

SUPREME COURT OF WASHINGTON

Wash. State Nurses Ass'n v. Cmty. Health Sys., Inc., 195 Wn. 2d 825

466 P.3d 1267 (2020) · No. 97532-9 · Decided August 13, 2020

SUMMARY

The Washington Supreme Court held that the Washington State Nurses Association lacked associational standing to seek wage-and-hour damages on behalf of its members because the damages depended on representative testimony and were not certain, easily ascertainable, or within the defendant's knowledge. The court declined to create an exception permitting representative testimony to establish damages in associational standing cases and reversed the trial court's judgment.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	Montoya-Lewis, J.
JURISDICTION	Washington
DECIDED	August 13, 2020
DOCKET	97532-9
DISPOSITION	reversed
PROCEDURAL POSTURE	Yakima Regional appealed after a bench trial judgment awarding damages, double damages, attorney fees, and costs to the Washington State Nurses Association on behalf of nurses. The Washington Supreme Court accepted transfer of the case from the Court of Appeals to decide whether the association had associational standing.
STANDARD OF REVIEW	The standing issue was reviewed as a legal issue; the majority resolved it under the governing associational-standing framework. The dissent notes that findings based on evaluated evidence are reviewed for substantial evidence and legal questions de novo.
PRECEDENTIAL VALUE	Published en banc opinion; binding Washington Supreme Court precedent on associational standing for damages claims.
PARTIES	Community Health Systems, Inc., d/b/a Yakima HMA, LLC, d/b/a Yakima Regional Medical and Cardiac Center, Veronica Knudson, Brian Braegger v. Washington State Nurses Association

TOPICS

wage and hour

standing

employment law

civil procedure

remedies

PRACTICE AREAS

Employment law

Civil procedure

Labor law

Remedies

QUESTIONS PRESENTED

1. Whether WSNA had associational standing to seek damages for its nurse members when proving the amount and extent of damages required representative testimony and fact-finding.
2. Whether representative testimony may establish uncertain or disputed damages in an associational wage-and-hour action without the procedural protections of a class or collective action.

HOLDINGS

1. An association may bring a damages claim on behalf of its members under the third prong of the associational-standing test only when the damages are certain, easily ascertainable, and within the knowledge of the defendant. Because the damages here required representative testimony and trial-court determinations concerning the rates of unpaid work and missed meal periods, WSNA lacked associational standing.

KEY QUOTATIONS

“An association has standing to bring a claim for damages on behalf of its individual members if the damages are certain, easily ascertainable, and within the knowledge of the defendant.” (195 Wn. 2d at 845)

“The damages in this case were not certain or easily ascertainable.” (195 Wn. 2d at 845)

FACTUAL BACKGROUND

Yakima Regional employed home health and hospice nurses who were expected to complete five or six productivity units within an eight-hour day, despite substantial travel, patient-care, documentation, and coordination duties. The nurses testified that they routinely worked unpaid overtime, often during evenings, mornings, and meal periods, and were rarely able to take uninterrupted 30-minute meal breaks. WSNA presented an expert damages chart based on payroll records, but the trial court had to determine the average unpaid hours and percentage of missed meal periods from representative testimony.

PROCEDURAL HISTORY

WSNA sued on behalf of 28 home health and hospice nurses for unpaid work time, overtime, and missed meal periods under Washington wage laws. The trial court found associational standing, awarded \$1,447,758.09 in damages, imposed double damages, and awarded fees and costs. After Yakima Regional appealed and WSNA cross-appealed, Division Three certified the case for transfer to the Washington Supreme Court, which accepted review.

DISPOSITION

reversed

REMAND INSTRUCTIONS

None. The court reversed the trial court and dismissed the case based on lack of associational standing.

CASES CITED

- Riverview Cmty. Grp. v. Spencer & Livingston, 181 Wash. 2d 888, 337 P.3d 1076 (2014)
- Int'l Ass'n of Firefighters, Local 1789 v. Spokane Airports, 146 Wash. 2d 207, 45 P.3d 186 (2002)
- Hunt v. Wash. State Apple Advert. Comm'n, 432 U.S. 333, 97 S. Ct. 2434, 53 L. Ed. 2d 383 (1977)
- Warth v. Seldin, 422 U.S. 490, 95 S. Ct. 2197, 45 L. Ed. 2d 343 (1975)
- United Food & Commercial Workers Union Local 751 v. Brown Grp., Inc., 517 U.S. 544, 116 S. Ct. 1529, 134 L. Ed. 2d 758 (1996)
- Teamsters Local Union No. 117 v. Dep't of Corr., 145 Wash. App. 507, 187 P.3d 754 (2008)
- Pugh v. Evergreen Hosp. Med. Ctr., 177 Wash. App. 363, 312 P.3d 665 (2013)
- Anderson v. Mt. Clemens Pottery Co., 328 U.S. 680, 66 S. Ct. 1187, 90 L. Ed. 1515 (1946)
- McLaughlin v. Ho Fat Seto, 850 F.2d 586 (9th Cir. 1988)
- Tyson Foods, Inc. v. Bouaphakeo, 577 U.S. 442, 136 S. Ct. 1036, 194 L. Ed. 2d 124 (2016)
- Campbell v. City of Los Angeles, 903 F.3d 1090 (9th Cir. 2018)
- Espenscheid v. DirectSat USA, LLC, 705 F.3d 770 (7th Cir. 2013)
- Reich v. S. Md. Hosp., Inc., 43 F.3d 949 (4th Cir. 1994)
- Sec'y of Labor v. DeSisto, 929 F.2d 789 (1st Cir. 1991)
- Miller v. Farmer Bros. Co., 115 Wash. App. 815, 64 P.3d 49 (2003)
- Wash. State Nurses Ass'n v. Sacred Heart Med. Ctr., 175 Wash. 2d 822, 287 P.3d 516 (2012)
- Hill v. Garda CL Nw. Inc., 191 Wash. 2d 553, 424 P.3d 207 (2018)
- Chavez v. Our Lady of Lourdes Hosp., 190 Wash. 2d 507, 415 P.3d 224 (2018)
- Lopez Demetrio v. Sakuma Bros. Farms, 183 Wash. 2d 649, 355 P.3d 258 (2015)
- Brady v. Autozone Stores, Inc., 188 Wash. 2d 576, 397 P.3d 120 (2017)
- Shinn v. Thrust IV, Inc., 56 Wash. App. 827, 786 P.2d 285 (1990)
- International Union, United Automobile, Aerospace & Agricultural Implement Workers v. Brock, 477 U.S. 274, 106 S. Ct. 2523, 91 L. Ed. 2d 228 (1986)