

79615-7

FILED
DEC 20 2006
CLERK OF SUPREME COURT
STATE OF WASHINGTON
[Signature]

RECEIVED

DEC 14 2006

No. _____
In the Office of the Clerk of Court
Washington Court of Appeals, 400 Third Floor
By _____

(Court of Appeals No. 244148-III)

**IN THE SUPREME COURT
OF THE STATE OF WASHINGTON**

**KEN BRIGGS, JUDY ROBERTSON, MARK JOHNSON,
BEVERLY NUNN, JAMI SMITH, SHIRLEY BADER, PAM
ZELLER, MARGARET ("PEGGY") CLARK, ODALYS P.
CASTILLO, and VALERIE BRUCK,**

Plaintiffs/Petitioners

v.

**NOVA SERVICES, a Washington non-profit corporation, and
LINDA BRENNAN,**

Defendants/Respondents.

PETITION FOR REVIEW

**Mary R. Giannini, WSBA No. 18308
Attorney for Appellants Ken Briggs,
Judy Robertson, Mark Johnson, Beverly
Nunn, Jami Smith, Shirley Bader, Pam
Zeller, Margaret ("Peggy") Clark,
and Valerie Bruck**

**WITHERSPOON, KELLEY, DAVENPORT
& TOOLE, P.S.
1100 U.S. Bank Building
422 West Riverside Avenue
Spokane, Washington 99201
(509) 624-5265**

TABLE OF CONTENTS

I. . IDENTITY OF PETITIONER..... 1

II. . COURT OF APPEALS DECISIONS..... 1

III. . ISSUES PRESENTED FOR REVIEW..... 1

A. Issues of Fact Precluded Summary Judgment _____ 1

 1. Engagement by Employees in Protected Concerted Action _____ 1

 2. The managerial status of the Employees _____ 1

 3. Retaliatory Firing for Engaging in Protected Concerted Action _____ 2

 4. Negligent Supervision by the Board of Directors _____ 2

B. Motion to Compel and Motion for Continuance _____ 3

IV. STATEMENT OF THE CASE..... 3

V. ARGUMENT WHY REVIEW SHOULD BE ACCEPTED..... 11

A. Summary judgment is not appropriate where there are genuine issues of material fact. _____ 11

 1. Employees joined together in concerted action to protest to the Board of Directors, first, the deficiencies of Nova’s executive director and deficient working conditions, and then later the firing of their colleagues and worsening work conditions _____ 13

 2. No evidence was presented to the trial court as to the managerial status of the Employees _____ 15

 3. All of the Employees were discharged in retaliation for joining together to complain to the Board of Directors – a statutorily protected activity _____ 17

 4. There is a genuine issue of fact as to whether Nova Services negligently supervised Linda Brennan _____ 18

B. Motion to Compel and/or Motion for Continuance should have been granted _____ 18

VI. CONCLUSION..... 20

APPENDIX A – Published Opinion of Division III Court of Appeals

TABLE OF AUTHORITIES

Cases

<i>Anica v. Wal-Mart Stores, Inc.</i> 120 Wn App. 481, 487, 84 P. 3d 1231 (2004).....	12
<i>Atlantic-Pacific Construction Co. v. NLRB</i> , 52 F.3d 260, 263-264 (9 th Circ 1995).....	15
<i>Bravo v. Dolsen Cos.</i> , 125 Wn2d 745 (1995); 29 U.S.C. Sections 157-158	13
<i>Butler v. Joy</i> , 116 Wn. App. 291, 65 P.3d 671 (2003)	19
<i>City of Seattle v. Mighty Movers, Inc.</i> , 152 Wn.2d 343, 348, 96 P.3d 979 (2004).....	13
<i>Clements v. Travelers Indem. Co.</i> , 121 Wn.2d 243, 850 P.2d 1298 (1993)	13
<i>Coggle v. Snow</i> , 56 Wn. App. 499, 508, 784 P.2d 554 (1990).....	19
<i>Coggle v. Snow</i> , at 505	19
<i>Francom v. Costco Wholesale Corp.</i> , 98 Wn. App. 845, 861-62, 991 P. 2d 1182 (2000).....	17
<i>LaPlante v. State</i> , 85 Wn.2d 154, 158, 531 P.2d 299 (1975)	13
<i>Lindblad v. The Boeing Company</i> , 108 Wn. App. 198, 207, 31 P.3d 1 (2001).....	20
<i>Malnar v. Carlson</i> , 128 Wn.2d 521, 534, 910 P.2d 455 (1996)	12
<i>McConiga v. Riches</i> , 40 Wn.App. 532, 536, 700 P.2d 331 (1985)	12
<i>Meadows v. Grant's Auto Brokers, Inc.</i> , 71 Wn.2d 874, 431 P.2d 216 (1967).....	12
<i>Money Savers Pharmacy, Inc. v. Koffler Stores (Western), Ltd.</i> , 37 Wn.App. 602, 608, 682 P.2d 960 (1984).....	12
<i>Mostrom v. Pettibon</i> , 25 Wn.App. 158, 162, 607 P.2d 864 (1980).....	12
<i>Olympic Fish Products, Inc. v. Boyd</i> , 23 Wn.App. 499, 597 P.2d 436 (1979), <i>aff'd</i> 93 Wn.2d 596, 611 P.2d 737 (1980).....	13
<i>Preston v. Duncan</i> , 55 Wn.2d 678, 681-82, 349 P.2d 605 (1960)	12
<i>Sewick v. Gwinn</i> , 73 Wn.App. 879, 873 P.2d 528 (1994)	12
<i>Tellevik v. Real Property</i> , 120 Wn.2d 68, 89-91, 845 P.2d 1325 (1992) ..	20
<i>United Merchants & Mfrs., Inc v. NLRB</i> , 554 F.2d 1276, 1278 (4 th Circ. 1977).....	15

Statutes

RCW 49.32.020	13, 14, 15, 18
---------------------	----------------

Rules

CR 56	12
CR 56(c)	11

I. IDENTITY OF PETITIONER

Ken Briggs, Judy Robertson, Mark Johnson, Beverly Nunn, Jami Smith, Shirley Bader, Margaret (Peggy) Clark and Valerie Bruck, all former employees of Defendant/Respondent Nova Services ("Employees") seek review of the decision designated in Part II.

II. COURT OF APPEALS DECISIONS

The Employees seek review of Division III's decision filed November 14, 2006 and reported as Briggs v. Nova Services, No. 244148-III. The decision is in the Appendix.

