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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

ESTATE of SOLOMON DEAN JOHNSON,
deceased, by and through CANDACE JEAN
JOHNSON, Personal Representative,

Plaintiff,

v.

BRIAN M. SHIELDS and JANE DOE
SHIELDS, individually and the marital
community composed thereof; BRANDON
VAUGHN and JANE DOE VAUGHN,
individually and the marital community
composed thereof; MITSUKO HAKOMORI
and SENITIROH HAKOMORI, individually
and the marital community composed thereof,

Defendants.

NO.
COMPLAINT FOR DAMAGES

COMES NOW Plaintiff Estate of Solomon Dean Johnson by and through Candace Jean
Johnson, as the Personal Representative the Estate, against the above-named Defendants and
states and alleges as follows:

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I. PARTIES & JURISDICTION

1.1 Plaintiff Candace Jean Johnson is the Personal Representative of the Estate of Solomon Dean Johnson (the Estate) by order of the King County Superior Court. Plaintiff brings this action in her capacity as Personal Representative on behalf of the Estate for the wrongful death of Solomon Dean Johnson, and also on behalf of the Estate's surviving beneficiaries, as authorized by RCW 4.20 *et seq.*

1.2 Based on information and belief, Defendant Brian M. Shields was at all relevant times a resident of King County, Washington. If this defendant is married, then his acts and omissions hereinafter described were on behalf and for the benefit of his marital community.

1.3 Based on information and belief, Defendant Brandon Vaughn was at all relevant times a resident of King County, Washington. If this defendant is married, then his acts and omissions hereinafter described were on behalf and for the benefit of his marital community. Based on further information and belief, and at all material times, Defendants Vaughn and Hakomori resided together in the same home.

1.4 Based on information and belief, Defendants Mitsuko Hakomori and Defendant Senitiroh Hakomori are married and were at all relevant times residents of Mercer Island, King County, Washington. The defendants' acts and omissions hereinafter described were on behalf and for the benefit of their marital community.

1.5 All acts and omissions hereinafter described took place in Mercer Island, King County, Washington. Therefore, King County Superior Court is a proper venue for this action.

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2 **II. FACTS**

3 2.1 On or about September 1, 2017, Defendants Mark B. Shields and/or Brandon
4 Vaughn were operating a 2013 Mercedes Benz 300 motor vehicle in Mercer Island, King County,
5 Washington.
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7 2.2 The Mercedes Benz vehicle was owned by, maintained and/or registered to
8 Defendants Mitsuko Hakomori and Senitiroh Hakomori.

9 2.3 Defendants Hakomori and Brandon Vaughn are related by blood. Ms.
10 Hakomori is Brandon Vaughn's grandmother. Mr. Hakomori is Brandon Vaughn's grandfather.
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12 2.4 Defendants Hakomori and their grandson Brandon Vaughn live together in the
13 same home located in Mercer Island, Washington.

14 2.5 Defendant Mitsuko Hakomori allowed her grandson to access and operate the
15 Mercedes Benz motor vehicle at various times.

16 2.6 Defendant Senitiroh Hakomori allowed his grandson to access and operate the
17 Mercedes Benz motor vehicle at various times.
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19 2.7 While living with his grandparents, Defendant Brandon Vaughn had knowledge
20 of where the ignition key was kept or stored for the Mercedes Benz.

21 2.8 While living with their grandson, Defendants Hakomori knew that Brandon
22 Vaughn had knowledge of where the ignition key was kept or stored for the Mercedes Benz.
23

24 2.9 While living with his grandparents, Defendant Brandon Vaughn had access to
25 the Mercedes Benz.

1 2.10 At all material times Defendants Mitsuko and Senitiroh Hakomori allowed
2 Defendants Mark B. Shields and/or Brandon Vaughn to access and operate the Mercedes Benz
3 vehicle while Defendant Vaughn resided in the Hakomori home.

4 2.11 At all material times Defendants Mark B. Shields and Brandon Vaughn had
5 consumed alcohol and were also consuming alcohol while operating the Mercedes Benz vehicle.
6

7 2.12 At all material times Defendants Mark B. Shields and Brandon Vaughn were
8 intoxicated while operating the Mercedes Benz vehicle.

9 2.13 The Mercedes Benz vehicle was traveling well above the posted speed limit of
10 25 mph.
11

12 2.14 One witness estimated that the Mercedes Benz was traveling at 70 mph.

13 2.15 The Mercedes Benz crested a hill at a very high rate of speed, causing the
14 vehicle to become airborne.

15 2.16 The Mercedes Benz then slammed into the rear of a 1999 Pontiac Sunfire motor
16 vehicle.
17

18 2.17 The Pontiac vehicle was being operated by Solomon Dean Johnson.

