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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF GRAYS HARBOR

DEL JOHNSON, Individually and as the
Personal Representative of the Estate of
BEVERLY JOHNSON,

Plaintiff

vs

STATE OF WASHINGTON; GRAYS HARBOR
COUNTY, WASHINGTON; GRAYS HARBOR
COMMUNICATIONS CENTER A/K/A GRAYS
HARBOR E911 COMMUNICATIONS CENTER

Defendants.

No.: 08-2-01743-1

AMENDED COMPLAINT FOR
NEGLIGENCE, SURVIVAL
ACTION AND WRONGFUL DEATH

By and through his attorney, Plaintiff alleges:

1.

Plaintiff is an Oregon resident and the widower and personal representative
of the estate of Beverly Johnson.

2.

Defendant State of Washington provides law enforcement services
throughout the State of Washington through the Washington State Patrol.

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PAGE 1 - AMENDED COMPLAINT

12
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1

3.

2 Defendant Grays Harbor County is a political subdivision of the State of
3 Washington and provides emergency services through the Grays Harbor County
4 Sheriff's Office and Grays Harbor County 911 Center.

5

4.

6 Defendant Grays Harbor Communications Center A/k/a Grays Harbor E911
7 Communications Center is a consolidated emergency communication Center
8 established under the "Interlocal Cooperation Act", RCW 39.34 *et seq* by certain
9 local governmental entities in Grays Harbor County, including the City of Elma,
10 Washington and Grays Harbor County. Grays Harbor Communications Center has
11 the responsibility and authority to provide communication services, including but
12 not limited to emergency service communications and functions incidental thereto,
13 for the local governmental entities participating in it.

14

5.

15 On January 27, 2007 at 7:03 P.M. Pacific Standard Time, Plaintiff's wife,
16 Beverly Johnson, was entered by the Beaverton Police Department in the National
17 Crime Information Center (NCIC) computer as a Missing/Endangered Person.
18 She suffered from a seizure disorder that caused her to be severely disoriented
19 while appearing to function normally. The medications that normally controlled her
20 condition were not functioning because of a flu virus. She had left her local library
21 earlier that day in her 1999 Honda Accord, Oregon license number XDN-364, and
22 was not seen until Tyler Trimble, a Grays Harbor Sheriff's Department parking
23 officer and police explorer scout, came upon her in his vehicle as they were both
24 westbound on US Highway 12, east of Elma, Washington around 8:40 P.M.

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1 Because of Mrs. Johnson's erratic driving, Mr. Trimble called Grays Harbor 911 to
2 report his observations. Grays Harbor 911 recognized Mr. Trimble and took the
3 information he provided concerning Mrs. Johnson but did not tell him Mrs.
4 Johnson had been reported as Missing/Endangered. They transferred him to the
5 Washington State Patrol (WSP) because Mrs. Johnson was in WSP's jurisdiction,
6 and WSP took the same information again. WSP did not tell Mr. Trimble Mrs.
7 Johnson had been reported Missing/Endangered.

8 6.

9 Mrs. Johnson entered the City of Elma, Washington, at which point Grays
10 Harbor 911 transferred the call to the Elma Police Department, but failed to assign
11 the call to Elma or to give it an Elma Police number. If Grays Harbor 911 had
12 assigned the case to Elma with an Elma Police number, Elma officers would have
13 been authorized to issue an "attempt to locate"(ATL) for Mrs. Johnson's car.

14 7.

15 If either Grays Harbor 911 or WSP had told him Mrs. Johnson had been
16 reported Missing and Endangered, Mr. Trimble would have kept following Mrs.
17 Johnson until she could be stopped and checked by a uniformed officer. Lacking
18 that information, Mr. Trimble stopped following Mrs. Johnson and went home.

19 8.

20 At about 10:15 P.M., on that same night, Mr. Trimble was watching an Oregon
21 television news station and saw a newscast concerning Mrs. Johnson's disappearance.
22 He recognized the car he had been following earlier and called Grays Harbor 911 again.
23 He was told the car he had been following earlier and called about earlier was not the
24 same car associated with the missing Oregon woman on the news report. He persisted,

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1 but Grays Harbor 911 told him that the license plates on the two cars were definitely
2 different.

3 9.

4 The information given Mr. Trimble by Grays Harbor 911 was wrong. In fact, the
5 car Mr. Trimble had followed earlier and the car he saw on the television newscast were
6 the same car, and it belonged to Plaintiff's wife, Beverly Johnson.

7 10.

8 Mrs. Johnson, or her car, were seen three additional times under circumstances
9 indicating that she was still alive at least as of January 31.

10 11.