III. ISSUES PRESENTED FOR REVIEW

A. Issues of Fact Precluded Summary Judgment.

1. Engagement by Employees in Protected Concerted Action: "Concerted activities" undertaken by employees with one another regarding work conditions and other mutual aid protections are protected under Washington and Federal law. The Court of Appeals concluded the activities engaged in by the Nova employees were not for purposes of improving working conditions and/or other mutual aid protections. Opinion, page 7-8. It is a question of fact whether the "concerted activities" were regarding working conditions or other mutual aid protections.

2. The managerial status of the Employees: The Court of

Appeals concluded the Nova employees were “supervisors” or “managers” and thus not entitled to the protections of RCW 49.32.020 and Federal Labor relations law. Opinion, page 7-8. No evidence was presented to the trial court with respect to the managerial or supervisory status of the employees. The managerial/supervisory status of each employee is a question of fact precluding summary judgment.

3. Retaliatory Firing for Engaging in Protected Concerted Action: The employees who complained to the Board of Directors either initially or because of the firings of two of their number were engaged in protected activities for which their employment was terminated. In order to make out a claim for retaliation the employees must show a causal link between their engagement in protected activities and an adverse employment action. Opinion, page 9-10. There are questions of fact about the nature of their concerted activities, the nature of the adverse employment actions and the causal link between them which preclude summary judgment.

4. Negligent Supervision by the Board of Directors: The employees alleged the Board of Directors negligently supervised the Executive Director and as a result the employees were injured. The Court of Appeals ruled there was no evidence the Executive Director presented a risk of harm to other employees. Opinion, page 10. The employees

alleged damage by virtue of the Executive Director's neglect of clients, neglect of the business and inappropriate financial dealings. There are issues of material fact with respect to the nature of the risk of harm to other employees which precludes summary judgment.

B. Motion to Compel and Motion for Continuance:

The employees' motion to compel and motion for continuance were denied. The Court of Appeals ruled the trial court did not abuse its discretion by denying the motions. Opinion, pages 3-4, 10-11. Under the facts of this case, the trial court abused its discretion in failing to grant the motion for continuance and the motion to compel.

IV. STATEMENT OF THE CASE

Nova is a non-profit entity, a public charity, federally tax exempt under section 501(c)(3) of the Internal Revenue Code. Its funding comes from federal, state and local grants, charitable contributions, and fees to businesses for their services. Nova's mission and purpose is to provide vocational and personal development to persons with disabilities or disadvantages. Plaintiffs were all employees of Nova Services, several of whom were employed more than five years. CP 168:203, CP 181:24-25. All of the employees were extensively involved in the day-to-day operations at Nova. Over the years Judy Robertson and others had heard numerous concerns expressed by these and other employees about the

Executive Director's inadequate leadership and management skills, decision-making which jeopardized clients, biased and arbitrary decisions with regard to employees, poor work habits and questionable financial practices. CP 168:2-7; 170:9-22; 171:19-25; 173:9-20; 174:8-10; 182:21-22.

Six employees – Robertson, Briggs, Nunn, Smith, Bader and Johnson - after discussing for several months how to bring their concerns forward, having been ignored for years by the Executive Director, wrote a letter in April, 2004, to defendant's Board of Directors. CP 167:24-28; 168:1-8. They suspected the Board was unaware of the organization's challenges, since by employment policy only Linda Brennan was permitted to communicate with the Board; and they expected once the Board heard from the employees the Board would ask for further information. CP 159:11-14; 169:19-26; 182:2-3, 7-12. The employees also contacted the U. S. Department of Labor about the wage and hour concerns; made contact with the Washington Protection and Advocacy System, an advocacy group for disabled persons, and contacted the Internal Revenue Service about how to request an investigation. CP 165:12-16.

Other than a letter and several emails to the employees' attorney, the Board made no contact with employees until the end of June, 2004,

and then only because the employees continually requested that Ellen Flanigan, a human resources consultant hired by the Board, arrange a meeting. CP 168:23-26; 183:23-27; 184:1.

The Board hired an attorney to do an investigation. CP 164:23; 183:23-24. After the investigation was complete, the Board hired Ellen Flanigan, though the Board had indicated it would hire a mediator. CP 164:15-17; 183:4-26.

Ms. Flanigan met with the six employees and told them "this is Linda's company", "Nova is not a democracy", "we don't need to like Linda, just learn to work with her", and that dismissal of Ms. Brennan was not an option. CP 166:3-5; 171:3-4. The employees' perception, based on her actions and attitudes, was that Ms. Flanigan worked for Ms. Brennan, and was not receptive to their concerns. CP 164:15-21; 172:13-16.

After numerous requests by the employees, Ms. Flanigan finally agreed to set up a meeting for them to meet with the Board. CP 168:27; 184:2-7. The employees met with the Board on or about June 29, 2004 for approximately one hour – to the surprise of the employees, the Board had virtually no questions of them and appeared not be interested in their additional information. CP 184:4-6.

On July 12, 2004, Ms. Flanigan and Ms. Brennan met with Bev Nunn, Shirley Bader, Mark Johnson and Jami Smith, told them they

needed to put aside their concerns and agree to try to work with Ms. Brennan, but did not tell them they intended to fire employees Judy Robertson and Ken Briggs later that day. CP 178:22-27. Fearful that refusing to agree with Ms. Brennan would mean being fired, they each agreed. CP 184:12-14. Ms. Brennan and Ms. Flanigan then fired Briggs and Robertson for insubordination, foregoing alliances with other employees, disloyalty to Ms. Brennan, and violation of a company policy. CP 67, 165:23-24; 169:7-8. At the end of the day Ms. Brennan and Ms. Flanigan announced to the staff that Briggs and Robertson had been fired, and that the rest of the employees were now expected to stop complaining and move ahead, and told not to consult with their attorney. CP 184:12-15.

The remaining plaintiffs drafted and signed another letter, objecting to the firings and demanding the Board respond to their concerns. CP 184:16-20. The Board did not respond. CP 184:20. Johnson, Smith, Nunn, Clark, Bruck and Castillo were notified approximately July 21, 2004 they were considered to have resigned their employment. CP 176:26. Meanwhile, on Monday, July 19, and Tuesday, July 20, 2004, the employees, including Briggs and Robertson, visited the State Department of Social and Health Services and the Spokane County Department of Community Services to explain their concerns and request

assistance in evaluating Nova and Ms. Brennan. CP 165:15-16; 310:22-26.

