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Denney v. City of Richland

Supreme Court of Washington - May 7, 2020 - 462 P.3d 842

Firefighter brought action against city, alleging violation of Public Records Act based on alleged withholding of investigative complaints that firefighter made about on-the-job harassment and discrimination.

The Superior Court granted summary judgment to city. Firefighter appealed. The Court of Appeals dismissed appeal as untimely. Firefighter sought discretionary review, which was granted.

The Supreme Court held that:

- A summary judgment order fully resolving all legal claims can constitute a final decision beginning the 30-day appeal period, even if it does not resolve cost or fee award, but
- Firefighter's misinterpretation of rules to determine that summary judgment order was not a final decision was excusable error justifying treatment of appeal as timely.

Firefighter's misinterpretation of appellate procedure rules to determine that trial court's summary judgment order was not a final decision, and thus that it did not trigger 30-day appeal period, due to fact that order did not resolve issue of attorney's fees, was excusable error justifying treatment of firefighter's untimely appeal as timely, in firefighter's action against city alleging violation of Public Records Act; confusion had been introduced into rules by civil rule directing the attorney for prevailing party to "prepare and present a proposed form of order or judgment not later than 15 days after the entry of the verdict or decision."