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Document Title(s) or transactions contained therein:	
1. Summons	
2.	
3.	
4.	
GRANTOR(S) (Last name, first, then first name and initials)	
1. Gonzer, Arne	
2. Skamania County	
3. Clark County	
4. Klickitat County	
☐ Additional Names on page 1 of document.	
GRANTEE(S) (Last name, first, then first name and initials)	
1. Henderson, William etux	
2. Culpepper, Van Noy	
3.	
4.	
☐ Additional Names on page of document.	
LEGAL DESCRIPTION (Abbreviated: I.E. Lot, Block, Plat or Section, Township, Range, Quarter/Quarter)	
n/a	
☐ Complete legal on page of document.	
REFERENCE NUMBER(S) Of Documents assigned or released:	
Case No. CV-98-3086-RHW	
☐ Additional numbers on page of document.	
ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER	
n/a	
☐ Property Tax Parcel ID is not yet assigned.	
☐ Additional parcel #'s on page of document.	
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BURROWS ANDERSON INC. TEL:206-223-1661

Sep 11'98 15:04 No.004 P.08

AO 440 (Rev 1/90) Summons in a Civil Action

SERVICE COPY

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

RECEIVED

OCT 29 1998 - 10:09 AM

SKAMANIA COUNTY
AUDITOR

SUMMONS IN A CIVIL ACTION

CY-98-3086-R HW
CASE NUMBER

WILLIAM and BONNIE HENDERSON,
ESTATE OF WILLIAM and BONNIE HENDERSON,
VAN NOY CULPEPPER,

v.
ARNE GONZER; COUNTY SKAMANIA;
COUNTY OF CLARK; COUNTY OF
KLICKITAT; and JOHN DOES I, II
and III

TO: (Name and Address of Defendant)

County of Skamania
Stevenson, Washington

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon plaintiff's attorney (name and address):

CHARLES S. HAMILTON, III
ATTORNEY AT LAW
2100 EXCHANGE BUILDING
821 SECOND AVENUE
SEATTLE, WA 98104

an answer to the complaint which is herewith served upon you, within 20 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.

James R. Larsen
CLERK

DATE

SEP 11 1998

Kelly Howard
BY DEPUTY CLERK

14
ES Summons in a Civil Action
AO 440 (Rev 1/90)

(AFC)

BURROWS ANDERSON INC. TEL:206-223-1661

Sep 11'98 15:05 No.004 P.10

AO 89 (11/91) Subpoena in a Civil Case

PROOF OF SERVICE	
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SERVED BY (PRINT NAME)	
SERVED BY (PRINT NAME)	
MANNER OF SERVICE	
THAT	
DECLARATION OF SERVER	

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____ DATE _____
SIGNATURE OF SERVER _____
ADDRESS OF SERVER _____

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENA.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or to inspect the premises except pursuant to an order of the court by which the subpoena was served. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly conducts business in person.

son, except that, subject to the provisions of clauses (c)(3)(B)(iii) of this rule, such a person may, in order to attend (i) be commanded to travel from any such place within the state in which the trial is held, or

(ii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iii) subjects a person to undue burden.

(4) If a subpoena:

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an untrained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to leave substantial expenses to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assumes that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(4) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claimant shall be made expressly and shall be supported by a declaration of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

08/14/84 12:39 309 456 0169
BURKOWS ANDERSON INC. TEL:206-223-1661

STOREY & MILLER

002:002
Sep 11 '98 14:36 No.003 p 02

STOREY & MILLER
COURT REPORTERS
818 W. RIVERSIDE
SUITE 102
SPOKANE, WA 99201

ORIGINAL
FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SEP 11 1998

UNITED STATES DISTRICT COURT
FOR EASTERN DISTRICT OF WASHINGTON
JAMES R. LARSEN, CLERK
DEPUTY

CY-98-3086-RHW
No.

WILLIAM and BONNIE HENDERSON,
husband and wife, and the ESTATE OF
WILLIAM AND BONNIE HENDERSON, VAN
NOY CULPEPPER, Trustee,
Plaintiffs,

v.

ARNE GONZER; and COUNTY OF
SKAMANIA; COUNTY OF CLARK; COUNTY
OF KLIKITAT; and JOHN DOES I, II, and III,
Defendants.

COMPLAINT FOR DAMAGES

I. INTRODUCTION AND STATEMENT

This cause involves claims of violations of Plaintiffs' federal civil rights protected by 42 USC §1983. Plaintiffs claim that Bonnie Henderson was unlawfully detained and that the home of William and Bonnie Henderson was searched unlawfully by a multi-agency and multi-county law enforcement team which had secured a search warrant relating to a neighboring house.

II. JURISDICTION AND VENUE

2.1 This action arises as a federal question pursuant to 28 U.S.C. § 1331 and 1343. Allegations of deprivation of federal civil rights are set forth pursuant to 42 U.S.C. § 1983 and 1988. Supplemental jurisdiction is alleged pursuant to 28 U.S.C. § 1367, regarding state tort claims included herein which arise from a common nucleus of operative facts.

COMPLAINT FOR DAMAGES - Page 1
Hwp98/109/109

LAW OFFICE OF
CHARLES S. HAMILTON, III
2105 EXCHANGE BUILDING
921 SECOND AVENUE
SEATTLE WASHINGTON 98104-3504

2.2 Plaintiffs and Defendant are residents of the Eastern Federal District for the State of Washington, the site of the unlawful search and seizure. Venue of this action properly exists pursuant to 28 U.S.C. § 1391(b).

