

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

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

ELODIA SALGADO,

Plaintiff,

vs.

QUIGG BROS., INC., a Washington corporation; APRIL A. KIMBROUGH and JOHN DOE KIMBROUGH, individually and the marital community composed thereof,

Defendants.

NO.

COMPLAINT FOR DAMAGES

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

I. PARTIES, JURISDICTION & VENUE

1.1 Defendant Quigg Bros., Inc., is a corporation formed under the laws of the State of Washington. Based upon information and belief, this defendant transacts business in King County, Washington. At all times material hereto, Defendant Quigg Bros., Inc. employed Defendant April A. Kimbrough as a truck driver. Defendant Quigg Bros., Inc., is therefore liable for the negligent acts and/or omissions of Defendant April A. Kimbrough, as

1 described herein under the legal theories of master/servant, principal/agent, and/or
2 respondent superior.

3 1.2 Defendant April A. Kimbrough is now believed to be, and was at all relevant
4 times hereinafter alleged, a resident of Tenino, Thurston County, Washington. If this
5 defendant is married, her acts and omissions hereinafter described were for and on behalf of
6 her marital community. At all times material hereto, Defendant Kimbrough was employed
7 by Defendant Quigg Bros., Inc., and she was acting within the course and scope of her
8 employment.
9

10 1.3 Defendant Quigg Bros., Inc., routinely transacts and/or conducts business in
11 King County. According to the Office of the Washington Secretary of State, the registered
12 agent for Defendant Quigg Bros., Inc. is Washington Corporate Services, Inc. located at 701
13 Fifth Ave., Suite 3600, in Seattle, King County, Washington. Therefore, King County is a
14 proper venue for this action.
15
16

17 II. FACTS

18 2.1 On or about August 23, 2017, Defendant April A. Kimbrough was operating a
19 commercial vehicle or dump truck traveling eastbound on West Reynolds Road approaching
20 the intersection of West Reynolds Road and North Pearl Street in Centralia, Lewis County,
21 Washington.
22

23 2.2 The commercial vehicle being operated by Defendant April A. Kimbrough
24 was owned by and/or registered to Defendant Quigg Bros., Inc.
25

1 2.3 Plaintiff Elodia Salgado was operating a minivan traveling eastbound on West
2 Reynolds Road approaching the intersection of West Reynolds Road and North Pearl Street
3 in Centralia, Lewis County, Washington.

4 2.4 Defendant April A. Kimbrough was attempting to make a left-hand turn at the
5 intersection of West Reynolds Road and North Pearl Street on a solid green traffic light.
6

7 2.5 Plaintiff Elodia Salgado proceeded through the intersection on a solid green
8 traffic light.

9 2.6 Plaintiff Elodia Salgado had the right-of-way.

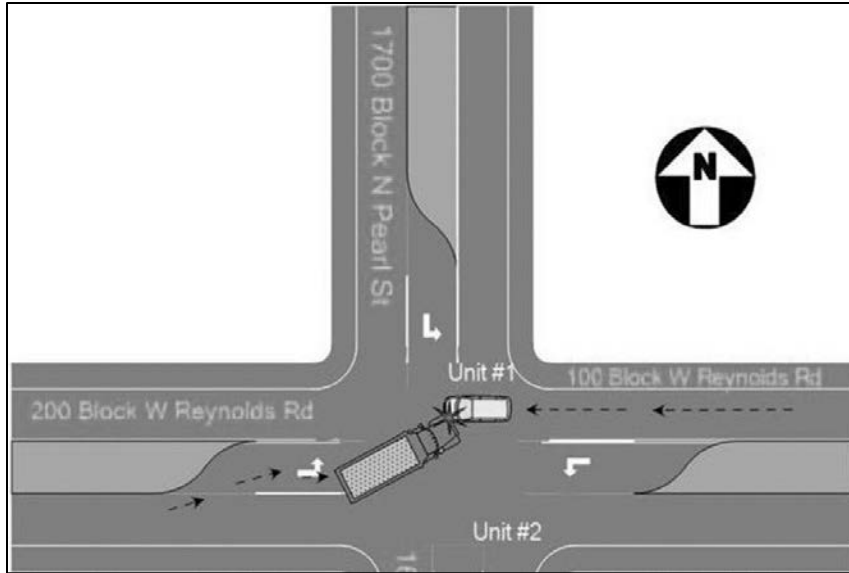
10 2.7 Defendant April A. Kimbrough suddenly and without warning turned left in
11 front of Plaintiff Elodia Salgado's vehicle.
12