19 2.18 At the time of impact, Mr. Johnson had been slowing his vehicle for a four-way
20 stop sign controlled intersection.

21 2.19 Mr. Johnson suffered catastrophic injuries and was pronounced dead within the
22 hour after impact.
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1 **III. COUNT ONE**

2 **NEGLIGENCE AGAINST DEFENDANTS SHIELDS & VAUGHN**

3 3.1 Plaintiff re-alleges the allegations set forth in Sections I through II, and
4 incorporates them as though fully set forth herein.
5

6 3.2 Defendants Shields and Vaughn owed Plaintiff and the decedent a duty of care
7 and a duty to act reasonably and carefully.

8 3.3 Defendants Shields and Vaughn breached their duty of care and their duty to
9 act carefully and reasonably by, among other things, operating a motor vehicle while legally
10 intoxicated.
11

12 3.4 Defendants Shields and Vaughn breached their duty of care and their duty to
13 act carefully and reasonably by, among other things, consuming alcohol while operating a
14 motor vehicle and inciting or encouraging the operator to drive at excessive and dangerous
15 speeds that endangered the public's safety.
16

17 3.5 Defendants Shields and Vaughn breached their duty of care and their duty to
18 act carefully and reasonably by, among other things, failing to exercise ordinary care while
19 operating the Mercedes Benz vehicle.

20 3.6 Defendants Shields and Vaughn breached their duty of care and their duty to
21 act carefully and reasonably by, among other things, causing a collision with the decedent's
22 vehicle.
23

24 3.7 As a result of the Defendants' negligent, grossly negligent and/or reckless
25 conduct, Plaintiff and decedent were injured, suffered, and continue to suffer, physical

1 disability and pain, emotional trauma, medical expenses, loss of earnings and earning capacity,
2 loss of consortium, destruction of the parent-child relationship and other damages.

4 IV. COUNT TWO

5 NEGLIGENCE AGAINST DEFENDANTS HAKOMORI

6 4.1 Plaintiff re-alleges the allegations set forth in Sections I through III, and
7 incorporates them as though fully set forth herein.

8 4.2 Defendants Hakomori owed Plaintiff and the decedent a duty of care and a
9 duty to act reasonably and carefully.

10 4.3 Defendants Hakomori breached their duty of care and their duty to act
11 reasonably by allowing Defendants Mark B. Shields and Brandon Vaughn to gain access to the
12 Mercedes Benz vehicle.
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14 4.4 Defendants Hakomori breached their duty of care and their duty to act
15 reasonably by allowing Defendants Mark B. Shields and/or Brandon Vaughn to gain access to
16 the ignition keys to the Mercedes Benz vehicle.
17

18 4.5 As a result of the Defendants' negligent, grossly negligent and/or reckless
19 conduct, Plaintiff and decedent were injured, suffered, and continue to suffer, physical
20 disability and pain, emotional trauma, medical expenses, loss of earnings and earning capacity,
21 loss of consortium, destruction of the parent-child relationship and other damages.
22

23 V. COUNT THREE – WRONGFUL DEATH

24 4.1 Plaintiff re-alleges the allegations set forth in Sections I through IV, and
25 incorporates them as though fully set forth herein.

1 4.2 The negligent, grossly negligent and/or reckless acts and/or omissions of
2 Defendants was a proximate cause of the wrongful death of Solomon Dean Johnson.

3 4.3 As a proximate cause of Defendants' negligent, grossly negligent, reckless
4 and/or tortious conduct, the Estate of Solomon Dean Johnson, has suffered damages including
5 the loss of the accumulation of income and incurred medical, funeral, and burial expenses, and
6 the conscious pain, suffering, anxiety and fear of impending death experienced by the
7 decedent, in such amounts as will be proven at the time of trial together with interest thereon at
8 the statutory rate from the date of death or the date the expenses were incurred.
9

10 4.4 As a proximate cause of Defendant's negligent, grossly negligent, reckless
11 and/or tortious conduct, the Estate's beneficiaries have suffered damages including economic
12 loss, loss of consortium, destruction of the marital and/or parent-child relationship and the loss
13 of love, care, affection, companionship, instruction, protection, and guidance expected from the
14 decedent, in such amounts as will be proven at the time of trial.
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17 **VI. COUNT FOUR – NEGLIGENCE ENTRUSTMENT**

18 5.1 Plaintiff re-alleges the allegations set forth in Sections I through V and
19 incorporates them as though fully set forth herein.
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21 5.2 Defendants Hakomori negligently entrusted the Mercedes Benz vehicle to
22 Brandon Vaughn and/or Brian M. Shields.

