

Supreme Court Issues
Cases Not Yet Set & April Term 2024
May 13, 2024

- Administrative Law—Rules—Adoption—“Rule Making”—What Constitutes—Environment—Department of Ecology—Utility Services—Sewers—Construction and Operation.
- Consumer Protection—Exemptions—Regulated Industries—Labeling of Over-the-Counter Medication—“Permission”—What Constitutes.
- Contracts—Alternative Dispute Resolution—Disputes and Matters Arbitrable Under Agreement—Validity—Agreement as to Place of Brining Suit—Forum Selection Clauses—Adhesion Contracts—Unconscionability.
- Criminal Law—Aggravated First Degree Murder—Punishment—Sentence—Life Imprisonment Without Parole—Youthful Offender—Resentencing—Sentencing Authority—Community Custody as Exceptional Sentence.
- Criminal Law—Automobiles—Arrest—Driving While Intoxicated—Investigatory Stop—Citizen Informant Tip—911 Call—Factual Basis—Reliability—Named But Unknown Informant—Corroboration—Police Observations.
- Criminal Law—County Code—Dangerous Dog at Large—Punishment—Sentencing Authority—Jail Sentence—Suspension—Condition—Surrender of Dangerous Dog for Destruction.
- Criminal Law—Jury—Selection—Challenge for Cause—Actual Bias—What Constitutes—Equivocal Response—Denial of Challenge—Standard of Review.
- Criminal Law—Punishment—Sentence—Guilty Plea—Youthful Offender—Resentencing—Breach of Plea Agreement—Remedy—Withdrawal of Guilty Plea.
- Criminal Law—Unlawful Possession of a Controlled Substance—Bail Jumping—Motion to Withdraw Guilty Plea—Invalidation of Possession Conviction.
- Criminal Law—Unlawful Possession of a Controlled Substance—Forgery—Unlawful Possession of a Firearm—Motion to Withdraw Guilty Plea—Invalidation of Possession Conviction.
- Criminal Law—Unlawful Possession of a Controlled Substance—Obstructing a Public Servant—Motion to Withdraw Guilty Plea—Invalidation of Possession Conviction.
- Divorce—Community Property—Division of Military Pension After Involuntary Recall to Active Duty Following Divorce.
- Divorce—Maintenance—Factors—Need of Recipient—Finding—Necessity.
- Elections—Ballot—Absentee or Provisional Ballot—Signature Verification—Constitutional Law—Civil Rights—Deprivation—Standard of Review.
- Environment—SEPA—Determination of Nonsignificance—Environmental Assessment—Reasonably Sufficient Information.

- Financial Institutions—Checking Accounts—Customer Agreement—Overdraft Penalties—Breach of Contract—Consumer Protection—Unfair or Deceptive Conduct.
- Infants—Dependency—Disposition—Placement—Out of Home Placement—Standard—Manifest Danger.
- Juveniles—Dependency—Shelter Care—Appeal—Specific Direction—Necessity.
- Juveniles—Dependency—Shelter Care—Continuation of Shelter Care—Hearing—Necessity.
- Juveniles—Juvenile Justice—Disposition—Community Supervision—Conditions—Validity—Vagueness—Overbreadth.
- Juveniles—Parental Relationship—Termination—Family Therapy—Necessary Service—Racial Bias.
- Juveniles—Parental Relationship—Termination—Sibling Intervention—Propriety.
- Labor and Employment—Non-Compete Agreement—Validity—Statutory Prohibition as to Low Wage Employees—Continued Applicability of Common Law Duty of Loyalty—Scope.
- Limitation of Actions—Filing Complaint—Electronic Filing—Receipt After Close of Business on Last Day of Limitation Period—Constructive Filing—Applicability.
- Negligence—Owner or Occupier of Land—State—Contractor Working on Land—Hazard Created by Logging—Immunity—Forest Practices Act.
- Open Government—Public Disclosure—Public Records—Injunctive Relief—Plaintiffs’ Use of Pseudonyms—Validity.
- Open Government—Public Disclosure—Public Records—Law Enforcement Officer Investigative Records—Injunctive Relief—First Amendment—Free Speech—Political Association.
- Open Government—Public Disclosure—Public Records—Statutory Notice Provisions—Third-Party Rights—Agency’s Obligations—Constitutional Rights.
- Personal Restraint—Petition—Young Adult Offender—Timeliness—Exceptions—Newly Discovered Evidence—Youth Brain Development—Evolving Scientific Research.
- Searches and Seizures—Warrantless Search—Fenced Pasture Next to Home—Consent—*Ferrier* Warnings—Necessity.
- State—Department of Fish and Wildlife—Fish and Wildlife Commission—Appointment—Qualifications of Service—Concurrent Service in Other Public Position—County Planning Commission.
- Taxation—Business and Occupation Tax—Deductions—“Amounts Derived From Investments”—Meaning.
- Venue—Selection—Agreement—Choice of Forum—Enforcement—Method.
- Washington Commercial Electronic Mail Act (CEMA)—Consumer Protection Act (CPA)—False or Misleading Information in Subject Line of Promotional Email—Prohibition—Scope.

