Dwyer, J. (concurring) — A good argument can be made—and was made in this case—that both Iwai v. State, 76 Wn. App. 308, 884 P.2d 936 (1994), and Bresina v. Ace Paving Co., 89 Wn. App. 277, 948 P.2d 870 (1997), were incorrectly decided in that neither case properly gave effect to the Supreme Court's statement "that in some cases, if identified with reasonable particularity, 'John Doe' defendants may be appropriately 'named' for purposes of RCW 4.16.170." Sidis v. Brodie/Dohrmann, Inc., 117 Wn.2d 325, 331, 815 P.2d 781 (1991). The holdings of both Iwai and Bresina support the trial court's ruling herein.

Notwithstanding the cogency of the argument that Iwai and Bresina were incorrectly decided, for 15 years there has been caselaw stability in this area of the law. During that period, the Supreme Court has not seen fit to express any disagreement with either appellate court decision. This caselaw stability counsels in favor of continued application of the two cases.

Accordingly, I concur in the decision expressed in the majority opinion.

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