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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

BRUCE WOLF, as the court appointed Personal Representative of the Estate of ALEXANDRU CULAI,

NO. 19-2-05894-3 SEA

Plaintiff,

v.

COMPLAINT FOR WRONGFUL DEATH AND SURVIVORSHIP

NELSON & SONS CONSTRUCTION CO., INC. d/b/a TEAM NELSON EARTHWORK & UTILITIES, a Washington Corporation; and, LEROY and JANE DOE WESTPHAL, a marital community,

Defendants.

I. PARTIES

1.1 Prior to this incident, ALEXANDRU CULAI and NATALIA CULAI were husband and wife and were residents of King County, Washington.

1.2 Because of this incident, Plaintiff BRUCE WOLF, was appointed the Personal Representative of ALEXANDRU’s Estate under King County Superior Court Cause number 18-4-02137-2 SEA.

1.3 At the time of his death, ALEXANDRU’s wife, NATALIA CULAI, was expecting their child. Subsequently, that child, ALEXANDER NATHANIEL CULAI, was born on March

1 16, 2018.

2 1.4 ALEXANDRU also has two surviving children from his prior marriage to Carina
3 Culai, TEODOR CULAI (DOB: 7/27/2003) and DANIEL CULAI (DOB:3/27/2009).

4 1.5 Defendant NELSON & SONS CONSTRUCTION CO., INC. is a Washington State
5 Corporation, registered with the Washington Secretary of State under UBI Number 601 714 450.
6 Don Nelson is the President and registered agent for the company. The Company's headquarters
7 are located at 21820 87th Avenue SE Woodinville, Washington 98072. The company, while
8 incorporated under NELSON & SONS CONSTRUCTION CO., INC. also operates under the
9 names TEAM NELSON EARTHWORK & UTILITIES and TEAM NELSON.

10 1.6 Defendant NELSON & SONS CONSTRUCTION CO., INC. is a full service
11 commercial and residential earthwork and utilities company serving the greater Pacific Northwest
12 region. Defendant's website states, "We are committed to excellence and have a reputation for
13 outstanding service, quality workmanship, commitment to safety, and competitive project pricing."

14 1.7 Defendants LEROY and JANE DOE WESTPHAL are a marital community
15 under the laws of the state of Washington. All acts alleged herein to have been performed by
16 LEROY WESTPHAL were performed by and on behalf of the marital community.

17 1.8 At the time of this incident, LEROY WESTPHAL was an employee and/or agent of
18 Defendant NELSON & SONS CONSTRUCTION CO., INC. acting on Defendant NELSON &
19 SONS CONSTRUCTION CO., INC's behalf, under their direction and for their benefit.

20 **II. JURISDICTION AND VENUE**

21 2.1 Jurisdiction is proper in this Court because the tortious acts and injuries occurred
22 within the State of Washington. Venue is proper in this Court because Defendant NELSON &
23 SONS CONSTRUCTION CO., INC. transacts business in King County and have their registered
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1 agent located in King County. Further all Defendants are residents of King County and the
2 incident described herein occurred in King County.

3 **III. FACTS**

4 3.1 Plaintiff realleges each and every allegation contained in paragraph 1.1 through
5 2.1 and incorporates the same herein by this reference.

6 3.2 Defendant LEROY WESTPHAL was employed by Defendant NELSON & SONS
7 CONSTRUCTION CO., INC. on February 19, 2018 and operating the company's street sweeper
8 vehicle at a construction project in downtown Bellevue, Washington.

9 3.3 His services on behalf of Defendant NELSON & SONS CONSTRUCTION CO.,
10 INC. were being performed for the benefit of the company.

11 3.4 At the time of this incident, he was operating the company's street sweeper vehicle
12 in the northbound lane at approximately the 1200 block of 120th Avenue Northeast in downtown
13 Bellevue, Washington.

