

136251

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Skamania County Auditor

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Skamania County
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GARY L. OLSON

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Document Title(s) or transactions contained therein:

1. Summons Case no. C99-5461RJB
- 2.
- 3.
- 4.

GRANTOR(S) (Last name, first, then first name and initials)

1. Skamania County Sheriff
2. Bryan, Charles R.
- 3.
- 4.

☐ Additional Names on Page _____ of Document.

GRANTEE(S) (Last name, first, then first name and initials)

1. Throw, Tracy A.
- 2.
- 3.
- 4.

☐ Additional Names on Page _____ of Document.

LEGAL DESCRIPTION (Abbreviated: i.e., Lot, Block, Plat or Section Township, Range, Quarter/Quarter)

☐ Complete Legal on Page _____ of Document.

REFERENCE NUMBER(S) Of Document assigned or released:

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ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER

☐ Property Tax parcel ID is not yet assigned.

☐ Additional Parcel Numbers on Page _____ of Document.

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Map 11/1/93

United States District Court

WESTERN DISTRICT OF WASHINGTON

TRACY A. THROW

V.

SUMMONS IN A CIVIL CASE

CASE NUMBER: C99-5461RJB

CHARLES R. BRYAN, SHERIFF OF
SKAMANIA COUNTY, WASHINGTON,
INDIVIDUALLY AND IN OFFICIAL
CAPACITY

TO: (Name and address of defendant)

CHARLES R. BRYAN, SHERIFF OF SKAMANIA COUNTY, WASHINGTON,
IN OFFICIAL CAPACITY
GARY OLSON,
SKAMANIA COUNTY AUDITOR
240 NW VANCOUVER AVE
STEVENSON, WA 98648
YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

PETER L. FELS
STICHMAN HOKE FELS, P.C. ATTORNEYS
411 E. Evergreen Blvd.
Vancouver, WA 98660
(360) 694-4111

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. You must also file your answer with the Clerk of this Court within a
reasonable period of time after service.

BRUCE RIFKIN

CLERK

(BY) DEPUTY CLERK

DATE

9/7/99

RETURN OF SERVICE

Service of the Summons and Complaint was made by me ¹	DATE
NAME OF SERVER (PRINT)	TITLE

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served: _____
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____
- ☐ Other (specify): _____

STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL

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 Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date_____
Signature of Server_____
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

1 Peter L. Fels, WSBA #23708
2 STICHMAN HOKE FELS, P.C.
3 411 E. Evergreen Blvd.
4 Vancouver WA 98660
5 360) 694-4111
6
7
8

9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON AT TACOMA

11 TRACY ANN THROW

12 Plaintiff,

13 v.

14 CHARLES R. BRYAN, SHERIFF of
15 SKAMANIA COUNTY, WASHINGTON,
16 *Individually and In Official Capacity*

17 Defendant.
18

NO. C99 5461 RJB

COMPLAINT

(Violation of Civil Rights, Wrongful
Discharge, Unlawful Arrest)
Jury Trial Requested

19 INTRODUCTION

20 TRACY ANN THROW is a former deputy sheriff for Skamania County. She was
21 discharged from her employment by Sheriff Bryan for refusing to answer his unlawful questions
22 about her relationship with her then-fiance, now husband, Phillip Throw. She was also harassed,
23 intimidated and retaliated against by the Sheriff and other deputies acting under the direction of the
24 sheriff because of her refusal to answer his questions. By this action, Ms. Throw seeks
25 compensation for her injuries.
26

THROW V. BRYAN; COMPLAINT - 1 -

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Hoke
Fels, P.C.
Attorneys
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Vancouver, WA 98660
Phone 360.694.4111
Fax 360.594.7088

PARTIES

1. The Plaintiff, TRACY ANN THROW is and at all relevant times hereto has been a resident of Stevenson, in Skamania County, Washington.

2. Defendant CHARLES BRYAN is the Sheriff of Skamania County, a government entity organized under the codes and statutes of the State of Washington. He is sued in his individual and his official capacity.

JURISDICTION and JURY DEMAND

3. Jurisdiction of this court is pursuant to 28 U.S.C. Sec. 1343 and pendent jurisdiction for the state law claims is pursuant to 28 U.S.C. Sec. 1367. Plaintiff demands a trial by jury.

FACTS

4. Tracy Ann Throw was at all relevant times hereto employed as deputy sheriff for Skamania County. Prior to her marriage to Phillip Throw, she was known as Tracy Reynolds.

5. Ms. Throw's employment was subject to a Collective Bargaining Agreement ("CBA") between Skamania County and Law & Justice Division Office and Professional Employees International Union Local 11, pursuant to which her employment could not be terminated without just cause.

6. Ms. Throw's employment with Skamania County Sheriff's Department was also subject to laws and regulations of the State of Washington requiring just cause for dismissal and granting the opportunity for procedural rights related to any termination of her employment.

7. In or about March or April, 1998, Ms. Throw advised her immediate supervisor, Ed Powell, and Sheriff Bryan of her pending engagement to be married to Phillip Throw. Mr. Throw was at the time on probation for a criminal conviction.

1 8. On or about May 20, 1998, Ms. Throw was required to attend, and did attend, a meeting
2 with Sheriff Bryan and Ed Powell. In the meeting, Sheriff Bryan inquired whether Ms. Throw was
3 living with Phillip Throw or if Mr. Throw was staying in her house. Mr. Powell stated that "Phil
4 can't stay or live at your house."
5

6 9. On or about June 5, 1998, Ms. Throw attended another meeting with Sheriff Bryan and Ed
7 Powell, with her union representative present.

