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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

CALEB W. CARMODY,

Plaintiff,

vs.

MARISSA L. ALTSCHECH and JOHN DOE
ALTSCHECH, individually and the marital
community composed thereof; CITY OF
SEATTLE, a Washington Municipal
Corporation,

Defendants.

NO. 15-2-03085-0 SEA

PLAINTIFF'S FIRST AMENDED
COMPLAINT FOR DAMAGES

COMES NOW Plaintiff against the above-named Defendants, and states and alleges
as follows:

I. PARTIES & JURISDICTION

1.1 Plaintiff Caleb W. Carmody is a resident of King County, State of
Washington.

1 1.2 Defendant Marissa L. Altchech is believed to be a resident of King County,
2 State of Washington. If this defendant is married, her acts and omissions hereinafter
3 described were for and on behalf of her marital community.

4 1.3 Defendant City of Seattle (hereinafter “the City”) is a municipal corporation
5 located in King County, Washington.
6

7 1.4 All acts and/or omissions described herein occurred in King County,
8 Washington. King County is therefore a proper venue for this action.
9

10 II. FACTS

11 2.1 On or about October 4, 2013, Defendant Marissa L. Altchech was driving a
12 2012 Jeep Grand Cherokee.
13

14 2.2 Marissa Altchech drove the Jeep on Belmont Avenue East towards East Roy
15 Street in Seattle.

16 2.3 Marissa Altchech drove the Jeep southbound on Belmont Avenue East.

17 2.4 The intersection of Belmont Avenue East and East Roy Street is a four way
18 intersection.
19

20 2.5 At the subject intersection, eastbound traffic is faced with a “STOP” sign.

21 2.6 At the subject intersection, northbound traffic is faced with a “STOP” sign.

22 2.7 At the subject intersection, westbound and southbound traffic do not have a
23 “STOP” sign.

24 2.8 At the subject intersection, westbound and southbound traffic do not have a
25 “YIELD” sign or similar sign.

1 2.9 Once Marissa Altchech reached the intersection of Belmont Avenue East and
2 East Roy Street, Ms. Altchech brought the Jeep to a complete stop.

3 2.10 As Marissa Altchech began slowing the Jeep, Plaintiff Caleb Carmody was
4 riding his bicycle westbound on East Roy Street.

5 2.11 Caleb Carmody was traveling downhill on East Roy Street.

6 2.12 As Caleb Carmody approached the intersection of Belmont Avenue East and
7 East Roy Street, Mr. Carmody saw Marissa Altchech bring her Jeep to a complete stop.

8 2.13 Caleb Carmody was not directed by any traffic control signal or sign to stop
9 prior to entering the intersection.

10 2.14 Caleb Carmody entered the intersection of Belmont Avenue East and East
11 Roy Street with the intention of proceeding straight through the intersection.

12 2.15 When Caleb Carmody entered the intersection of Belmont Avenue East and
13 East Roy Street, Marissa Altchech and the Jeep were at a complete stop.

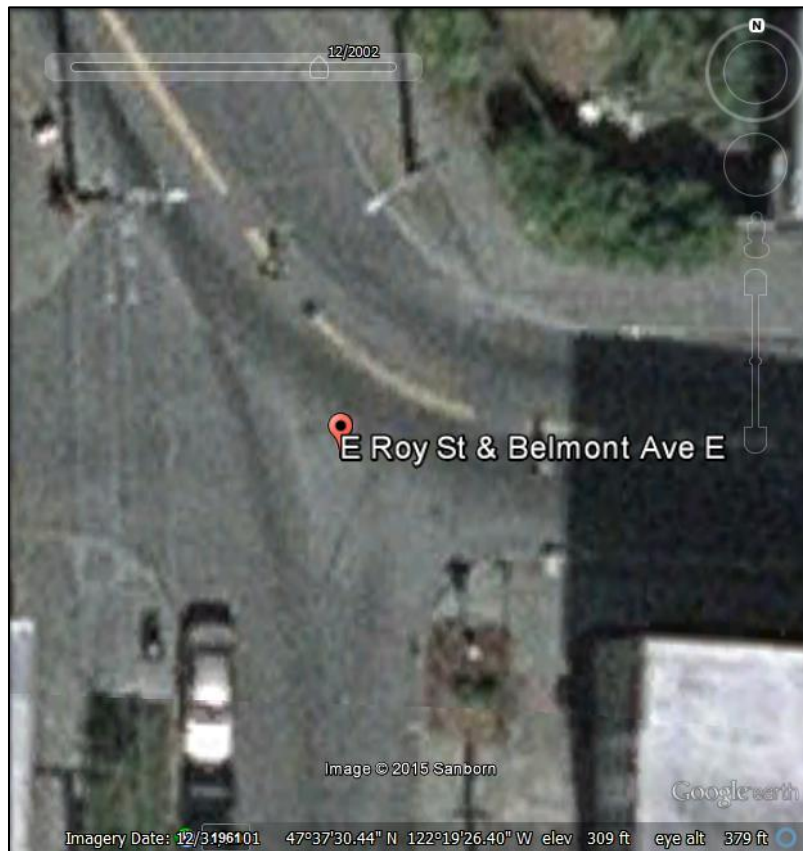
14 2.16 As Caleb Carmody entered the intersection, Marissa Altchech suddenly and
15 without warning accelerated into the intersection striking Caleb Carmody and his bicycle.

