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STATE OF WASHINGTON

**SUPREME COURT  
STATE OF WASHINGTON**

RECEIVED BY E-MAIL

GAVIN J. CREGAN, a married man, )  
Respondent, )  
vs. )  
FOURTH MEMORIAL CHURCH, a )  
non-profit Washington corporation, )  
d/b/a RIVERVIEW BIBLE CAMP, )  
Petitioner. )

**NO. 86835-2**  
**RESPONDENT'S**  
**RAP 10.8 STATEMENT**  
**OF ADDITIONAL**  
**AUTHORITIES**

The following authorities are relevant to the Petitioner's Assignment of Error No. 4 that the trial court erred when it raised concerns about whether the Riverview Bible Camp needed to be open to any member of the public for free recreational use at any time:

"... [F]or RSA 508:14, I, [a New Hampshire recreational use statute] to grant immunity, private landowners must permit members of the general public to use their land for recreational purposes." *Estate of Jaycob Gordon-Couture v. Brown*, 152 N.H. 265, 876 A.2d 196, 202 (N.H., 2005) (parenthetical added).

"... [F]or RSA 212:34 [a second New Hampshire recreational use statute] to grant immunity, private landowners must permit members of the general public to use their land for one of the listed recreational purposes." *Id.* at 204 (parenthetical added).

**ORIGINAL**

“... [W]e conclude that the Act [Illinois recreational land use act] immunizes landowners from negligence liability with respect to any person who enters their property for recreational purposes, *provided that such property is open to the public*. Conversely, the Act’s protections are *not* available to landowners who restrict the use of their property to invited guests only.” *Hall v. Henn*, 208 Ill.2d 325, 802 N.E.2d 797, 800 (Ill., 2003) (parenthetical added; emphasis added by Court).

“... [A] single person may be a member of the public, but, at least in the ordinary sense of the term, a single person is not ‘the public.’ The purpose of the statute [Oregon’s recreational land use statute] is thus plain. If private landowners will make their lands available *to the general public* for recreational purposes, the state will ‘trade’ that public access for immunity from liability that might result from the use of the property. ... In light of that purpose, it seems likely to us that the legislature intended the immunity to apply only when permission is granted to a person as a member of the public generally, not as a specific invitee.” *Conant v. Stroup*, 183 Ore. App. 270, 51 P.3d 1263, 1266 (Ore. App., 2002) (parenthetical added; emphasis added by Court).

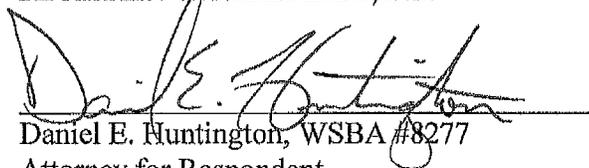
“Section 57-14-1 [a section of Utah’s landowner liability act] codifies the legislative intent to induce owners to make land available to the public for

recreational purposes. ... Although the Act does not define the term 'public,' in its plain meaning the term connotes 'an unexclusive group of persons.' 73 C.J.S. *Public* (1983). 'Public' has been defined as 'the whole body of people' and 'open to all; ... open to common use ... not limited or restricted to any particular class of the community.' *Black's Law Dictionary* 1393 (4th Ed. 1951). ... Thus, under the plain meaning of the Landowner Liability Act, landowners must make their land 'open to all' and not 'restricted to any particular class in the community' to qualify for immunity under the Act." *Perrine v. Kennecott Mining Corporation*, 911 P.2d 1290, 1292-1293 (Utah, 1996) (parenthetical added).

See also, *Fryberger v. Lake Cable Recreation Association*, 40 Ohio St.3d 349, 533 N.E.2d 738 (1988); *Loyer v. Buchholz*, 38 Ohio St.3d 65, 526 N.E.2d 300 (1988).

**RESPECTFULLY SUBMITTED** this 2<sup>nd</sup> day of March, 2012.

**RICHTER-WIMBERLEY, P.S.**



Daniel E. Huntington, WSBA #8277

Attorney for Respondent

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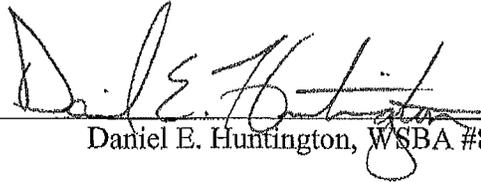
**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing Respondent's RAP 10.8 Statement of Additional Authorities with the Clerk of the Supreme Court for the State of Washington via e-mail on March 2, 2012.

I further certify that on the 2<sup>nd</sup> day of March, 2012, I caused to be delivered the foregoing Respondent's RAP 10.8 Statement of Additional Authorities to the following counsel of record in the manner indicated:

Matthew T. Ries	<input checked="" type="checkbox"/>	U.S. Mail
Stamper Rubens, P.S.	<input type="checkbox"/>	Certified Mail
720 W. Boone, Suite 200	<input type="checkbox"/>	Hand Delivered
Spokane, WA 99201	<input type="checkbox"/>	Facsimile (509) 326-4891

John P. Bowman	<input checked="" type="checkbox"/>	U.S. Mail
Keefe, Bowman & Bruya, P.S.	<input type="checkbox"/>	Certified Mail
601 W. Main, Suite 1102	<input type="checkbox"/>	Hand Delivered
Spokane, WA 99201	<input type="checkbox"/>	Facsimile (509) 623-1380

  
\_\_\_\_\_  
Daniel E. Huntington, WSBA #8277

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**From:** OFFICE RECEPTIONIST, CLERK  
**Sent:** Friday, March 02, 2012 1:28 PM  
**To:** 'Richter-Wimberley'  
**Cc:** mries@stamperlaw.com; jbowman@kkbowman.com  
**Subject:** RE: Gavin J. Cregan v. Fourth Memorial Church, d/ba Riverview Bible Camp

Received 3/2/11

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

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**From:** Richter-Wimberley [<mailto:r-wlaw@richter-wimberley.com>]  
**Sent:** Friday, March 02, 2012 1:27 PM  
**To:** OFFICE RECEPTIONIST, CLERK  
**Cc:** [mries@stamperlaw.com](mailto:mries@stamperlaw.com); [jbowman@kkbowman.com](mailto:jbowman@kkbowman.com)  
**Subject:** Gavin J. Cregan v. Fourth Memorial Church, d/ba Riverview Bible Camp

Dear Mr. Carpenter:

Re: Gavin J. Cregan v. Fourth Memorial Church, d/b/a Riverview Bible Camp  
Supreme Court Case No. 86835-2

Please see the attached Respondent's RAP 10.8 Statement of Additional Authorities, sent to you for filing by email.

Respectfully submitted,

Daniel E. Huntington, WSBA #8277

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