On September 17, 2004, ten plaintiffs filed their Complaint for damages for wrongful termination in violation of public policy, unlawful retaliation, negligent infliction of emotional distress, intention infliction of emotion distress/outrage and negligent supervision/ retention against Nova Services and their Executive Director, Linda Brennan. CP 1-15. Since then Plaintiff Odalys Castillo resolved her claims and Plaintiff Pam Zeller abandoned her claims and became employed elsewhere. CP 7:12-13; CP 25:16-17. Defendants filed their Answer on October 7, 2004. CP 21-26. On December 17, 2004, the court entered a Scheduling Order which provided for discovery to be completed on or before May 9, 2005 and for trial on July 11, 2005. CP 28-29.

On February 11, 2005, Counsel appeared before Judge Sybolt on defendant's motion for continuance. RP (2/11/05) 1-3; 3-7. Counsel for Defendants, Mr. Rukavina, represented to the court "...We have ten plaintiffs, Mary does, and at least 15 to 20 depositions in this thing ... so we are going to need more time". RP (2/11/05) 3:21-24. Mr. Rukavina had submitted an affidavit in support of the Motion for Continuance in which he stated there were 10 plaintiffs, two defendants, and at least twelve to fifteen witnesses expected to testify; and that up to thirty depositions were anticipated. CP 30-31. Counsel for plaintiffs, Ms.

Giannini, agreed with and supported defense counsel's comments. RP (2/11/05) 4:2-3. The court found there was good cause to grant the Motion. RP (2/11/05) 4:12-16. The court reset the trial for November 28, 2005, with discovery to be completed by September 26, 2005. RP (2/11/05) 5:7-8; CP 40.

On March 17, 2005, 24 working days after the continuance had been granted, defense counsel filed a Motion for Summary Judgment without either party taking any depositions or conducting any discovery. CP 42-43. The hearing on the Motion was set for April 22, 2005, allowing plaintiffs' counsel 17 working days in which to file her response. CP 127-128. Plaintiff's counsel then filed on March 21, 2005 a Motion Compelling Discovery, seeking to compel Defendant to provide documents in response to Requests for Production that had been served on Defendants on December 11, 2004, and to which Defendant's counsel had refused to respond. CP 129-154. The Employee's counsel had no opportunity to conduct her own depositions of Defendant's board of Directors, executive director or any others prior to the Summary Judgment hearing. RP (4/22/05) 9:25-10:5;31:17-32:5. At the time of the hearing on the Motion for Summary Judgment and plaintiffs' Motion Compelling Discovery, defendant's counsel had filed no response to Plaintiffs' Motion.

Prior to the commencement of the hearing on Defendants' Motion

for Summary Judgment, plaintiffs' counsel moved for a continuance under CR 56(f), advising the court of the lack of opportunity for discovery since the case had been continued only two months prior on the basis that substantial discovery needed to be done, and approximately 3-4 weeks later the Summary Judgment motion was filed by defendants' attorney. RP (4/22/05) 9:20-10:5, 15-19. The court proceeded with the Summary Judgment hearing without ruling on plaintiffs' Motion for Continuance. RP (4/22/05) 13:1-2.

Plaintiffs' counsel again made a CR 56(f) motion, informing the court there was information in discovery that would be critical to her clients' position, that she hadn't had the opportunity to do discovery and that the discovery cutoff wasn't until mid-September, another four and one-half months. RP (4/22/05) 31:2-11. Plaintiffs' counsel further informed the court that she wanted to depose the board of directors to learn what the board knew about the organization, the mission of the organization, what the executive director had told the board about the employees' complaints, whether the board had made any effort to determine the truthfulness of the employees' complaints, whether the board gave the executive director authority to fire two of the plaintiffs without any lawful reason for doing so and whether their termination was retaliation. RP (4/22/05) 31:17-32:3. Defense counsel characterized

plaintiffs' request for "additional discovery" as a "fishing expedition", even though there had been no discovery since Defendants' Motion for Continuance was granted on February 11, 2005. RP (4/22/05) 32:25-33:7. The court denied plaintiffs' Motion for Continuance on the ground that plaintiffs could have obtained the requested discovery prior to the Summary Judgment motion. RP (4/22/05) 37:5-10.

The court then orally granted Defendant's Motion for Summary Judgment as to all plaintiffs on all claims except the negligent supervision claim. RP (4/22/05) 37:11-41:5.

Plaintiff's Motion to Compel related to Defendant's counsel's refusal to produce documents pursuant to Requests for Production of the Board of Directors meeting's minutes to determine how the board was carrying on its business, how it developed policies, and to what extent the Board of Directors knew, given its disconnection from employees, what was actually going on in the organization. RP (4/22/05) 41:8-15. There was also a Request for Production of Documents related to expenditure of company funds by credit card to determine the appropriateness of such expenditures, which the defendant also refused to produce. RP (4/22/05) 41:16-19. Defendant's counsel, without filing any written response, argued to the court that such information was not relevant and was privileged. RP (4/22/05) 41:24-42:6.

On April 27, 2005 the Court issued a letter ruling granting summary judgment as to Plaintiffs' remaining cause of action, and ruled that Plaintiff's Motion to Compel was moot because the Motion for Summary Judgment had been granted as to all plaintiffs and all claims. CP 350-351. The Court entered an Order granting Defendant's Motion for Summary Judgment and Denying Plaintiffs' Motion for Continuance on May 16, 2005, and an Order of Dismissal of all of Plaintiff's claims. CP 352-354, 357-358. Plaintiffs filed a Motion for Reconsideration, Affidavit and Memorandum in Support on May 26, 2005. CP 359-379. The Court entered an Order Denying Plaintiffs' Motion to Reconsider on July 14, 2005. CP 385-386. Plaintiffs filed their Notice of Appeal on August 5, 2005. CP 387-393.

The Court of Appeals, Division III, affirmed the trial court's granting of the Defendant's Motion for Summary Judgment and denial of Plaintiffs' Motion for Continuance and Motion to Compel.

