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1. SUMMONS No. 98-2-C0523-1	
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4.	
GRANTOR(S) (Last name, first, then first name and initials)	
1. Vancouver, City of etal	
2. Gunderson, Sergeant Rex etal etal	
3. Clark County, Washington etal	
4. Clark County Sheriff etal	
☐ Additional Names on page 1 of document	
GRANTEE(S) (Last name, first, then first name and initials)	
1. Hunason, Mitchell A.	
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4.	
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1 I certify that this is a true and correct copy of the original on file.

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5 Attorney for _____

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6 IN THE SUPERIOR COURT OF WASHINGTON FOR CLARK COUNTY

7 MITCHELL A. HUMASON,

NO. 98-2-00523-1

DO NOT WRITE IN THESE SPACES

8 Plaintiff,

SUMMONS (20 Days)

9 vs.

10 CITY OF VANCOUVER, a municipal
11 corporation, SERGEANT REX GUNDERSON
12 and JANE DOE GUNDERSON, husband and
13 wife, CLARK COUNTY, WASHINGTON, a
14 local governmental entity, CLARK
15 COUNTY SHERIFF, DETECTIVE MARY
16 PARSONS and JOHN DOE PARSONS, wife
17 and husband, SKAMANIA COUNTY,
18 WASHINGTON, a local governmental
19 entity, SKAMANIA COUNTY SHERIFF,
20 CITY OF VANCOUVER CHIEF OF POLICE,
21 and OTHER UNKNOWN MEMBERS OF THE
22 CLARK-SKAMANIA DRUG TASK FORCE.

23 Defendants.

24 TO THE DEFENDANTS:

25 A lawsuit has been started against you in the above
26 entitled court by Mitchell A. Humason, plaintiff. Plaintiff's claim is stated in
27 the written complaint, a copy of which is served on you with this summons.

28 In order to defend against this lawsuit, you must respond to the complaint
by stating your defense in writing, and by serving a copy upon the person signing
this summons within 20 days after the service of this summons, excluding the day
of service, or a default judgment may be entered against you without notice. A
default judgment is one where plaintiff is entitled to what he asks for because
you have not responded. If you serve a notice of appearance on the undersigned
person, you are entitled to notice before a default judgment may be entered.

You may demand that the plaintiff file this lawsuit with the court. If you
do so, the demand must be in writing and must be served upon the person signing
this summons. Within 14 days after you serve the demand, the plaintiff must file
this lawsuit with the court, or the service on you of this summons and complaint
will be void.

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

SUMMONS

Page 1

Douglas B. Leightner, Jr.
Attorney at Law
P.O. Box 87335
Vancouver, WA 98687-7335
(360) 892-3804

1 This summons is issued pursuant to rule 4 of the Superior Court Civil Rules
2 of the State of Washington.
3 DATED this 12th day of February, 1998.

4 \s\ Douglas B. Leightner, Jr.
5 DOUGLAS B. LEIGHTNER, JR., WSB #4960
6 Attorney for plaintiff
7 P.O. Box 87335
8 Vancouver, WA. 98687-7335

Douglas B. Leightner, Jr.
Attorney at Law
P.O. Box 87335
Vancouver, WA 98687-7335
(360) 892-3904

SUMNIS

Page 2

I certify that this is a true and correct copy of the original on file.

Douglas B. Leightner

Service accepted, and receipt of true copy acknowledged this ____ day of May, 1998.

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Jo Ann McBride, Clerk, Court Co.

Attorney for _____

IN THE SUPERIOR COURT OF WASHINGTON FOR CLARK COUNTY

MITCHELL A. HUMASON,

Plaintiff,

VS.

CITY OF VANCOUVER, a municipal corporation, SERGEANT REX GUNDERSON and JAYE DOE GUNDERSON, husband and wife, CLARK COUNTY, WASHINGTON, a local governmental entity, CLARK COUNTY SHERIFF, DETECTIVE MARY PARSONS and JOHN DOE PARSONS, wife and husband, SKAMANIA COUNTY, WASHINGTON, a local governmental entity, SKAMANIA COUNTY SHERIFF, CITY OF VANCOUVER CHIEF OF POLICE, and OTHER UNKNOWN MEMBERS OF THE CLARK-SKAMANIA DRUG TASK FORCE,

Defendants.