13 2.8 Plaintiff Elodia Salgado had no time or reasonable opportunity to avoid a
14 collision with the Defendant's commercial dump truck.

15 2.9 Defendant April A. Kimbrough collided into Plaintiff's vehicle on the front
16 driver's side.
17

18 2.10 The following diagram accurately depicts the collision scene and designates
19 "Unit 1" as Defendants' dump truck and "Unit 2" as Plaintiff Elodia Salgado:
20
21
22
23
24
25

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



2.11 Plaintiff Elodia Salgado was severely injured and suffered damages as a result of this collision.

2.12 Defendant April A. Kimbrough was cited by police for causing the collision and for failing to yield the right-of-way.

2.13 Plaintiff Elodia Salgado was transported to Providence Centralia Hospital from the scene of the collision and then airlifted to Harborview Medical Center in Seattle, Washington.

2.14 The following photograph was taken after Plaintiff Elodia Salgado received medical treatment and depicts only a portion of her physical injuries:



III. CAUSE OF ACTION--NEGLIGENCE

3.1 Plaintiff re-alleges the allegations contained in Sections I through II above, and incorporates them as though fully set forth herein.

3.2 Defendants owed Plaintiff a duty of care and a duty to act reasonably.

3.3 Defendant April A. Kimbrough breached her duty of care and her duty to act reasonably by, among other things, failing to exercise ordinary care and failing to yield the right of way to Plaintiff while she drove through the collision on a solid green light.

3.4 Defendant April A. Kimbrough breached her duty of care and her duty to act reasonably by, among other things, causing a collision with the Plaintiff.

3.5 As a result of the Defendants' negligent conduct, Plaintiff was injured, suffered, and continues to suffer, physical disability and pain, emotional trauma, medical expenses, loss of earnings and earning capacity, loss of consortium, and other damages.

1 **IV. CAUSE OF ACTION—NEGLIGENT HIRING, TRAINING & SUPERVISION**

2 4.1 Plaintiff re-alleges the allegations contained in Sections I through III above,
3 and incorporates them as though fully set forth herein.

4 4.2 Defendant Quigg Bros., Inc., owed Plaintiff a duty of care and a duty to act
5 reasonably by conducting safe and reasonable hiring practices, and to provide adequate training
6 and supervision to the company’s employees, agents, contractors or staff regarding the safe
7 operation of commercial motor vehicles in furtherance of the defendant corporation’s business.

8 4.3 Defendant Quigg Bros., Inc., breached its duty of care and its duty to act
9 reasonably by failing to properly hire, train and supervise its employees, truck drivers, agents,
10 contractors, and staff, including Defendant April A. Kimbrough, regarding the safe operation
11 of commercial trucks while conducting business for Quigg Bros., Inc.

12 4.4 Because of the negligent hiring, training and supervision practices committed
13 by Defendant Quigg Bros., Inc., Plaintiff was injured, and sustained damages.

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

15 5.1 The damages suffered by Plaintiff were not caused by any fault, carelessness,
16 or negligence on her part, but were caused solely and proximately by the tortious acts and/or
17 omissions of Defendants Quigg Bros., Inc. and April A. Kimbrough.

18 5.2 There are no other entities which caused or contributed to Plaintiff’s injuries
19 or damages.