- Zoning and Planning—Growth Management—Consistency with Comprehensive Plan—Adult Beverage Businesses.

Cases Not Yet Set

Consumer Protection—Exemptions—Regulated Industries—Labeling of Over-the-Counter Medication—“Permission”—What Constitutes

Whether labeling an over-the-counter antitussive containing dextromethorphan hydrobromide as “non-drowsy” is an action “permitted” by a regulatory body acting under statutory authority of the United States within the meaning of [RCW 19.86.170](#), such that this labeling is exempt from actions under the Washington Consumer Protection Act.

No. 102829-6, *Hall* (plaintiff) v. *Walgreens Boots Alliance, Inc.* (defendants).

Certified from N. Dist. of Illinois E. Div. No. 22-cv-00024.

[Top](#)

Contracts—Alternative Dispute Resolution—Disputes and Matters Arbitrable Under Agreement—Validity—Agreement as to Place of Brining Suit—Forum Selection Clauses—Adhesion Contracts—Unconscionability

Whether in this civil action alleging violation of Washington State laws, in which the defendant seeks to enforce a forum selection clause, the lower court can consider whether the terms of the contract are unconscionable under Washington law in determining whether the forum selection clause is enforceable.

No. 102538-6, *Earnest L. Raab, DC, et al.* (respondents) v. *Nu Skin Enter., Inc., et al.* (petitioners). (See also: [Venue—Selection—Agreement—Choice of Forum—Enforcement—Method](#)).

[28 Wn. App. 2d 365 \(2023\)](#).

[Top](#)

Criminal Law—Aggravated First Degree Murder—Punishment—Sentence—Life Imprisonment Without Parole—Youthful Offender—Resentencing—Sentencing Authority—Community Custody as Exceptional Sentence

Whether in resentencing a 20-year-old offender pursuant to *In re Personal Restraint of Monschke*, 197 Wn.2d 305, 482 P.3d 276 (2021), on a conviction for aggravated first degree murder for which the original sentence was mandatory life without release, the trial court had authority to impose a determinate sentence, and whether it could impose community custody as an exceptional sentence.

No. 101859-2, *State* (appellant) *v.* *Reite* (respondent).

[Top](#)

Criminal Law—Automobiles—Arrest—Driving While Intoxicated—Investigatory Stop—Citizen Informant Tip—911 Call—Factual Basis—Reliability—Named But Unknown Informant—Corroboration—Police Observations

Whether in this criminal prosecution for driving under the influence a named citizen informant's tip to a 911 dispatcher that he saw a man staggering through a parking lot before getting behind the wheel of a truck was sufficiently reliable or independently corroborated to support an investigatory traffic stop.

No. 102680-3, *City of Wenatchee* (petitioner) *v.* *Stearns* (respondent).

Unpublished.

[Top](#)

Criminal Law—Unlawful Possession of a Controlled Substance—Obstructing a Public Servant—Motion to Withdraw Guilty Plea—Invalidation of Possession Conviction

Whether a defendant who pleaded guilty to two offenses under a single plea agreement is entitled to withdraw the plea to both offenses on the basis one of the offenses—unlawful possession of a controlled substance—was invalidated under *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021).

No. 102326-0, *State* (respondent) *v. Willyard* (petitioner).

Unpublished.

[Top](#)

Elections—Ballot—Absentee or Provisional Ballot—Signature Verification—Constitutional Law—Civil Rights—Deprivation—Standard of Review

Whether Washington’s voter signature verification statute imposes an unconstitutional burden on the right to vote, and whether the trial court applied the correct standard of review in denying both parties’ motions for summary judgment on this issue.

No. 102569-6, *Vet Voice Found., et al.* (petitioner) *v. Hobbs, et al.* (respondent).

