

# 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: Thursday, October 24, 2019**  
**Location: Spokane, 500 North Cedar**

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**9:00 a.m.**

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**1) No.: 36291-4-III**

**Case Name: Michael F. Cronin v. Central Valley School District**

**County: Spokane**

**Case Summary:** Central Valley School District terminated Michael Cronin's employment as a teacher. Mr. Cronin sued, seeking reinstatement, back pay, and damages. The lower court ordered reinstatement and back pay, but denied double damages under Washington's Wage Act, ch. 49.52, RCW, and denied additional damages to compensate for the tax consequences of the award. Both sides appeal.

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**2) No.: 36132-2-III**

**Case Name: State of Washington v. Martie Marie Soderberg**

**County: Spokane**

**Case Summary:** A jury convicted Martie Soderberg of attempted murder and solicitation to commit murder following a covert police operation where Ms. Soderberg paid an informant to purchase a gun with which the informant was to murder Ms.

Soderberg's husband. At the trial court, Ms. Soderberg argued the State could not prove she took a "substantial step" toward commission of the crimes. Ms. Soderberg appeals that issue, and raises additional issues concerning the court's jury instructions.

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**3) No.: 36305-8-III**

**Case Name: State of Washington v. Cougar Ray Henderson**

**County: Walla Walla**

**Case Summary:** The State charged Cougar Henderson with rape in the second degree. At trial, Mr. Henderson challenged the sufficiency of the evidence of "forcible compulsion," and the lower court's refusal to permit evidence of the victim's medical condition, refusal to give Mr. Henderson's proposed instruction on "forcible compulsion," and admission of a report as a business record under ER 803. A jury convicted Mr. Henderson as charged. Mr. Henderson appeals.

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**4) No.: 36316-3-III**

**Case Name: Eakin Enterprises, Inc., et al v. Stratton Ballew, PLLC, et al**

**County: Yakima**

**Case Summary:** John Eakin sued attorney Chris Svendsen for failing to advise him of relevant time limits for filing a patent to protect his invention. The lower court granted partial summary judgment in favor of Mr. Svendsen on the grounds that no attorney-client relationship existed when the limitations period lapsed; thus, Mr. Svendsen did not owe a duty to Mr. Eakin. The court converted the partial judgment to a final judgment under CR 54(b) to permit Mr. Eakin to appeal.

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11:00 a.m.

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5) **No.: 36040-7-III**

**Case Name: In re Marriage of Edward A. Miller and Rita L. Yturri-Smith**

**County: Spokane**

**Case Summary:** Rita Smith and Edward Miller married in 2007 and began dissolution proceedings in 2014. Both came to the marriage with substantial assets from prior marriages. Below, Ms. Smith challenged the lower court's characterization of several complex assets, the distribution of insurance proceeds and other assets, and the tracing of assets. Ms. Smith appeals.

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