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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 ROBERT HOLMES, *et al.*,

10 Plaintiffs,

11 v.

12 YCT. NOVA, *et al.*,

13 Defendants.

Case No. C16-1422RSL

ORDER DENYING MOTION TO  
DISMISS INDIVIDUAL CAPACITY  
CLAIMS

14 This matter comes before the Court on “Defendant Stephen Yadvish’s Federal  
15 Rule of Civil Procedure 12(c) Motion to Dismiss Claims Against Him in His Individual  
16 Capacity.” Dkt. # 37. Defendant argues that the only claims asserted against him are  
17 based on his status as a shareholder and officer of defendant Yachtfish Marine, Inc. He is  
18 incorrect. Mr. Yadvish is accused of personally acting in a way that harmed plaintiffs.  
19 Corporate shareholders, officers, and agents can be held liable for their own wrongful  
20 conduct even if the actions were taken within the scope of their duties for the corporation.  
21 Dodson v. Economy Equip. Co., 188 Wash. 340, 343 (1936). Such liability is not based  
22 on an alter ego theory and does not require piercing the corporate veil. Grayson v. Nordic  
23 Constr. Co., Inc., 92 Wn.2d 548, 553-54 (1979).

24 The allegations of the complaint adequately allege claims against Mr. Yadvish  
25 based on his own tortious conduct, regardless of whether he was acting on his own behalf,  
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1 on behalf of Yachtfish Marine, Inc., or on behalf of his partnership with defendant S.B.  
2 Joseph Clark. In addition, Mr. Yadvish has asserted a maritime lien which plaintiffs seek  
3 to expunge. The motion to dismiss plaintiffs' claims against Mr. Yadvish in his individual  
4 capacity is DENIED.

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6 Dated this 20th day of April, 2017.

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8 Robert S. Lasnik  
9 United States District Judge