

Bond Case Briefs

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Ehrhart v. King County

Supreme Court of Washington. April 2, 2020--- P.3d ----2020 WL 1649891

Patient's wife brought action against county public health department, alleging negligence after patient died after contracting hantavirus.

The Superior Court granted conditional partial summary judgment to wife. County appealed.

After grant of direct discretionary review, the Supreme Court of Washington held that:

- County was not responsible for enforcing state regulation setting out duties of local health officer or the local health department, and thus any failure by county to enforce regulation could not support application of failure-to-enforce exception to public duty doctrine to allow instant action;
- Such regulation required county only to make a determination about how to respond to report of hantavirus case, not to make a particular determination; and
- Regulation was intended to protect public as a whole, and thus failure-to-enforce exception to public duty doctrine did not apply.