16 2.17 The force of the impact between Marissa Altchech's Jeep and Caleb
17 Carmody's bicycle caused Mr. Carmody to be catapulted onto the Jeep's hood and then onto
18 the pavement below.

19 2.18 Marissa Altchech failed to yield the right of way to Caleb Carmody.

20 2.19 At the time of the collision, there were no markings or paint on the roadway at
21 the intersection of Belmont Avenue East and East Roy Street directing westbound traffic to
22 turn right at the intersection.
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1 2.20 Prior to October 4, 2013, the City had painted and/or installed markings on the
2 roadway at the intersection of Belmont Avenue East and East Roy Street directing westbound
3 traffic to turn right at the intersection, as shown in the photograph below from Google Earth
4 dated 12/31/2001:
5



20 2.21 Plaintiff Caleb W. Carmody sustained bodily injuries and other damages as a
21 result of the collision.
22

23 **III. CAUSE OF ACTION--NEGLIGENCE**

24 3.1 Plaintiff re-alleges the allegations contained in paragraphs 1.1 through 2.21,
25 and incorporates them as though fully set forth herein.

1 3.2 Defendant Marissa L. Altchech owed Plaintiff a duty of care and a duty to act
2 reasonably.

3 3.3 Defendant Marissa L. Altchech breached her duty of care and her duty to act
4 reasonably by, among other things, failing to yield her vehicle to Plaintiff.
5

6 3.4 Defendant Marissa L. Altchech breached her duty of care and her duty to act
7 reasonably by, among other things, causing a collision with Plaintiff while riding his bicycle.

8 3.5 As a municipality, the City has a duty of care to all travelers, including
9 bicyclists, to design and maintain its roadways, including bicycle lanes, in conditions that are
10 reasonably safe for ordinary travel.
11

12 3.6 The City's duty to maintain its roadways and bicycle lanes in a reasonably
13 safe condition includes the duty to eliminate or correct any inherently dangerous or unsafe
14 condition.

15 3.7 The City breached its duty of care to Plaintiff by failing to design and/or
16 maintain the intersection of Belmont Avenue East and East Roy Street in a condition that was
17 reasonably safe for ordinary travel.
18

19 3.8 The City breached its duty of care to Plaintiff by failing to design and/or
20 maintain the intersection of Belmont Avenue East and East Roy Street in a condition that was
21 reasonably safe for ordinary travel by, including among other things, failing to maintain
22 proper signage and roadway markings directing westbound traffic to turn to the right at the
23 subject intersection.
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1 3.9 As a result of Defendants' tortious conduct, Plaintiff was injured, suffered,
2 and continues to suffer, physical disability and pain, emotional trauma, medical expenses,
3 loss of earnings and earning capacity, and other damages.
4

5 **IV. SERVICE OF CLAIM FOR DAMAGES**

6 4.1 Pursuant to RCW 4.96.020, the plaintiff properly served a completed and
7 signed valid Claim for Damages on the City on or about April 8, 2015.
8

9 4.2 As of the date of the filing of this Complaint, the City has not responded to the
10 plaintiff's claim against it.

11 4.3 More than sixty (60) days have elapsed since the date of service of Plaintiff's
12 Claim for Damages on the City, and therefore Plaintiff's First Amended Complaint for
13 Damages is properly before the above-entitled court.
14

15 WHEREFORE, Plaintiff prays for judgment against the defendants, jointly and
16 severally, as follows:
17

18 1. For all damages sustained by Plaintiff in an amount proven at trial, including
19 past and future medical expenses and other health care expenses, pain and suffering, both
20 mental and physical, past and future permanent partial disability and disfigurement, loss of
21 enjoyment of life, damages to property, past and future special damages, and other damages;
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23 2. Interest calculated at the maximum amount allowable by law, including pre-
24 and post-judgment interest;

25 3. A reasonable attorney's fee as allowed by law;

 4. Costs and disbursements pursuant to statute; and

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5. Other and further relief as this Court may deem just and equitable.

Dated this 6th day of July, 2015.

DAVIS LAW GROUP, P.S.

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