

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, October 29, 2020

Location: Spokane, 500 North Cedar

Video Oral Argument

9:00 a.m.

1) No.: 36781-9-III

Case Name: Lisa and Todd Homer v. Rhonda Homer

County: Yakima

Case Summary: A child's grandparents brought a non-parental custody action under chapter 26.10, RCW. The superior court granted the grandparents' petition. The mother appeals matters concerning sufficiency of the evidence and the court's application of the law to the facts.

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9:30 a.m.

2) **No.: 37064-0-III**

Case Name: State of Washington v. Wayne B. Symmonds

County: Grant

Case Summary: A jury convicted Wayne Symmonds of assaulting a law enforcement officer and other related crimes. Mr. Symmonds appeals, raising several issues concerning whether the deputy prosecutor's conduct throughout the trial deprived Mr. Symmonds of his right to a fair trial.

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10:30 a.m.

3) **No.: 36250-7-III**

Case Name: State of Washington v. Douglas Arbogast

County: Benton

Case Summary: A jury convicted Douglas Arbogast of sex offenses stemming from a "Net Nanny" operation. Mr. Arbogast appeals the denial of his entrapment defense, and alternatively requests dismissal on similar grounds.

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11:00 a.m.

4) **No.: 36793-2-III**

Case Name: City of Selah v. Steven and Janet Owens

County: Yakima

Case Summary: The City of Selah initiated this lawsuit against the Owens after determining that property owned by them violated provisions of the Selah Municipal Code. On summary judgment, the Yakima County Superior Court found the property to

be in violation of local ordinances, declared it a nuisance, and issued an order of abatement. The Owenses appeal, arguing that the Land Use Petition Act should have governed the action, that the City's action violated the City's municipal code, that genuine issues of material fact existed that should have precluded summary judgment, and that the superior court erred by ignoring a purported settlement agreement between the parties.

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