V. ARGUMENT WHY REVIEW SHOULD BE ACCEPTED

A. Summary judgment is not appropriate where there are genuine issues of material fact.

Summary judgment should be granted only when there is no genuine issue as to any material fact, and the moving party is entitled to judgment as a matter of law. CR 56(c); *Anica v. Wal-Mart Stores, Inc.*

120 Wn App. 481, 487, 84 P. 3d 1231 (2004). The task of the trial court is to identify any genuine issue of material fact, not to resolve factual disputes. *McConiga v. Riches*, 40 Wn.App. 532, 536, 700 P.2d 331 (1985). The court must consider the material evidence and all reasonable inferences therefrom most favorably to the non-moving party; when so considered, if reasonable men might reach different conclusions, the motion should be denied. *Id.* Even if evidentiary facts are not in dispute, if different inferences or conclusions may be drawn from them as to the ultimate facts, such as intent, knowledge, good faith, or negligence, summary judgment is not warranted. *Preston v. Duncan*, 55 Wn.2d 678, 681-82, 349 P.2d 605 (1960); *Money Savers Pharmacy, Inc. v. Koffler Stores (Western), Ltd.*, 37 Wn.App. 602, 608, 682 P.2d 960 (1984). . A court must deny a motion for summary judgment if the record shows any reasonable hypotheses that entitles the non-moving party to the relief sought. *Mostrom v. Pettibon*, 25 Wn.App. 158, 162, 607 P.2d 864 (1980).

Summary judgment is seldom available in cases raising material issues as to a person's state of mind; e.g. cases raising issues of intent or involving facts peculiarly within the knowledge of the moving party. Such matters are normally resolved only after cross-examination and rebuttal. See e.g. *Sewick v. Gwinn*, 73 Wn.App. 879, 873 P.2d 528 (1994) (intent to defraud); *Olympic Fish Products, Inc. v. Boyd*, 23 Wn.App. 499,

597 P.2d 436 (1979), *aff'd* 93 Wn.2d 596, 611 P.2d 737 (1980) (good-faith intent). A "material fact" precluding summary judgment is one upon which the outcome of the litigation depends. *Clements v. Travelers Indem. Co.*, 121 Wn.2d 243, 850 P.2d 1298 (1993). An appellate court reviews a granting of summary judgment *de novo*, applying the same standard as the trial court. *City of Seattle v. Mighty Movers, Inc.*, 152 Wn.2d 343, 348, 96 P.3d 979 (2004).

1. Employees joined together in concerted action to protest to the Board of Directors, first, the deficiencies of Nova's executive director and deficient working conditions, and then later the firing of their colleagues and worsening work conditions. Division III opines that "concerted activities", activities undertaken by employees, even non-union employees, in unison with one another for the purpose of improving their work conditions, and for "other mutual aid and protections" are protected under Washington and Federal law. RCW 49.32.020; *Bravo v. Dolsen Cos.*, 125 Wn2d 745 (1995); 29 U.S.C. Sections 157-158. It then concludes, however, that the first letter sent to the Board presented merely "personal preferences and professional differences" which are not protected under Washington law. Opinion page 8. It concluded the demands in the second letter, sent by employees to protest the firing of their colleagues and worsening work conditions

“exceeded those recognized in prior cases and were not focused on any term or condition of employment.” Published Opinion, page 8.

The first letter the employees sent to the Board was “concerted activity” for the purpose of mutual aid and protest of working conditions. The employees raised issues concerning the skill and temperament of the Executive Director, the adverse effect of her working skills and style on the organization, clients and other employees, inappropriate financial dealings, failures to follow the law, and numerous other issues, all of which they believed affected their working conditions. There is an issue of fact as to whether the employees were wrongfully terminated for that protected activity.

Similarly, the second letter to the Board asserted that working conditions had worsened, and that the remaining employees objected to the firing of their colleagues in retaliation for complaining to the Board in the first place. Division III failed to acknowledge that under the National Labor Relations Act (“NLRA”), the federal counterpart to RCW 49.32.020, which is persuasive due to text similarity with Washington’s law, that whether concerted action on the part of employees is directly related to the terms and conditions of employment is a factual question, and “the nexus between the activity and working conditions must be gleaned from the totality of the circumstances, as even wholly inarticulate

activity, like walkouts or work slowdowns, may be protected activity.” *Atlantic-Pacific Construction Co. v. NLRB*, 52 F.3d 260, 263-264 (9th Circ 1995). In *Atlantic-Pacific Construction*, employees wrote a letter opposing the promotion of a disliked coworker. The employer argued the letter was not related to working conditions, and was simply the result of a long-standing grudge by the writers. The Court there nevertheless concluded that protests and complaints about the hiring, firing and promotion of other employees, including employees’ views of the capabilities of those employees, fall within protected activity. *Id. at 264*. See also *United Merchants & Mfrs., Inc v. NLRB*, 554 F.2d 1276, 1278 (4th Circ. 1977). Therefore, there is a genuine issue of fact whether the activities engaged in by the employees was concerted action, and whether the employees were wrongfully terminated for that concerted action.

2. No evidence was presented to the trial court as to the managerial status of the Employees. Division III concluded that some, if not all of the Employees are exempt from the protections of RCW 49.32.020 because they were “managers.” The six employees did identify themselves as “managers” in their April, 2004 letter to Nova’s Board of Directors, but there was no evidence presented to the trial court that in fact they were “managers” as contemplated by the federal National Labor Relations Act, sections 157 and 158. (the “Act”) It is not unusual for the

title “manager” to be nothing more than a title.

The Act exempts from its protections supervisors or managerial employees. 29 U.S.C. Section 152(3), 157 and 158; *Health Care & Ret. Corp.*, 511 U.S. 571, 576. An employee’s title is not determinative of his or her classification under the Act. *Bell Aerospace Co.*, 416 U.S. 267 (1974). The trial court must take into consideration additional information, such as the employee’s actual job responsibilities, authority and relationship to management. Further, Division III did not acknowledge that employees Clark and Bruck did not sign the April 6, 2004 letter, nor were they ever described as managers, regardless of what status a so-called “manager” at Nova actually held.

Division III appears to have interchanged the meaning of “exempt” status under the Fair Labor Standards Act (“FLSA”) with being “exempt” from the protections of the Act. The April 6 letter was referring to exempt versus non-exempt status under the FLSA, not to protections under the Act, and while it did not specifically mention Mr. Johnson, Ms. Brennan was well aware Mr. Johnson believed he was misclassified. CP 185:18-26. Exempt status under the FLSA is more broadly construed than managerial status under the Act; not every employee who is exempt under the FLSA is a manager or supervisor. See 29 C.F.R Section 541. It is a question of fact whether the employees who signed the April 6, 2004 and

the July 15, 2004 letters were exempt from the protections of the Act, and the trial court considered no facts relevant to that issue.

