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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

[REDACTED] and [REDACTED],
[REDACTED], individually and the marital
community composed thereof,

Plaintiffs,

vs.

CAT SEATTLE LLC d/b/a SCHICK
SHADEL HOSPITAL, a foreign limited
liability company; [REDACTED]
[REDACTED], individually and
the marital community composed thereof;
[REDACTED], individually and the marital
community composed thereof,

Defendants.

NO.
COMPLAINT FOR DAMAGES

COMES NOW Plaintiffs, by and through their attorneys of record at Davis Law Group,
P.S., and state and allege against the above-named Defendants as follows:

I. PARTIES & JURISDICTION

1.1 Plaintiffs [REDACTED] and [REDACTED] are
now, and were at all relevant times hereinafter alleged, residents of Alaska. Plaintiffs are
husband and wife, and therefore constitute a marital community under the laws of the state of
Washington.

1 2.3 Defendants ██████████ maintain a residence with Defendant ██████████
2 ██████████, in the same home.

3 2.4 At all times material hereto, Defendants ██████████ and ██████████ owned, kept,
4 controlled and/or otherwise harbored a canine animal (dog) named Bismarck.

5 2.5 Bismarck is believed to be a pit bull and mastiff mixed breed.

6 2.6 Bismarck had a prior history of aggressive behavior and tendencies.

7 2.7 At approximately 5:45 p.m. on April 9, Defendant ██████████
8 was on the outside deck that is part of the Schick Shadel Hospital grounds.

9 2.8 Defendant ██████████ was visiting him at the time, bringing
10 Bismarck with her to the hospital and to the deck.

11 2.9 Bismarck had previously bit or attempted to bite another person before
12 Defendant ██████████ brought the dog with her onto the Schick Shadel premises.

13 2.10 Defendants ██████████ never disclosed to anyone at Schick Shadel Hospital
14 that their dog had a prior history of aggressive behavior and/or tendencies, or that the dog had
15 previously bitten or attempted to bite another person.

16 2.11 Defendant SCHICK SHADEL has a stated policy of not allowing dogs onto the
17 property without first requiring the dog owner to check in and receive permission from hospital
18 staff.

19 2.12 Defendant SCHICK SHADEL's policy required it to determine or discover if a
20 dog brought onto the premises had a prior history of aggression and/or dangerous tendencies.

21 2.13 Defendant SCHICK SHADEL requires that all dogs and animals be checked
22 out by hospital staff for possible aggression and dangerous tendencies that may endanger other
23 residents and patients.
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1 2.14 Defendant SCHICK SHADEL violated its own policies and procedures by
2 allowing Bismarck to enter onto the hospital grounds without first determining whether the dog
3 was safe or potentially dangerous to other residents and patients.

4 2.15 Defendant SCHICK SHADEL did not comply with its own policy by failing to
5 ask or inquire of Defendants [REDACTED] if their dog had a prior history of aggression and/or
6 dangerous tendencies.
7

8 2.16 Plaintiff [REDACTED] entered onto the deck area and engaged Defendant
9 [REDACTED] in conversation.

10 2.17 Defendants [REDACTED] permitted Plaintiff to crouch in front of Bismarck to
11 introduce himself and pet the dog on his neck and back.
12

13 2.18 At no time did Defendants [REDACTED] warn, notify or otherwise state to
14 Plaintiff [REDACTED] that Bismarck was aggressive or potentially dangerous, or that the dog had
15 a prior history of biting or attempting to bite other people.
16

17 2.19 Without warning or provocation, Bismarck suddenly lunged at and toward
18 Plaintiff [REDACTED], biting him on the throat.

19 2.20 After Bismarck wrapped his jaw and teeth around Plaintiff's throat, it refused to
20 let go.

21 2.21 Plaintiff [REDACTED] grabbed Bismarck's jaw while the dog's teeth was
22 embedded into Plaintiff's throat.
23

24 2.22 Plaintiff [REDACTED] and Bismarck struggled while the dog shook its head
25 back and forth in an effort to mangle and disfigure Plaintiff's throat.

26 2.23 During the struggle Plaintiff experienced significant trauma, and substantial
pain, and distress.

1 including Plaintiff [REDACTED], and allowing their dog to bite, attack and/or otherwise injure
2 Plaintiff [REDACTED].

3 5.5 Defendant SHICK SHADEL breached its duty of care and its duty to act
4 reasonably by among other things, allowing the dog Bismarck on the premises, not verifying the
5 dog was properly restrained, and not verifying that the dog was safe with other residents or
6 patients and had no aggressive tendencies.
7

8 5.6 As a result of the Defendants' negligent acts and/or omissions, the Plaintiffs
9 were injured, suffered, and continue to suffer, physical disability, pain, emotional trauma and
10 grief, loss of enjoyment, medical expenses, loss of earnings and earning capacity, emotional
11 distress, and other damages.
12

13 14 **VI. FOURTH CAUSE OF ACTION - PREMISES LIABILITY**

15 6.1 Plaintiffs re-allege the allegations set forth in Sections I through V, and
16 incorporate them as fully set forth herein.
17

18 6.2 Plaintiff [REDACTED] was considered a business invitee while on the property
19 owned and/or operated by Defendant SCHICK SHADEL.

