

SUPREME COURT OF WASHINGTON

Renner v. City of Marysville, 168 Wash. 2d 540

230 P.3d 569 (2010) · No. No. 81959-9 · Decided April 1, 2010

SUMMARY

The Supreme Court of Washington held that Marc Renner substantially complied with former RCW 4.96.020(3), which governed tort claim filings against local governments. Renner's description of his damages, rather than a numerical amount, and his incomplete residential address information were sufficient because the filing fulfilled the statute's purposes of providing notice and allowing investigation and settlement. The court affirmed the Court of Appeals and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	C. Johnson, J.; Alexander, J.; Sanders, J.; Chambers, J.; Owens, J.; J. M. Johnson, J.; Stephens, J.; Madsen, C.J.; Fairhurst, J.
JURISDICTION	Washington
DECIDED	April 1, 2010
DOCKET	No. 81959-9
DISPOSITION	affirmed
PROCEDURAL POSTURE	The superior court granted the City of Marysville summary judgment and dismissed Renner's wrongful-discharge action with prejudice for failure to comply with former RCW 4.96.020(3). The Court of Appeals reversed, and the Washington Supreme Court granted the City's petition for review.
STANDARD OF REVIEW	De novo review of statutory interpretation; the facts were undisputed and the issue was whether Renner substantially complied with the claim-filing statute.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	City of Marysville v. Marc Stephen Renner

TOPICS

civil procedure

statutory interpretation

municipal law

affirmative defenses

wrongful termination

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether a claimant substantially complies with former RCW 4.96.020(3) by describing the types of damages sought rather than stating a numerical amount.
2. Whether a claimant substantially complies with the statute's residence-information requirement by providing one address covering only part of the six-month period when the municipality can determine the remaining information through reasonable diligence.

HOLDINGS

1. A claimant substantially complies with the statute's amount-of-damages requirement by providing an accurate and complete general description of the damages sought when that information fulfills the statutory purposes of notifying the local government of the claim and allowing it to investigate, negotiate, and potentially settle the claim; a numerical damages figure is not invariably required.
2. A claimant substantially complies with the residence requirement when the information provided is a bona fide attempt and fulfills the statute's purpose of identifying and locating the claimant, including when the municipality can determine missing residence information through reasonable diligence.

KEY QUOTATIONS

“Because the purpose of providing a description of the damages claimed is to give the government general notice and the opportunity to investigate, negotiate, and possibly settle claims, and based on the statute's liberal construction directive, a general description of damages sought fulfills the statute's purpose.” (572)

“The proper inquiry is whether the information the claimant provided fulfills the purposes of the requirement and the claim filing statute, liberally construed.” (573)

“It cannot and should not be the basis for dismissal of a cause of action under these circumstances.” (573)

FACTUAL BACKGROUND

The City of Marysville terminated Marc Renner from his computer network administrator position, citing misconduct and insubordination; Renner asserted he was fired for inquiring about joining a union. Renner timely filed a city tort claim describing wages, benefits, front pay, emotional damages, costs, fees, and other damages, but he stated that the amount was undetermined rather than providing a numerical figure. He also provided an address covering only two of the six months preceding accrual of his claim. The City later asserted failure to comply with chapter 4.96 RCW as an affirmative defense and obtained summary judgment.

PROCEDURAL HISTORY

Renner filed a wrongful-discharge claim with the City after his termination, describing his damages without stating a numerical amount and providing only one address covering part of the relevant six-month period. He then filed suit. The superior court granted the City's motion for summary judgment and dismissed the action with

prejudice. The Court of Appeals reversed in a published opinion, holding that Renner substantially complied with the claim-filing statute as to both damages and residence. The Supreme Court affirmed the Court of Appeals and remanded for further proceedings.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The case was remanded to the trial court for further proceedings.

CASES CITED

- Troxell v. Rainier Pub. Sch. Dist. No. 307, 154 Wash. 2d 345, 350, 111 P.3d 1173 (2005)
- Medina v. Pub. Util. Dist. No. 1, 147 Wash. 2d 303, 310, 312-13, 53 P.3d 993 (2002)
- Brigham v. City of Seattle, 34 Wash. 2d 786, 789, 210 P.2d 144 (1949)
- Caron v. Grays Harbor County, 18 Wash. 2d 397, 139 P.2d 626 (1943)
- Nelson v. Dunkin, 69 Wash. 2d 726, 728, 731-32, 419 P.2d 984 (1966)
- Renner v. City of Marysville, 145 Wash. App. 443, 456-58, 187 P.3d 283 (2008)
- Olson v. King County, 71 Wash. 2d 279, 287-91, 428 P.2d 562 (1967)
- Born v. City of Spokane, 27 Wash. 719, 725, 68 P. 386 (1902)
- Cagle v. Burns & Roe, Inc., 106 Wash. 2d 911, 916, 919, 726 P.2d 434 (1986)