3. All of the Employees were discharged in retaliation for joining together to complain to the Board of Directors – a statutorily protected activity. In order to make out a claim for retaliation, an employee must show he or she engaged in statutorily protected activity; that there was an adverse employment action; and that there was a causal link between the employee's activity and the employer's adverse action. *Francom v. Costco Wholesale Corp.*, 98 Wn. App. 845, 861-62, 991 P. 2d 1182 (2000).

The employees contend Nova Services terminated them in retaliation for joining together to make complaints to the Board. Their concerted activity in complaining to the Board was protected activity. Employees Johnson, Nunn, Smith, Clark and Bruck also engaged in a protected activity when they sent their July 15, 2004 letter protesting the terminations of their colleagues. Ms. Brennan, the executive director, considered them to have resigned when they walked off the job because the Board failed to respond to their demands. There is a sufficient causal link between the employees' activities and the employer's actions. Dissenting Judge Sweeney states "The question of fact here is whether any of the employees are excluded from the statutory protections under RCW

49.32.020 due to their employment status.” As noted before, no evidence of employment status was presented to the trial court.

4. There is a genuine issue of fact as to whether Nova Services negligently supervised Linda Brennan. Division III affirmed the trial court’s dismissal of the employees’ claim of negligent supervision on the basis that no evidence showed that Linda Brennan presented a risk of harm to the other employees. There is, however, an issue of fact whether Ms. Brennan wrongfully terminated the employees in violation of their right to engage in protected activity. The employees complained to the Board, through letters and through the investigator the Board hired, about issues related to the health and safety of the agency’s clients, and by extension the other employees. CP 73-77, 84-122. The employees also complained that the executive director mismanaged the funds of the agency, misclassified employees, neglected the needs of clients, and interfered with the ability of her employees to perform their jobs. CP 73-77. Each of these concerns could have, and the employees allege did, create a risk of harm to clients and employees. The Board failed to respond to those concerns, and there was no evidence presented that Board did anything to investigate them further.

B. Motion to Compel and/or Motion for Continuance should have been granted.

Where a CR 56(f) motion for continuance is made, and the opposing party makes no claim it would be prejudiced, even if it does not fit within the guidelines of the rule, the primary consideration in granting or denying the motion should be justice. *Butler v. Joy*, 116 Wn. App. 291, 65 P.3d 671 (2003), *Coggle v. Snow*, 56 Wn. App. 499, 508, 784 P.2d 554 (1990).

A trial court must base its decision making on principle and reason and to do otherwise constitutes an abuse of discretion. *Coggle v. Snow*, at 505. The trend of modern law is to interpret court rules and statutes to allow decision on the merits of the case. *Id.* at 507. Justice is not served by the "draconian application of time limitations". *Id.* at 508.

Defendants filed a summary judgment motion 24 working days after the trial court had continued the trial date based on representation of defendant's attorney that extensive discovery needed to be accomplished in order to prepare for trial, and without any discovery having taken place. It was unreasonable and unrealistic for the trial court to deny the plaintiff's motion for a continuance on the ground that the discovery involved could have been accomplished prior to the filing of the summary judgment motion. The trial court abused its discretion in denying plaintiff's CR 56(f) motion for a continuance.

The trial court also abused its discretion in denying plaintiff's

motion to compel directed to several requests for production of documents relevant to plaintiff's claims of financial mismanagement by defendant's executive director and failure of oversight by defendant's board of directors. *Lindblad v. The Boeing Company*, 108 Wn. App. 198, 207, 31 P.3d 1 (2001). This motion was timely made, prior to the hearing on defendant's motion for summary judgment and should have been granted. *Tellevik v. Real Property*, 120 Wn.2d 68, 89-91, 845 P.2d 1325 (1992).

VI. CONCLUSION

This Court should reverse the Court of Appeals decision affirming the trial court's Order of Summary Judgment because there are issues of fact precluding summary judgment. A further basis for reversal is the trial court's abuse of discretion in denying Plaintiffs' CR 56(f) motion and Motion to Compel.

This case should be remanded for further proceedings.

December 14, 2006.


Mary R. Giannini, WSBA #18308
WITHERSPOON, KELLEY, DAVENPORT
& TOOLE, P.S.
Attorneys for Plaintiffs/Petitioners

APPENDIX "A"

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

KEN BRIGGS, JUDY ROBERTSON,)	No. 24414-8-III
MARK JOHNSON, BEVERLY NUNN,)	
JAMI SMITH, SHIRLEY BADER, PAM)	
ZELLER, MARGARET ("Peggy"))	Division Three
CLARK, ODALYS P. CASTILLO and)	
VALERIE BRUCK,)	
)	PUBLISHED OPINION
Appellants,)	
)	
v.)	
)	
NOVA SERVICES, a Washington non-)	
profit corporation, and LINDA)	
BRENNAN,)	
)	
Respondents.)	
)	

BROWN, J. -- Certain managers and employees of Nova Services became dissatisfied with the management of Nova's executive director, Linda Brennan. Despite a corporate policy against communicating directly with Nova's Board of Directors (Board), the managers complained to the Board about Ms. Brennan. The Board investigated and supported Ms. Brennan. Ms. Brennan fired two of the managers for insubordination. By letter, the remaining managers and the employees gave the Board

No. 24414-8-III
Briggs v. Nova Servs.

an ultimatum, requiring the Board to respond by a deadline, fire Ms. Brennan, and rehire the managers or they would walk out. The deadline passed with no Board response. The signatories were replaced after not returning to work. Their suit for wrongful termination, retaliation, negligent infliction of emotional distress, outrage, and negligent supervision was dismissed on summary judgment. We affirm.

FACTS

Ken Briggs, Judy Robertson, Mark Johnson, Beverly Nunn, Jami Smith, and Shirley Bader worked for Nova Services as part of the management team (Managers). Nova is a not-for-profit corporation providing services for the disabled. Margaret Clark and Valerie Bruck were non-management employees (Employees) of Nova. Linda Brennan is Nova's executive director.

On April 6, 2004, after earlier unsuccessfully trying to talk with Ms. Brennan about their perception of her poor management, and aware of Nova's policy prohibiting employee contact with the Board of Directors, the Managers wrote to the Board about

their concerns. The Board hired an employment attorney to investigate the Managers' allegations and hired Ellen Flanigan, a human resources consultant, to act as mediator. Ms. Flanigan set up a meeting between the Managers and the Board for June 29, 2004.

