

Appellate Cases

1. *James Gorman IV v. City of Woodinville*, 175 Wn.2d 68, 283 P.2d 1082 (2012) affirming *Gorman v. City of Woodinville*, 160 Wn. App. 759, 249 P.3d 1040 (2011) (Successful appeal through the Court of Appeals and the Washington Supreme Court and reinstatement of case of property owner's claim of adverse possession to property conveyed to public entity. City claimed voluntary conveyance of property to it terminated adverse possession claim, a case of first impression nationally.)
2. *In re Committed Intimate Relationship of Harris*, 2024 Wash. App. LEXIS 1320, 2024 WL 3252219 (July 1, 2024, Division One Docket No. 84501-2) (appeal of trial court imposition of a committed intimate relationship and property division).
3. *Wilmington Savings Fund v. Hopkins*, 2024 Wash. App. LEXIS 1101 (June 3, 2024, Division One Docket No. 85352-0-I) (successful defense at both the trial court and appellate court level against effort by fourth assignee of a note and deed of trust for reformation of deed of trust. Attorneys fees and costs awarded by both courts);
4. *Noble v. Wolford*, 2024 Wash. App. LEXIS 333, 2024 WL 685788 (February 20, 2024, Division One Court of Appeals Docket No. 847287, (appeal from adverse bench trial ruling denying plaintiff's claim for equitable mortgage).
5. *Sherlock v. New Hope Recovery*, Division Three of the Court of Appeals, Docket No. 391663, Unpublished Opinion, August 17, 2023 (appeal of dismissal of personal injury case by injured party who fell in the snow and ice.case reinstated).
6. *In re Estate of Rivas*, Division One of the Court of Appeals, Docket No. 846132, Unpublished Opinion, July 24, 2023 (appeal from ruling ordering sale of real property to a third party thereby denying devisee first right of refusal);
7. *Tall v. Rudy*, Division Two of the Court of Appeals Docket No. 572028, Unpublished Opinion, May 23, 2023 (appeal from trial court grant of summary judgment enforcing settlement agreement and requiring arbitration).

8. *Perez v. Steever*, Division One of the Court of Appeals Docket No. 83916-1-I, Unpublished Opinion, April 3, 2023 (successful appeal reinstating cyclist client's personal injury suit against motorist who was travelling on the shoulder of the roadway and struck her);
9. *Little v. Rosauers Supermarkets, Inc.*, 24 Wn. App. 2d 898, 521 P.3d 298 (2022) (successful appeal reinstating clients personal injury suit against Rosauers which plaintiff fell and was injured in an icy parking lot) (published decision).
10. *Davey v. Gibson*, Division One of the Court of Appeals Docket No. 83099-6-I, 2022 Wn. App. LEXIS 2256 (2022) (successful appeal of trial court's ruling on attorneys fees)
11. *Cent. Puget Sound Reg'l Transit Auth. v. Marino*, No. Division One of the Court of Appeals Docket No. 82426-1-I, 2022 Wn. App. LEXIS 1853 (2022) (appeal from jury trial in eminent domain action);
12. *Ebbeler v. Andrews*, Division One of the Court of Appeals Docket No. No. 82225-0-I, 2022 Wn. App. LEXIS 402 (2022) (appeal from adverse ruling against client at trial).
13. *Wash. League for Increased Transparency & Ethics v. Fox News*, Division One of the Court of Appeals Docket No. No. 81512-1-I, 2021 Wn. App. LEXIS 2213 (2021) (appeal of trial court dismissal of claims against Fox News relating to the COVID 19 Pandemic).
14. *Sutey v. T26 Corp.*, 13 Wn. App. 2d 737, 466 P.3d 1096 (2020) (appeal of adverse judgment against client).
15. *Vance v. Farmers Ins. Co.*, No. 76092-1-I, 2017 Wn. App. LEXIS 2473 (2017) (appeal challenging rule that those in committed intimate relationships may not claim a loss of consortium based on the personal injury of their partner).
16. *Kelley v. Tonda*, 198 Wn. App. 303, 393 P.3d 824 (2017) (successful reversal of summary judgment on the meaning of 100 year old documents relating to a right of way).
17. *McKinley v. Ching-Chih Ma*, No. 71102-4-I, 2015 Wn. App. LEXIS 240 (2015) (Successful appeal of judgment against client for alleged waste to neighbor's property);

