

65226-5

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ORIGINAL

No. 65226-5-I

COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON

CITY OF SEATTLE, a municipal corporation,

Appellant,

v.

HUGH K. SISLEY AND
MARTHA E. SISLEY, and their marital community,

Respondents.

BRIEF OF RESPONDENTS

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COURT OF APPEALS, DIVISION I
THE STATE OF WASHINGTON

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INTRODUCTION

Respondents Hugh and Martha Sisley agree that the Issue in this appeal is whether the monetary jurisdiction of Washington Municipal Courts is subject a limitation of \$75,000 (although they articulate the issue somewhat differently, as they assert that the monetary jurisdictional authority for Municipal Courts is, in fact, limited). In addition, they agree with Appellant City of Seattle's Statement of the Case.

Mr. and Mrs. Sisley, however, urge this Court to affirm the RALJ Decision below, which confirmed that the monetary jurisdictional authority of Municipal Courts is limited to \$75,000.¹

ARGUMENT

At issue in this appeal are three separate Washington statutes—RCW 3.66.020, 35.20.020, and 35.20.250. Individually, and collectively, these three statutes confirm that the monetary jurisdictional authority of Municipal Courts is limited to \$75,000.

RCW 35.20.250 provides, in pertinent part, that Municipal Courts have “concurrent jurisdiction with the superior court and district court in all civil and criminal matters *as now provided by law for district judges*”.

¹ The civil penalties awarded in the two cases involved in this consolidated matter (\$247,400 in Seattle Municipal Court Case No. 08-100 and \$368,000 in Seattle Municipal Court Case No. 09-024, and counting) both exceed the jurisdictional limit of Municipal Courts.

(emphasis added). RCW 3.66.020 provides, in pertinent part, that the jurisdictional limit of District Courts for specified civil actions and proceedings is \$75,000. The specified civil actions include those “for a penalty”. RCW 3.66.020(3). The two Municipal Court cases at issue in this appeal involved “penalties” assessed under the City of Seattle’s Municipal Code.

Read together, these two statutes confirm that the maximum monetary judgment the Seattle Municipal Court could enter against Mr. and Mrs. Sisley in any single action was \$75,000.

Despite the City of Seattle’s protests to the contrary, RCW 35.20.030 does not grant the Seattle Municipal Court the authority to impose monetary judgments in excess of \$75,000. Moreover, the RALJ Decision does not conflict with the Washington State Supreme Court’s interpretation of the scope of RCW 35.20.250.

Although RCW 35.20.030 confers on the Seattle Municipal Court “jurisdiction to try violations of all city ordinances”, among other tasks, it does not confer the power to enter judgments greater than the jurisdictional limit of District Courts.² That is, the Seattle Municipal Court may be an appropriate venue for alleged city ordinance violations

² The District Court limit is mentioned because of the statute that links them.

and it has the power to determine whether or not a violation has occurred. This power, however, is limited. If there is a violation, the monetary penalty may not exceed \$75,000. RCW 35.20.030 means nothing more and nothing less.

Moreover, the State Supreme Court has not proclaimed that Municipal Courts have a monetary jurisdictional limit greater than District Courts. Contrary to City of Seattle's contentions, *Avlonitis v. Seattle District Court*, 97 Wn. 2d 131, 641 P. 2d 169 (1982) does little more than confirm the unremarkable proposition that Municipal Courts "retain exclusive original jurisdiction to try all violations of municipal ordinances". *Id.* at 136.³ "Original jurisdiction" is different than, and not to be confused with, "unlimited jurisdiction". In fact, the Supreme Court clearly warned that the "grant of concurrent jurisdiction contained in RCW 35.20.250 is not unlimited." *Id.* "Exclusive original jurisdiction" does not mean "unlimited power to impose any monetary amount".

It is perhaps also useful to consider the hierarchy of Washington's judicial infrastructure—Small Claims Courts, Municipal Courts, District Courts, and Superior Courts—in trying to more accurately assess

³ City of Seattle's reliance on *City of Spokane v. County of Spokane*, 158 Wn. 2d 661, 146 P. 2d 893 (2006) is similarly misplaced, as it merely affirmed the subject matter jurisdiction of Municipal Courts.

Appellant City of Seattle’s arguments.⁴ Of these, Superior Courts are the only courts of general jurisdiction empowered to enter monetary judgments of any amount and judgments in any type of criminal case (including those involving the death penalty).⁵ Municipal Courts are courts of limited jurisdiction (as illustrated by the fact that they are subject to the Civil and Criminal Rules for Courts of Limited Jurisdiction).⁶

The City of Seattle has expressed concerns about “absurd results.” It is respectfully submitted, however, that most absurd result is the one it advocates—elevating Municipal Courts over District Courts and equal to Superior Courts. What the City of Seattle has failed to do, however, is offer a meaningful rationale for why such an extraordinary result should obtain.

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⁴ The jurisdiction of the Courts of Appeal and Supreme Court is not relevant to this issue.

⁵ There are, of course, many other judicial powers Superior Courts may exercise which are not available to Small Claims, Municipal, and District Courts.

⁶ The Rules applicable to Courts of Limited Jurisdiction provide for the removal of an action to Superior Courts, implicitly recognizing the limited extent of the formers’ jurisdiction. *See* CRLJ 14A.

CONCLUSION

It is respectfully requested that this Court affirm the RALJ Decision below and confirm that the monetary jurisdictional limit of Municipal Courts is \$75,000.

DATED this 12th day of January, 2011.

SKELLENGER BENDER, P.S.

By  _____

Jeffrey C. Grant, WSBA #11046

Attorneys for Respondents Hugh and Martha
Sisley

ORIGINAL

No. 65226-5-1

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CITY OF SEATTLE, a municipal corporation,

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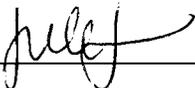
PROOF OF SERVICE OF BRIEF OF RESPONDENTS

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Jule Sprenger declares, under penalty of perjury under the laws of the State of Washington that the following is true.

1. I am employed by Skellenger Bender, P.S., counsel of record for respondents Hugh and Martha Sisley in this action; a resident of the State of Washington; over the age of 18 years; and not a party to this action.

2. On January 19, 2011 I arranged for the filing of the Brief of Respondents with the Clerk of the Court of Appeals, Division One, via hand delivery, and served Respondent City of Seattle by delivering a copy via legal messenger to its attorney Tamera Van Ness, City Attorney's Office, 600 Fourth Avenue, Floor 4, Seattle, WA 98124-4769.

Jule Sprenger 

Date and Place of Execution: 1/19/2011, Seattle, WA