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SKAMANIA COUNTY
ORIGINAL FILED
JAN 21 1985
CLARA B. LAMB, Clerk

IN THE SUPERIOR COURT OF WASHINGTON IN AND FOR SKAMANIA COUNTY

CHARLES R. BRYAN; and MICHAEL H.
GROSSIE; and EDWARD POWELL,

Plaintiffs,

vs.

SKAMANIA COUNTY COMMISSIONERS
ED CALLAHAN, BILL BENSON, and
HAROLD VANDENBERG; SKAMANIA
COUNTY SHERIFF WILLIAM CLOSNER;
SKAMANIA COUNTY CIVIL SERVICE
COMMISSION; MARION CREWS; JIM
DUFFUS; DOUG PROSCH; STATE OF
WASHINGTON, DEPARTMENT OF
RETIREMENT SYSTEMS, DR. ROBERT
HOLLISTER, JR., DIRECTOR,

Defendants..

No. 85-2-00009-1

SUMMONS

THE STATE OF WASHINGTON TO: The above-named Defendants.

A lawsuit has been started against you in the above-entitled Court by Plaintiffs. Plaintiffs' claim is stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing, and serve a copy upon the undersigned attorneys for the Plaintiffs within twenty (20) days after the service of this Summons if served upon you within this state, and within sixty (60) days after service of this Summons if served upon you outside of Washington, excluding the day of service, or a default judgment may be

SUMMONS - 1

HORENSTEIN, WYNNE & HORENSTEIN, P.S.
ATTORNEYS AT LAW
1220 MAIN ST., SUITE 100
P.O. BOX 694
VANCOUVER, WASHINGTON 98660
(206) 998-4771

1 entered against you without notice. A default judgment is one in
2 which Plaintiffs is entitled to what he asks for because you have
3 not responded. If you serve a notice of appearance on the
4 undersigned attorney, you are entitled to notice before a default
5 judgment may be entered.

6 You may demand that the Plaintiffs file this lawsuit with
7 the Court. If you do so, the demand must be in writing and must
8 be served upon Plaintiffs' attorneys. Within fourteen (14) days
9 after you serve the demand, the Plaintiffs must file this lawsuit
10 with the Court, or the service on you of this Summons and
11 Complaint will be void.

12 If you wish to seek the advice of an attorney in this
13 matter, you should do so promptly so that your written response,
14 if any, may be served on time.

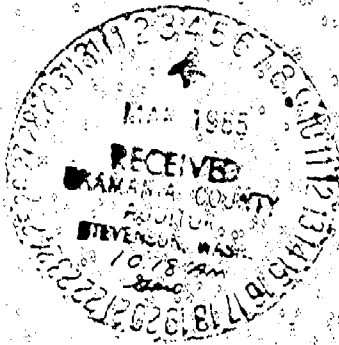
15 This summons is issued pursuant to Rule 4 of the Superior
16 Court Civil Rules of the State of Washington.

17 DATED: _____

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19 HORENSTEIN, WYNNE & HORENSTEIN

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21 By _____

22 SCOTT A. COLLIER, WSBA # 13803
23 Attorney for Plaintiffs
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SUPERIOR COURT OF WASHINGTON FOR SKAMANIA COUNTY

CHARLES R. BRYAN, and MICHAEL,
H. GROSSIE; and EDWARD POWELL,

Plaintiffs,

ACCEPTANCE OF SERVICE

vs.

SKAMANIA COUNTY COMMISSIONERS,
ED CALLAHAN, BILL BENSON, and
HAROLD VANDENBERG; SKAMANIA
COUNTY SHERIFF WILLIAM CLOSNER,
SKAMANIA COUNTY CIVIL SERVICE
COMMISSION; MARION CREWS;
JIM DUFFUS; DOUG PROSCH;
STATE OF WASHINGTON, DEPART-
MENT OF RETIREMENT SYSTEMS,
DR. ROBERT HOLLISTER, JR.,
DIRECTOR,

Defendants.

STATE OF WASHINGTON)
County of Skamania) ss

The undersigned, being first duly sworn on oath, deposes
and states:

I acknowledge personal service of true copies of the
Summons and Complaint in the above-entitled action; I accept
service of the same and I consent to the jurisdiction of the
above-entitled Court in this matter.

Larry M. Olson

Skamania County Auditor

- 1 - AFFIDAVIT

HORENSTEIN, WYNNE & HORENSTEIN, P.S.
ATTORNEYS AT LAW
1220 MAIN ST. • SUITE 300
P.O. BOX 444
VANCOUVER, WASHINGTON 98660
(206) 499-4771

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SUBSCRIBED AND SWORN to before me this 4TH day of
MARCH, 1985.

Abraham Simon Dore
NOTARY PUBLIC in and for the
State of Washington residing
at STEVENSON

JAN 22 1985

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JAN 21 1985

CLARA B. LAMB, Clerk

IN THE SUPERIOR COURT OF WASHINGTON IN AND FOR SKAMANIA COUNTY

CHARLES R. BRYAN, and MICHAEL H.
GROSSIE, and EDWARD POWELL,

Plaintiffs,

vs.

SKAMANIA COUNTY COMMISSIONERS
ED CAELAHAN, BILL BENSON, and
HAROLD VANDENBERG, SKAMANIA
COUNTY SHERIFF WILLIAM CLOSNER,
SKAMANIA COUNTY CIVIL SERVICE
COMMISSION, MARION CREWS, JIM
DUFFUS, DOUG PROSCH, STATE OF
WASHINGTON, DEPARTMENT OF
RETIREMENT SYSTEMS, DR. ROBERT
HOLLISTER, JR., DIRECTOR,

Defendants.