23 5.3 Defendants Hakomori knew or should have known that Brandon Vaughn and
24 Brian M. Shields were reckless or incompetent to safely operate the Mercedes Benz motor
25 vehicle, and that their recklessness or incompetence created an unreasonable risk of harm to the
public.

1 5.4 The death of Solomon Dean Johnson was proximately caused by the negligent
2 entrustment of the Mercedes Benz vehicle to Brandon Vaughn and Brian M. Shields.

3 5.5 The Estate's damages were proximately caused by Defendant Hakomori's
4 negligent entrustment of the Mercedes Benz vehicle to Brandon Vaughn and Brian M. Shields.
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7 **VII. COUNT FIVE – JOINT VENTURE**

8 6.1 Plaintiff re-alleges the allegations set forth in Sections I through VI and
9 incorporates them as though fully set forth herein.

10 6.2 Defendants Brian M. Shields and Brandon Vaughn engaged in a joint venture
11 by participating in a joy ride while operating the Mercedes Benz vehicle and consuming alcohol.
12

13 6.3 Defendants took joint possession of the Mercedes Benz, with each of them
14 having the right to control the manner of operation of the vehicle and/or the vehicle's direction of
15 travel.

16 6.4 Defendants shared a common purpose of getting intoxicated and driving the
17 Mercedes Benz at excessive speeds to achieve the macabre thrill of operating the vehicle in a
18 dangerous and life-threatening manner.
19

20 6.5 Defendants each shared a right of control in the selection of the route and/or in
21 the manner of operation, including speed, of the Mercedes Benz vehicle.

22 6.6 As a result of Defendants' joint venture, Solomon Dean Johnson was killed.

23 6.7 Defendants are therefore jointly and separately liable for the motor vehicle
24 collision that resulted in the death of Solomon Dean Johnson.
25

1 **VIII. COUNT SIX – AGENCY & VICARIOUS LIABILITY**

2 8.1 Plaintiff re-alleges the allegations set forth in Sections I through VII and
3 incorporates them as though fully set forth herein.

4 8.2 The defendants, some or all, were acting with the express and/or apparent
5 authority of the other defendants concerning the negligent acts and/or omissions committed by
6 the others.

7
8 8.3 The acts and omissions of one defendant were done with the actual and
9 apparent knowledge and authority of all other defendants, and therefore all defendants are
10 vicariously liable for said acts and omissions of each defendant that is named herein under the
11 legal theories of principal-agent, joint venture or right of control, and the Family Car Doctrine,
12 among others.

13
14 **IX. COUNT SEVEN – TORT OF OUTRAGE**

15 9.1 Plaintiff re-alleges the allegations set forth in Sections I through VIII and
16 incorporates them as though fully set forth herein.

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18 9.2 The defendants’ acts and omissions as described herein are extremely
19 outrageous and egregious, shocking and/or reckless.

20 9.3 As a result of the defendants’ extreme and/or reckless conduct, the Plaintiff and
21 its beneficiaries have suffered, and will continue to suffer, extreme and severe emotional distress
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1 **X. NO COMPARATIVE FAULT**

2 10.1 The damages suffered by Plaintiff and the decedent were not caused by any
3 fault, carelessness, recklessness or negligence on decedent's part, but were instead proximately
4 caused solely by the tortious acts and/or omissions of Defendants.
5

6 10.2 There are no other entities, known or unknown, which caused or contributed to
7 the decedent's injuries and/or death.

8 10.3 There are no other entities, known or unknown, which caused or contributed to
9 the Plaintiff's damages.
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11 **XI. PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff prays for judgment against Defendants, jointly and
13 severally, as follows:
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16 1. For all damages sustained by Plaintiff, including the Estate and all statutorily
17 recognized beneficiaries, in amounts proven at trial, including without limitation, all past and
18 future economic and non-economic damages allowed by RCW 4.20 *et seq.*, and the common
19 law, including the loss of the accumulation of income, incurred medical, funeral, and burial
20 expenses, loss of consortium, destruction of the parent-child relationships, and the conscious
21 pain, suffering, anxiety and fear of impending death experienced by the decedent;
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23 2. Interest calculated at the maximum amount allowable by law, including pre-
24 and post-judgment interest;
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3. A reasonable attorney's fee as allowed by law;

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- 4. Costs and disbursements pursuant to statute; and
- 5. Other and further relief as this Court may deem just and equitable.

Dated this 4th day of March, 2020.

DAVIS LAW GROUP, P.S.

/s/ CHRISTOPHER M. DAVIS

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