20 6.3 Defendant SCHICK SHADEL knowingly created and maintained an unsafe
21 and dangerous condition on the property by harboring a vicious and dangerous pit bull / mastiff
22 breed, and by allowing the dog onto the property in violation of company policy and protocol.
23

24 6.4 Defendant SCHICK SHADEL had actual and implied knowledge that the pit
25 bull / mastiff dog known as Bismarck was vicious and dangerous.

26 6.5 Given the vicious and aggressive nature of the pit bull / mastiff dog known as
Bismarck, it constituted a dangerous condition on the property.

1 6.6 The pit bull / mastiff dog known as Bismarck posed an unreasonable risk of
2 harm to business invitees that visited the property, including Plaintiff [REDACTED].

3 6.7 Defendant SCHICK SHADEL failed to warn and/or otherwise post
4 conspicuous and visible signs on the property to warn or notify business invitees and other people
5 on the property about dogs permitted onto the property, including Bismarck.
6

7 6.8 Defendant SCHICK SHADEL knew or should have reasonably known that a
8 business invitee and others entering onto the property may not discover or realize the danger
9 posed by dogs, or the pit bull / mastiff mixed breed known as Bismarck, until it was too late for
10 the business invitee or person to protect themselves from the danger.
11

12 6.9 Defendant SCHICK SHADEL knew or should have reasonably expected that
13 business invitees entering onto the property may be unable to protect themselves from the
14 dangerous pit bull dogs.

15 6.10 Defendant SCHICK SHADEL failed to exercise any reasonable precautions to
16 protect business invitees from dogs that may enter onto the property, including Bismarck.
17

18 6.11 As a result of Defendant SCHICK SHADEL's negligent, grossly negligent
19 and/or reckless acts and/or omissions described herein, Plaintiffs were injured, suffered, and
20 continue to suffer, physical disability and pain, emotional trauma, medical expenses, loss of
21 earnings and earning capacity, loss of consortium, and other damages.
22

23
24 **VII. FIFTH CAUSE OF ACTION -- TORT OF OUTRAGE**

25 7.1 Plaintiffs re-allege the allegations set forth in Sections I through VI, and
26 incorporate them as fully set forth herein.

1 7.2 The defendants' acts and omissions as described herein are extremely
2 outrageous and egregious, shocking and/or reckless.

3 7.3 As a result of the defendants' extreme and/or reckless conduct, the Plaintiffs
4 have suffered, and will continue to suffer, extreme and severe emotional distress.
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7 **VIII. SIXTH CAUSE OF ACTION -- AGENCY AND VICARIOUS LIABILITY**

8 8.1 Plaintiffs re-allege the allegations set forth in Sections I through VII, and
9 incorporate them as fully set forth herein.

10 8.2 The defendants, some or all, were acting with the express and/or apparent
11 authority of the other defendants concerning the harboring, care, control, and ownership of the
12 vicious pit bull / mastiff mixed breed dog known as Bismarck that attacked and injured Plaintiff
13 POKRANDT.
14

15 8.3 Defendant SCHICK SHADEL was acting through the acts and omissions of
16 its employees, officers and the individually named defendants as described herein, and therefore
17 said company and business is vicariously liable for the wrongful acts and omissions described
18 herein.
19

20 8.4 The acts and omissions of one defendant, including those of Defendants
21 [REDACTED], were done with the actual and apparent knowledge and authority of all other
22 defendants, and therefore all defendants are vicariously liable for said acts and omissions of
23 each defendant that is named herein.
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1 **IX. NO CONTRIBUTORY NEGLIGENCE / COMPARATIVE FAULT**

2 9.1 The damages suffered by Plaintiffs were not caused by any fault, carelessness,
3 or negligence on Plaintiff’s part, but were caused solely and proximately by the negligent acts
4 and omissions of the Defendants.
5

6 9.2 There are no other entities which caused or contributed to Plaintiffs’ injuries
7 or damages.
8

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10 WHEREFORE, Plaintiffs pray for judgment, jointly and severally, against Defendants
11 as follows:
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14 1. For all damages sustained by Plaintiffs in amounts proven at trial, including
15 without limitation, past and future medical expense and other healthcare expenses, lost wages, lost
16 earning capacity, pain and suffering, both mental and physical, emotional distress, loss of
17 enjoyment of life, disability, disfigurement, past and future special damages, and other damages;
18

19 2. Interest calculated at the maximum amount allowable by law, including pre-
20 and post-judgment interest;

21 3. A reasonable attorney's fee as allowed by law;

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

DATED this 24th day of May 2019.

DAVIS LAW GROUP, P.S.

/s/ CHRISTOPHER M. DAVIS

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By: Maridith E. Ramsey, WSBA No. 46266

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Attorneys for Plaintiffs [REDACTED]