

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: Tuesday, December 6, 2011
Location: Spokane, 500 N. Cedar

9:00 a.m.

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- 1) **No.: 29766-7-III**
Case Name: Evergreen Money Source Mortgage Co. v. Larry Shannon, et ux et al
County: Grant
Case Summary: Larry Shannon's real estate lending office in Moses Lake ended its two-year affiliation with Evergreen Moneysource Mortgage Company and became affiliated with Guild Mortgage. Evergreen then filed suit against Shannon for breach of contract and breach of the duty of loyalty, and against both Shannon and Guild for tortious interference with business expectancy and contractual relations, and violation of the Consumer Protection Act, chapter 19.86 RCW. The court dismissed all claims on summary judgment and denied Evergreen's motion for leave to amend its complaint to claim violation of Washington's Uniform Trade Secret Act (UTSA), chapter 19.108 RCW. Evergreen appeals.

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2) **No.: 29608-3-III**

Case Name: Bert Hook v. Lincoln County Noxious Weed Control Board, et al
County: Lincoln

Case Summary: The Lincoln County Noxious Weed Control Board levied a lien on Bert Hook's property for the eradication of noxious weeds. Hook sued for declaratory and injunctive relief, alleging the County's activation of the Board was void for failure to adhere to notice requirements prescribed by RCW 36.32.120(7), thus rendering the Board's action against him ultra vires. The court granted summary judgment dismissal in favor of Lincoln County and the Board. Hook appeals.

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3) **No.: 29313-1-III**

Case Name: State of Washington v. Daniel Anthony-Norris Ross
County: Kittitas

Case Summary: Daniel Ross made recorded telephone calls to his wife in violation of a restraining order while incarcerated in a Department of Corrections prison. The Department's recordings were presented as evidence in Ross's trial for ten counts of violation of a no-contact order. A jury found Ross guilty as charged. He appeals.

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11:00 a.m.

4) **No.: 29553-2-III**

Case Name: State of Washington v. Doroteo Villano, Jr.
County: Franklin

Case Summary: Doroteo Villano, Jr. was found guilty of first degree arson by the juvenile court. He appeals both the adjudication of guilt and a probation condition prohibiting his possession of gang paraphernalia.

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5) **No.: 29590-7-III**

Case Name: Gaston Cornu-Labat v. Hospital District #2 of Grant County, d/b/a Quincy Valley Hospital

County: Grant

Case Summary: The Quincy Valley Hospital's chief of medical staff, Dr. Gaston Cornu-Labat, filed suit against the Hospital after it denied his public records request for disclosure of his disciplinary records. The court rejected the Hospital's several claims of statutory and contractual exemptions from disclosure and granted summary judgment for Cornu-Labat. The Hospital appeals.

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6) **No.: 29906-6-III**

Case Name: John Hymas v. UAP Distribution, Inc., et al

County: Benton

Case Summary: John Hymas, an employee of Narum Concrete Construction, Inc., was seriously injured on the job at UAP Distribution, Inc.'s construction site. Hymas sued UAP for failure to comply with regulations under the Washington Industrial Safety and Health Act (chapter 49.17 RCW), and for breach of common law duty owed to a business invitee. The trial court granted summary judgment dismissal in favor of UAP. Hymas appeals.

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7) **No.: 29804-3-III**

Case Name: Jacquelyne Smith v. Bryan Stockdale, et al

County: Kittitas

Case Summary: Jacquelyne Smith was injured while cliff jumping from public property adjacent to recreation fee property owned and operated by Bryan Stockdale and his corporations (Vantage). Smith sued Vantage for negligent failure to protect her from the dangers of cliff jumping, and for violation of the Consumer Protection Act, chapter 19.86 RCW, on the theory Vantage deceptively charged a fee to access the adjacent property. The court granted Vantage's motion for summary judgment dismissal. Smith appeals.

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1:00 p.m.

8) **No.: 30085-4-II**

Case Name: Elinor Jean Tatham v. James Crampton Rogers

County: Jefferson

Case Summary: After Elinor Tatham and James Rogers ended their nine-year committed intimate relationship, the superior court awarded a 75/25 percent community-like property split in favor of Tatham. Rogers filed a CR 60(b) motion for relief from judgment, in which he challenged the asset division and claimed the judge violated the appearance of fairness doctrine and should have recused himself. The court denied the motion. Rogers appeals.

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