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SUPERIOR COURT OF WASHINGTON FOR CLARK COUNTY

JANE DOE 1, an individual proceeding under a fictitious name; JOHN DOE 2, an individual proceeding under a fictitious name;

Plaintiffs,

and

LA CENTER SCHOOL DISTRICT, a municipal corporation,

Defendant

No.

COMPLAINT FOR DAMAGES BASED ON NEGLIGENCE

The plaintiffs allege:

FACTS COMMON TO ALL CLAIMS

1. That Plaintiff JANE DOE 1 and Plaintiff JOHN DOE 2 were both born in 1975 and are individuals proceeding in this lawsuit under fictitious names.
2. That at all times material herein, Defendant LA CENTER SCHOOL DISTRICT is a municipal corporation located in Clark County, Washington.
3. That at all times material herein, Defendant owned and operated La Center Elementary School.
4. That at all times material herein, Robert David Ryan ("Mr. Ryan") was employed by Defendant as a second grade school teacher at La Center Elementary School.
5. That at all times material herein, Plaintiffs were enrolled students at La Center Elementary School as second graders.
6. That between on or about September 1, 1982 and on or about April 5, 1983, Plaintiffs were sexually abused and/or molested by Mr. Ryan on and/or near the school premises.

1 7. That Mr. Ryan's sexual abuse and molestation includes but is not limited to: fondling the
2 children's genitals and buttocks, mouth to mouth kissing, touching the breasts of the female
3 children, placing his hand within the children's underwear and/or digitally penetrating the
4 children.

5 8. That in forming relationships of trust with students Mr. Ryan presented a risk of harm to
6 Plaintiffs.

7 9. That Defendant knew, or should have known in the exercise of reasonable care, that Mr. Ryan
8 posed a risk to Plaintiffs.

9 10. That Defendant's failure to supervise Mr. Ryan was the proximate cause of Plaintiffs' injuries.

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FIRST CAUSE OF ACTION
NEGLECT
(JANE DOE 1)

11. That as a direct and proximate result of Defendant's negligence, Plaintiff JANE DOE 1 suffered
and continues to suffer non-economic damages, including severe, disabling mental, emotional and
physical injury and detrimental psychological conditions in an amount to be determined at trial.

12. That as a direct and proximate result of Defendant's negligence, Plaintiff JANE DOE 1 incurred
and/or will incur in the future, costs for counseling, psychiatric and psychological mental
treatment in an amount to be determined at trial.

13. That on or about June 3, 2009, Plaintiff JANE DOE 1 discovered that her injuries were caused by
Mr. Ryan's sexual abuse and molestation.

14. That a tort claim notice was provided by Plaintiff JANE DOE 1 to Defendant on or about January
14, 2010 and such notice fully complied with the requirements of RCW 4.96.020.

SECOND CAUSE OF ACTION
NEGLECT
(JOHN DOE 2)

15. That as a direct and proximate result of Defendant's negligence, Plaintiff JOHN DOE 2 suffered
and continues to suffer non-economic damages, including severe, disabling mental, emotional and
physical injury and detrimental psychological conditions in an amount to be determined at trial.

16. That as a direct and proximate result of Defendant's negligence, Plaintiff JOHN DOE 2 incurred
and/or will incur in the future, costs for counseling, psychiatric and psychological mental
treatment in an amount to be determined at trial.

1 17. That as a direct and proximate result of Defendant's negligence, Plaintiff JOHN DOE 2 suffered
2 damages in the nature of lost wages and benefits; past and future medical expenses; and pain,
3 suffering, and mental anguish.

4 18. That on or about May 6, 2010, Plaintiff JOHN DOE 2 discovered that her injuries were caused by
5 Mr. Ryan's sexual abuse and molestation.

6 19. That a tort claim notice was provided by Plaintiff JOHN DOE 2 to Defendant on or about May 18,
7 2010 and such notice fully complied with the requirements of RCW 4.96.020.

8 DEMAND FOR RELIEF

9 WHEREFORE, Plaintiffs JANE DOE 1 and JOHN DOE 2, pray for judgment against Defendant
10 LA CENTER SCHOOL DISTRICT as follows:

- 11 1. First Cause of Action: Awarding Plaintiff JANE DOE 1 her economic and non-economic
12 damages in an amount to be determined at trial and her attorney's fees and costs pursuant
13 to RCW 9.68A.130.
- 14 2. Second Cause of Action: Awarding Plaintiff JOHN DOE 2 his economic and non-
15 economic damages in an amount to be determined at trial and his attorney's fees and
16 costs pursuant to RCW 9.68A.130.
- 17 3. For their costs and disbursements herein to be taxed; and
- 18 4. For such other and further relief as to the Court may seem just and equitable.

19 DATED this ____ day of September, 2010

20 _____
21 Michael G. Beaty, WSBA # 25328
22 Marsh, Higgins, Beaty & Hatch, PC
23 Of Attorneys for Plaintiffs

24 Gilion C. Dumas, WSBA # 23460
O'Donnell Clark & Crew LLP
Of Attorneys for Plaintiffs

Kelly WG Clark, OSBA # 831792
O'Donnell Clark & Crew LLP
Of Attorneys for Plaintiffs

* Pro hac vice application forthcoming