III. PARTIES

3.1 Plaintiffs Bonnie Henderson and Bill Henderson have been at all times husband and wife. They are over the age of 18 years. At all relevant times resided in the State of Washington, County of Klickitat, City of White Salmon.

3.2 Van Noy Culpepper, Trustee, has been appointed Trustee in Bankruptcy for the Estate of debtors Henderson and has standing as a party-Plaintiff herein.

3.3 Defendant Arne Gonzer was at all relevant times a law enforcement agent employed by the County of Skamania Sheriff's Department. All acts and omissions alleged herein were performed by him under color of state law. He is sued in his individual and official capacities.

3.4 The County of Skamania has the capacity to be sued in the same manner as a private person. It is responsible for the policies and customs of the Skamania County Sheriff's Department. It participated at relevant times responsible for the policies and customs of the Clark/Skamania Drug Task Force. At relevant times, it employed Arne Gonzer and John Doe I.

3.5 John Doe I was at all relevant times employed by or was an agent of this Defendant County of Skamania. John Doe I was a member of the Clark/Skamania Drug Task Force. All acts and omissions alleged herein were performed by him under color of state law. He is sued in his individual and official capacities. His name will be provided as discovery reveals his true identity.

3.6 The County of Clark has the capacity to be sued in the same manner as a private person. It is responsible for the policies and customs of the Clark County Sheriff's Department. It

participated at relevant times responsible for the policies and customs of the Clark/Skamania Drug Task Force. At relevant times, it employed John Doe II.

3.7 John Doe II was at all relevant times employed by or was an agent of this Defendant County of Clark. John Doe II was a member of the Clark/Skamania Drug Task Force. All acts and omissions alleged herein were performed by him under color of state law. He is sued in his individual and official capacities. His name will be provided as discovery reveals his true identity.

3.8 The County of Klickitat has the capacity to be sued in the same manner as a private person. It is responsible for the policies and customs of the Klickitat County Sheriff's Department. It participated at relevant times in the activities of the Clark/Skamania Drug Task Force. At relevant times, it employed John Doe III.

3.9 John Doe III was at all relevant times employed by or was an agent of this Defendant County of Clark. All acts and omissions alleged herein were performed by him under color of state law. He is sued in his individual and official capacities. His name will be provided as discovery reveals his true identity.

IV. FACTS OF THE CASE GIVING RISE TO LIABILITY

4.1 On or about September 13, 1995, Defendants were involved in a search and seizure of the residence located at 991 N.E. Estes Avenue, White Salmon, Washington, known as the "Learning Tree." The search was conducted under color of a warrant for that residence. At that time, the Defendants entered into the adjacent residence belonging to Bonnie and Bill Henderson, although that residence was not named by the warrant as a place to be searched. That search warrant was based upon the claims of a paid informant, whom Defendants knew to be an abuser of drugs and an unreliable informant. The Defendants took with them reporters from a local newspaper for the deliberate purpose of publicizing the search and seizure.

1 4.2 The warrant upon which the Defendants relied did not permit a search of the residence
2 of Bonnie and Bill Henderson. The Defendants had no reasonable basis for believing any contraband
3 was to be found in the residence of Bonnie and Bill Henderson. Search of that home was without
4 probable cause. During the search, Bonnie Henderson was unlawfully detained and/or arrested.

5 4.3 As a proximate result of the wrongful intrusions by the Defendants, and publication of
6 same, the Plaintiffs suffered severe emotional distress, lost earnings, loss of enjoyment of life, loss of
7 standing in the community, and damages generally in an amount which will be established at the time
8 of trial. Their injuries and damages are ongoing.

9 4.4 The torts alleged above constituted the tort of negligent infliction of severe emotional
10 distress.

11 4.5 The acts and omissions alleged above constituted violation of the federal civil rights of
12 Plaintiffs, including their rights protected by the Fourth and Fourteenth Amendments of the U.S.

13 Constitution. Those acts and omissions, performed with deliberate indifference to the civil rights of
14 Plaintiffs, constituted violations of 42 USC § 1983.

15 4.6 The acts and omissions alleged herein were proximately caused by the policies and
16 customs of the Sheriff's Departments of Klickitat County, Skamania County and Clark County,
17 subjecting those Defendants to liability.

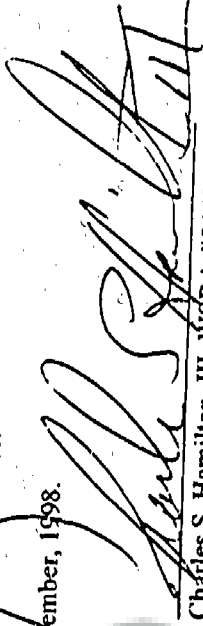
18 PRAYER FOR RELIEF

19 WHEREFORE, having set forth their Complaint for Damages, Plaintiffs respectfully pray for
20 the following relief:

- 21 1. That a money judgment be entered in favor of Plaintiffs and against each and all
22 Defendants in an amount which will fully and fairly compensate them for their injuries and damages
23 sustained herein.
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2. That Plaintiffs be awarded all taxable costs, including statutory attorney fees.
3. That an award of punitive damages be assessed against each and all of these Defendants pursuant to 42 U.S.C. § 1983.
4. That Plaintiffs be awarded reasonable attorney's fees as provided in 42 U.S.C. § 1988.
6. That Plaintiffs be awarded such other and further relief as the Court may determine to be fair and equitable under the circumstances of the case.

DATED this 11th day of September, 1998.



Charles S. Hamilton, III, WSBA #5468
Attorney for Plaintiffs