Irina Poliansky~~
N. Mesker DEPUTY

ORIGINAL

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
FOR KING COUNTY

MISTI LEON, as personal representative of
the ESTATE OF JULIANA LEON, a
deceased individual,

Plaintiff,

v.

EXXON MOBIL CORPORATION;
EXXONMOBIL OIL CORPORATION; BP
P.L.C.; BP AMERICA INC.; OLYMPIC
PIPE LINE COMPANY LLC; CHEVRON
CORPORATION; CHEVRON U.S.A., INC.;
SHELL PLC; SHELL U.S.A., INC.;
CONOCOPHILLIPS; CONOCOPHILLIPS
COMPANY; PHILLIPS 66; and PHILLIPS
66 COMPANY; and TRANSMONTAIGNE
PARTNERS LLC,

Defendants.

Case No. 25-2-15986-8 SEA

**ORDER GRANTING OLYMPIC
PIPELINE COMPANY LLC'S
MOTION TO DISMISS PLAINTIFF'S
FIRST AMENDED COMPLAINT**

This matter came before the Court on Defendant Olympic Pipeline Company LLC's (Olympic Pipeline) Motion to Dismiss Plaintiff's First Amended Complaint for Failure to State a Claim ("Joint 12(b)(6) Motion"). The Court considered the following documents when reaching its decision:

1. Defendants' Olympic Pipeline's 12(b)(6) Motion;
2. Plaintiff's Opposition to the 12(b)(6) Motion;

3. Defendant's reply in support of the 12(b)(6) Motion; and
4. Other relevant court documents

The Court having been fully informed, hereby finds as follows:

1. Olympic Pipeline is not a product seller under the Washington Product Liability Act.
2. While the complaint alleges Olympic Pipeline is a distributor, the factual assertions related to that claim are that they transport petroleum products from one location to another. Based on those assertions, Olympic Pipeline is not a distributor, but is a common carrier as defined in RCW 81.88.030.
3. There are no assertions in the complaint that Olympic Pipeline has actual control over the product that it is transporting.
4. For these reasons, the claim against under the WPLA fails against Olympic Pipeline.
5. The public nuisance claim is based on allegations of misleading and deceptive advertising and marketing of petroleum products.
6. While there is, at best, a general assertion that all defendants were involved in advertising and marketing in Washington, at oral argument, the Court specifically inquired of Plaintiff's counsel if there was any evidence that Olympic Pipeline participated in any advertising or marketing. The response was that there was none.
7. Given this admission, the general assertion in the complaint is insufficient to maintain the claim for public nuisance against Olympic Pipeline.

1 The Court hereby orders that Defendant Olympic Pipeline Company LLC's Motion to
2 Dismiss Plaintiff's First Amended Complaint for Failure to State a Claim [12(b)(6)] is
3 GRANTED.
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6 It is so ORDERED this 8th day of July, 2026.
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10 Judge Matthew Lapin
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