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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR PIERCE COUNTY

JORDAN J. RADCLIFFE,  
  
Plaintiff,  
  
v.  
  
THURSTON COUNTY, a local governmental  
entity; ANTONIO V. URIBE and JANE DOE  
URIBE, individually and the marital  
community composed thereof; JOHN and  
JANE DOE DEFENDANTS 1 through 5,  
  
Defendants.

NO.  
  
COMPLAINT FOR DAMAGES

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

**I. PARTIES & JURISDICTION**

1.1 Plaintiff Jordan J. Radcliffe is now, and was at all relevant times hereinafter  
alleged, a resident of Pierce County, Washington.

1.2 Defendant Thurston County (“County”) is a governmental entity formed  
under the laws of Washington State.

1           1.3     At all times material hereto, Defendant Thurston County through its  
2 Department of Transportation was responsible for the design, construction, and maintenance  
3 of the public roadways, traffic signals and cross walk signals within County limits.

4           1.4     Defendant Antonio V. Uribe is now believed to be and was at all relevant  
5 times hereinafter alleged a resident of Thurston County, Washington. If this defendant is  
6 married his acts and omissions hereinafter described were for and on behalf of the marital  
7 community.

8           1.5     Defendants John and Jane Doe 1 through 5 are unknown parties and/or entities  
9 that may share fault for negligently designing, creating, constructing and/or maintaining the  
10 crosswalk located approximately 1000 feet West of the intersection of Yelm Highway SE  
11 and Rich Road SE, in Thurston County, Washington. The identity of these defendants is  
12 unknown at the present time. Should these defendants exist, Plaintiff intends to formally join  
13 these parties at a later date and as discovery progresses.

14           1.6     Pierce County is proper venue for this action. Under RCW 36.01.050, “(1) All  
15 actions against any county may be commenced in the superior court of such county, or in the  
16 superior court of either of the two nearest judicial districts.” Here, Pierce County is one of the  
17 two nearest judicial districts to Thurston County.

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21           **II. SERVICE OF CLAIM FOR DAMAGES & SERVICE OF SUIT**

22           2.1     Pursuant to RCW 4.96 *et seq.*, Plaintiff properly served a Claim for Damages  
23 on the County by proper service on the city clerk on or about March 18<sup>th</sup>, 2019. More than  
24 sixty (60) days have elapsed since the date of service of the Plaintiff’s Claims for Damages on  
25

1 Defendant Thurston County. Therefore, the Plaintiff's claims against this Defendant are  
2 properly before the above-entitled court.

3 2.2 Additionally, Plaintiff has complied with RCW 4.28.080 by properly serving  
4 the Summons and the Complaint for Damages on the County by personal service upon the  
5 County Auditor.  
6

### 7 III. FACTS

8 3.1 Prior to February 20<sup>th</sup>, 2019, Defendant Thurston County designed,  
9 constructed, owned, maintained, and controlled the public roadway, including traffic signals  
10 and cross walk signals, at the area known as Yelm Highway SE located in Thurston County,  
11 Washington.  
12

13 3.2 Prior to February 20<sup>th</sup>, 2019, Defendant Thurston County designed,  
14 constructed, owned, maintained, and controlled the public roadway, including traffic signals  
15 and cross walk signals, at the area known as Rich Road SE located in Thurston County,  
16 Washington.  
17

18 3.3 Prior to February 20<sup>th</sup>, 2019, Defendant Thurston County designed,  
19 constructed, owned, maintained, and controlled the pedestrian crosswalk signal  
20 approximately 1000 feet West of the intersection of Yelm Highway SE and Rich Road SE  
21 ("the crosswalk".)  
22

23 3.4 On and prior to February 20<sup>th</sup>, 2019, the crosswalk's signal was not  
24 functioning properly.  
25

1           3.5     Prior to February 20<sup>th</sup>, 2019, Defendant Thurston County had notice that Yelm  
2 Highway SE and Rich Road SE, was a high volume, multi-lane arterial, and that the  
3 crosswalk signal was not functioning properly.

4           3.6     Prior to February 20<sup>th</sup>, 2019, Defendant Thurston County had received  
5 prior notice(s), warning(s) and/or complaints about the unsafe condition of the aforesaid  
6 crosswalk.

7           3.7     Defendant Thurston County failed to take the necessary and proper  
8 corrective actions to make the crosswalk and/or crossing area safe for ordinary travel by  
9 pedestrians and operators of motor vehicles.

10          3.8     On February 20<sup>th</sup>, 2019, Plaintiff Jordan Radcliffe was at the marked  
11 crosswalk on the eastbound lane side of the intersection at Yelm Highway SE and Rich Road  
12 SE in Thurston County, Washington.

13          3.9     At approximately the same time, Defendant Antonio V. Uribe was  
14 operating a motor vehicle on Yelm Highway SE and traveling eastbound towards the marked  
15 crosswalk at the intersection of Rich Road SE.

16          3.10    Plaintiff Radcliffe pushed the crosswalk button at the intersection and  
17 proceeded northbound across Yelm Highway SE from Rich Road SE into the pedestrian  
18 crosswalk.

19          3.11    Plaintiff Radcliffe was struck by Defendant Uribe's vehicle while he was  
20 crossing the street inside the marked crosswalk.  
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1           4.7     As a result of the Defendants' negligent acts and omissions, Plaintiff was  
2 injured, suffered, and continues to suffer, physical disability and pain, emotional trauma,  
3 medical expenses, loss of earnings and earning capacity, loss of consortium, and other  
4 damages.  
5

6                           **V. NO CONTRIBUTORY NEGLIGENCE/COMPARATIVE FAULT**

7           5.1     The damages suffered by Plaintiff were not caused by any fault, carelessness,  
8 or negligence on his part, but were caused solely and proximately by the tortious acts and/or  
9 omissions of Defendants.  
10

11           5.2     There are no other entities which caused or contributed to Plaintiff's injuries  
12 or damages.  
13

14                   WHEREFORE, Plaintiff prays for judgment against the Defendants, jointly and  
15 severally, as follows:

- 16           1.     For all damages sustained by Plaintiff in an amount proven at trial, including  
17 past and future medical expenses and other health care expenses, pain and suffering, both  
18 mental and physical, past and future permanent partial disability and disfigurement, loss of  
19 enjoyment of life, damages to property, past and future special damages, and other damages;  
20
- 21           2.     Interest calculated at the maximum amount allowable by law, including pre-  
22 and post-judgment interest;  
23
- 24           3.     A reasonable attorney's fee as allowed by law;  
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4.     Costs and disbursements pursuant to statute; and
5.     Other and further relief as this Court may deem just and equitable.

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Dated this 27th day of January, 2020.

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

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