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2) **No.: 25523-9-III**

**Case Name: Thomas S. Burchfiel, et ux v. Boeing Corporation, et al**

**County: Spokane**

**Case Summary:** A jury awarded Thomas Burchfiel, who suffers from leukemia, judgment for \$1,007,000 on claims of disability discrimination and retaliation against his former employer, Boeing Company and others (Boeing). Mr. Burchfiel's wife Patricia was awarded damages for loss of consortium. The trial court subsequently granted Boeing's motion for judgment as a matter of law and vacated the judgment. Burchfiels appeal; Boeing cross appeals, seeking a new trial in the event the appellate court reinstates the jury verdict.

**Issues Presented:** (1) Whether the court erred in rejecting the jury's findings and concluding as a matter of law that Boeing did not discriminate or retaliate against Mr. Burchfiel; (2) Whether the court erred in granting Boeing judgment as a matter of law on the loss of consortium claim; (3) Whether the court erroneously applied the *McClarty* disability standard to Boeing's post-verdict motion for judgment as a matter of law; (4) Whether the new definition of disability in RCW 49.60.040(25) applies retroactively to this case; and if so, whether the order granting Boeing judgment as a matter of law must be reversed; and (5) Whether the court erred in refusing to admit evidence of lost life insurance benefits as a compensable damage.

**Cross Appeal Issues Presented:** Whether the court erred by (1) refusing to admit evidence of alleged personal misconduct by Mr. Burchfiel, (2) failing to give a "business judgment" jury instruction, (3) failing to give curative instructions based upon certain statements of plaintiffs' counsel pertaining to damages and evidence not admitted at trial, (4) failing to give a jury instruction on the "adverse action requirement" as an essential element of the discrimination and retaliation claims, and (5) allowing Mrs. Burchfiel to proceed on a loss of consortium claim not pleaded or disclosed in response to discovery.

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3) **No.: 26758-0-III**

**Case Name: State of Washington v. Jonathan James McLane**

**County: Benton**

**Case Summary:** Defendant appeals his convictions for three counts of first degree rape of a child and one count of third degree child molestation.

**Issues Presented:** (1) Whether the State's exercise of peremptory challenges against male members of the jury panel violated defendant's constitutional right to equal protection; (2) Whether there was insufficient evidence to support defendant's conviction