

SUPREME COURT OF WASHINGTON

Wright v. Terrell

170 P.3d 570 (Wash. 2007) · No. No. 79542-8 · Decided November 8, 2007

SUMMARY

The Washington Supreme Court held that former RCW 4.96.020 did not apply to claims against individual government employees. It also held that the statute did not apply to federal civil rights claims under 42 U.S.C. § 1983 or unfair labor practice claims under chapter 41.56 RCW. The court reversed the Court of Appeals and remanded for consideration of other issues.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Washington
DECIDED	November 8, 2007
DOCKET	No. 79542-8
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Petitioners sought review of a Washington Court of Appeals decision affirming dismissal of tort, federal civil-rights, and unfair-labor-practice claims for failure to comply with former RCW 4.96.020.
STANDARD OF REVIEW	De novo review of the legal issue concerning the applicability of former RCW 4.96.020.
PRECEDENTIAL VALUE	Published, precedential Washington Supreme Court opinion
PARTIES	Charlotte Wright, David Larson, Public School Employees of Evergreen v. Jim Terrell, Marcia Fromhold, in her official capacity as assistant superintendent of the Evergreen School District, Evergreen School District

TOPICS

[civil procedure](#) [appellate procedure](#) [statutory interpretation](#) [section 1983](#) [civil rights](#)

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether former RCW 4.96.020 applied to claims against individual government employees.
2. Whether former RCW 4.96.020 applied to claims under 42 U.S.C. § 1983.
3. Whether unfair-labor-practice claims under chapter 41.56 RCW were tort claims subject to former RCW 4.96.020.
4. Whether the Court of Appeals erred in treating the relevant holding in *Bosteder v. City of Renton* as a nonbinding plurality decision.

HOLDINGS

1. Former RCW 4.96.020 did not apply to claims against government employees sued in their individual capacities.
2. Former RCW 4.96.020 did not apply to claims under 42 U.S.C. § 1983.
3. Unfair-labor-practice claims under chapter 41.56 RCW are not tort claims for damages and therefore are not subject to former RCW 4.96.020.

KEY QUOTATIONS

“A majority of this court thus concluded that former RCW 4.96.020 does not apply to claims against individuals.” (571)

“Unfair labor practice claims under chapter 41.56 RCW are not tort claims for damages and are thus not subject to the claims filing statute.” (572)

FACTUAL BACKGROUND

Charlotte Wright and the Public School Employees of Evergreen sued school-district officials and the district based on alleged mistreatment of employees, asserting tort, federal civil-rights, unfair-labor-practice, negligent-supervision, and public-disclosure claims. Wright and the union later amended the complaint to add David Larson and additional tort claims against Jim Terrell individually. The defendants argued that the tort claims were barred because the plaintiffs had not first filed them with the district under former RCW 4.96.020.

PROCEDURAL HISTORY

The trial court dismissed claims against individual government employees and federal civil-rights claims based on failure to file claims with the school district under former RCW 4.96.020, denied a motion to compel discovery, and later issued additional rulings concerning the dismissed claims. The Court of Appeals affirmed the dismissals. The Washington Supreme Court granted review, reversed, and remanded to the Court of Appeals to consider other grounds for affirmance raised on appeal.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the Court of Appeals to consider the other issues raised on appeal and any other grounds for affirming the dismissal.

CASES CITED

- Bosteder v. City of Renton, 155 Wash. 2d 18, 117 P.3d 316 (2005)
- Felder v. Casey, 487 U.S. 131, 138, 108 S. Ct. 2302, 101 L. Ed. 2d 123 (1988)
- Cox v. City of Lynnwood, 72 Wash. App. 1, 11, 863 P.2d 578 (1993)
- Wash. State Council of County & City Employees, Council 2 v. Hahn, 151 Wash. 2d 163, 167, 86 P.3d 774 (2004)

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