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SUPERIOR COURT OF WASHINGTON FOR COUNTY

VICTIMS, a minor, by and through her
Guardian ad Litem, GUARDIAN; and
PARENT and PARENT, husband and wife,

NO. 00-0-00000-0

COMPLAINT FOR DAMAGES

Plaintiffs,

vs.

Names withheld for confidentiality reasons.

GRANDFATHER BOAT OWNER and
GRANDMOTHER BOAT OWNER, husband
and wife, and the marital community
comprised thereof; MINOR BOAT DRIVER, a
minor, and FATHER OF MINOR BOAT
DRIVER and MOTHER OF MINOR BOAT
DRIVER, individually and as guardians for
their minor child,

Defendants.

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COME NOW the above-named Plaintiffs, VICTIM, by and through her Guardian ad Litem,
GUARDIAN, and PARENT and PARENT, husband and wife, and submit their Complaint for
Damages, and allege against the Defendants as follows:

I. PARTIES & JURISDICTION

1.1 Plaintiff VICTIM is a minor child, and brings this action by and through her
Guardian ad Litem, GUARDIAN. At all times material hereto, Plaintiff VICTIM is now, and was
at all relevant times hereinafter alleged, a resident of King County, State of Washington.

1 1.2 Plaintiffs PARENT and PARENT are husband and wife, and are the parents
2 and legal guardians of VICTIM, a minor. At all times material hereto, Plaintiffs PARENT and
3 PARENT are now, and were at all relevant times hereinafter alleged, residents of King County,
4 State of Washington. These plaintiffs are husband and wife and therefore constitute a marital
5 community under the laws of the state of Washington.

6 1.3 Based upon information and belief, Defendants GRANDFATHER BOAT
7 OWNER and GRANDMOTHER BOAT OWNER were at all relevant times hereinafter alleged
8 residents of COUNTY, State of Washington. Based upon information and belief, these
9 defendants are married and therefore constitute a marital community under the laws of the
10 State of Washington. At all times material hereto, the acts and omissions of these defendants
11 hereinafter described were for and on behalf of their marital community.

12 1.4 Based upon information and belief, Defendants FATHER OF MINOR BOAT
13 DRIVER and MOTHER OF MINOR BOAT DRIVER are the parents and/or legal guardians of
14 the minor child MINOR BOAT DRIVER. Based upon information and belief, these defendants
15 are now, and were at all relevant times alleged, residents of Snohomish County, State of
16 Washington. Based on further information and belief, these defendants are married and
17 therefore constitute a marital community under the laws of the State of Washington. These
18 defendants have been appointed to act as the guardians of MINOR BOAT DRIVER for the
19 purpose of appearing in and defending this lawsuit on his behalf. At all times material hereto,
20 the acts and omissions of these defendants hereinafter described were for and on behalf of
21 their marital community.

22 1.5 Defendant MINOR BOAT DRIVER is believed to be a minor child, under the
23 age of 18. This defendant is being sued by and through his current parents and/or legal
24 guardians, FATHER OF MINOR BOAT DRIVER and MOTHER OF MINOR BOAT DRIVER. At
25 all times material hereto, Defendant MINOR BOAT DRIVER is now, and was at all relevant
26 times hereinafter alleged, a resident of Snohomish County, State of Washington.

1 1.6 All acts and omissions alleged to have occurred herein took place in
2 COUNTY, State of Washington.

4 II. FACTS

5 2.1 On or about FOURTH OF JULY, Plaintiff VICTIM was riding in an inflatable
6 flotation device or "inner tube" on LAKE in COUNTY, Washington.

7 2.2 At all times material hereto, Plaintiff VICTIM was being pulled behind a motor
8 boat that was owned and operated by Defendant GRANDMOTHER BOAT OWNER.

9 2.3 At all times material hereto, Defendant MINOR BOAT DRIVER was a
10 passenger in the motor boat.

11 2.4 Defendant MINOR BOAT DRIVER is the grandson of Defendant
12 GRANDMOTHER BOAT OWNER.

13 2.5 At all times material hereto, Defendant GRANDMOTHER BOAT OWNER had
14 the duty and responsibility to supervise and control the minor children riding in her motor boat as
15 passengers, including her own grandchildren.

16 2.6 As the adult, owner and lawful operator of the motor boat, Defendant
17 GRANDMOTHER BOAT OWNER had the responsibility to protect the health and safety of the
18 children who were being pulled by the motor boat while riding on or in the inflatable inner tube.

19 2.7 Based upon the allegations of Defendant GRANDMOTHER BOAT OWNER,
20 Defendant MINOR BOAT DRIVER took control or operation of the boat.

21 2.8 Based upon the allegations of Defendant GRANDMOTHER BOAT OWNER,
22 Defendant MINOR BOAT DRIVER drove the boat into and/or over Plaintiff VICTIM while she was
23 in the water and/or riding on the inflatable inner tube.

