

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 10, 2020

Location: Spokane, 500 North Cedar

Video Oral Argument

9:00 a.m.

1) **No.: 37336-3-III**

Case Name: Jason Sleater v. Richard Griffith, et ux.

County: Spokane

Case Summary: Jason Sleater was injured when he fell into a ditch on property being developed by Peck & Peck Excavation Co. and other defendants. The superior court dismissed the claim against Peck on summary judgment, finding that Peck did not breach the minimal duty of care owed to trespassers. The court also denied Mr. Sleater's motion to continue summary judgment. Mr. Sleater appeals, urging adoption of the private necessity privilege applicable to trespassers as described in the Restatement (Second) of Torts, and also appeals the denial of his motion to continue.

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9:30 a.m.

2) **No.: 37414-9-III**

Case Name: White Water Construction, Inc. v. Employment Sec. Dep't

County: Spokane

Case Summary: The Employment Security Department awarded Fred Stevens unemployment benefits following his termination from White Water Construction. The superior court reversed the Department's order and instead found Mr. Stevens ineligible for benefits because he was terminated for misconduct and because he was not able to work and available for work based upon his receipt of workers' compensation benefits. The Department appeals on Mr. Stevens's behalf.

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