On July 12, 2004, Ms. Brennan met individually with managers Johnson, Nunn, Smith, and Bader, asking if each could move forward, but not explaining she was going to fire Mr. Briggs and Ms. Robertson for insubordination later that day. Ms. Bader

2

No. 24414-8-III
Briggs v. Nova Servs.

reacted negatively to the firing, giving Ms. Brennan her two week notice. This prompted Ms. Brennan to ask Ms. Bader if she could be loyal to her while she worked for Nova Services. Ms. Bader responded negatively. Ms. Brennan responded by asking Ms. Bader to leave at day's end and gave two weeks' pay.

On July 15, 2004, managers Johnson, Nunn, Smith, and Bader sent a letter to the Board. Employees Clark and Bruck, and four employees not now part of this appeal added their signatures to the letter. The signatories demanded the "immediate removal" of Ms. Brennan and the "immediate reinstatement" of Mr. Briggs and Ms. Robertson by "4:30 p.m., Friday July 16, 2004" or they would "walk out of Nova Services." Clerks Papers (CP) at 79. The Board did not respond. Ms. Brennan treated the signatories' letter and their failure to return to work the next Monday as a group resignation.

The named former Managers and Employees (collectively Workers) sued Nova and Ms. Brennan (collectively Nova) for wrongful termination, retaliation, negligent infliction of emotional distress, outrage, and negligent supervision. Nova moved for summary judgment. The Workers responded with a motion to compel discovery. At argument, the Workers unsuccessfully moved for continuance. The court eventually dismissed all claims and determined the motion to compel was moot. The Workers unsuccessfully moved for reconsideration. The Workers appealed.

ANALYSIS

3

No. 24414-8-III
Briggs v. Nova Servs.

A. Continuance

The issue is whether the trial court erred in denying the Workers' CR 56(f)

motion to continue the summary judgment hearing.

We review the denial of a motion to continue a summary judgment hearing for abuse of discretion. *Butler v. Joy*, 116 Wn. App. 291, 299, 65 P.3d 671 (2003). A court abuses its discretion if its decision is based on untenable grounds or untenable reasons. *Coggle v. Snow*, 56 Wn. App. 499, 507, 784 P.2d 554 (1990).

CR 56(f) requires the opposing party to file an affidavit and state the reasons why additional time is necessary. A court may deny the motion if: "(1) the moving party does not offer a good reason for the delay in obtaining evidence; (2) the moving party does not state what evidence would be established through the additional discovery; or (3) the evidence sought will not raise a genuine issue of fact." *Coggle*, 56 Wn. App. at 507.

The Workers moved to continue after the court decided certain affidavits contained inadmissible evidence. The Workers argued: "I would make the motion under [CR] 56(f) at this point that we have that opportunity at least to determine what's out there." Report of Proceedings (RP) at 11. Further: "The discovery cutoff date isn't even until mid September and we have ample opportunity to flush out the information that we believe we may find, will find, if we have the opportunity to make that effort." RP at 31.

4

No. 24414-8-III
Briggs v. Nova Servs.

The court asked the Workers to specify what information was expected. The Workers responded:

I want to depose the board of directors. I want to know what the board of directors knew about the organization, knew about the mission of the organization, heard or didn't hear from the executive director about what these employees were complaining about, whether they made any effort at all to find out if any of these things that these people said were true, if in fact they simply gave the executive director the authority to fire two managers without clear logic for doing so, whether in fact those were retaliations against any of these people after they did what they did.

RP at 31-32.

The record does not show what specific evidence the Workers would be able to locate or how the evidence would raise a material issue of fact. *Joy*, 116 Wn. App. at 299. The Workers acknowledge the motion did not strictly fit in the CR 56(f) continuance requirements, but contend the court's primary consideration should have been justice considering the time remaining for discovery. *Joy*, 116 Wn. App. at 299; *Coggle*, 56 Wn. App. at 508. In both *Joy* and *Coggle* the plaintiffs obtained new

counsel shortly before the summary judgment hearing. Joy, 116 Wn. App. at 299; Coggle, 56 Wn. App. at 508. Neither counsel had adequate time to respond to the summary judgment motion. Joy, 116 Wn. App. at 299-300; Coggle, 56 Wn. App. at 508.

Joy and Coggle are distinguishable. Here, the issue is not whether the Workers had adequate time to respond to the motion. Rather, the court's focus was the Worker's failure to specify what evidence was desired and how that evidence would

5

No. 24414-8-III
Briggs v. Nova Servs.

raise a material issue of fact. Joy, 116 Wn. App. at 299; see Coggle, 56 Wn. App. at 507-08. The court gave a tenable reason for its decision and thus, the trial court did not err.

B. Summary Judgment

The issue is whether the trial court erred when it granted Nova's motion for summary judgment, and dismissed the Workers' claims for wrongful termination, negligent supervision, and retaliation.

We review a summary judgment grant de novo. *City of Seattle v. Mighty Movers, Inc.*, 152 Wn.2d 343, 348, 96 P.3d 979 (2004). Summary judgment is appropriate where no genuine issues of material fact exist and the issues can be resolved as a matter of law for the moving party. *Id.* We view the facts in a light most favorable to the nonmoving party. *Malnar v. Carlson*, 128 Wn.2d 521, 535, 910 P.2d 455 (1996).

The Workers first contend Nova wrongfully terminated them for joining together to complain to the Board, violating a public policy allowing employees to join together and engage in "concerted activities" under RCW 49.32.020. Nova responds that the Workers inappropriately raise this issue for the first time on appeal. The Workers did not orally argue "concerted activities" at the summary judgment hearing, but did discuss "concerted activities" in their memorandum in opposition to summary judgment. See RAP 2.5(a). Therefore, we proceed.

Generally, an at-will employee may be terminated without cause. *Gardner v.*

6

No. 24414-8-III
Briggs v. Nova Servs.

Loomis Armored, Inc., 128 Wn.2d 931, 935, 913 P.2d 377 (1996). An exception exists

if the termination contravenes public policy. *Id.* The public policy exception applies to "matter[s] [that] strike at the heart of a citizen's social rights, duties, and responsibilities." *Dicomes v. State*, 113 Wn.2d 612, 618, 782 P.2d 1002 (1989) (quoting *Palmateer v. Int'l Harvester Co.*, 85 Ill. 2d 124, 130, 421 N.E.2d 876 (1981)). It does not apply to matters that are "purely personal." *Palmateer*, 85 Ill. 2d at 130.

