

# 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, January 31, 2019**  
**Location: Spokane, 500 N. Cedar**

---

**9:00 a.m.**

---

**1) No.: 34677-3-III**

**Case Name: State of Washington v. Shalin E. Alltus**

**County: Okanogan**

**Case Summary:** In 2014, when Shalin Alltus was 16 years old, she was living with her boyfriend, Parker Bachtold, at her uncle's house in Riverside. Ms. Alltus's uncle was found dead of two gunshot wounds and a head injury in October 2014. One of the uncle's trucks and two of his guns were missing. Police officers soon arrested Ms. Alltus and Mr. Bachtold in an Oregon hotel, and recovered the stolen truck and the guns there. The State charged Ms. Alltus with first degree aggravated murder, first degree robbery, theft of a motor vehicle, two counts of theft of a firearm, and two counts of second degree unlawful possession of a firearm by a juvenile. She was tried as an adult. The jury found her guilty of premeditated—rather than aggravated—murder and the rest of the crimes as charged. She appeals.

**View briefs in Acrobat format by clicking the link below and entering the case number.**

**[Division Three Briefs](#)**

2) **No.: 35842-9-III**

**Case Name: Duane Young v. Toyota Motor Sales**

**County: Spokane**

**Case Summary:** Duane Young bought a 2014 Toyota Tacoma pick-up truck with a special “limited package” in October 2013. After he purchased the truck, Mr. Young noticed that it did not have the temperature gauge embedded in the rearview mirror as advertised in the limited package. A few months after he bought the truck, Toyota contacted him, informed him that the 2014 Tacoma was not supposed to have the temperature gauge, and explained that the advertising was incorrect. After unsuccessful attempts to have Toyota install the rearview mirror with the temperature gauge, Mr. Young sued Toyota for fraud, negligent misrepresentation, and violation of the Consumer Protection Act (CPA). The trial court dismissed Mr. Young’s fraud claim in a partial grant of Toyota’s motion for summary judgment. After a bench trial, the trial court ruled in Toyota’s favor on the remaining claims. Mr. Young appeals.

**View briefs in Acrobat format by clicking the link below and entering the case number.**

**[Division Three Briefs](#)**

---

3) **No.: 35029-1-III**

**Case Name: State of Washington v. Gabriel Ruelas**

**County: Adams**

**Case Summary:** In November 2015, Gabriel Ruelas was stopped for speeding and arrested because he had a large bag of marijuana in the vehicle. After his arrest, but before he was read his *Miranda* rights, Mr. Ruelas volunteered incriminating information. The State charged him with possession of marijuana over 40 grams. Over the next eight months, he continued his trial multiple times in order to try to obtain an expert witness who could support the defense of necessity. Eventually Mr. Ruelas decided to go forward with the necessity defense without an expert witness. The trial court sustained the State’s objection and denied Mr. Ruelas’s defense of necessity without expert testimony. After the State had presented its case, Mr. Ruelas notified the court that he had found an expert witness who could testify that same day telephonically. The trial court excluded the expert witness as untimely and unfair. The jury found Mr. Ruelas guilty as charged and he now appeals.

**View briefs in Acrobat format by clicking the link below and entering the case number.**

**[Division Three Briefs](#)**

---

11:00 a.m.

---

4) **No.: 35767-8-III**

**Case Name: Mainline Rock & Ballast, Inc. v. Barnes, Inc.**

**County: Spokane**

**Case Summary:** Mainline Rock & Ballast, Inc. develops and operates rock quarries to produce and sell ballast, a rock material used as the base for railroad tracks. In the process of creating ballast, the crushing operation creates by-product aggregate materials that are sometimes commercially sellable for use in road construction and other projects. Mainline hired Barnes, Inc. to drill and blast rock at one of Mainline's quarries in Torrance, New Mexico. The agreement between the parties stated that Mainline would compensate Barnes for any rock materials Barnes blasted that were sold to a third party. The by-product materials at the Torrance site were not deemed sellable and were stockpiled for reclamation of the pit site. Mainline sold the Torrance quarry in 2017. The sale included all stockpiled commercially sellable aggregate inventory. Mainline agreed to pay Barnes for all sellable materials that remained on the quarry at the time of the sale, estimating the amount as 2.8 million tons. Barnes responded that it believed Mainline possessed about six million tons of stockpiled materials. Rather than the \$2.8 million Mainline originally offered Barnes for the aggregate, Mainline eventually tendered Barnes only \$905,596, claiming that it had factored out the unsellable aggregate. An arbitration panel awarded Barnes an additional payment of \$354,840, much less than the \$7 million it had requested, and the trial court confirmed the award. Barnes appeals, asking this court to vacate the arbitral award.

**View briefs in Acrobat format by clicking the link below and entering the case number.**

**[Division Three Briefs](#)**

---

\*\*\*\*\*