[Top](#)

Financial Institutions—Checking Accounts—Customer Agreement—Overdraft Penalties—Breach of Contract—Consumer Protection—Unfair or Deceptive Conduct.

Whether a credit union member stated a claim for which relief could be granted in alleging that the credit union’s method of calculating overdraft fees under its optional checking account overdraft protection service violated the terms of the membership agreement or was unfair or deceptive for purposes of the Consumer Protection Act.

No. 101288-8, *Feyen* (respondent) *v. Spokane Teachers Credit Union* (petitioner).

23 Wn. App. 2d 264 (2023).

[Top](#)

**Juveniles—Juvenile Justice—Disposition—Community Supervision—
Conditions—Validity—Vagueness—Overbreadth**

Whether, in a juvenile adjudication for second degree rape by forcible compulsion, a condition of supervision prohibiting the unapproved possession of or access to “material depicting any person engaged in sexually explicit conduct as defined by [RCW 9.68A.011\(4\)](#)” is unconstitutionally vague or overbroad.

No. 102635-8, *State (respondent) v. J.H.-M. (petitioner)*.

[538 P.3d 644 \(2023\)](#).

[Top](#)

Labor and Employment—Non-Compete Agreement—Validity—Statutory Prohibition as to Low Wage Employees—Continued Applicability of Common Law Duty of Loyalty—Scope

Whether in this action for damages and declaratory and injunctive relief, a noncompete agreement between the employer and employees violates the prohibition on noncompete agreements for low wage employees under [RCW 49.62.070](#), or instead is allowed under that statute under the common law duty of loyalty.

No. 102566-1, *David & Springer (petitioners) v. Freedom Vans, LLC (respondents)*.

[Unpublished](#).

[Top](#)

Negligence—Owner or Occupier of Land—State—Contractor Working on Land—Hazard Created by Logging—Immunity—Forest Practices Act

Whether the State and forestry companies who conducted logging operations on State land are immune under the Forest Practices Act of 1974, [RCW 76.09.330](#), from liability for injuries caused by a falling tree that had been left standing in a riparian zone pursuant to the act.

No. 102586-6, *Pub. Util. Dist. No. 1 of Snohomish (respondents) v. State, et al. (petitioners)*.

[28 Wn.2d 124 534 P.3d 1210](#).

[Top](#)

Searches and Seizures—Warrantless Search—Fenced Pasture Next to Home—Consent—*Ferrier* Warnings—Necessity

Whether the defendant in this prosecution for animal cruelty was entitled to warnings under *State v. Ferrier*, [136 Wn.2d 103, 111, 960 P.2d 927 \(1998\)](#), before consenting to a warrantless search of the fenced pasture surrounding her home.

No. 102622-6, *State (respondent) v. Mercedes (petitioner)*.

[Unpublished](#).

[Top](#)

Venue—Selection—Agreement—Choice of Forum—Enforcement—Method

Whether [CR 12\(b\)\(3\)](#), which permits a party to challenge an action based on improper venue, is the proper rule under which to bring a motion to dismiss a lawsuit based on a forum selection clause in a contract.

No. 102538-6, *Earnest L. Raab, DC, et al.* (respondents) *v.* *Nu Skin Enter., Inc., et al.* (petitioners). (See also: [Contracts—Alternative Dispute Resolution—Disputes and Matters Arbitrable Under Agreement—Validity—Agreement as to Place of Brining Suit—Forum Selection Clauses—Adhesion Contracts—Unconscionability](#)).

[Unpublished.](#)

[Top](#)

Washington Commercial Electronic Mail Act (CEMA)—Consumer Protection Act (CPA)—False or Misleading Information in Subject Line of Promotional Email—Prohibition—Scope

Whether, in this federal action involving alleged violations of Washington’s Commercial Electronic Act and Consumer Protection Act, [RCW 19.190.020\(1\)\(b\)](#) prohibits the transmission of commercial email with a subject line containing any false or misleading information or prohibits only misleading information about the commercial nature of the email.

No. 102592-1, *Brown, et al.* (plaintiff) *v.* *Old Navy, et al.* (defendants).

[Top](#)

April Term 2024
Cases Set for Oral Argument

Administrative Law—Rules—Adoption—“Rule Making”—What Constitutes—Environment—Department of Ecology—Utility Services—Sewers—Construction and Operation

Whether the Department of Ecology permissibly included nitrogen discharge restrictions in permits for sewage treatment plants without adopting the restrictions through formal rulemaking procedures under [RCW 34.05.310-.395](#).

