



## Hailey Delay

Associate

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Hailey Delay concentrates her practice on civil litigation defense. She has experience representing insurance companies and their insureds in a variety of cases, including motor vehicle accidents and professional liability. She has managed cases from inception through to resolution, including settlement and arbitration. Hailey is committed to achieving positive results for her clients.

Prior to joining Wilson Elser, Hailey was an associate at a Seattle firm that specialized in professional liability and insurance defense. During law school, she externed at Spokane County Superior Court.

### Education

- Gonzaga University School of Law (J.D., 2018)
  - cum laude; CALI Awards: Litigation Skills / Trusts and Wills
- University of San Diego (B.A. English/Communications, 2014)

### Bar Admissions

- Washington

### Awards & Honors

Selected for inclusion in *Super Lawyers*®, Rising Stars™ in the area of Civil Litigation: Defense, 2024

### Services

- Professional Liability & Services
- Medical Malpractice & Health Care

## Client Wins

**Muse and Delay Secure Summary Judgment Dismissal for Security Company Clients on No-Duty Argument After \$7.5 Million Demand**

Dirk Muse (Partner-Seattle) and Hailey Delay (Associate-Seattle) obtained summary judgment in Thurston County Superior Court, Olympia, Washington, for Wilson Elser's clients, a privately owned security company and its security officer, in a wrongful death and negligence action arising from a fatal, random shooting in a grocery store parking lot. The case stemmed from a September 2022 incident in which two brothers drove into the store lot, parked, and the younger sibling entered the store. A man with a history of mental illness, who had recently regained his gun rights and purchased a handgun hours earlier, entered the parking lot and fatally shot the brother seated in the vehicle. The shooter had no connection to the victim and was apprehended within minutes. At the time, our client security company was under contract with the store to provide a patrol vehicle and a single unarmed security guard on weekend evenings.

The decedent's estate and surviving brother sued the grocery chain and our clients, asserting claims for negligence, wrongful death, nuisance, and negligent hiring and supervision by the security company. After unsuccessful mediation – in which the plaintiffs demanded \$7.5 million and the clients jointly offered under \$100,000 – Dirk and Hailey moved for summary judgment, while the plaintiffs moved for partial summary judgment, seeking dismissal of certain affirmative defenses. Dirk and Hailey argued that the security company owed no duty to plaintiffs because it neither possessed nor controlled the premises and had no obligation to protect against unforeseeable criminal acts. Applying the “prior similar incidents” test, the court agreed that the shooting was a random, unforeseeable act and that the plaintiffs failed to present evidence of similar prior incidents on the premises. The court granted summary judgment in favor of Wilson Elser's clients, dismissing all claims against them.