122012 United States Bistrict Court

BERNITA IVINS, PLAINTIFF

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

195 416 - RE

COUNTY OF CLARK, COUNTY OF SKAMANTA, ARNE GONGER, ED HELLAND, STEUEN SCHATTEL, TRIPLE JAY TOWANG, JOHN DOE DEFENDANTS

APR - 6 1995 Shamana County

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 Pursu and address.

CHRY ABBOTT PARKS 2121 SW BASHOWAY, CUTTE 380 PORTUMND, OR 97201

an answer to the complaint which is herewith served upon you, within ______ days after service of this summons upon you, exclusive 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 Skamana County

AM 6 10 40 AM '95

AUDITOR

GARY M. OLSON

'APR 0 4 1995

20

DONALD MCHWANOIS

BY DEPUTY OF THE STATE OF THE S

September | Independ | Dist | Independ | Dist | Independ | Independ | Independ | Independent | Indep

LHEREBY CERNITY THAT THE FOREGOING 19 A TRUE COPY OF THE ORIGINAL THOREOF.

Attorneys for

Gary Abbott Parks Law Offices of Gary M. Carlson & Associates 2121 S.W. Broadway, Suite 380 Portland, Oregon 97201 Phone (503) 223-9766

OSB #93392

Of Attorneys for Plaintiff

5

1

2

3

7

6

8

9

10

11

13

14

15

17

18

19

20

21 22

23

24

25 26 IN THE UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

BERNITA IVINS a single person, Plaintiff,

COUNTY OF CLARK, COUNTY OF

JAY TOWING, and JOHN DOE,

SKAMANIA, AREE GONSER, ED HEL-LAND, STEVEN SCHATZEL, TRIPLE

Defendants.

COMPLAINT FOR:

- VIOLATION OF CIVIL RIGHTS
- INVASION OF PRIVACY
- ASSAULT
- BATTERY
- PALSE IMPRISORMENT
- CONVERSION
- MEGLIGENCE

JURISDICTION

The court has jurisdiction under 28 U.S.C. \$ 1331, \$ 1332, and \$ 1343. The claims for relief are brought under 42 U.S.C. \$ 1983, Article I, \$ 3 and \$ 7 of the Constitution of the State of Washington, the Washington Tort Claims Act (RCW 4.92.090 et seq and 4.96.010 et seq), and under the Fourth, and Fifth amendments

> Gory M. Carlom & Am oya at Law

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS, VARIOUS TORTS; 17, Suite 300 97201-3162 Perford, Owner (563) 223-9766

	1	to Constitution of the United States of America, as applied to the
o postavanje opis Postavanje Postavanje	2	states by the Fourteenth amendment thereof.
	3	FIRST CLAIM FOR RELIEF
	4	(Violation of Civil Rights)
	5	FOR HER FIRST CLAIM FOR RELIEF, MS. IVINS ALLEGES:
Gr	6	1.
	7	At all times material, Skamania County was a political subdi-
	8	vision of the State of Washington.
	9	
e general e General e General e	10	At all times material, Clark County was a political subdivi-
	11	sion of the State of Washington.
	12	3.
	13	At all times material, Arne Gonser was a Deputy Sheriff of
	14	the County of Skamania and an employee and agent thereof and was
	15°	acting within the course and scope of his employment under color
	16	of law.
	,17	4.
in a	18	At all times material, Ed Helland was a Deputy Sheriff of the
	19	County of Skamania and an employee and agent thereof and was
	20	acting within the course and scope of his employment under color
	21	of law.
	22	5.
	23	At all times material, Steven Schatzel was a Washington State
	24	Trooper and was an employee and agent thereof and was acting
	25	within the course and scope of his employment under color of law.
	26	

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS, VARIOUS TORT

(309) 223-9786

2 3.

5

6

7 8

9

10 11

12

13

14

15

16

~17

18 19

20 21

23 24

26

25

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.

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.

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.

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

/// /// ///

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS, VARIOUS TORTS (90) 223-9766

Page 3

∡

20.

Defendants Gonser, Helland, and Schatzel 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.

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.