14 3.5 Defendant LEROY WESTPHAL's assignment on behalf of the company was to
15 clean the roadway using the street sweeper vehicle after construction vehicles had left the
16 construction site.

17 3.6 Defendant LEROY WESTPHAL, prior to the incident had been sweeping the
18 northbound lane of 120th Avenue Northeast in a northbound direction. He then reversed his
19 direction and began backing the street sweeper vehicle southbound.

20 3.7 As Defendant LEROY WESTPHAL was operating the street sweeper vehicle in
21 reverse backing southbound in the northbound lane of 120th Avenue Northeast, he failed to both
22 keep a proper lookout and failed to continue watching the backup camera.

23 3.8 As Defendant LEROY WESTPHAL was backing southbound in the northbound
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1 lane of 120th Avenue Northeast, not keeping a proper lookout and not watching the backup
2 camera, he hit and ran over ALEXANDRU CULAI causing fatal injuries.

3 **IV. CAUSE OF ACTION – TORTIOUS CONDUCT**

4 4.1 Plaintiff realleges each and every allegation contained in paragraph 1.1 through
5 3.8 and incorporates the same herein by this reference.

6 4.2 The Defendants had a legal duty to the Plaintiff, the decedent and others to operate
7 the street sweeper vehicle in a safe manner and to protect the public from injuries.

8 4.3 The Defendants had a duty to refrain from any actions which could cause or
9 contribute to acts or omissions that would cause the public injuries.

10 4.4 The Defendants breached their duties and caused fatal injuries and damages to
11 ALEXANDRU CULAI.

12 **V. DAMAGES**

13 5.1 Plaintiff realleges each and every allegation contained in paragraph 1.1 through
14 4.4 and incorporates the same herein by this reference.

15 5.2 As a direct and proximate result of the tortious conduct of the Defendants as
16 alleged in this complaint, ALEXANDRU CULAI and his Estate suffered economic and non-
17 economic damages, including pre-death pain and suffering and loss of enjoyment of life, in
18 amounts to be proven at trial, including all damages as provided under Washington State
19 Wrongful Death and Survival Statutes.

20 5.3 As a direct and proximate result of the Defendants' tortious conduct herein,
21 ALEXANDRU CULAI sustained serious and fatal injuries.

22 5.4 As a direct and proximate result of the tortious conduct of the Defendants as
23 alleged in this complaint, NATALIA CULAI, the surviving wife of ALEXANDRU CULAI,
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1 suffered damages in an amount to be proven at trial, including the destruction of the
2 husband/wife relationship and all damages as provided under Washington State Wrongful
3 Death and Survival Statutes.

4 5.5 As a direct and proximate result of the tortious conduct of the Defendants as
5 alleged in this complaint, TEODOR CULAI (DOB: 7/27/2003), DANIEL CULAI
6 (DOB: 3/23/2009) and ALEXANDER NATHANIEL CULAI (DOB: 3/16/2018) the surviving
7 minor sons of ALEXANDRU CULAI, suffered damages in amounts to be proven at trial,
8 including the destruction of the parent/child relationship and all damages as provided under
9 Washington State Wrongful Death and Survival Statutes.

10 **VI. PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff BRUCE WOLF, as the court appointed personal representative
12 of the Estate of ALEXANDRU CULAI, prays for judgment against the Defendants as follows:

13 6.1 For special and general damages in amounts to be proven at trial;

14 6.2 For costs and disbursements herein;

15 6.3 For statutory attorney fees; or in the alternative, if Defendants bring any frivolous
16 or unfounded defenses, then attorney fees pursuant to RCW 4.84.185 and/or Rule 11 of the
17 Superior Court Civil Rules;

18 6.4 For statutory interest on the judgment from the date judgment is entered until paid
19 in full;

20 6.5 For prejudgment interest on the special damages in an amount to be proven at
21 trial;

22 6.6 such other and further relief as the Court may deem just and equitable.

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