

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 17, 2020
Location: Spokane, 500 North Cedar
Video Oral Argument

9:00 a.m.

1) **No.: 37179-4-III**

Case Name: Alex May v. Spokane County, et al.

County: Spokane

Case Summary: Alex May sued Spokane County to force removal of race-based restrictive covenants recorded within real property records. Although the language is now legally unenforceable, the County and the superior court found that they lacked legal authority to strike the repugnant language. Mr. May appeals.

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2) **No.: 37051-8-III**

Case Name: Zaire Webb v. Wash. St. Univ., et al.

County: Whitman

Case Summary: Zaire Webb received a university-funded athletic scholarship to attend Washington State University. Mr. Webb lost the scholarship when the head coach cut Mr. Webb from the team as a result of Mr. Webb being arrested for a misdemeanor. Mr. Webb sued the University and its officials under 42 U.S.C. § 1983, breach of contract, tortious interference, and negligence. The trial court granted summary judgment to the defendants. Mr. Webb appeals.

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11:00 a.m.

3) **No.: 37040-2-III**

Case Name: Walter Fernau, III v. Mutual of Enumclaw Ins. Co.

County: Spokane

Case Summary: Walter Fernau's home on Newman Lake was damaged by waves caused by boaters. Mr. Fernau's insurer denied coverage. Mr. Fernau sued for breach of contract and violation of the Insurance Fair Conduct Act, ch. 48.30, RCW. The superior court granted summary judgment for the insurer. Mr. Fernau appeals.

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