No. 102479-7, *Birch Bay Water & Sewer Dist., et al. (respondent) v. State, Dep’t of Ecology (petitioner)*. (Oral argument 5/30/24).

[535 P.3d 462 \(2023\)](#).

[Top](#)

Criminal Law—County Code—Dangerous Dog at Large—Punishment—Sentencing Authority—Jail Sentence—Suspension—Condition—Surrender of Dangerous Dog for Destruction

Whether, in this prosecution arising from a violation of Revised Code of Wahkiakum County (RCWC) 16.08.050(F), a dangerous dog at large ordinance, the district court exceeded its authority by imposing a sentence of 364 days in custody, with no days suspended, and a condition that the offender will be released from custody upon written proof that their dangerous dog has been surrendered to the humane society for destruction.

No. 102627-7, *State (respondent) v. Richards (petitioner)*. (Oral argument 6/13/24).

[537 P.3d 1118 \(2023\)](#).

[Top](#)

Criminal Law—Jury—Selection—Challenge for Cause—Actual Bias—What Constitutes—Equivocal Response—Denial of Challenge—Standard of Review

Whether in this criminal prosecution the trial court erred in declining to excuse a prospective juror for cause after the juror evidenced confusion about the presumption

of innocence and indicated that the juror may agree with the rest of the jurors if undecided.

No. 102402-9, *State (petitioner) v. Smith (respondent)*. (Oral argument: 5/16/24).

[534 P.3d 402 \(2023\)](#).

[Top](#)

Criminal Law—Punishment—Sentence—Guilty Plea—Youthful Offender—Resentencing—Breach of Plea Agreement—Remedy—Withdrawal of Guilty Plea

Whether on direct appeal a 17-year-old offender who pleaded guilty to charges and received an agreed sentence may not seek resentencing in light of *State v. Houston-Sconiers*, [188 Wn.2d 1, 391 P.3d 409 \(2017\)](#), because it would breach the plea agreement, and if so, whether as a remedy the offender should be allowed to move to withdraw the plea.

No. 102311-1, *State (respondent & petitioner) v. Harris (appellant & cross-petitioner)*. (Oral argument 6/27/24).

[533 P.3d 135 \(2023\)](#).

[Top](#)

Criminal Law—Unlawful Possession of a Controlled Substance—Bail Jumping—Motion to Withdraw Guilty Plea—Invalidation of Possession Conviction

Whether a defendant who pleaded guilty to bail jumping is entitled to withdraw the plea after expiration of the collateral challenge limitation period on the basis the defendant simultaneously pleaded guilty in a separate case to unlawful possession of a controlled substance under a statute later invalidated under *State v. Blake*, [197 Wn.2d 170, 481 P.3d 521 \(2021\)](#).

No. 102325-1, *State (respondent) v. Willyard (petitioner)*. (Oral argument 6/27/24).

[Unpublished](#).

[Top](#)

**Criminal Law—Unlawful Possession of a Controlled Substance—Forgery—
Unlawful Possession of a Firearm—Motion to Withdraw Guilty Plea—
Invalidation of Possession Conviction**

Whether a defendant who pleaded guilty to multiple offenses under a single plea agreement is entitled to withdraw the plea as to all offenses on the basis one of the offenses—unlawful possession of a controlled substance—was invalidated under *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021). (Oral argument 6/27/24).

No. 102131-3, *State (respondent) v. Olsen (petitioner)*.

26 Wn. App. 2d 722 (2023).

[Top](#)

**Divorce—Community Property—Division of Military Pension After Involuntary
Recall to Active Duty Following Divorce**

Whether a former husband’s increased pension payments for time he served on an involuntary recall to active military duty after the dissolution of his marriage constitute community property in which the former wife is entitled to a share.

No. 102355-3, *Porter (petitioner) v. Porter (respondent)*. (Oral argument 6/25/24).

535 P.3d 465 (2023).

[Top](#)

Divorce—Maintenance—Factors—Need of Recipient—Finding—Necessity

Whether an award of maintenance in a marriage dissolution is proper without finding that the receiving spouse has a need for it.

No. 102401-1, *Wilcox (petitioner) v. Wilcox (aka Palomarez) (respondent)*. (Oral argument 5/16/24).

[Unpublished.](#)

[Top](#)

Environment—SEPA—Determination of Nonsignificance—Environmental Assessment—Reasonably Sufficient Information

Whether King County conducted an adequate threshold environmental review for purposes of the State Environmental Protection Act, chapter [43.21C RCW](#), prior to issuing a statement of nonsignificance for King County Ordinance 19030, which amended ordinances relating to the operation of wineries, breweries, and distilleries in agricultural areas.

