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

MADHURI R. DEVARA and SUNIL KUMAR
SAVARAM, individually and the marital
community composed thereof,

Plaintiffs,

vs.

MV PUBLIC TRANSPORTATION, INC., a
foreign corporation; HAROLD A. VALLEE and
JANE DOE VALLEE, individually and the
marital community composed thereof; CITY OF
REDMOND, a Washington municipal
corporation; MICROSOFT CORPORATION, a
Washington corporation; JOHN and JANE DOE
DEFENDANTS 1 through 5,

Defendants.

NO.

COMPLAINT FOR DAMAGES

COMES NOW Plaintiffs against the above-named Defendants, and state and allege as follows:

I. PARTIES & JURISDICTION

1.1 Plaintiffs Madhuri R. Devara and Sunil Kumar Savaram, are now, and were at all relevant times hereinafter alleged, residents of King County, Washington. Plaintiffs are husband and wife and therefore constitute a marital community under the laws of the state of Washington.

1 1.2 Defendant MV Public Transportation, Inc. (MV Transportation) is a foreign
2 corporation doing business in the state of Washington. At all times material hereto, Defendant
3 MV Public Transportation, Inc., was the registered owner of the 2015 Ford Cutaway van/vehicle
4 that was driven by Defendant Harold A. Vallee. Based on information and belief, Defendant
5 MV Public employed and/or hired Defendant Harold A. Vallee as its transportation and/or
6 shuttle driver. At all times material hereto, Defendant Vallee was acting within scope of his
7 employment and/or agency with MV Public.
8

9 1.3 Defendant Harold A. Vallee is now believed to be and was at all relevant times
10 hereinafter alleged a resident of King County, Washington. If this defendant is married his acts
11 and omissions hereinafter described were for and on behalf of the marital community. Based
12 upon information and belief and at all times material hereto, Defendant Harold A. Vallee was an
13 agent and/or employee of Defendant MV Public Transportation, Inc. At all times material
14 hereto, Defendant Harold A. Vallee was acting within the course and scope of his agency and/or
15 employment with Defendant MV Public Transportation, Inc. Defendant MV Public
16 Transportation, Inc., is therefore liable for the negligent acts and/or omissions of Defendant
17 Harold A. Vallee as described herein under the legal theories of master/servant, principal/agent
18 and/or respondeat superior.
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21 1.4 Defendant City of Redmond (City) is a municipal corporation formed under the
22 laws of the state of Washington. At all times material hereto, Defendant City of Redmond
23 through its Department of Transportation was responsible for the safe design, construction, and
24 maintenance of the public roadways, intersections, crosswalks and street lights within the city
25 limits. At all times material hereto, the City was responsible for providing adequate street lights
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1 and street lighting in the area located at NE 40th Street and South 148th Street, in Redmond,
2 Washington.

3 1.5 Defendant Microsoft Corporation (Microsoft) is a corporation formed under the
4 laws of the state of Washington. Based on information and belief, and at all times material
5 hereto, Defendant Microsoft was responsible for the design, construction, and/or maintenance of
6 the private roadway, intersection, crosswalk and street lights located at NE 40th Street and South
7 148th Street, in Redmond, Washington. At all times material hereto, Defendant Microsoft was
8 responsible for providing adequate street lights and street lighting in the area located at NE 40th
9 Street and South 148th Street, in Redmond, Washington.

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12 1.6 Defendants John and Jane Doe 1 through 5 are unknown parties and/or entities
13 that may share fault for negligently designing, creating, constructing and/or maintaining the
14 unsafe crosswalk and/or street lighting located at East 18th Street and South 140th Street in the
15 City of Redmond, King County, Washington. The identity of these defendants is unknown at the
16 present time. Should these entities exist, Plaintiffs intend to formally join these parties at a later
17 date and as discovery progresses.

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19 1.7 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.

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22 **II. SERVICE OF CLAIM FOR DAMAGES & SERVICE OF SUIT**

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24 2.1 Pursuant to RCW 4.96 *et seq.*, Plaintiffs properly served a completed, signed and
25 valid Claim for Damages on the City of Redmond by proper service on the city clerk and/or city
26 hall and/or risk management on or about December 12, 2018. More than sixty (60) days have

1 elapsed since the date of service of the Plaintiffs' Claims for Damages on the City of Redmond.