24 2.9 Defendant GRANDMOTHER BOAT OWNER or Defendant MINOR BOAT
25 DRIVER, or both, drove the boat into and/or over Plaintiff VICTIM while she was in the water
26 and/or riding on the inflatable inner tube.

1 2.10 Plaintiff VICTIM was struck by the boat and the boat’s propeller as a result of
2 the acts and/or omissions of Defendant GRANDMOTHER BOAT OWNER or Defendant MINOR
3 BOAT DRIVER, or both.

4 2.11 As a result of the acts and/or omissions of Defendants GRANDPARENT BOAT
5 OWNERS and PARENTS OF MINOR BOAT DRIVER, Plaintiff VICTIM received significant
6 injuries and sustained damages.
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9 III. CAUSE OF ACTION - NEGLIGENCE

10 3.1 Plaintiffs re-allege the allegations contained in paragraphs 1.1 through 2.11,
11 and incorporate them as though fully set forth herein.

12 3.2 The Defendants owed Plaintiff VICTIM a duty of care and a duty to act
13 reasonably.

14 3.3 The Defendants breached their duty of care and their duty to act reasonably
15 by, among other things, operating a motor boat or vessel in a manner that was likely to
16 endanger, and did endanger, the health and safety of Plaintiff VICTIM.

17 3.4 The Defendants breached their duty of care and their duty to act reasonably
18 by, among other things, operating a motor boat or vessel in such a manner that caused it to
19 strike and injure Plaintiff VICTIM while she was in the water and/or on the inflatable inner tube.

20 3.5 Based on the allegations of GRANDMOTHER BOAT OWNER, Defendant
21 MINOR BOAT DRIVER breached his duty of care and his duty to act reasonably by, among
22 other things, unlawfully taking control of the motor boat and then operating the boat in such a
23 manner that caused it to strike and injure Plaintiff VICTIM while she was in the water and/or on
24 the inflatable inner tube.
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26 3.6 As a result of the Defendants’ negligent, willful and/or reckless conduct, the
plaintiffs were injured, suffered, and continue to suffer, physical disability and pain, emotional

1 trauma, medical expenses, disfigurement, loss of earnings and earning capacity, loss of
2 consortium, destruction of or damage to the child-parent relationship, and other damages.

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4 IV. CAUSE OF ACTION – NEGLIGENT SUPERVISION

5 4.1 Plaintiffs re-allege the allegations contained in paragraphs 1.1 through 3.6,
6 and incorporate them as though fully set forth herein.

7 4.2 Defendants FATHER OF MINOR BOAT DRIVER, MOTHER OF MINOR
8 BOAT DRIVER and GRANDMOTHER BOAT OWNER owed Plaintiffs a duty to adequately
9 supervise MINOR BOAT DRIVER while a passenger in the motor boat and also to instruct
10 MINOR BOAT DRIVER on his duties and responsibilities as a passenger in a motor boat.

11 4.3 The Defendants breached their duty of care by, among other things, by failing
12 to adequately instruct and/or supervise MINOR BOAT DRIVER as a passenger on Defendant
13 GRANDPARENT BOAT OWNER's motor boat.

14 4.4 The Defendants breached their duty of care by, among other things, by
15 allowing MINOR BOAT DRIVER to operate the boat and/or to seize control of the boat and/or
16 to interfere with the safe operation of the boat while Plaintiff VICTIM was being towed on the
17 inflatable inner tube.
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20 V. CAUSE OF ACTION – PARENTAL LIABILITY

21 5.1 Plaintiffs re-allege the allegations contained in paragraphs 1.1 through 4.4,
22 and incorporate them as though fully set forth herein.

23 5.2 As parents and/or guardians of Defendant MINOR BOAT DRIVER,
24 Defendants FATHER OF MINOR BOAT DRIVER and MOTHER OF MINOR BOAT DRIVER
25 are liable for the negligent, reckless, intentional and/or willful conduct of their child under
26 Washington law.

1 WHEREFORE, Plaintiffs pray for judgment against the Defendants, jointly and
2 severally, as follows:

3 1. For all damages sustained by Plaintiffs in an amount proven at trial, including
4 without limitation past and future medical expenses and other health care expenses, pain and
5 suffering, both mental and physical, past and future permanent partial disability and
6 disfigurement, loss of enjoyment of life, damages to property, past and future special damages,
7 lost earning capacity, loss of consortium, emotional distress, and exemplary and other
8 damages;

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

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

13 4. Reimbursement of all fees and costs necessary for the court's approval of a
14 minor settlement, if applicable, including Guardian ad Litem fees;

15 5. Costs and disbursements pursuant to statute; and

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

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18 Dated this _____ day of DATE.

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

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23 _____
24 By: Christopher M. Davis
25 WSBA No. 23234
26 Attorneys for Plaintiffs