The public policy exception applies where an employee is terminated based on the exercise of a legal right or privilege. *Gardner*, 128 Wn.2d at 936. Washington recognizes an employee has a legal right or privilege to engage in "concerted activity" under RCW 49.32.020 (Washington labor regulations), without employer interference. *Id.* at 937; *Bravo v. Dolsen Cos.*, 125 Wn.2d 745, 751-59, 888 P.2d 147 (1995).

"Concerted activities" are activities undertaken by employees in unison with one another for the purpose of improving their "working conditions." RCW 49.32.020; *Bravo*, 125 Wn.2d at 752, 759. "Working conditions" relate to the terms and conditions of employment (collective bargaining). RCW 49.32.020; *NLRB v. Wash. Alum. Co.*, 370 U.S. 9, 11-12, 17, 82 S. Ct. 1099, 8 L. Ed. 2d 298 (1962); *Bravo*, 125 Wn.2d at 748, 755, 759. "Concerted activities" also include collective employee activities for "other mutual aid or protections." RCW 49.32.020; *United Merchants & Mfrs., Inc. v. NLRB*, 554 F.2d 1276, 1278 (4th Cir. 1977).

The term "concerted activity" in RCW 49.32.020 has been construed in light of

7

NO. 24414-8-III
Briggs v. Nova Servs.

its federal counterparts in 29 U.S.C. §§ 157-58 (National Labor Relations Act). *Bravo*, 125 Wn.2d at 751-55, 759. Federal law is persuasive due to text similarity between RCW 49.32.020 and 29 U.S.C. §§ 157-58. *Id.* at 754-55; *Pulcino v. Fed. Express Corp.*, 141 Wn.2d 629, 651, 9 P.3d 787 (2000).

Both Washington and federal law recognize that nonunion employees have a right to engage in statutorily protected "concerted activities." *Wash. Alum. Co.*, 370 U.S. at 14-15; *Bravo*, 125 Wn.2d at 754-55, 759. Neither RCW 49.32.020 nor 29 U.S.C. §§ 157-58, excludes nonunion employees.

First, regarding Mr. Briggs and Ms. Robertson, the April 6, 2004 letter complained of Ms. Brennan's management style and skills including leadership, administration, finance shortcomings, board development and communications, failure to develop a corporate culture of open communications, and failure to develop

community and governmental relations. One possible job misclassification was mentioned. Ms. Brennan then fired Mr. Briggs and Ms. Robertson for insubordination. Mr. Briggs' and Ms. Robertson's affidavits opposing the summary judgment motion merely suggest evidence about Ms. Brennan's management style and speculation about Mr. Johnson's possible job misclassification. Personal preferences and professional differences are not protected by RCW 49.32.020. *Dicomes*, 113 Wn.2d at 618.

Further, no evidence shows the Briggs and Robertson positions were

8

No. 24414-8-III
Briggs v. Nova Servs.

misclassified. The April 6 letter did not protest Mr. Johnson's possible misclassification, but was written to express their disapproval of Ms. Brennan's management style and work ethics. The act of sending the April 6 letter to the Board was not "concerted activity" under RCW 49.32.020. See *Bravo*, 125 Wn.2d 745.

Second, regarding Ms. Bader, her affidavits show she told Ms. Brennan, before she signed the July 15, 2004 letter, that she would leave the company if the situation did not improve. Ms. Brennan accepted this as notice to terminate her employment. When Ms. Brennan asked Ms. Bader if she could be loyal to her, Ms. Bader responded negatively. Ms. Brennan asked Ms. Bader to leave at the end of the day and granted her two weeks' pay.

Further, Ms. Brennan's affidavit shows Ms. Bader told Ms. Brennan she made a commitment to Mr. Briggs and Ms. Robertson that "they would all stay or all go." CP at 62. No material facts remain in dispute. Ms. Bader has not shown she was wrongfully terminated. As noted, the April 6 letter was not a protected activity because it merely raised personal managerial style differences and did not attempt to collectively bargain for terms and conditions of employment. Notably, Ms. Bader was no longer employed by Nova Services when she signed the July 15, 2004 letter. Given all, the trial court did not err in deciding Ms. Bader was not wrongfully terminated.

Third, regarding the July 15 letter signatories, the letter stated the workplace conditions were "worse than ever" after the terminations of Mr. Briggs and Ms.

9

No. 24414-8-III
Briggs v. Nova Servs.

Robertson. CP at 79. The signatories demanded Ms. Brennan's "immediate removal"

and Mr. Briggs' and Ms. Robertson's "immediate reinstatement" by "4:30 p.m., Friday July 16, 2004" or they would "walk out of Nova Services." CP at 79. The signatories would "walk out" unless the Board acted. Id. The demands were "non-negotiable." Id. The Board did not respond. Ms. Brennan treated the letter as a group resignation.

Given all, the signatories' conduct was not "concerted activity" as contemplated in United Merchants & Mfrs., Inc. or RCW 49.32.020, because the demands exceeded those recognized in prior cases and were not focused on any term or condition of employment. The Workers were not protected in joining together to demand termination of Nova's highest level day-to-day manager, the Executive Director, based upon personal dissatisfactions with her management style. In other words, no protected public policy related protest is present.

Further, as Nova argues, the manager signatories are exempt from the protections in RCW 49.32.020 and consistent with federal law. Reasonable minds could reach but one conclusion; the April 6 letter clearly identifies the signatories as managers throughout its contents, not just by title.

Fourth, the Workers contend the Nova terminations amounted to improper retaliation for statutorily protected activity. A plaintiff must show three elements to prove a claim for retaliation: "(1) he or she engaged in statutorily protected activity, (2) an adverse employment action was taken, and (3) there is a causal link between the

10

No. 24414-8-III
Briggs v. Nova Servs.

employee's activity and the employer's adverse action." *Francom v. Costco Wholesale Corp.*, 98 Wn. App. 845, 862, 991 P.2d 1182 (2000). We reiterate, we are unpersuaded that any protected public policy related protest is shown in the facts. And, as noted above, the Managers were not engaged in a statutorily protected activity when they sent the April 6 letter to the Board.

