

WASHINGTON STATE COURT OF APPEALS DIVISION THREE

CASE SUMMARIES FOR ORAL ARGUMENT

The following summaries are drawn from briefs and lower court judgments. The summaries have not been reviewed for accuracy by the judges and are intended to provide a general idea of facts and issues presented in the cases. The summaries should not be considered official court documents. Facts and issues presented in these summaries should be checked for accuracy against records and briefs, available from the Court, which provide more specific information.

Date of Hearing: Thursday, December 8, 2011
Location: Spokane, 500 N. Cedar

9:00 a.m.

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- 1) **No.: 29806-0-III**
Case Name: Applewood Estates, et al v. City of Richland, et al
County: Benton
Case Summary: A neighborhood group at odds with the City of Richland's June 16, 2010 administrative decision to approve an amendment to the Badger Mountain Public Utility District (PUD), did not appeal the decision to the City's Board of Adjustment, but instead successfully challenged the decision in superior court on the basis it was a major amendment that violated the Land Use Petition Act (LUPA), chapter 36.70C RCW. A developer group appeals the superior court's decision.

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- 2) **No.: 29368-8-III**
Case Name: Betty Jean Triplett, et al v. Washington State Department of Social & Health Services, et al
County: Spokane

Case Summary: Kathleen Smith, a developmentally disabled adult, drowned in a bathtub at the Lakeland Village residential care facility operated by the Washington State Department of Social and Health Services (DSHS). Smith's mother and brother (Triplett) filed a wrongful death against several state agencies and officials (DSHS). The court denied a motion by DSHS to dismiss the case on the theory Triplett lack standing to sue under RCW 4.20.020, RCW 4.20.046 and/or RCW 4.24.010, Washington's wrongful death, survival, and wrongful death of a child statutes. DSHS appeals.

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- 3) **No.: 28958-3-III**
Case Name: State of Washington v. Cory James Monaghan
County: Ferry

Case Summary: Cory Monaghan killed his friend by shooting him, breaking his neck, stabbing him, and burning a trailer house down upon him. Monaghan was charged with first degree premeditated murder and first degree arson. The court denied his pretrial motion for acquittal on grounds of insanity. The jury convicted Monaghan as charged, and also found by special verdict that he was armed with a firearm when he committed the murder. He appeals.

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4) **No.: 29349-1-III**

Case Name: Stephen Sipes, et ux v. John Bangert, et ux, et al

County: Stevens

Case Summary: The Stevens County Superior Court found that Stephen Sipes had abandoned an original easement, consented to relocate the easement, and was estopped from claiming a right in that easement. The court further found that John Bangert had adversely possessed the original easement. The court granted declaratory relief to Bangert by reforming the easement and deed, and permanently enjoining Sipes from using the original easement. Sipes appeals.

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11:00 a.m.

5) **No.: 29760-8-III**

Case Name: Sterling Savings Bank v. Phillip Murphy, et al

County: Spokane

Case Summary: Gerald Murphy opened a certificate of deposit (CD) account at Sterling Savings Bank and named four beneficiaries (Bricklin children). Murphy changed the account in 2007 to name five beneficiaries (3 Bricklin children/2 Murphy children). Murphy purportedly requested another account change in 2008 to name just three beneficiaries—all Bricklin children. Murphy died in 2009. Bricklins claimed all of the CD funds, but Sterling denied receiving documents effecting any 2008 beneficiary change. Sterling filed an interpleader action. Bricklins cross-claimed against Sterling for negligence and violation of the Consumer Protection Act, chapter 19.86 RCW. The court ordered Sterling to distribute the funds to all five Bricklin/Murphy beneficiaries and granted Sterling's summary judgment motion to dismiss all of Bricklins' claims. Bricklins appeal.

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6) **No.: 29565-6-III**
Case Name: In re the Detention of L.U.
County: Spokane

Case Summary: A State-designated mental health professional filed a petition seeking commitment of L.U. under chapter 71.05 RCW. A jury found that L.U. met the criteria for commitment under a less restrictive alternative (LRA) plan for 180 days. As a condition of the LRA, the trial court ordered L.U. to answer all necessary questions during treatment evaluations, without evasion or deception. L.U. appeals.

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