NO. 98-2-00523-1

COMPLAINT FOR DAMAGES

COMES NOW the above named plaintiff, by and through his attorney, Douglas B. Leightner, Jr., and for a cause of action against the above named defendants, alleges as follows:

I. PARTIES AND JURISDICTION

1.1 Plaintiff was a resident of Clark County, Washington at the time this cause of action occurred.

1.2 Defendant Clark County Sheriff is an elected official responsible for the operation of the office of the Clark County Sheriff, a subdivision of

COMPLAINT FOR DAMAGES

Page 1

Douglas B. Leightner, Jr.
Attorney at Law
P.O. Box 87335
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(360) 892-3804

1 defendant Clark County, Washington, a political subdivision of the State of
2 Washington, organized and existing under the laws and constitution of that State.

3 1.3 Defendant Clark County Sheriff's Office is the host agency for the
4 Clark-Skamania Drug Task Force, an entity operating under the direct supervision
5 and control of defendant Clark County Sheriff's Office.

6 1.4 Defendant City of Vancouver is a municipal corporation in Clark
7 County, Washington.

8 1.5 Defendant Skamania County Sheriff is an elected official responsible
9 for the operation of the office of the Skamania County Sheriff, a subdivision of
10 defendant Skamania County, Washington, a political subdivision of the State of
11 Washington, organized and existing under the laws and constitution of that State.

12 1.6 Defendant Chief of Police of the City of Vancouver Police Department
13 is an appointed official responsible for the operation of the Vancouver Police
14 Department, a subdivision of defendant City of Vancouver.

15 1.7 Defendant Rex Gunderson, at all times material herein, was an
16 employee of the Vancouver Police Department and a designated member of the Clark-
17 Skamania County Drug Task Force, acting within the scope of his employment.
18 Defendant Jane Doe Gunderson is the wife, if any, of defendant Rex Gunderson.

19 1.8 Defendant Mary Parsons, at all times material herein, was an employee
20 of the Clark County Sheriff's Office and a designated member of the Clark-
21 Skamania County Drug Task Force, acting within the scope of her employment.
22 Defendant John Doe Parsons is the husband, if any, of defendant Mary Parsons.

23 1.9 Defendants Other Unknown Individual Members of the Clark-Skamania
24 County Drug Task Force are unknown members of that agency who, while acting
25 within the scope of their employment, may have participated in the activities
26 that give rise to plaintiff's cause of action herein.
27
28

1 1.10 Plaintiff filed a Claim for Damages pursuant to RCW 4.96.020, on or
2 before December 15, 1997, with the City of Vancouver, Clark County, Washington,
3 and Skamania County, Washington. As of the date of the preparation of this
4 complaint no response has been received on the Claim for Damages except for a
5 letter from the Loss Control Manager for Clark County, Washington, advising that
6 "(u)pon completion of our investigation, we will be in contact with you."
7

8 II. FACTS

9 2.1 On December 15, 1994, agents of the Clark-Skamania Drug Task Force
10 broke into plaintiff's residence and seized personal property belonging to
11 plaintiff and having a value in excess of \$300.00 located at plaintiff's
12 residence in Clark County, Washington. Said seizure occurred ostensibly pursuant
13 to a search warrant issued on December 13, 1994.

14 2.2 On November 17, 1994, defendants Sergeant Rex Gunderson and Detective
15 Mary Parsons came to plaintiff's place of residence and lied to plaintiff and
16 stated that they were husband and wife who were prospective purchasers of
17 plaintiff's residence. As a result of the lie to plaintiff said defendants were
18 permitted to enter the plaintiff's premises solely for their alleged purpose, as
19 potential home purchasers, of inspecting the interior of the residence to
20 determine the suitability of the premises as a place of residence. Said
21 authority to inspect did not include any authority to peer into and inspect
22 plaintiff's private papers, boxes, drawers, and other private areas maintained
23 by plaintiff.

24 2.3 As the result of the surreptitious entry of defendants Sergeant Rex
25 Gunderson and Detective Mary Parsons into the private residence of the plaintiff
26 on November 17, 1994 the Clark-Skamania Drug Task Force obtained a Search Warrant
27 on December 13, 1994, for plaintiff's private residence. Said warrant was
28

1 executed on December 15, 1994, in the absence of plaintiff by breaking down the
2 entry door to the residence and ransacking the residence and seizing some of
3 plaintiff's personal possessions and private papers. Those items not seized were
4 left scattered in a random manner throughout the house. No contraband or
5 evidence of a crime was seized and plaintiff has not been charged with any
6 criminal activity resulting from or arising out of or in any way related to the
7 seized property, although it has now been more than thirty-seven months since the
8 property was seized.

