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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

PLAINTIFF, as Personal Representative of the
ESTATE of VICTIM, deceased,

Plaintiff,

vs.

COMPANY, LLC, a Washington Limited Liability
Company; DEFENDANT DEFENDANT,
individually and the marital community composed
thereof,

Defendants.

NO. 00-0-00000-0 SEA

COMPLAINT FOR DAMAGES
FOR WRONGFUL DEATH

COMES NOW the Plaintiff , in his capacity as Personal Representative of the Estate of
VICTIM, and for cause of action against the above-named defendants, states and alleges as
follows:

I. PARTIES & JURISDICTION

1.1 At all times material hereto, PLAINTIFF was a resident of King County
Washington. PLAINTIFF has been, or will be, appointed the Personal Representative of the
Estate of VICTIM, by order of the King County Superior Court. Plaintiff brings this action on
behalf of the Estate and the Estate’s beneficiaries for the survival claim and wrongful death of
VICTIM pursuant to RCW 4.20 *et seq.*

1 The decedent was not riding his bicycle in the north- or northwest bound vehicle lane, but was
2 clearly within the paved shoulder area as designated by the white shoulder or fog line.

3 2.4 Defendant DRIVER was holding, using, and/or reading the contents of a cellular
4 telephone or other similar device while driving.

5 2.5 Defendant DRIVER became distracted from driving, and began to drift over and
6 into the marked paved shoulder area of the roadway.

7 2.6 Defendant DRIVER crossed the solid white shoulder or fog line that separates
8 the northbound travel lane and the outside paved shoulder area.

9 2.7 Defendant DRIVER then hit VICTIM while the decedent was riding his pedal
10 cycle in the marked paved shoulder area adjacent to the northbound vehicle lane.

11 2.8 The defendant made no attempt to swerve or to avoid hitting VICTIM because
12 the defendant was not watching the roadway in front of him.

13 2.9 The defendant did not stop his vehicle immediately after colliding into VICTIM,
14 but continued going forward until his vehicle struck a telephone pole.

15 2.10 As a result of the collision, VICTIM suffered massive and life-threatening
16 injuries. Mr. Przychodzen was pronounced dead at the scene.

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24 **III. COUNT ONE - NEGLIGENCE**

25 3.1 Plaintiff re-alleges the allegations set forth in paragraphs 1.1 through 2.10, and
26 incorporates them as though fully set forth herein.

1 3.2 The defendants owed the plaintiff and the decedent a duty of care and a duty
2 to act reasonably.

3 3.3 Defendant DRIVER breached his duty to act carefully and reasonably by,
4 among other things, using, holding and/or reading the contents of a cellular telephone while
5 driving a motor vehicle.
6

7 3.4 Defendant DRIVER breached his duty to act carefully and reasonably by,
8 among other things, driving a motor vehicle off the road and into a clearly marked shoulder
9 area where he struck a bicyclist.

10 3.5 Defendant DRIVER breached his duty to act carefully and reasonably by,
11 among other things, causing a collision with a bicyclist who was lawfully riding a bicycle in
12 the marked paved shoulder area adjacent to the roadway.
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14 3.6 As a result of the defendants' negligent acts and/or omissions, the plaintiff and
15 decedent were injured and/or suffered damages, including without limitation, economic
16 damages, loss of income, medical expense, and noneconomic damages.
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19 IV. COUNT TWO - DAMAGES FOR WRONGFUL DEATH

20 4.1 Plaintiff re-alleges the allegations set forth in paragraphs 1.1 through 3.6, and
21 incorporates them as though fully set forth herein.

22 4.2 The defendants' negligent, grossly negligent and/or reckless acts and/or
23 omissions were a proximate cause of the wrongful death of VICTIM.
24

25 4.3 As a proximate cause of the defendants' negligence, gross negligence and/or
26 recklessness, the plaintiff has sustained economic and non-economic damages, including
those allowed by RCW 4.20 *et seq.*, and which include without limitation, past and future

1 medical expense, past and future lost income or earning capacity, loss of consortium,
2 emotional distress, grief, loss of enjoyment of life, inconvenience, mental anguish, the
3 destruction of the spousal relationship, and pain and suffering and in amounts to be proven at
4 trial.