Gary M. Carbon & Associate

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS, VARIOUS TORTS, Allerson at Live Page 4: Purchase April 4, 1995 (200) 223-9766

	14.
2	Defendant Schatzel intentionally or negligently caused Ms.
3	Ivins' motor home containing all the personal property she owned
	to be taken into the possession of defendant Triple Jay Towing.
5	15.
6	Defendant Triple Jay Towing intentionally or negligently
7	allowed almost all of the personal property contained within the
8	motor home to be removed from the motor home by unknown parties.
٥	16
0	Defendant Triple Jay Towing intentionally or negligently
1	caused title and physical possession of the motor home to be
12	placed in the ownership of an unknown purchaser.
13.	17.
14	By the intentional or negligent conduct of defendants Conser,
15	Helland, Schatzel, Skamania County, and Clark County, Ms. Ivins
16	was deprived of her civil rights to be free from unreasonable
17	searches and seizures, and her rights to due process of law. Ms.
18	Ivins is entitled to recover reasonable attorney fees under 42
19	U.S.C. §1988.
20	SECOND CLAIM FOR RELIEF
21	(<u>Invasion of Privacy</u>)
22	FOR HER SECOND CLAIN FOR RELIEF, MS. IVINS ALLEGES:
23	18.
24	Ms. Ivins realleges paragraphs 1 through 14 above as though
_. 25	fully set forth here.
26	

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS, VARIOUS TO

as though

19. By the intentional or negligent conduct of defendants Gonser, Helland, Schatzel, Skamania County, and Clark County, Ms. Ivins .3 suffered an invasion of privacy through the defendants' intrusion 4 into Ms. Ivins' seclusion. The intrusion was such as to be objectionable to a reasonable person. THIRD CLAIM FOR RELIEF 7 (Assault) 8 FOR HER THIRD CLAIM FOR RELIEF, MS. IVINS ALLEGES: 20.-10 Ms. Ivins realleges paragraphs 1 through 17 above as though 11 fully set forth here. 12 13 By the intentional or negligent conduct of defendants Gonser, 14 Helland, Schatzel, Skamania County, and Clark County, Ms. Ivins 15 suffered assaults because of the express and implied threats of 16 the use of force under color of law to compel Ms. Ivins to do acts 17 against her will and the apparent ability of the respective defen-18 dants to make good the threats. 19 POURTH CLAIM FOR RELIEF 20 (Battery) 21 FOR HER FOURTH CLAIM FOR RELIEF, MS. IVINS ALLEGES: 22 23 Ms. Ivins realleges paragraphs 1 through 17 above as though 24 fully set forth here. 25

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS, VARIOUS TORTS: Administration of Complaint For Violation of Civil Rights, Various Torts: Beating, Said 1800

Page 6

111 111 111

l	
2	· .
3	SCI
1	
4	Scl
1	-
5	-
ا مرد	
0	
. , l	
1	
7 8 9	
<i>^ ?</i>	
10	fı
•	
11	
ົາ 2	-
13	S
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	f
14	f
15	r
16	5
1.7	
4	
18	
	Bh.
19	
	1
20	
	1
21	1
	: .
22	ç
23	
مريق	
24	
	I .
	` !
25	
25 26	

By the intentional conduct of defendants Gonser, Helland, hatzel, Skamania, County, and Clark County, Ms. Ivins endured rmful 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 ally set forth here.

By the intentional conduct of defendants Gonser, Helland, chatzel, Clark County, and Skamania County, Ms. Ivins was conined at various times to various bounded areas without lawful eason 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

(305) 223-9766

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS, VARIOUS TORIS!

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

28.

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

SEVENTH CLAIM FOR RELIEF.

(Megligence)

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

29.