2 Therefore, the Plaintiffs' claims against this defendant are properly before the above-entitled court.

3 2.2 Pursuant to RCW 4.28.080, Plaintiff has properly served the Summons and the
4 Complaint for Damages on Defendant City of Redmond by personal service upon the city clerk,
5 city hall, city Manager, and/or the city's risk management or designated agent and/or to this
6 Defendant's attorney of record.
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9 **III. FACTS**

10 3.1 Prior to and on February 26, 2016, Defendants Microsoft and/or City of Redmond
11 designed, constructed, owned, maintained and/or controlled the private roadway, intersection,
12 crosswalk and street lighting located at NE 40th Street and South 148th Street, in Redmond, King
13 County, Washington.
14

15 3.2 Prior to and on February 26, 2016, Defendants Microsoft and/or City of Redmond
16 had notice that there were no working street lights located at the intersection or crossing area of
17 NE 40th Street and South 148th Street, making this area dangerous to pedestrians.
18

19 3.3 Defendants Microsoft and/or City of Redmond failed to take the necessary and
20 proper corrective actions to make the roadway, intersection, crosswalk and/or street lighting
21 located at NE 40th Street and South 148th Street reasonably safe for ordinary travel by pedestrians
22 and operators of motor vehicles.
23

24 3.4 On February 26, 2016, at approximately 6:46 PM, Plaintiff Madhuri R. Devara
25 was a pedestrian and lawfully walking within a marked crosswalk located at NE 40th Street and
26 South 148th Street, in Redmond, Washington.

 3.5 Plaintiff was crossing the street when it was dark out.

1 3.6 Although there were street lamps located nearby, the lights were off, making
2 the crossing area dark and difficult for motorists to see.

3 3.7 Defendant Harold A. Vallee was operating a Ford passenger van registered to
4 Defendant MV Public Transportation, Inc., at or near the location of NE 40th Street and South
5 148th Street, in Redmond, Washington.
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7 3.8 Defendant Vallee turned left onto NE 40th Street from 148th Ave NE, and failed
8 to yield to Plaintiff while she was a pedestrian inside a marked crosswalk.

9 3.9 Plaintiff Madhuri Devara was struck by Defendant Vallee's vehicle while she
10 was crossing the street inside the marked crosswalk located at NE 40th Street and South 148th
11 Street, in Redmond, Washington.
12

13 3.10 Plaintiff Madhuri A. Devara sustained serious bodily injuries and significant
14 damages as a result of the collision.
15

16 **IV. CAUSE OF ACTION--NEGLIGENCE**

17 4.1 Defendants owed Plaintiffs a duty of care and a duty to act reasonably.

18 4.2 Defendants Microsoft and City of Redmond further owed Plaintiffs a duty to
19 design, construct, and maintain the roadway and crossing area in a reasonably safe manner for
20 the benefit of pedestrians and the traveling public.
21

22 4.3 Defendants Microsoft and City of Redmond breached their duty of care and their
23 duty to act reasonably by, among other things, failing to maintain the roadway and crossing area
24 where Plaintiff was hit by a car in a reasonably safe condition.
25
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1 4.4 Defendants Microsoft and City of Redmond breached their duty of care and their
2 duty to act reasonably by, among other things, failing to provide and/or maintain adequate street
3 lighting in the crossing area where Plaintiff was hit by a car.

4 4.5 Defendant Harold A. Vallee breached his duty of care and his duty to act
5 reasonably by, among other things, failing to exercise ordinary care and causing a collision with
6 the Plaintiff.

7 4.6 As a result of the Defendants' negligent acts and omissions, Plaintiffs were
8 injured, suffer, and continue to suffer, physical disability and pain, emotional trauma, medical
9 expenses, loss of earnings and earning capacity, loss of consortium and other damages.
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13 **V. CAUSE OF ACTION – AGENCY OR VICARIOUS LIABILITY**

14 5.1 Defendant MV Public Transportation, Inc. is vicariously liable for the negligent,
15 grossly negligent and reckless acts and omissions committed by Defendant Harold A. Vallee
16 under employment and/or agency principles.

17 5.2 As a result of Defendants' conduct and omissions as described herein, Plaintiffs
18 have suffered injuries and damages, both past and future, including without limitation, past and
19 future medical expense, pain, suffering, disability, loss of enjoyment, loss of consortium and
20 other damages.
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23 **V. NO CONTRIBUTORY NEGLIGENCE/COMPARATIVE FAULT**

24 5.1 The damages suffered by Plaintiffs were not caused by any fault, carelessness, or
25 negligence on their part, but were caused solely and proximately by the tortious acts and/or
26 omissions of Defendants.

