

# WASHINGTON STATE COURT OF APPEALS DIVISION THREE

## CASE SUMMARIES FOR ORAL ARGUMENT

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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.

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**Date of Hearing: Wednesday, January 30, 2019**

**Location: Spokane, 500 N. Cedar**

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**9:00 a.m.**

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1) **No.: 35586-1-III**

**Case Name: Ryan Frazier v. Steve Quick & Oroville School Dist.**

**County: Okanogan**

**Case Summary:** Ryan Frazier was a provisional teacher for the Oroville School District. Near the end of Mr. Frazier's first year as a teacher, Superintendent Steve Quick informed him that there was probable cause for nonrenewal of his teaching contract. After meeting with Mr. Frazier, Mr. Quick recommended to the school district board of directors that Mr. Frazier's contract not be renewed due to his failure to create lesson plans, his failure to attend staff meetings, and his defiant attitude. The board voted to not renew Mr. Frazier's contract. He sued the school district and Mr. Quick for tortious interference with a contract, negligent infliction of emotional distress, intentional infliction of emotional distress, negligence, defamation, and other claims. The trial court granted the defendants' motions for summary judgment, dismissing all of Mr. Frazier's claims. He appeals.

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2) **No.: 35966-2-III**

**Case Name: State of Washington v. Stevens County District Court Judge  
County: Stevens**

**Case Summary:** The Clerk of Stevens County Superior Court entered an administrative order stating that all first appearance hearings would be conducted by superior court judges or court commissioners. Stevens County District Court Judge Gina Tveit refused to follow the administrative order and continued to conduct first appearances. The State petitioned for a writ of mandamus that would require Judge Tveit to obey the order. Superior Court Judge John Strohmaier denied the writ, holding that the district court is not required to follow the administrative order in cases that are filed in district court. The State appeals.

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3) **No.: 35821-6-III**

**Case Name: Darrell Riste v. Idaho Law Group, LLP  
County: Yakima**

**Case Summary:** Darrell Riste is a beneficiary of the estate of Dan McAnally, who died in September 2012. Mr. Riste has brought multiple lawsuits alleging that the distribution of the estate was mismanaged. The current appeal arises from his claim that his original attorneys in the Idaho Law Group committed malpractice, breach of fiduciary duty, and breach of contract, and violated the Consumer Protection Act by improperly advising him about probate of the estate. The trial court granted Idaho Law Group's motion for summary judgment and dismissed Mr. Riste's claims. He appeals. Idaho Law Group seeks attorney fees for responding to a frivolous appeal.

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11:00 a.m.

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4) **No.: 35473-3-III**

**Case Name: Madelynn M. Tapken v. Spokane County**

**County: Spokane**

**Case Summary:** Madelynn Tapken rode on the back of a motorcycle driven by Conrad Malinak. She sustained serious injuries when Mr. Malinak failed to complete a right turn and careened off the road, down a steep embankment. She sued Spokane County and Mr. Malinak for negligence. At trial, Ms. Tapken and Mr. Malinak presented evidence that the county failed to properly maintain a safe intersection. The jury awarded Ms. Tapken \$12,535,000 in damages, allocating 60 percent of the fault to the county, 30 percent to Mr. Malinak, and 10 percent to Ms. Tapken. The jury also returned a \$35,000 verdict against the county for Mr. Malinak's injuries, based on the attributed fault. The county appeals and Ms. Tapken cross-appeals.

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