

122012 United States District Court

DISTRICT OF

BERNITA IVINS,
PLAINTIFF

SUMMONS IN A CIVIL ACTION

CASE NUMBER: 95-416 - RE

V.
COUNTY OF CLACK, COUNTY OF
SKAMANIA, ARNE GONSER, ED
HELLAND, STEVEN SCHATZEL,
TRIPLE JAY TOWNS, JOHN DOE
DEFENDANTS

RECEIVED
APR - 6 1995
10:20 AM
SKAMANIA COUNTY
AUDITOR

TO: Name and Address of Defendant:

SKAMANIA COUNTY AUDITOR
SKAMANIA COUNTY COURTHOUSE
240 VANCOUVER AVENUE
STEVENSON, WA 98648

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY name and address

GARY ABBOTT PARKS
2121 SW BROADWAY, SUITE 380
PORTLAND, OR 97201

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusively of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

FILED FOR RECORD
SKAMANIA CO. WASH.
BY Skamania County

Apr 6 10 40 AM '95
G. Olson
AUDITOR
GARY M. OLSON

APR 04 1995

CLERK

DATE

BY DEPUTY CLERK

Registered ☒
Indexed, Dir ☒
Indirect ☒
Filed ☒
Noted ☒

Attorneys for

Gary M. Carlson & Associates
ATTORNEYS AT LAW
2121 Broadway, Suite 300
Portland, Oregon 97201-3182
(503) 223-9766

6.

On October 8, 1993, just after midnight, without probable cause or other lawful authority to do so, defendants Gonser and Helland intentionally or negligently entered Ms. Ivins' disabled vehicle, a motor home, without Ms. Ivins' consent.

7.

While in the motor home and afterward, defendants Gonser, Helland, and Schatzel intentionally or negligently caused offensive or harmful contact with Ms. Ivins. The respective defendants touched Ms. Ivins with their hands, snatched articles from her grasp, applied various instrumentalities to constrain her freedom of movement, pushed and pulled Ms. Ivins against her will, and performed various intrusive searches of her person.

8.

While in the motor home, defendants Gonser, Helland, and Schatzel intentionally or negligently caused Ms. Ivins to be apprehensive that the defendants would cause Ms. Ivins harmful or offensive contact. Defendants Gonser, Helland, and Schatzel had the apparent means and ability to cause such harmful or offensive contact.

9.

While in the motor home, defendants Gonser, Helland, and Schatzel intentionally forced Ms. Ivins to expose her unclothed person to the sight and observation of the defendants and repeatedly prevented her from covering herself.

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b7C
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April 4, 1995

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10.

Defendants Gonser, Helland, and Schaezel intentionally or negligently forced Ms. Ivins against her will to leave and abandon all her personal property including the motor home.

11.

Defendants Gonser, Helland, and Schatzel intentionally or negligently forced Ms. Ivins against her will into defendant Schatzel's patrol car.

12.

Defendant Schatzel intentionally or negligently forced Ms. Ivins to move from the place where the motorhome was parked to the Clark County Jail.

13.

After defendant Schatzel transported Ms. Ivins to Clark County, defendant Schatzel transferred his wrongful detention of Ms. Ivins to defendant Clark County. Defendant Clark County imprisoned Ms. Ivins for a period of 44 days even though it had no lawful right to do so. During this period, defendant Clark County, through its employees and agents, continued the acts of harmful or offensive contact by touching, pushing, pulling, and applying various forms of physical constraint on Ms. Ivins' person. Also during this period, defendant Clark County negligently allowed Ms. Ivins to be attacked and injured by one or more inmates of the County facility.

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COMPLAINT FOR VIOLATION OF CIVIL RIGHTS, VARIOUS TORTS

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Completed and initialed April 4, 1975

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14.

Defendant Schatzel intentionally or negligently caused Ms. Ivins' motor home containing all the personal property she owned to be taken into the possession of defendant Triple Jay Towing.

15.

Defendant Triple Jay Towing intentionally or negligently allowed almost all of the personal property contained within the motor home to be removed from the motor home by unknown parties.

16.

Defendant Triple Jay Towing intentionally or negligently caused title and physical possession of the motor home to be placed in the ownership of an unknown purchaser.

17.

By the intentional or negligent conduct of defendants Gonser, Helland, Schatzel, Skamania County, and Clark County, Ms. Ivins was deprived of her civil rights to be free from unreasonable searches and seizures, and her rights to due process of law. Ms. Ivins is entitled to recover reasonable attorney fees under 42 U.S.C. §1988.

SECOND CLAIM FOR RELIEF

(Invasion of Privacy)

FOR HER SECOND CLAIM FOR RELIEF, MS. IVINS ALLEGES:

18.

Ms. Ivins realleges paragraphs 1 through 14 above as though fully set forth here.

/// /// ///

19.

By the intentional or negligent conduct of defendants Gonser, Helland, Schatzel, Skamania County, and Clark County, Ms. Ivins suffered an invasion of privacy through the defendants' intrusion into Ms. Ivins' seclusion. The intrusion was such as to be objectionable to a reasonable person.

THIRD CLAIM FOR RELIEF

(Assault)

FOR HER THIRD CLAIM FOR RELIEF, MS. IVINS ALLEGES:

20.

Ms. Ivins realleges paragraphs 1 through 17 above as though fully set forth here.

21.