No. 102177-1, *King County* (respondent) *v. Friends of Sammamish Valley, et al.* (petitioner). (Oral argument: 5/21/24). (See also: [Zoning and Planning—Growth Management—Consistency with Comprehensive Plan—Adult Beverage Businesses](#)).

[26 Wn. App. 2d 906 \(2023\)](#).

[Top](#)

Government—Public Disclosure—Public Records—Law Enforcement Officer Investigative Records—Injunctive Relief—First Amendment—Free Speech—Political Association

Whether in this Public Records Act litigation, the records of police officers under investigation for attendance at a political rally are subject to disclosure.

No. 102182-8, *John Does 1, 2, 4, & 5* (respondents) *v. Sueoka, et al.* (petitioners). (Oral argument 6/25/24). (See also: [Open Government—Public Disclosure—Public Records—Injunctive Relief—Plaintiffs’ Use of Pseudonyms—Validity; Open Government—Public Disclosure—Public Records—Statutory Notice Provisions—Third-Party Rights—Agency’s Obligations—Constitutional Rights](#)).

[531 P.3d 821 \(2023\)](#).

[Top](#)

Infants—Dependency—Disposition—Placement—Out of Home Placement—Standard—Manifest Danger

Whether, in a dependency matter involving [RCW 13.34.130\(6\)\(a\)](#), a court may order out-of-home placement for a child only upon clear, cogent, and convincing proof that there is no parent or guardian available to care for the child and that a “manifest danger” precludes in-home placement.

No. 102729-0, *In re the Dependency of Z.A., S.A.A., & S.M.A.* (petitioner). (Oral argument 6/13/24).

[540 P.3d 173 \(2023\)](#).

[Top](#)

Juveniles—Dependency—Shelter Care—Appeal—Specific Direction—Necessity

Whether in this dependency action, dismissal of the mother’s appeal of a shelter care order was warranted under [RCW 13.04.033\(3\)](#) because the mother did not file a written and signed “specific direction” to file the notice of appeal.

No. 102558-1, *In re the Dependency of A.H., L.L., S.O.-W.* (petitioner). (Oral argument 5/23/24).

[Top](#)

Juveniles—Dependency—Shelter Care—Continuation of Shelter Care—Hearing—Necessity

Whether in this dependency action in which the superior court entered a third order extending shelter care for 30 days, the court was required under [RCW 13.34.065\(7\)\(a\)\(i\)](#) to hold another hearing at the expiration of the 30 day extension and an additional hearing for any 30 day extension thereafter.

No. 102344-8, *In re the Matter of the Dependency of B.B.B.* (Oral argument 5/23/24).

[27 Wn. App. 2d 825, 533 P.3d 1177 \(2023\)](#).

[Top](#)

Juveniles—Parental Relationship—Termination—Family Therapy—Necessary Service—Racial Bias

Whether, in this action to terminate a Black mother’s parental rights to two of her children, a social worker wrongly failed to make a referral for family therapy, a necessary service, because the social worker’s perception of the family was tainted by racial bias.

No. 102486-0, *In re the Dependency of M.L.W. & I.A.W.* (Oral argument 6/13/24). (*See also*: [Juveniles—Parental Relationship—Termination—Sibling Intervention—Propriety](#)).

[535 P.3d 491 \(2023\)](#).

[Top](#)

Juveniles—Parental Relationship—Termination—Sibling Intervention—Propriety

Whether, in this action to terminate a mother's parental rights to two daughters, the superior court erroneously denied a motion to intervene brought by the mother's son, where the termination petition had been dismissed as to him, but he asserted that he had a stake in the termination proceedings because his familial relationship with his sisters would be jeopardized by the termination of his mother's parental rights as to them.

No. 102486-0, *In re the Dependency of M.L.W. & I.A.W.* (Oral argument 6/13/24). (See also: [Juveniles—Parental Relationship—Termination—Family Therapy—Necessary Service—Racial Bias](#)).

[535 P.3d 491 \(2023\)](#).

[Top](#)

Limitation of Actions—Filing Complaint—Electronic Filing—Receipt After Close of Business on Last Day of Limitation Period—Constructive Filing—Applicability

Whether in this negligence action in which the plaintiff's complaint was electronically filed seven minutes after the close of the superior court's business hours on the last day of the applicable statute of limitations, the complaint was untimely under [GR 30\(c\)\(1\)](#), which provides that an electronic document received after business hours is considered filed at the beginning of the next business day.