9 2.4 Pursuant to the demand of the plaintiff a part of the seized property
10 was returned to plaintiff's authorized agent on March 6, 1998, some three months
11 after seizure. Despite demand made to the authorized agent of the defendant
12 Clark County Sheriff for return of the balance of the seized property, the
13 property continued to be wrongfully withheld from the plaintiff.

14 2.5 When plaintiff personally contacted Sergeant Rex Gunderson to request
15 return of his personal property and private papers he was informed that the
16 processing of the seized items would have a higher priority if plaintiff would
17 discuss a person of interest with member(s) of the Clark-Skamania Drug Task
18 Force. When plaintiff refused the demand for testimony the Clark-Skamania Drug
19 Task Force refused delivery of plaintiff's personal property and private papers
20 to him and held them in ransom as leverage to coerce plaintiff's interview.

21 2.6 As the result of the refusal of the defendant's agent, Sergeant Rex
22 Gunderson, to return the wrongfully withheld private property and personal papers
23 of the plaintiff, the plaintiff was forced to employ the services of an attorney
24 to negotiate the return of the personal property and private papers. When
25 negotiation proved unfruitful plaintiff's attorney was forced to bring suit for
26 replevin, Clark County Superior Court File No. 95-2-03136-0, against defendants
27

1 Clark County, Washington, and Clark County Washington Sheriff's Office. As a
2 result of filing the lawsuit, after additional delay, substantially all of the
3 known seized property was eventually returned to plaintiff.

4
5 III. CAUSES OF ACTION

6 3.1 Plaintiff's constitutional rights protected by Article 1, Secs. 3 and
7 of the Constitution of the State of Washington and the Fourth Amendment to the
8 United States Constitution were violated by Sergeant Rex Gunderson and Detective
9 Mary Parsons, acting as individuals and under color of state law in violation 42
10 USC Sec. 1983.

11 3.2 Defendants Clark County, Washington, City of Vancouver, Skamania
12 County, Washington, Clark County Sheriff, City of Vancouver Chief of Police, and
13 Skamania County Sheriff through their policies, customs and/or practices caused
14 the violation of plaintiff's constitutional rights by the actions of Sergeant Rex
15 Gunderson, Detective Mary Parsons, and Other Unknown Members of the Clark-
16 Skamania Drug Task Force.

17 3.3 Plaintiff's personal property and private papers were wrongfully
18 seized and return delivery withheld by defendants Sergeant Rex Gunderson.
19 Detective Mary Parsons, and Other Unknown Members of the Clark-Skamania Drug Task
20 Force, who were acting within the course and scope of their employment.

21 3.4 Damage to plaintiff's residence was incurred as the result of the
22 actions of defendants Sergeant Rex Gunderson, Detective Mary Parsons, and Other
23 Unknown Members of the Clark-Skamania Drug Task Force, who were acting within the
24 course and scope of their employment.

25 3.5 Independent of plaintiff's Article 1 Secs. 3 and 7 and 42 USC Sec.
26 1983 claims, plaintiff alleges that the defendants Clark County, Washington,
27 City of Vancouver, Skamania County, Washington, Clark County Sheriff, City of

1 Service accepted, and receipt of true
2 copy acknowledged this ____ day of
3 March, 1998.

4 Attorney for _____

5 IN THE SUPERIOR COURT OF WASHINGTON FOR CLARK COUNTY

6 MITCHELL A. HUMASON,

7 Plaintiff,

8 vs.

9 CITY OF VANCOUVER, a municipal
10 corporation, SERGEANT REX GUNDERSON
11 and JANE DOE GUNDERSON, husband and
12 wife, et al,

13 Defendants.

14 MITCHELL A. HUMASON, hereby and hereon declares and affirms under
15 penalty of perjury of the laws of the State of Washington that the
16 following is true and correct:

17 1. I am the plaintiff herein and make this declaration on my own
18 personal knowledge.

19 2. I declare that I have read the complaint herein, know the
20 contents thereof, and believe that the foregoing is true and correct.

21 DATED at Boston, Suffolk County, Massachusetts, this 3 day of

22 April, 1998.

23 *Mitchell A. Humason*
24 MITCHELL A. HUMASON

25 DECLARATION OF PLAINTIFF

26 Page 1

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Joyce McBride, Clerk, Clark Co

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NO. 98-2-00523-1

MAY 11 1998

DECLARATION OF PLAINTIFF
Joyce McBride, Clerk, Clark Co

Douglas B. Leighton, Jr.
Attorney at Law
P.O. Box 87335
Vancouver, WA 98687-7335
(360) 696-0686