By the intentional or negligent conduct of defendants Gonser, Helland, Schatzel, Skamania County, and Clark County, Ms. Ivins suffered assaults because of the express and implied threats of the use of force under color of law to compel Ms. Ivins to do acts against her will and the apparent ability of the respective defendants to make good the threats.

FOURTH CLAIM FOR RELIEF

(Battery)

FOR HER FOURTH CLAIM FOR RELIEF, MS. IVINS ALLEGES:

22.

Ms. Ivins realleges paragraphs 1 through 17 above as though fully set forth here.

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COMPLAINT FOR VIOLATION OF CIVIL RIGHTS, VARIOUS TORTS

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APR 4 1995

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23.

By the intentional conduct of defendants Gonser, Helland, Schatzel, Skamania, County, and Clark County, Ms. Ivins endured harmful or offensive contact with her person.

FIFTH CLAIM FOR RELIEF

(False Imprisonment)

FOR HER FIFTH CLAIM FOR RELIEF, MS. IVINS ALLEGES:

24.

Ms. Ivins realleges paragraphs 1 through 17 above as though fully set forth here.

25.

By the intentional conduct of defendants Gonser, Helland, Schatzel, Clark County, and Skamania County, Ms. Ivins was confined at various times to various bounded areas without lawful reason to do so. Defendants intended to so constrain Ms. Ivins.

SIXTH CLAIM FOR RELIEF

(Conversion)

FOR HER SIXTH CLAIM FOR RELIEF, MS. IVINS ALLEGES:

26.

Ms. Ivins realleges paragraphs 1 through 17 above as though fully set forth here.

27.

By the intentional conduct of defendants Schatzel, Gonser, Helland, Skamania County, and Clark County, Ms. Ivins' interest in virtually all of her personal property was invaded to an extent which requires that defendants pay Ms. Ivins the value of the

1 property lost. In this way, Ms. Ivins was damaged in the amount
2 of \$10,000.

3 28.

4 Some of the property lost was of the nature of irreplaceable
5 memorabilia including letters, photographs, mementos and the
6 combat decorations of her late father who fought in World War II.
7 In this way Ms. Ivins was damaged in the amount of \$1,000,000.

8 **SEVENTH CLAIM FOR RELIEF**

9 **(Negligence)**

10 **FOR HER SEVENTH CLAIM FOR RELIEF, MS. IVINS ALLEGES:**

11 29.

12 Defendants and all of them owed Ms. Ivins a duty to conform
13 to the standards set for them by law. Defendants and all of them
14 breached their duty. Defendants' breach of their duty was the
15 cause of Ms. Ivins' injuries. Ms. Ivins was injured in her person
16 by being assaulted, battered, and confined. Ms. Ivins was injured
17 in her property by the loss of virtually all of her personal
18 property.

19 Defendants were negligent in one or more of the following
20 particulars:

- 21 1. Entering the motor home without probable cause to do so;
- 22 2. Searching the motor home without a warrant and without
23 probable cause;
- 24 3. Refusing to allow Ms. Ivins to cover herself;
- 25 4. Threatening Ms. Ivins with physical harm and confinement
26 if she did not do as she was ordered;

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS, VARIOUS TORTS

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April 4, 1975

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conduct was outrageous in the extreme and entitles Ms. Ivins to punitive damages in the amount of \$1,000,000.

DEMAND FOR JURY TRIAL

Ms. Ivins hereby demands a jury trial on all matters set forth in this complaint.

WHEREFORE, Ms. Ivins prays for judgment against the defendants jointly and severally for:

1. \$300,000 in general damages on Ms. Ivins First Claim For Relief along with reasonable attorney fees;
2. \$100,000 in general damages on Ms. Ivins Second Claim For Relief;
3. \$100,000 in general damages for Ms. Ivins Third Claim For Relief;
4. \$200,000 in general damages for Ms. Ivins Fourth Claim For Relief;
5. \$200,000 in general damages for Ms. Ivins Fifth Claim For Relief;
6. \$1,010,00 in special damages for Ms. Ivins Sixth Claim For Relief;
7. \$1,910,00 in general damages for Ms. Ivins Seventh Claim for Relief;
8. \$1,000,000 in punitive damages for Ms. Ivins Eighth Claim for Relief;
9. Reasonable attorney fees;

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10. For such other relief as the court deems just and equitable.

table.
DATED this 4th day of April, 1995

Gary Abbott Parks, OSB #93392
Attorney for Plaintiff
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TRIAL ATTORNEY:

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SKAMANIA COUNTY AUDITOR
GARY M. OLSON

25743

Date: 04/06/1995 10:40

Type: FILED DOCUMENTS

Receipt#: 42281

Amount: \$.00

Input by: PL
Funds paid: NO CHARGE
From: SKAMANIA COUNTY
Memo: SUMMONS CASE NO CV '95-416-RE

Auditor file#: 122012

Return to: SKAMANIA COUNTY

Grantor:

Grantee:

Parcel:

CLARK COUNTY ETAL
25744

IVINS, BERNITA

SKAMANIA COUNTY ETAL
25745

IVINS, BERNITA

GONSER, ARNE ETAL
25746

IVINS, BERNITA

HELLAND, ED ETAL
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IVINS, BERNITA

SCHATZEL, STEVEN ETAL
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IVINS, BERNITA

TRIPLE JAY TOWING ETAL
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IVINS, BERNITA

DOE, JOHN ETAL
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IVINS, BERNITA