18. *Despain v. Lund*, No. 46321-1-II, 2015 Wn. App. LEXIS 1975 (2015) (appeal relating to constructive trust over family property).
19. *Mt. Si Constr., Inc. v. Uhrich*, No. 70568-7-I, 2014 Wn. App. LEXIS 2086 (2014) (Successful appeal of dismissal of personal injury claim by worker who fell over 17 feet from the top of a home. Trial court dismissed his case. Court of Appeals reinstated it on the basis that an employer has a non-delegable duty to ensure the safety of its workers).
20. *Dahl v. Gillespie*, No. 67954-6-I, 2012 Wn. App. LEXIS 2828 (2012) (appeal from motion for revision in an eviction action).
21. *Marina Condo. Homeowner's Ass'n v. Stratford at the Marina, LLC*, 161 Wn. App. 249, 254 P.3d 827 (2011) (appeal made by developer).
22. *Kaye v. Lowe's HIW, Inc.*, 158 Wn. App. 320, 242 P.3d 27 (2010) (appeal from trial court decision refusing to enter default judgment)
23. *Scheidler v. Kitsap Cty. Assessor*, No. 38781-6-II, 2010 Wn. App. LEXIS 1047 (2010) (appeal of decision by Kitsap County Assessor).
24. *Beriault v. King*, No. 61636-6-I, 2009 Wn. App. LEXIS 303 (2009) (Successful defense of trial court order invalidating deed of trust based on inaccurate legal description. client awarded attorneys fees by trial court and appellate court).
25. *Kahne & Kahne Prop., LLC v. Brown*, No. 60894-1-I, 2008 Wn. App. LEXIS 1735 (2008) (appeal from adverse decision against client in a dispute over access to property).
26. *White Coral Corp. v. Geysler Giant Clam Farms, LLC*, 145 Wn. App. 862, 189 P.3d 205 (2008) (appeal from attorneys fees award made at the trial court).
27. *Wittrell v. Kubec*, No. 54091-2-I, 2005 Wn. App. LEXIS 1586 (2005) (Successful defense of summary judgment awarding purchaser client damages and attorneys fees against seller relating to seller's fraud and misrepresentation relating to real property);
28. *Sattler v. City of Mukilteo*, No. 52407-1-I, 2004 Wn. App. LEXIS 3095 (2004) (appeal from decision dismissing personal injury claim against City of Mukilteo).

29. *Cent. Puget Sound Reg'l Transit Auth. v. Coco's Rest., Inc.*, No. 52683-9-I, 2004 Wn. App. LEXIS 1140 (2004) (appeal of summary judgment order denying claim for just compensation in an eminent domain action).
30. *In re Lynnwood to Condemn*, 118 Wn. App. 674, 77 P.3d 378 (2003) (Successfully argued in a challenge to public use and necessity in an eminent domain action that the project must be considered as a whole and not be limited to the single property named in the suit).
31. *In re Currin*, No. 50557-2-I, 2003 Wn. App. LEXIS 644 (2003) (Successful defense of restraining order against neighbor preventing trespass and summary judgment quieting title against neighbor's claims of adverse possession).
32. *Peterson v. Rayfield*, No. 49527-5-I, 2002 Wn. App. LEXIS 2001 (2002) (Successful defense of verdict in favor of our interpretation of roadway maintenance agreement which interpretation did not restrict development of client's property).
33. *Thompson v. Gamble*, No. 48375-7-I, 2002 Wn. App. LEXIS 753 (2002) (appeal from adverse possession dispute between neighbors).
34. *Sattler v. Northwest Tissue Center*, 110 Wn. App. 689, 42 P.3d 440 (2002) (Reversal of trial court dismissal on summary judgment – case involves the Uniform Anatomical Gifts Act).
35. *Gaylord v. Snohomish Cty.*, No. 46663-1-I, 2001 Wn. App. LEXIS 2599 (2001) (Successful defense against attorneys fee claim by Snohomish County under Land Use Petition Act).
36. *Faulkner v. Racquetwood Village Condominium Association, et al.*, 106 Wn. App. 483, 23 P.3d 1135 (2001) (Successful defense of condominium unit owner against claim by crime victim and homeowners association for damages from a crime which originated in common area of condominium).
37. *M.A. Mortenson Company, Inc. v. Timberline Software Corporation, et al.*, 140 Wn.2d 568, 998 P.2d 305 (2000) *affirming decision at* 93 Wn. App. 819, 970 P.2d 803 (1999) (First case in Washington on the efficacy of software licensing agreements).and,

38. *Neckas v. Holt*, No. 41979-0-I, 1999 Wn. App. LEXIS 1134 (1999)
(Successful defense of appeal from trial court award to client – case
involved adverse possession claim by neighbor).