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6 4.4 As a proximate cause of the defendants' wrongful acts and/or omissions, the
7 Estate of VICTIM has sustained damages including, without limitation, the loss of the
8 accumulation of income and incurred medical, funeral, and burial expenses, and the
9 conscious pain, suffering, anxiety and fear of impending death experienced by the decedent,
10 in such amounts as will be proven at the time of trial together with interest thereon at the
11 statutory rate from the date of death or the date the expenses were incurred.
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14 **V. COUNT THREE – NEGLIGENT HIRING AND/OR SUPERVISION**

15 5.1 Plaintiff re-alleges the allegations set forth in paragraphs 1.1 through 4.4, and
16 incorporates them as though fully set forth herein.
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18 5.2 Defendant COMPANY, LLC has a duty to hire and supervise its employees in a
19 manner that promotes and protects the safety of other citizens.

20 5.3 Defendant COMPANY breached its duty to properly hire and supervise its
21 employees by, among other things, not training its staff on the proper and safe operation of its
22 company vehicles.
23

24 5.4 Defendant COMPANY breached its duty to properly hire and supervise its
25 employees by, among other things, allowing unsafe DRIVER to operate its motor vehicles.
26

1 5.5 As a result of Defendant COMPANY's negligent hiring and supervising
2 practices, it allowed an unsafe driver to operate its motor vehicle and kill an innocent person, to
3 wit: VICTIM.
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6 VI. COUNT FOUR – NEGLIGENT ENTRUSTMENT

7 6.1 Plaintiff re-alleges the allegations set forth in paragraphs 1.1 through 5.5, and
8 incorporates them as though fully set forth herein.

9 6.2 COMPANY, LLC breached its duty of care to Plaintiff and the decedent, by
10 among other things, negligently entrusting a motor vehicle to Defendant DRIVER, a person
11 it knew, or reasonably should have known, was reckless, heedless, or incompetent in his
12 operation of motor vehicles.
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14 6.3 As a result of Defendant COMPANY's negligent, grossly negligent and/or
15 reckless conduct, Plaintiff and the decedent were injured, suffered, and continue to suffer,
16 physical disability and pain, emotional trauma, medical expenses, loss of earnings and
17 earning capacity, and other damages.
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20 VII. PHYSICIAN-PATIENT PRIVILEGE

21 Plaintiff asserts the physician-patient privilege for 89 days following the filing of this
22 complaint. On the 90th day following the filing of this complaint, the plaintiff waives the
23 physician-patient privilege pursuant to RCW 5.60.060(4)(b). The waiver is conditioned and
24 limited as follows: The Plaintiff (1) does not waive his or the decedent's constitutional right
25 to privacy; (2) do not authorize contact with the plaintiff's or decedent's health care
26 providers of any kind except by judicial proceedings authorized by the Rules of Civil

1 Procedure; and (3) defendants' representative are specifically instructed not to attempt *ex-*
2 *parte* contact with any of the plaintiff's and decedent's health care providers.

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5 **VIII. PRAYER FOR RELIEF**

6 WHEREFORE, the Plaintiff prays for judgment against the Defendants, jointly and
7 severally, as follows:

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9 1. For all damages sustained by the plaintiff, including the Estate and all
10 statutorily recognized beneficiaries, in amounts proven at trial, including without limitation, all
11 past and future economic and non-economic damages allowed by RCW 4.20 *et seq.* and the
12 common law, including the loss of the accumulation of income, incurred medical, funeral, and
13 burial expenses, loss of consortium, destruction of the spousal relationship, and the conscious
14 pain, suffering, anxiety and fear of impending death experienced by the decedent;

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16 2. Interest calculated at the maximum amount allowable by law, including pre-
17 and post-judgment interest;

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

20 4. Costs and disbursements pursuant to statute; and

21 5. Other and further relief as this Court may deem just and equitable.
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24 Dated this DATE.

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26 **DAVIS LAW GROUP, P.S.**

/s/ _____
By: Christopher M. Davis, WSBA No. 23234
By: Gregory Colburn, WSBA No. 41236
Attorneys for Plaintiff