

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, December 5, 2019
Location: Spokane, 500 North Cedar

9:00 a.m.

- 1) **No.: 35873-9-III**
Case Name: Shawna Rookstool, et al. v. Donna Eaton and Quincy School
Dist. No. 144

County: Grant

Case Summary: Following a collision involving a school bus, the Rookstools sued Quincy School District. During trial, the Rookstools' attorney made several statements during closing argument that the District alleged violated motions in limine or otherwise amounted to prejudicial misconduct. A jury awarded the Rookstools damages in excess of \$1,000,000 and the lower court denied the District's motions for a mistrial and motion for a new trial. Quincy School District appeals.

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2) **No.: 36209-4-III, cons'd with 36210-8-III**

Case Name: Jennifer Curtin, et al. v. City of East Wenatchee, et al.

County: Chelan

Case Summary: Jennifer Curtin and her parents sued the City of East Wenatchee for negligent design and maintenance of a road after she was struck by a car on a busy road. They also sued the car's driver. Jennifer was a minor at the time of injury, and an adult when she filed her lawsuit. The lower court dismissed her parents' claims on the grounds that they did not bring their claims within the applicable statute of limitations. The court also dismissed Jennifer's claim for pre-majority medical expenses on the grounds that such damages were only recoverable by her parents. The Curtins' appeal.

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3) **No.: 35920-4-III, cons'd with 36227-2-III**

Case Name: Sara Rhodes v. Stadtmueller & Associates

County: Spokane

Case Summary: The superior court dismissed Sara Rhodes's lawsuit with prejudice as a sanction for discovery violations. The court also imposed CR 11 sanctions against Ms. Rhodes's attorney and ordered her and her attorney to pay the opposing party's attorney fees and costs. Ms. Rhodes and her lawyer appeal.

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11:00 a.m.

4) **No.: 36230-2-III**

Case Name: State of Washington v. Jason Borseth

County: Spokane

Case Summary: A jury convicted Jason Borseth of several offenses related to a law enforcement sting known as a "Net Nanny Operation." During the trial court proceedings, Mr. Borseth unsuccessfully sought to exclude his electronic communications with law enforcement, alleging recording of these communications violated the Washington Privacy Act, chapter 9.73, RCW. Mr. Borseth also claimed the

State committed prosecutorial misconduct during closing argument, that his lawyer was ineffective for failing to object to evidence, and that insufficient evidence supports his conviction for attempted commercial sexual abuse of a minor. Mr. Borseth appeals these and other matters.

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5) No.: 36062-8-III

Case Name: State of Washington v. Arnulfo Bravo

County: Grant

Case Summary: In 2018, a jury convicted Arnulfo Bravo of manslaughter in the first degree for the 1991 death of Barbara Kipp. Mr. Bravo alleged that his lawyer provided ineffective assistance for failing to object to evidence of a prior conviction, that testimony of an expert witness invaded the province of the jury, and that the lower court erred in admitting ER 404(b) evidence. Mr. Bravo appeals.

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