Amicus Curiae Briefs

1. *Hebert v. Spring Creek Easement Owners Ass'n*, 2024 Wash. LEXIS 280, 3 Wn.3d 1006, 2024 WL 2844681 (Washington Supreme Court Docket No. 102863-6) (submission of amicus curiae brief on behalf of King County Assessor John Arthur Wilson advocating for an equitable result in favor of property owners who lost a significant amount of equity in their property based on Division Three's interpretation of the judgment redemption statute at 2024 Wash. App. LEXIS 316, 29 Wn. App. 2d 1042 (Division Three Court of Appeals Docket No. 39382-8).
2. *Wolf v. State of Washington*, 2 Wn.3d 93, 534 P.3d 822 (2023) (submission of amicus curiae brief on behalf of the National Crime Victim Law Institute asking the court to reverse Division Two of the Court of Appeals in *Wolf v. State*, 24 Wn. App. 2d 290, 519 P.3d 608 (2022) where it limited the term "act" in RCW 4.16.340(1)(c) to acts of sexual abuse only. We also argued that the Court should declare that the State's duty to care for the health, safety and welfare of dependent foster children is non-delegable.).
3. *Barlow v. WSU*, 2 Wn.3d 583, 540 P.3d 783 (2024) (submission of amicus curia brief on behalf of the Gonzaga University School of Law Women's Law Caucus, the Seattle University School of Law Womxn's Law Caucus and the University of Washington Women's Law caucus asking the court to apply the doctrine of the emerging adult to civil cases and finding that a duty was owed by WSU to Plaintiff Barlow who was raped during her first month of school).
4. *In re Pers. Restraint of Eddie D. Arnold*, 190 Wn.2d 136, 410 P.3d 1133 (2018) (Ms. Clark was part of a team of lawyers which filed an amicus curiae brief on behalf of the Washington Appellate Lawyers Association regarding the doctrine of stare decisis in Washington State).
5. *Selene RMOF II REO Acquisitions II, LLC v. Ward*, 189 Wn.2d 72, 399 P.3d 1118 (2017) (Ms. Clark filed an amicus curiae brief on the issue of what constitutes color of title under Washington's unlawful detainer statutes).and,
6. *Freeman v. Gregoire*, 171 Wn.2d 316, 256 P.2d 264 (2011) (Ms. Clark filed an amicus curiae brief in this contest over Sound Transit's use of the I-90 bridge for light rail).

Pending Appellate Court Cases

1. *Boland v. Wang & Men*, Division One Court of Appeals Docket No. 867164. Appeal of adverse ruling in a real estate joint venture. Case status: Record on appeal being marshalled.
2. *Coleman v. American Commerce Insurance*, Division Two Court of Appeals Docket No. 589451. Appeal from an attorneys fees award under the Insurance Fair Claims Act on behalf of claimant. Claim is the trial court judge failed to award an adequate amount in this bad faith claim against an insurer. Case status: Briefing completed.
3. *Higgins v. Weathers*, Division Two Court of Appeals Docket No. 585243. Defense of client against *pro se* litigant found civilly liable for alleged sexual abuse allegedly committed as a minor. Appeal issues relate to an improper attempt to obtain a remand to the trial court for a determination of damages. An ancillary issue addresses the citation of non-existent cases to an appellate court in Washington state. Case status: The court will issue its decision without oral argument in October 2024.
4. *Kelly v. DeMulling*, Division One Court of Appeals Docket No. 860097. Appeal on behalf of injured person with a traumatic brain injury whose premises liability claim was dismissed on summary judgment. Case status: Briefing completed.
5. *Kindt v. Burlingame*, Supreme Court Docket No. 102786-9 on a petition for direct review from the King County Superior Court. At issue in this boundary dispute is the trial court's improper fact finding by accepting expert testimony from an undisclosed witness, who did not testify at trial, 14 months after the jury was dismissed. Also at issue is the use of improper racial language by the defense in contravention of *Henderson v. Thompson*, 200 Wn.2d 417, 518 P.3d 1011 (2022). Case status: Appellant's brief filed.
6. *McClurg v. Winters*, Division Three Court of Appeals Docket No. 401537. On discretionary review, Division Three will decide whether the trial court properly dismissed the affirmative defense of comparative fault under RCW 4.22 where Mr. Winters struck Ms. Winters who was on her skateboard in a bike lane along side a roadway). Case status: Respondents brief due November 2024.