

Judgment against Mary's Bake Shoppe

WT-E believes Mary Coonts should not exercise the same right to appeal that has provided the legal relief sought by so many others

More than ten percent of the district court decisions, when appealed to the Wyoming Supreme Court, were reversed in the High Court's 2007 rulings.

More than ten percent!

To provide proof that appealing to the Wyoming Supreme Court is almost mandatory, I decided to quickly look at some of the decisions issued by the High Court this year. I did not look at those with the State of Wyoming defendant (for the most part) because they are generally about convictions, sentences, etc., and the State seldom loses those appeals.

Seventy-three (73) of the 133 opinions issued so far this year have the State of Wyoming or derivative as the appellee (plaintiff). Another handful show the Board of County Commissioners as the appellees. If you pull out the successful appeals against the State from the listing below, that would leave at least 13 reversals of about 55 appeals against an appellee other than government - a staggering 23.6%.

I did not review all 133 opinions. In fact, of those I did check for reversals, it ran about 50-50. About half of the Supreme Court opinions I downloaded for a cursory review had the appeal granted, with reversals and in some cases, remands, for further proceedings.

Should Mary Coonts appeal the decision

recently handed down by Judge Ed Grant - a summary judgment in favor of the City of Cheyenne for the demolition of her property destroyed in the December, 2004 downtown fire?

If she wants to be certain it was the correct legal decision, she will have to.

The Tribune-Eagle cannot have forgotten the numerous times actions by the City of Cheyenne, their staunch ally, have been reversed by the Wyoming Supreme Court. Or, can they?

The daily has derisively written that Gay Woodhouse has made a "cottage industry" of defeating the City. Whether it's a cottage industry or just brilliant legal work, she has repeatedly beaten the City like a soufflé. But without a whisk.

Is the City's losing streak the reason the city's daily newspaper editorialized against Mary Coonts exercising her legal right to appeal the decision by Judge Ed Grant? Have they come to realize - as the Cheyenne Herald has long written - that the district courts in Wyoming are little more than a racetrack's paddock area, where horses are saddled and paraded in a circle but not raced to determine a winner.

The WT-E has a history of supporting the City's illegal actions. They, themselves, took advantage of the Supreme Court's upholding a lower court decision that

avored them. When then-Sheriff Roger Allsop appealed a district court decision requiring him to provide the results of a study into jail suicides, Reed Eckhardt trumpeted the decision as "setting the record." But he doesn't want other litigants to avail themselves of the same High Court judgment. And correction.

The August 13, 2007 *Our View* in the daily wrongly asserted that Mary Coonts has maintained she "is not responsible for the demolition and clean-up of her fire-ravaged downtown business."

The editorial also said that "Mr. Grant (Judge Ed Grant) said the city complied with the law and did everything it could to make sure Ms. Coonts knew what was going (sic) before demolition started."

The case file does not support either the representation by the WT-E or the judge's decision. The deposition of the City's chief building official contradicts the judge's words as do Mary's long-stated words on the subject.

(Note: While the Cheyenne Herald has written extensively about this matter and allowed Mary Coonts to tell her story in her own words, unedited, in our December 12, 2005 issue, I severed communications with Ms. Coonts several months ago so she did not share any information that might jeopardize her case or appeal. Yes, I was certain she would lose at the district court level. It could be different

at the Supreme Court.)

The daily also erroneously stated that, "In February of 2005, the city paid \$104,817 to have the bakery's charred remains removed." That detail is just one of many the daily erred about. Had they bothered to do the most basic review, they would have avoided most of the mistakes they made.

Check No. 2373 in the amount of \$104,817.15 was paid to Spiegelberg Lumber of Laramie on May 4, 2005.

The daily misrepresented the time table leading up to the unapproved demolition. Reed wrote, "After giving Ms. Coonts 14 days to do something with her building, the city wisely moved in to take away any possible threat to public safety."

Wrong again. On January 28, 2005, a letter was delivered to an attorney representing Ms. Coonts - not to Mary. That letter, delivered at the end of the workday on a Friday, notified her that she had two days (it did not specify weekdays) to obtain "the necessary permits" and 14 days "from the date of service of this order, to complete the demolition and have the lot cleaned in a satisfactory manner." There is dispute as to what day Spiegelberg actually began demolition of Mary's Bake Shoppe but Emory Spiegelberg swore in his Affidavit that "demolition started 2/3/2005." That is three work days after notice, six days counting weekends.

Sampling of 2007 reversals by the Wyoming Supreme Court

January 10, 2007	Witherspoon v. Teton Laser & Lofaro M.D.	2007 WY 3	Nancy J. Guthrie	Teton County	District Court abused its discretion ... the error was prejudicial and we reverse and remand for a new trial.
January 16, 2007	Steiger v. Happy Valley Homeowners Assn.	2007 WY 5	Edward L. Grant	Laramie County	The district court granted summary judgment to the HoA. We reverse.
January 18, 2007	Wilson v. Lucerne Canal and Power Co.	2007 WY 10	Keith G. Kautz	Goshen County	Affirm in part, reverse in part and remand.
January 23, 2007	Hincks v. Walton Ranch	2007 WY 12	Nancy Guthrie	Teton County	We conclude genuine issues of material fact existed precluding summary judgment and reverse.
January 26, 2007	RME Petroleum Co., Chevron USA, Inc. et al v. Wyo DOR et al	2007 WY 16	Nena James Dennis L. Sanderson Nancy Guthrie	Sweetwater County Uinta County Fremont County	We conclude the board's (Board of Equalization) interpretation of the statute was erroneous and reverse the orders of the Bd.
April 13, 2007	Frost et al v. Dodson (estate)	2007 WY 63	Hunter Patrick	Big Horn County	... we reverse and remand
April 26, 2007	Moss v. Moss	2007 WY 67	Nancy J. Guthrie	Teton County	We reverse and remand ...
April 26, 2007	Belden and Fish Creek Design, LLC v. Thorkildsens	2007 WY 68	Nancy Guthrie	Teton County	Because we find that the district court's decision was premised upon an improper application of the parole evidence rule, we reverse and remand.
May 10, 2007	Colorado Casualty Ins. Co., v. Donald V. Sammones et al	2007 WY 75	Jeffrey A. Dopnell	Albany County	Reverse the summary judgment based upon the contract claim because genuine issues of material fact exist.
May 15, 2007	Vroman v. Town & Country Credit Corp.	2007 WY 82	Nicholas G. Kalokathis	Laramie County	... affirm in part, reverse in part and remand.
June 15, 2007	W.N. McMurry Construction Co. Community First Ins., Inc. et al	2007 WY 96	John C. Brooks	Natrona County	Affirm the denial of the motion to amend, reverse the summary judgment, remand.
August 6, 2007	Alvarez v. Wyo. Worker's Comp.	2007 WY 126	Nena R. James	Sweetwater County	... we reverse the district court's order.
August 8, 2007	In the Interest of FM: BA v. Laramie County Dept of Family Svcs.	2007 WY 128	Peter G. Arnold	Laramie County	We reverse the order of the district court and remand this case with directions for the district court to dismiss the petition to terminate Mother's parental rights to FM.
August 16, 2007	Holcomb v. State of Wyoming	2007 WY 131	Dan R. Price	Campbell County	We reverse.
August 17, 2007	Kawulok v. Legerski	2007 WY 133	John C. Brackley	Sheridan County	... reverse the district court's order.

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