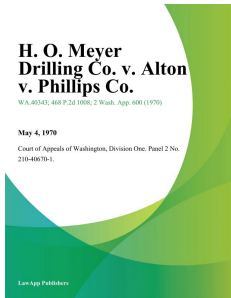


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H O MEYER DRILLING CO V ALTON V PHILLIPS CO EBOOKS 2019



Author: Division One. Panel 2 Court of Appeals of Washington

Realese Date: Expected @@expectedReleaseDate@@

HOROWITZ, A. C. J. - Appellant, H. O. Meyer Drilling Co., Inc. (Meyer), brought an action against respondent, 18.27.080*fn1 that at the time it contracted for the performance of its work or entered into its contract it u0026#xa0;was a duly registered contractor under RCW 18.27. Phillips, however, affirmatively raised the defense of nonregistration. Subsequently, ursuant to CR 12(b)(6) it made a motion to dismiss Meyer's claim, the motion being heard on the basis of affidavits from each party as permitted by the rule. The court in conformity with CR 12(b)(6) and in effect treating the motion as a motion for summary judgment, dismissed Meyer's claim. The sole ground assigned was that Meyer's contract was entered into at a time when MEyer had not complied with the renewal registration provisions of RCW 18.27 and Meyer was precluded from suing for compensation by virtue of RCW 18.27.080.

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