11 As a proximate result of the failure of Grays Harbor 911 and WSP to tell Mr.
12 Trimble Mrs. Johnson had been listed as Missing and Endangered, and as a proximate
13 result of Grays Harbor's misidentification of Mrs. Johnson's license plate to Mr. Trimble,
14 Mrs. Johnson received no aid, Plaintiff and law enforcement agencies were not informed
15 of her presence in Grays Harbor County, and no search for her was conducted in the
16 Grays Harbor County area.

17 12.

18 As a proximate result of the errors described above, Mrs. Johnson's presence in
19 Grays Harbor County was not reported until she was found, dead of exposure, on
20 February 7, 2007 on a logging road in Grays Harbor County. Those errors were the
21 proximate cause of her death.

22 ///

23 ///

24 ///

PAGE 4 - AMENDED COMPLAINT

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1 13.

2 As a proximate result of the errors described above, Mrs. Johnson was deprived
3 of a significant chance of survival which she otherwise would have had. Defendants'
4 errors, and the errors of each of them substantially contributed to Mrs. Johnson's death.

5 14.

6 As a proximate result of the errors described above, from January 27, 2007 until
7 she died of exposure between four and 11 days later, Mrs. Johnson suffered pain,
8 anguish, fear, hunger, thirst and exposure to the elements, to her damage in the amount
9 of \$500,000.

10 15.

11 As a result of the death of Mrs. Johnson, her husband, Delbert Johnson, has
12 suffered loss of mutual love, affection, companionship, society and consortium, all to his
13 damage in the amount of \$2,500,000.

14 **FIRST CLAIM FOR RELIEF**

15 (Grays Harbor County)

16 16.

17 Plaintiff realleges paragraphs 1-15 above.

18 17.

19 Defendant Grays Harbor County was negligent in that

20 a. Grays Harbor County 911 Center failed to tell Tyler Trimble, when he
21 initially reported Mrs. Johnson's car at about 8:40 P.M. January 27, 2007, that
22 Mrs. Johnson had been reported Missing/Endangered;

23 ///

24 ///

1 b. Grays Harbor County 911 Center falsely told Tyler Trimble when he called
2 at about 10:15 P.M. on January 27, 2007, that the license plate he reported
3 was not that of the missing Oregon woman, Mrs. Johnson; and

4 c. Grays Harbor County 911 failed to transfer the call back from
5 Washington State Patrol to an EP Number so as to assign responsibility for
6 the call to the Elma Police Department.

7 d. Grays Harbor County 911 failed to notify the Beaverton, Oregon
8 Police Department that Mrs. Johnson's car had been reported in their area.

9 **THIRD CLAIM FOR RELIEF**

10 (Grays Harbor Communications Center)

11 18.

12 Plaintiff realleges paragraphs 1-17 above.

13 19.

14 Defendant Grays Communications Center was negligent in that

15 a. Grays Harbor County 911 Center failed to tell Tyler Trimble, when he
16 initially reported Mrs. Johnson's car at about 8:40 P.M. January 27, 2007, that
17 Mrs. Johnson had been reported Missing/Endangered;

18 b. Grays Harbor County 911 Center falsely told Tyler Trimble when he called
19 at about 10:15 P.M. on January 27, 2007, that the license plate he reported
20 was not that of the missing Oregon woman, Mrs. Johnson; and

21 c. Grays Harbor County 911 failed to transfer the call back from
22 Washington State Patrol to an EP Number so as to assign responsibility for
23 the call to the Elma Police Department.

24 ///

d. Grays Harbor County 911 failed to notify the Beaverton, Oregon Police Department that Mrs. Johnson's car had been reported in their area.

SECOND CLAIM FOR RELIEF
(State of Washington)

20.

Plaintiff realleges paragraphs 1 - 19 above.

21.

Defendant State of Washington was negligent in that

a. Washington State Patrol failed to tell Tyler Trimble, when he initially reported following Mrs. Johnson's car at about 8:40 P.M. January 27, 2007, that Mrs. Johnson had been reported Missing/Endangered;

b. Washington State Patrol failed to notify the Beaverton, Oregon Police Department that Mrs. Johnson's car had been reported in their area.

WHEREFORE, plaintiffs pray for judgment against the defendants as follows:

1. For judgment in such amount as shall be proven at the time of trial.
2. For prejudgement interest at the statutory rate on all items of special damages including, without limitation, expenses of medical care and treatment and wage loss.

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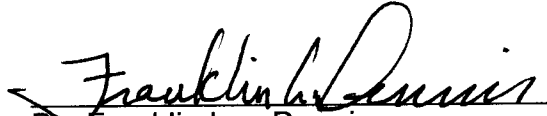
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1 3. For an award of attorney fees and costs incurred herein.

2 4. For such other and further relief as the court deems just and equitable.

3 Dated: ^{July}~~June~~ 31, 2009.

5 **Barokas Martin & Tomlinson**

6 

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