

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, September 10, 2020
Location: Spokane, 500 North Cedar
Video Oral Argument

9:00 a.m.

1) **No.: 36896-3-III**

Case Name: Allegiance Properties, LLC, et al. v. Janet Richart, et al.

County: Spokane

Case Summary: Allegiance Properties purchased commercial real estate from Janet Richart. After closing, Allegiance discovered soil contamination and sued in tort and contract. The superior court dismissed all of Allegiance's claims on summary judgment, except for its claim under the Model Toxics Control Act (MTCA), chapter 70.105D, RCW. This court granted discretionary review of the dismissal of Allegiance's claims and the trial court's refusal to dismiss the MTCA claim.

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9:30 a.m.

2) **No.: 36820-3-III, cons'd with 36826-2-III**

Case Name: In re Guardianship of Dorothy Helm O'Dell

County: Yakima

Case Summary: Dorothy Helm O'Dell's former attorney-in-fact, filed suit to find Ms. Helm O'Dell incompetent and to establish a guardianship. Ms. Helm O'Dell's legal counsel opposed the guardianship, and the attorney-in-fact eventually dropped the matter. Upon dismissal, the trial court awarded fees to the attorney-in-fact. Ms. Helm O'Dell objected to the guardianship petition and the award of fees on the grounds that the attorney-in-fact had breached fiduciary duties. Ms. Helm O'Dell appeals.

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10:00 a.m.

3) **No.: 37423-8-III**

Case Name: In re Detention of Michael A. McHatton

County: Pierce

Case Summary: Michael McHatton, a sexually violent predator, violated his conditional release. The State sought revocation. Mr. McHatton concurrently requested a show cause hearing at the annual review. The court held a joint hearing on both motions. Mr. McHatton appeals from the denial of an evidentiary hearing."

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10:30 a.m.

4) **No.: 36699-5-III, cons'd with 36700-2-III**

Case Name: State of Washington v. David R. Mullins

County: Stevens

Case Summary: While in custody in a pre-booking holding room, David Mullins twice broke out and attempted to leave the building. The State charged Mr. Mullins with escape in the first degree, and the superior court found him guilty following a bench trial. Mr. Mullins appeals the sufficiency of the evidence, the sufficiency of the charging information, and his offender score calculation.

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11:00 a.m.

5) No.: 36591-3-III

Case Name: State of Washington v. Yasir M. Majeed

County: Benton

Case Summary: Following a “Net Nanny” operation, Yasir Majeed was charged and convicted of commercial sexual abuse of a minor and communication with a minor for immoral purposes. On appeal, Mr. Majeed challenges the sufficiency of the charging information and the sufficiency of the evidence as to the commercial sexual abuse count, and also raises issues concerning the court’s instructions to the jury.

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