

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

SUPERIOR COURT OF WASHINGTON FOR SNOHOMISH COUNTY

CONFIDENTIAL, as Personal Representative of the  
ESTATE of <PEDESTRIAN DECEASED>,  
deceased,

Plaintiff,

vs.

<CONFIDENTIAL>and <CONFIDENTIAL>,  
individually and the marital community composed  
thereof,

Defendants.

NO.

COMPLAINT FOR DAMAGES  
FOR WRONGFUL DEATH

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

I. PARTIES & JURISDICTION

1.1 Plaintiff <Plaintiff> has been appointed the Personal Representative of the Estate  
of <Pedestrian Deceased> 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 <Pedestrian Deceased> pursuant to RCW 4.20 *et seq.*



1           2.7     As a result of the collision, <Pedestrian Deceased> suffered massive and life-  
2 threatening injuries. Ms. <Pedestrian Deceased> was pronounced dead at the scene.  
3  
4

5                                   III. COUNT ONE - NEGLIGENCE

6           3.1     Plaintiff re-alleges the allegations set forth in paragraphs 1.1 through 2.7, and  
7 incorporates them as though fully set forth herein.

8           3.2     The defendant owed the plaintiff and the decedent a duty of care and a duty to  
9 act reasonably.

10          3.3     Defendant <Confidential>breached his duty to act carefully and reasonably  
11 by, among other things, failing to slow, stop and otherwise yield to traffic and pedestrians  
12 before exiting a parking lot onto a major thoroughfare.  
13

14          3.4     Defendant <Confidential>breached his duty to act carefully and reasonably  
15 by, among other things, driving a motor vehicle in a careless and reckless manner.  
16

17          3.5     Defendant <Confidential>breached his duty to act carefully and reasonably  
18 by, among other things, causing a collision with a pedestrian who was lawfully walking on a  
19 sidewalk in front of his vehicle in plain view.

20          3.6     As a result of the defendant's negligent and reckless acts and/or omissions, the  
21 plaintiff and decedent were injured and/or suffered damages, including without limitation,  
22 economic damages, loss of income, medical expense, and noneconomic damages.  
23  
24

25                                   IV. COUNT TWO - DAMAGES FOR WRONGFUL DEATH

26          4.1     Plaintiff re-alleges the allegations set forth in paragraphs 1.1 through 3.6, and  
incorporates them as though fully set forth herein.

1           4.2     The defendant's negligent, grossly negligent and/or reckless acts and/or  
2 omissions were a proximate cause of the wrongful death of <Pedestrian Deceased>.

3           4.3     As a proximate cause of the defendant's negligence, gross negligence and/or  
4 recklessness, the plaintiff and statutory beneficiaries have sustained economic and  
5 non-economic damages, including those allowed by RCW 4.20 *et seq.*, and which include  
6 without limitation, past and future medical expense, past and future lost income or earning  
7 capacity, loss of consortium, emotional distress, grief, loss of enjoyment of life,  
8 inconvenience, mental anguish, the destruction of the spousal and child-parent relationships,  
9 and pain and suffering and in amounts to be proven at trial.

10           4.4     As a proximate cause of the defendant's wrongful acts and/or omissions, the  
11 Estate of <Pedestrian Deceased> has sustained damages including, without limitation, the  
12 loss of the accumulation of income and incurred medical, funeral, and burial expenses, and  
13 the conscious pain, suffering, anxiety and fear of impending death experienced by the  
14 decedent, in such amounts as will be proven at the time of trial together with interest thereon  
15 at the statutory rate from the date of death or the date the expenses were incurred.  
16  
17  
18  
19

## 20                                   V. 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.

3  
4  
5 **VI. PRAYER FOR RELIEF**

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

8  
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;

15  
16 2. Interest calculated at the maximum amount allowable by law, including pre-  
17 and post-judgment interest;

18  
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.

22 Dated this <Date>.

23  
24 **DAVIS LAW GROUP, P.S.**

25  
26 \_\_\_\_\_  
By: Christopher M. Davis, WSBA No. 23234

By: [Gregory Colburn](#), WSBA No. 41236

Attorneys for Plaintiff