

1
2
3
4
5
6
7 SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

8 ASPARUH ASPARUHOV and SVETLANA
9 ASPARUHOV, individually and the marital
10 community composed thereof,

11 Plaintiffs,

12 vs.

13 STEVENS PASS MOUNTAIN RESORT,
14 LLC, a foreign limited liability company,
15 JOHN DOE and JANE DOES No.'s 1-10,
16 individually and the marital community
17 composed therein,

18 Defendants.

NO. 18-2-26466-9 SEA

FIRST AMENDED
COMPLAINT FOR DAMAGES

19 COMES NOW Plaintiffs against the above-named Defendants, and state and allege in their

20 First Amended Complaint as follows:

21 **I. PARTIES & JURISDICTION**

22 1.1 Plaintiffs Asparuh Asparuhov and Svetlana Asparuhov are now, and were at all
23 relevant times hereinafter alleged, residents of Snohomish County, Washington. Plaintiffs are
24 husband and wife and therefore constitute a marital community under the laws of the state of
25 Washington.
26

1 1.2 Defendant Stevens Pass Mountain Resort, LLC (“Stevens Pass”) is a foreign limited
2 liability corporation licensed to do business under the laws of the state of Washington. This
3 Defendant owns or operates a ski resort located in Skykomish, King County, Washington. At all
4 times material hereto, this Defendant employed individuals who were responsible for maintaining
5 the ski area in a safe condition, and to warn skiers of all known artificial dangerous hazards.
6

7 1.3 Based on information and belief, Defendants John and Jane Doe’s, numbers one (1)
8 through ten (10), are now and were at all relevant times hereinafter alleged, residents of the state of
9 Washington. Based upon further information and belief, and at all times material hereto, Defendants
10 were employed by Stevens Pass and were acting within the course and scope of their employment
11 with this employer. Based on further information and belief, these defendants created and/or
12 maintained the unsafe and dangerous condition that injured Plaintiff Asparuh Asparuhov when he
13 was skiing at Stevens Pass. The identity of these defendants is unknown at this time so they are
14 being sued under the fictitious names of John Doe and Jane Doe numbers 1 through 10. If said
15 defendants were married at the time of the occurrence, then they were acting on behalf and in
16 furtherance of their marital community.
17
18

19 1.4 All acts and omissions alleged to have occurred herein took place in King County,
20 Washington. King County is therefore a proper venue for this action.
21

22 II. FACTS

23 2.1 On or about February 10, 2018, Plaintiff Asparuh Asparuhov was night skiing at
24 the snow ski facility known as Stevens Pass.

25 2.2 At approximately 5:30 p.m., Plaintiff Asparuh Asparuhov was skiing on a marked
26 trail for skiers.

1 2.3 As Plaintiff approached the chair lift area on the marked trail he hit a rope that had
2 been strung across the trail.

3 2.4 The rope was not plainly visible to skiers, especially at night time.

4 2.5 The rope was not adequately marked for skiers.

5 2.6 There were no warning signs or other notifications to warn skiers about the
6 existence of the rope, or that the rope had been strung across a trail that was commonly used by
7 skiers.

8 2.7 The rope constituted an unsafe hazard to skiers.

9 2.8 When Plaintiff hit the rope, he lost control and fell to the ground, resulting in
10 injury.

11 2.9 The defendants failed to warned Plaintiff of the approaching danger.

12 2.10 The defendants failed to use warning signs or other markers placed around the
13 rope to warn skiers.

14 2.11 The defendants failed to use ski patrol or other resort staff to warn skiers and/or
15 otherwise direct ski traffic away from the hazard.

16 2.12 The defendants failed to provide any other notice to skiers and Plaintiff about the
17 existence of the rope.

18 2.13 Plaintiff Asparuh Asparuhov sustained serious injuries, and Plaintiffs incurred
19 significant damages as a result of the incident.

20
21
22
23
24
25 **III. CAUSE OF ACTION – GROSS NEGLIGENCE**

26 3.1 Plaintiffs re-allege the allegations contained in Sections I through II, and
incorporate them as though fully set forth herein.

1 3.2 The defendants had the sole or primary responsibility to adequately light the area
2 surrounding the rope that caused the fall.

3 3.3 The defendants had the sole or primary responsibility to adequately mark the area
4 surrounding the rope that caused the fall.

5 3.4 The defendants had the sole or primary responsibility to warn skiers of the hazard
6 presented by the rope.

7 3.5 The defendants owed the Plaintiffs a duty of reasonable care.

8 3.6 Defendants breached their duties to Plaintiffs by, among other things, failing to
9 properly mark the roped path; failing to adequately light the rope and path; and failing to warn
10 skiers of the rope across the path.

11 3.7 The defendants' acts and omissions described herein constitute gross negligence.

12 3.8 As a result of Defendants' negligent and grossly negligent conduct, Plaintiffs
13 were severely injured, suffered, and continue to suffer, physical disability and pain, emotional
14 trauma, medical expenses, loss of earnings and earning capacity, loss of consortium and other
15 damages.

16
17
18
19
20 **IV. NO CONTRIBUTORY NEGLIGENCE/COMPARATIVE FAULT**

21 4.1 Plaintiffs re-allege the allegations contained in Sections I through III, and
22 incorporate them as though fully set forth herein.

23 4.2 The damages suffered by Plaintiffs in the incident were not caused by any fault,
24 carelessness, or negligence on Plaintiff Asparuh Asparuhov's part, but were caused solely and
25 proximately by the tortious acts and/or omissions of Defendants.
26

1 4.3 There are no other known or unknown entities which caused or contributed to
2 Plaintiffs' injuries or damages arising from the ski crash.

3
4 WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:
5

- 6 1. For all damages sustained by Plaintiffs in an amount proven at trial, including past
7 and future medical expenses and other health care expenses, pain and suffering, both mental and
8 physical, past and future permanent partial disability and disfigurement, loss of enjoyment of life,
9 loss of consortium, damages to property, past and future special damages, and other damages;
- 10 2. Interest calculated at the maximum amount allowable by law, including pre- and
11 post-judgment interest;
- 12 3. A reasonable attorney's fee as allowed by law;
- 13 4. Costs and disbursements pursuant to statute; and
- 14 5. Other and further relief as this Court may deem just and equitable.

15
16
17
18 Dated this 23rd day of October, 2018.

19 **DAVIS LAW GROUP, P.S.**
20 /s/ MARIDITH E. RAMSEY
21 Christopher M. Davis, WSBA #23234
22 Maridith E. Ramsey, WSBA #46266
23 Attorneys for Plaintiffs
24 Davis Law Group, P.S.
25 2101 Fourth Ave., Ste. 1030
26 Seattle, WA 98121
 Tel: (206) 727-4000
 Fax: (206) 727-4001
 Email: chris@davislawgroupseattle.com
 Email: maridith@davislawgroupseattle.com