No. 102016-3, *Wall (petitioner) v. Grover (respondent)*. (Oral argument 6/25/24).

[26 Wn. App. 2d 769 \(2023\)](#).

[Top](#)

Open Government—Public Disclosure—Public Records—Injunctive Relief—Plaintiffs’ Use of Pseudonyms—Validity

Whether in this Public Records Act litigation, police officers seeking injunctive relief against disclosure of their unredacted records are entitled to proceed under pseudonym.

No. 102182-8, *John Does 1, 2, 4, & 5* (respondents) v. *Sueoka, et al.* (petitioners). (Oral argument 6/25/24). (See also: [Open Government—Public Disclosure—Public Records—Law Enforcement Officer Investigative Records—Injunctive Relief—First Amendment—Free Speech—Political Association](#); [Open Government—Public Disclosure—Public Records—Statutory Notice Provisions—Third-Party Rights—Agency’s Obligations—Constitutional Rights](#)).

531 P.3d 821 (2023).

[Top](#)

Open Government—Public Disclosure—Public Records—Statutory Notice Provisions—Third-Party Rights—Agency’s Obligations—Constitutional Rights

Whether in connection with a request for disclosure of public records, an agency is obligated, beyond the notice provisions in [RCW 42.56.540](#), to notify a third party when disclosure of records may implicate that party’s constitutional rights and refuse disclosure unless the third party does not object.

No. 102182-8, *John Does 1, 2, 4, & 5* (respondents) v. *Sueoka, et al.* (petitioners). (Oral argument 6/25/24). (See also: [Open Government—Public Disclosure—Public Records—Law Enforcement Officer Investigative Records—Injunctive Relief—First Amendment—Free Speech—Political Association](#); [Open Government—Public Disclosure—Public Records—Injunctive Relief—Plaintiffs’ Use of Pseudonyms—Validity](#)).

531 P.3d 821 (2023).

[Top](#)

**Personal Restraint—Petition—Young Adult Offender—Timeliness—
Exceptions—Newly Discovered Evidence—Youth Brain Development—Evolving
Scientific Research**

Whether in this personal restraint petition challenging a 600-month sentence imposed in 1989 on convictions for first degree murder and first degree arson committed when the petitioner was 18 years old, recent scientific evidence on youth brain development constitutes newly discovered evidence exempting the petition from the one-year time limit on collateral review.

No. 102295-6, *In re Pers. Restraint of Frazier* (petitioner). (Oral argument 5/28/24).

[Top](#)

**State—Department of Fish and Wildlife—Fish and Wildlife Commission—
Appointment—Qualifications of Service—Concurrent Service in Other Public
Position—County Planning Commission**

Whether a person serving in a volunteer position on a county planning commission is ineligible for appointment to the state Fish and Wildlife Commission under [RCW 77.04.040](#), which provides that persons eligible for the commission “shall not hold another state, county, or municipal elective or appointive office.”

No. 102358-8, *U.S. Sportsmens’ Alliance Found., et al.* (respondents) v. *Smith* (petitioner). (Oral argument 5/30/24).

[Top](#)

**Taxation—Business and Occupation Tax—Deductions—“Amounts Derived From
Investments”—Meaning**

Whether in this business and occupation tax refund action, petitioners were entitled to deduct their entire incomes under [RCW 82.04.4281\(1\)\(a\)](#), and thus avoid any tax liability, on the basis that their incomes were derived solely from investments.

No. 102223-9, *Antio, LLC, et al.* (petitioners) v. *Dep’t of Revenue* (respondent). (Oral argument 5/21/24).

[26 Wn. 2d 129 \(2023\)](#).

[Top](#)

Zoning and Planning—Growth Management—Consistency with Comprehensive Plan—Adult Beverage Businesses

Whether King County Ordinance 19030, which amended ordinances relating to the operation of wineries, breweries, and distilleries in agricultural areas, is inconsistent with the purpose of the Growth Management Act, chapter [36.70A RCW](#), to preserve agricultural land.

No. 102177-1, *King County (respondent) v. Friends of Sammamish Valley, et al. (petitioner)*. (Oral Argument 5/21/24). (See also: [Environment—SEPA—Determination of Nonsignificance—Environmental Assessment—Reasonably Sufficient Information](#)).

[26 Wn. App. 2d 906 \(2023\)](#).

[Top](#)