Lastly, we turn to the negligent supervision claim. The Workers contend the affidavits in opposition to Nova's summary judgment motion raise a genuine issue of material fact as to whether Nova Services negligently supervised Ms. Brennan.

"An employer can be liable for negligently supervising an employee." *Herried v. Pierce County Pub. Transp. Benefit Auth. Corp.*, 90 Wn. App. 468, 475, 957 P.2d 767 (1998). A negligent supervision claim requires showing: (1) an employee acted outside the scope of his or her employment; (2) the employee presented a risk of harm to other

employees; (3) the employer knew, or should have known in the exercise of reasonable care that the employee posed a risk to others; and (4) that the employer's failure to supervise was the proximate cause of injuries to other employees. *Niece v. Elmview Group Home*, 131 Wn.2d 39, 48-49, 51, 929 P.2d 420 (1997). No evidence shows Ms. Brennan presented a risk of harm to the other employees. *Id.* Therefore, the Workers cannot prove a claim for negligent supervision.

C. Motion to Compel Discovery

The issue is whether the trial court erred when it dismissed the Workers' motion

11

No. 24414-8-III
Briggs v. Nova Servs.

to compel discovery. The Workers contend the motion to compel would have provided evidence to support their claim for negligent supervision. We review the denial of a motion to compel discovery for an abuse of discretion. *Lindblad v. Boeing Co.*, 108 Wn. App. 198, 207, 31 P.3d 1 (2001).

The Workers moved to compel Nova Services to provide materials unrelated to risk of harm. For example, bylaws and bylaw amendments, board minutes, Ms. Brennan's credit card and expense receipts, budgets and financial statements, and contracts would not show Ms. Brennan presented any risk of harm to Nova Services workers. *Niece*, 131 Wn.2d at 48-49. Therefore, the trial court did not abuse its discretion in denying the Workers' motion to compel. *Lindblad*, 108 Wn. App. at 207.

Affirmed.

Brown, J.

I CONCUR:

12

No. 24414-8-III
Briggs v. Nova Servs.

Kulik, J.

13

Courts | Organizations | News | Opinions | Rules | Forms | Directory | Library
Back to Top | Privacy and Disclaimer Notices

No. 24414-8-III

SWEENEY, C.J. (dissenting) -- This case was dismissed on summary judgment.

That was improper if there is any genuine issue of material fact. CR 56(c); *Anica v. Wal-Mart Stores, Inc.*, 120 Wn. App. 481, 487, 84 P.3d 1231 (2004). I conclude that there are genuine issues of material fact and therefore respectfully dissent.

I see those factual disputes as follows:

Concerted Action

Shirley Bader, Mark Johnson, Beverly Nunn, Jami Smith, Margaret Clark, and Valerie Bruck sent a letter to the Nova Services Board of Directors (Board). Clerk's Papers (CP) at 79. The letter stated that the workplace conditions were "worse than ever" after the terminations of Ken Briggs and Judy Robertson. *Id.* The letter demanded the immediate removal of Linda Brennan, and the immediate reinstatement of Mr. Briggs and Ms. Robertson. *Id.* It also demanded that the Board respond with a plan of action or the employees would walk off the job. *Id.* The letter stated the employees would not return until the Board took action. *Id.*

The Board did not respond to the letter and the employees walked off the job. *Id.* at 184. Ms. Brennan treated the letter as a group resignation. *Id.* at 62.

The employees' conduct in joining together to send a letter to the Board, and in

No. 24414-8-III
Briggs v. Nova Services

walking off the job, was to protest the discharge of their fellow employees. *United Merchants & Mfrs., Inc. v. NLRB*, 554 F.2d 1276, 1278 (4th Cir. 1977). This is a protected "concerted activity." RCW 49.32.020; *United Merchants*, 554 F.2d at 1278. And these employees were terminated for that concerted action. Or at least, they have raised an issue of fact as to whether they were wrongfully terminated for that concerted action.

Managerial Status

Nova Services argues several of the employees are exempt from the protections in RCW 49.32.020 since they are managerial employees. Mr. Briggs responds that Nova Services provides no basis for its assertion that he is an exempt managerial employee. He further argues that even if Nova Services did classify him as a managerial employee, there is no evidence to show he was properly classified.

Managerial employees are excluded from the statutory protections of the National Labor Relations Act (Act) (federal counterpart to RCW 49.32.020). 29 U.S.C. §§ 157-58; RCW 49.32.020; NLRB v. Health Care & Ret. Corp. of Am., 511 U.S. 571, 576-77, 114 S. Ct. 1778, 128 L. Ed. 2d 586 (1994). The Court defines managerial employees as "those who 'formulate and effectuate management policies by expressing and making operative the decisions of their employer.'" Health Care & Ret. Corp., 511 U.S. at 576 (quoting NLRB v. Bell Aerospace Co. Div. of Textron, Inc., 416 U.S. 267, 288, 94 S. Ct. 1757, 40 L. Ed. 2d 134 (1974)). An

2

No. 24414-8-III
Briggs v. Nova Services

employee's title is not determinative of his or her classification under the Act. Bell Aerospace Co., 416 U.S. at 290. Additional information is required, such as the employees "actual job responsibilities, authority, and relationship to management. Id. at 290 n.19.

This issue was not addressed in the trial court.

Mr. Briggs contends Nova Services terminated him and the other employees in retaliation for joining together to make complaints to the Board -- again, a statutorily protected activity.

They must show the following for a claim for retaliation: statutorily protected activity, an adverse employment action, and a causal link between the employee's activity and the employer's adverse action. Francom v. Costco Wholesale Corp., 98 Wn. App. 845, 861-62, 991 P.2d 1182 (2000).

Mr. Johnson, Ms. Nunn, Ms. Smith, Ms. Clark, and Ms. Bruck engaged in a protected activity when they sent the July 15, 2004 letter. Ms. Brennan considered the employees to have resigned when they walked off the job in response to the Board's failure to respond to the demands in their letter. There is then a sufficient causal link between the employees' activities and the employer's actions. Id. The question of fact here is whether any of the employees are excluded from the statutory protections under RCW 49.32.020 due to their employment status. See Health Care & Ret. Corp., 511 U.S.

3

No. 24414-8-III
Briggs v. Nova Services

at 576.

I would reverse and remand for trial on these fact questions.

Sweeney, C.J.

4

Courts | Organizations | News | Opinions | Rules | Forms | Directory | Library
Back to Top | Privacy and Disclaimer Notices