No. 85-2-00009-1

COMPLAINT FOR DECLARATORY
JUDGMENT AND DAMAGES

COME NOW the Plaintiffs, CHARLES R. BRYAN, MICHAEL H. GROSSIE, and EDWARD POWELL, by and through their attorneys, HORENSTEIN, WYNNE & HORENSTEIN, and petition the court for an Order declaring that they are at all times material hereto have been classified employees of the Skamania County Sheriff's Office and that the civil services laws of the State of Washington RCW 41.14 apply to them specifically with regard to seniority and retirement pensions.

1. Plaintiffs are and were at all times material hereto residents of Skamania County, State of Washington.

COMPLAINT - 1

HORENSTEIN, WYNNE & HORENSTEIN, P.S.
ATTORNEYS AT LAW
1220 MAIN ST., SUITE 300
P.O. BOX 694
VANCOUVER, WASHINGTON 98101
(206) 499-4771

2. Defendant SKAMANIA COUNTY BOARD OF COMMISSIONERS are the duly constituted Board of County Commissioners of Skamania County. Individually they are ED CALLAHAN, BILL BENSON, and HAROLD VANDENBERG.

3. Defendant WILLIAM CLOSER is the duly elected Sheriff of Skamania County.

4. Defendant SKAMANIA COUNTY CIVIL SERVICE COMMISSIONERS are the duly constituted Civil Service Commission of Skamania County, State of Washington. Individually they are MARION CREWS, JIM DUFFUS, and DOUG PROSCH.

5. Defendant STATE OF WASHINGTON, DEPARTMENT OF RETIREMENT SYSTEMS operates and maintains the retirement benefits of and for Skamania County and namely the Plaintiffs.

6. This action is brought under the provisions of RCW 7.24 et. seq.

7. On December 1, 1974, Plaintiff CHARLES R. BRYAN was hired by the Skamania County Sheriff's Office in the capacity of dispatcher/jailer, a classified civil service position under RCW 41.14.

On April 1, 1976, Plaintiff CHARLES R. BRYAN was given the title of a weighmaster of Skamania County. He was paid out of the county road budget although he was a fully commissioned deputy sheriff of Skamania County as per Skamania County Resolution 1971-12 and under the complete control of the Sheriff of Skamania County.

Mr. Bryan performed duties under the title of weighmaster although acting as a fully commissioned deputy sheriff until January 1, 1981, when his title was transferred by the Sheriff of Skamania County to road deputy.

8. On September 1, 1972, Plaintiff MICHAEL H. GROSSIE was hired by the Skamania County Sheriff's Office in the capacity of dispatcher/jailer, a classified civil service position under RCW 41.14.

COMPLAINT - 2

HORENSTEIN, WYNNE & HORENSTEIN, P.S.
ATTORNEYS AT LAW
1220 MAIN ST. SUITE 300
P.O. BOX 694
VANCOUVER, WASHINGTON 98666
(206) 499-4771

On June 1, 1976, Plaintiff MICHAEL H. GROSSIE was given the title of a weighmaster of Skamania County. He was paid out of the county road budget although he was a fully commissioned deputy sheriff of Skamania County and under the complete control of the Sheriff of Skamania County.

Mr. Grossie performed his duties under the title of weighmaster although acting as a fully commissioned deputy sheriff until January 1, 1981, when his title was transferred by the Sheriff of Skamania County to road deputy.

9. On July 5, 1979, Plaintiff EDWARD POWELL was hired and given the title of a weighmaster of Skamania County. He was paid out of the county road budget although he was a fully commissioned deputy sheriff of Skamania County and under the complete control of the Sheriff of Skamania County.

Mr. Powell performed his duties under the title of weighmaster although acting as a fully commissioned deputy sheriff until January 1, 1981, when he was transferred by the Sheriff of Skamania County to road deputy.

10. At the time when all three Plaintiffs' titles were transferred from weighmasters to road deputies, they were assured and promised by the Sheriff of Skamania County that this was just a bookkeeping change for the county and that they were to keep all seniority and benefits and would not lose any retirement.

11. The Plaintiffs relied on these promises and assurances by the Sheriff to their detriment and they would not have agreed to the transfer under the present situation.

12. The transfer has caused the Plaintiffs to suffer damages and loss of pension benefits due to the fact that the Washington State Department of Retirement Systems will not allow for the transfer from the Public Employees' Retirement System to the Law

Enforcement Officers' and Firefighters' System which is now the pension plan required by all law enforcements officers. Plus the Plaintiffs have suffered damages in the loss of seniority as promised to them with the transfer.

13. On November 30, 1983, a hearing was held before the Skamania County Civil Service Commission at the request of Plaintiffs to resolve the issue of their status. The result of that hearing there was a consensus that this action be brought.

14. The State of Washington Attorney General's Opinion 61-62 No. 26 speaks to this situation and holds that:

A road patrolman who was initially employed by the county commissioners but who was appointed a deputy sheriff and whose duties consist in the main of patrolling the county roads to apprehend traffic violators, directing traffic and advising the county commissioners of the condition of county roads, are covered by the provisions of Chapter 41.14 RCW, the Civil Service Act for Sheriffs.

WHEREFORE, the Plaintiffs pray for relief as follows:

1. That the court declare that they were at all times material hereto classified employees of the Skamania County Sheriff's Office and that the civil service laws of the State of Washington RCW 41.14 et. seq. apply to them specifically with regard to seniority and retirement pensions.

2. In the alternative, the court award damages to the Plaintiffs in an amount to be proven in trial for their loss of retirement pensions and seniority.

3. That the Plaintiffs be awarded their reasonable costs and attorney fees incurred in bringing this action.

4. For other such relief that the court deems just and equitable.

DATED this ____ day of _____, 1985.

SCOTT A. COLLIER, WMSB # 13803
Of Attorneys for Plaintiffs