

SUPREME COURT OF WASHINGTON

To-Ro Trade Shows v. Collins, 144 Wash. 2d 403

27 P.3d 1149 (2001) · Decided August 2, 2001

SUMMARY

The Washington Supreme Court held that To-Ro Trade Shows lacked standing and failed to present a justiciable controversy under Washington’s Uniform Declaratory Judgments Act. To-Ro had challenged enforcement of the vehicle-dealer licensing statute against an unlicensed out-of-state RV dealer at its trade show, asserting constitutional and related claims. The court concluded that To-Ro had not shown a direct and substantial financial injury or an actual, immediate dispute, and affirmed the Court of Appeals.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	Owens, J.; Alexander, C.J.; Smith, J.; Johnson, J.; Madsen, J.; Ireland, J.; Bridge, J.; Chambers, J.
JURISDICTION	Washington
DECIDED	August 2, 2001
DISPOSITION	affirmed
PROCEDURAL POSTURE	To-Ro sought declaratory and other relief challenging enforcement of Washington's vehicle-dealer licensing statute. The trial court dismissed its claims, the Court of Appeals affirmed for lack of standing, and the Washington Supreme Court granted review.
STANDARD OF REVIEW	De novo review of the denial of declaratory relief because To-Ro challenged legal conclusions rather than factual findings.
PRECEDENTIAL VALUE	published and precedential Washington Supreme Court opinion
PARTIES	To-Ro Trade Shows v. Collins, State of Washington

TOPICS

- standing
- civil procedure
- constitutional law
- commercial litigation
- administrative law

PRACTICE AREAS

- civil procedure
- constitutional law
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QUESTIONS PRESENTED

1. Whether To-Ro presented a justiciable controversy under Washington's Uniform Declaratory Judgments Act.
2. Whether To-Ro had a direct and substantial interest and sufficient factual injury to challenge RCW 46.70.021.
3. Whether To-Ro's dispute was actual and immediate rather than moot, hypothetical, or speculative.

HOLDINGS

1. A declaratory judgment action requires a justiciable controversy consisting of an actual, present, and existing dispute or mature seeds of one; genuine and opposing interests; direct and substantial interests rather than potential or theoretical interests; and a judicial determination that will be final and conclusive.
2. To-Ro lacked standing to challenge enforcement of RCW 46.70.021 because it failed to establish a direct and substantial financial injury and its interest was outside the statute's zone of interests.
3. To-Ro failed to present an actual and immediate dispute because the 1994 closure was moot in light of the jury's findings, while any broader challenge depended on hypothetical or speculative future conduct.

KEY QUOTATIONS

"We defined a justiciable controversy as "(1)... an actual, present and existing dispute, or the mature seeds of one, as distinguished from a possible, dormant, hypothetical, speculative, or moot disagreement, (2) between parties having genuine and opposing interests, (3) which involves interests that must be direct and substantial, rather than potential, theoretical, abstract or academic, and (4) a judicial determination of which will be final and conclusive." (411)

"To satisfy our four-factor justiciability test, a party must demonstrate a direct, substantial interest in an actual, immediate dispute with a truly adverse party, and that dispute must be one that the court's decision will conclusively resolve." (418)

FACTUAL BACKGROUND

To-Ro operated an RV trade show and invited Lake City RV, an Idaho dealer that lacked a Washington dealer's license, to exhibit at the show. The Department of Licensing advised To-Ro and the dealer that a Washington license was required, and later ordered the dealer to close its exhibit after observing vehicle prices and sales-oriented signs. To-Ro claimed financial losses and constitutional injuries, but the jury found that the State's closure did not proximately cause To-Ro's damages.

PROCEDURAL HISTORY

After the Department of Licensing closed an unlicensed Idaho dealer's exhibit at To-Ro's 1994 Spokane RV show, To-Ro filed an action seeking a declaration that RCW 46.70.021 was unconstitutional, damages under 42 U.S.C. § 1983, and relief for tortious interference. The trial court dismissed the claims on standing, constitutional, and immunity grounds, and a special verdict also found that the closure did not proximately cause To-Ro's damages. The Court of Appeals affirmed, and the Supreme Court affirmed the Court of Appeals.

DISPOSITION

affirmed

CASES CITED

- To-Ro Trade Shows v. Collins, 100 Wn. App. 483, 493-94, 997 P.2d 960 (2000)
- Nollette v. Christianson, 115 Wn.2d 594, 599-600, 800 P.2d 359 (1990)
- Diversified Industries Development Corp. v. Ripley, 82 Wn.2d 811, 814-15, 514 P.2d 137 (1973)
- Washington Beauty College, Inc. v. Huse, 195 Wash. 160, 164-65, 80 P.2d 403 (1938)
- DeCano v. State, 7 Wn.2d 613, 616, 110 P.2d 627 (1941)
- Walker v. Munro, 124 Wn.2d 402, 412, 879 P.2d 920 (1994)
- Yakima County (West Valley) Fire Protection District No. 12 v. City of Yakima, 122 Wn.2d 371, 379-80, 858 P.2d 245 (1993)
- Seattle School District No. 1 v. State, 90 Wn.2d 476, 490, 493-94, 585 P.2d 71 (1978)
- Vovos v. Grant, 87 Wn.2d 697, 700, 555 P.2d 1343 (1976)
- Port of Seattle v. Washington Utilities & Transportation Commission, 92 Wn.2d 789, 806, 597 P.2d 383 (1979)
- DiNino v. State ex rel. Gorton, 102 Wn.2d 327, 331, 684 P.2d 1297 (1984)
- Lawson v. State, 107 Wn.2d 444, 460, 730 P.2d 1308 (1986)
- In re Disciplinary Proceeding Against Deming, 108 Wn.2d 82, 122-23, 736 P.2d 639, 744 P.2d 340 (1987)
- Citizens Council Against Crime v. Bjork, 84 Wn.2d 891, 895, 529 P.2d 1072 (1975)
- Amalgamated Transit Union Local 587 v. State, 142 Wn.2d 183, 203, 11 P.3d 762 (2000)