

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: Wednesday, December 4, 2019
Location: Spokane, 500 North Cedar

9:00 a.m.

1) **No.: 36666-9-III**

Case Name: Michael Cronin v. Central Valley Sch. Dist.

County: Spokane

Case Summary: Following remand from this Court in case number 33062-1-III, the superior court held Central Valley School District in contempt for willfully violating an order to pay Michael Cronin's wages and benefits pending his employment termination/non-renewal hearing. The court imposed a per diem penalty to enforce its order to pay Mr. Cronin's wages and doubled Mr. Cronin's damages under Washington's Wage Act, chapter 49.52, RCW. Central Valley School District appeals.

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2) **No.: 36517-4-III**

Case Name: Allan Margitan, et ux. v. Risk Management, Inc., et al.

County: Spokane

Case Summary: The Margitans' insurer refused to defend them in a lawsuit brought against the Margitans by a neighbor. The Margitans prevailed and obtained judgment against their neighbor. The neighbor sought to eliminate that judgment in bankruptcy court, and the Margitans again sought coverage for their legal expenses from their insurer. Their insurer again rebuffed their request. The Margitans then sued their insurer and local insurance broker for breach of contract, bad faith, and violation of the Consumer Protection Act (CPA), chapter 19.86 RCW. The superior court found no duty to defend existed under the contract and dismissed the lawsuit on summary judgment. The Margitans appeal.

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3) **No.: 36060-1-III**

Case Name: State of Washington v. Abdul Sweidan

County: Benton

Case Summary: A jury convicted Abdul Sweidan of attempted murder in the second degree against his spouse. During trial, Mr. Sweidan's daughter provided testimony, which Mr. Sweidan alleges was an inadmissible opinion of guilt. The court also permitted one of the State's witnesses to testify remotely via two-way Skype video conferencing. At sentencing, the court imposed an upward exceptional sentence, and a no contact order with Mr. Sweidan's children for the duration of his incarceration. Mr. Sweidan appeals these and other matters.

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11:00 a.m.

4) **No.: 36289-2-III**

Case Name: Yakima County v. MLM Entertainment, LLC

County: Kittitas

Case Summary: In 2014, Yakima County passed an ordinance prohibiting recreational marijuana businesses in unincorporated Yakima County. In 2018, the county discovered MLM Entertainment was operating a recreational marijuana business in violation of the county code. Yakima County sued for abatement and injunctive relief. MLM countered, seeking to invalidate the ordinance. The lower court granted the county's motion for summary judgment. MLM Entertainment appeals.

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5) **No.: 36405-4-III**

Case Name: State of Washington v. Grant McAdams

County: Spokane

Case Summary: In 2012, a jury convicted Grant McAdams of assault and robbery. In 2017, Mr. McAdams filed a motion for post-conviction DNA testing, and the State objected. The lower court granted the motion. The State appeals.

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11:30 a.m.

6) **No.: 35172-6-III**

Case Name: State of Washington v. Brendan Taylor

County: Kittitas

Case Summary: A jury convicted Brendan Taylor of felony violation of a domestic violence no contact order. Having already resolved some of Mr. Taylor's contentions in earlier appellate proceedings, this Court now reviews Mr. Taylor's concerns regarding ineffective assistance of counsel and the sufficiency of his plea to one of the charged counts prior to trial.

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7) **No.: 36297-3-III**

Case Name: Charles Anderson v. Department of Labor & Industries

County: Benton

Case Summary: After nearly 30 years with the same employer, Charles Anderson was diagnosed with an occupational disease. The Department of Labor and Industries allowed Mr. Anderson's claim for benefits and issued a wage calculation. Absent from that calculation was acknowledgment of the value of the company-owned and maintained vehicle that Mr. Anderson had been permitted to use for personal purposes for more than a decade. Mr. Anderson protested the wage calculation. The Board of Industrial Insurance Appeals and the superior court affirmed. Mr. Anderson appeals.

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