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

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

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

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS, VARIOUS TORTE, Advances, Sain 500
Page 8
CM9 273-9766

; 5

2

7

6

8

9

10 11

12

13

14

15

્16

17

18 19

20

21

22

23 24

25

1	5. Causing harmful or offensive contact with Ha. 14ths
2	person;
3	6. Confining Ms. Ivins to the Clark County Jail for more
4	than forty days against her will;
5	7. Failing to safeguard Ms. Ivins belongings;
6	8. Failing to return Ms. Ivins belongings when demanded;
7	9. Selling Ms. Ivins belongings to others and keeping the
В	money for their own purposes.
9	30.
10	Pursuant to the respective claims procedures promulgated by
12.	the respective political entities, Ms. Ivins submitted claims to
12	Skamania County, Clark County, and the State of Washington. Each
13	claim was denied.
.14	RIGHTH CLAIM FOR RELIEF
15	(Punitive Damages)
16	FOR HER EIGHTH CLAIM FOR RELIEF, MS. IVINS ALLEGES:
17	31.
18	Ms. Ivins realleges paragraphs 1 through 17 above as though
19	fully set forth here.
20	32.
21	The acts of defendants were done in wanton disregard for the
22	health, safety, and welfare of Ms. Ivins. The acts of defendants
23	were done with the intent to inflict anxiety, fear, discomfort,
s 24	physical and mental pain, anguish, and emotional distress. Defen-
25	dants' conduct was excessive, gross, and an extraordinary trans-
. ° 26	gression of the bounds of socially tolerable conduct. Defendants'
	Gury M. Curbon & Arrestons Attention of Carrest December 11 Carrest United TORTS:
e	COMPLAINT FOR VIOLATION OF CIVIL RIGHTS, VARIOUS TORTS: Structure, Sand 300 Page 9 (300) 223-9706
1	Chalpethgraphyshipphysister Was o' taxo

conduct was outrageous in the extreme and entitles Ms. Ivins to punitive damages in the amount of \$1,000,000. DEMAND FOR JURY TRIAL 3 Ms. Ivins hereby demands a jury trial on all matters set 4 forth in this complaint. 5 WHEREFORE, Ms. Ivins prays for judgment against the defendants jointly and severally for: 7 \$300,000 in general damages on Ms. Ivins First Claim For 8 Relief along with reasonable attorney fees; \$100,000 in general damages on Ms. Ivins Second Claim For Relief: 10 \$100,000 in general damages for Ms. Ivins Third Claim 11 3. For Relief; 12 \$200,000 in general damages for Ms. Ivins Fourth Claim For Relief; 13 \$200,000 in general damages for Hs. Ivins Fifth Claim 14 5. For Relief; 15 \$1,010,00 in special damages for Ms. Ivins Sixth Claim 6. For Relief; 16 \$1,910,00 in general damages for Ms. Ivins Seventh Claim **7.** 。 17 for Relief; 18 \$1,000,000 in punitive damages for Ms. Ivins Eighth 8. Claim for Relief; " 19 Reasonable attorney fees; 20 111 111 111 21 22 /// /// /// 23 24 /// /// /// 25 /// /// /// /// /// /// 26

Page 10

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS, VARIOUS TORTS: al, On 97204-3162 (305) 223-9766

For such other relief as the court deems just and equiì DATED this 4th day of 2 1995 3 Gary Abbott Parks, OSB #93392 5 Attorney for Plaintiff 2121 S.W. Broadway, Suite 380 Portland, Oregon 97201 6 (503) 223-9766 7 8 TRIAL ATTORNEY 10 Gary Abbott Parks, OSB #93392 11 Attorney for Plaintiff 2121 S.W. Broadway, Suite 380 12 Portland, Oregon 97201 (503) 223-9766 13 14 15 16 17 18 19 20 ₹**21** 22 23 24 25

SKAMANIA COUNTY AUDITOR GARY M. OLSON

10:40 04/06/1995 Date:

FILED DOCUMENTS TYPO:

Receipt# : 42281

Amount: \$.00

Input by: PL

Funds paid: NO CHARGE

SKAMANIA COUNTY From: SUMMONS CASE NO CV-195-416-RE Memo:

Auditor file#: 122012

Return to: SKAMANIA COUNTY

Parcel: Grantee: Grantor *

IVINS, BERNITA CLARK COUNTY ETAL 25744

IVINS, BERNITA SKAMANIA COUNTY ETAL 25745

GONSER, ARNE ETAL IVINS, BERNITA 25746

IVINS, BERNITA HELLAND, ED ETAL 25747

SCHATZEL STEVEN ETAL IVINS, BERNITA

25748 IVINS, BERNITA TRIPLE JAY TOWING ETAL 25749

IVINS, BERNITA DOE, JOHN ETAL