8 10. At the June 5 meeting, Sheriff Bryan instructed Ms. Throw to answer his questions. He
9 repeated that she had been instructed that Mr. Throw could not live at her house. He asked her if
10 Mr. Throw was living at her house. Ms. Throw refused to answer without having the opportunity
11 to have her attorney present.
12

13 11. Immediately after the meeting described above, Sheriff Bryan suspended Ms. Throw from
14 her job duties, without compensation. By letter dated June 8, 1998, Sheriff Bryan confirmed the
15 suspension would continue until Ms. Throw was "willing to meet and dialogue with (him) and (her)
16 supervisors."
17

18 12. At no time relevant herein was there any policy, rule, or regulation of the Skamania County
19 Sheriff's Department, or contract provision pursuant to the CBA, regulating or pertaining to the
20 persons who could reside with or in any employee's home or with whom employees were allowed
21 to associate. If there was any such provision, it was not narrowly tailored to meet the legitimate
22 needs of the department and to avoid to the extent possible interfering with the constitutional rights
23 of employees to freely associate with individuals and to maintain their privacy.
24

25 13. On June 9, 1998, Sheriff Bryan wrote to Ms. Throw that the suspension would continue for
26 three days, and that she was required to attend another meeting with him on June 11. The letter
stated that the "purpose of this inquiry is to gather pertinent details of your association and

THROW V. BRYAN; COMPLAINT - 3 -

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1 relationship with a person on active parole/probation through the courts of this jurisdiction."

2 14. Ms. Throw attended a meeting on June 11 with Sheriff Bryan in which she was again asked
3 various questions about her personal relationship with Phillip Throw and living arrangements. Ms.
4 Throw again refused to answer the questions. Sheriff Bryan then informed her that her suspension
5 from employment, without pay, would be continued for insubordination.
6

7 15. During the course of his meetings with Ms. Throw, Sheriff Bryan raised his voice, was loud
8 and abusive, and otherwise acted in a threatening and intimidating manner.
9

10 16. On or about July 27, 1998, Ms. Throw noticed a uniformed and armed Skamania County
11 Sheriff's deputy examining her personal vehicle while she was inside the North Bonneville Post
12 Office. The deputy left as she went outside into the parking lot. On her return home, deputy Brett
13 Robison followed behind her vehicle in a marked Sheriff's car with emergency lights flashing and
14 stopped behind her when she pulled over. He told her he was detaining her until Ed Powell could
15 arrive. Mr. Powell arrived approximately 10-15 minutes thereafter and handed Ms. Throw a letter
16 from Sheriff Bryan dated July 24, 1998 and had a brief conversation with her. The letter advised
17 Ms. Throw to attend a meeting in the sheriff's office on July 30th. After presenting the letter to Ms.
18 Throw and talking to her, the deputies allowed her to go.
19

20 17. On or about July 31, 1998, Ms. Throw obtained and delivered to the sheriff a physician's
21 report of disability authorizing time loss for July 30 through August 3. On or about August 3, 1998,
22 Ms. Throw caused to be delivered to the sheriff another physician's report of disability authorizing
23 time loss through September 7, 1998, for stress.
24

25 18. On or about August 7, 1998, Sheriff Bryan wrote Ms. Throw requesting more information
26 "relating to the medical reasons why you cannot return to work." The letter demanded the
information be provided by August 13.

THROW V. BRYAN; COMPLAINT - 4 -

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1 19. On September 2, 1998, Sheriff Bryan discharged Ms. Throw from her employment, effective
2 August 30, 1998. The stated grounds were: (1) alleged refusal to accept a subpoena to attend a
3 criminal trial as a witness; (2) refusal to answer questions about her personal relationship with
4 Phillip Throw, and (3) alleged abuse of sick leave.
5

6 FIRST CLAIM FOR RELIEF

7 (Violation of Civil Rights)

8 20. As a result of the actions of the Defendant described herein, Plaintiff Throw was deprived
9 of her rights to privacy, liberty, property and due process under color of law.
10

11 21. As a result of the actions of the Defendant described herein, the plaintiff suffered severe
12 emotional distress, trauma, and suffering, including sleeplessness, nausea, internal bleeding, extreme
13 fear, terror, and other physical and emotional symptoms including a miscarriage.

14 22. Sheriff Bryan's actions as described herein were in violation of clearly established
15 constitutional rights of which a reasonable person would have known, or of which he was actually
16 aware.
17

18 23. The plaintiff is entitled to recover from the defendant, individually and in his official capacity,
19 such amounts as shall be determined at trial to compensate her for past and future lost earnings and
20 other compensation and economic losses, pain, suffering, emotional distress, and her reasonable
21 attorney fees and costs of this suit.

22 24. The actions of the defendant as described herein were wanton, reckless and malicious and
23 with knowledge and Ms. Throw is entitled to recover such punitive damages as the jury might
24 award.
25

26 //

//

1 SECOND CLAIM FOR RELIEF

2 (Wrongful Discharge)

3 25. Plaintiff re-alleges paragraphs 1-24.

4 26. Defendant wrongfully discharged Plaintiff in retaliation for her exercise of her constitutional
5 rights to maintain her privacy and freedom of association.

6 27. Ms. Throw is entitled to recover from the defendant, individually and in his official capacity,
7 such amounts as shall be determined at trial to compensate her for past and future lost earnings,
8 other compensation and economic losses, pain, suffering and emotional distress.

9 THIRD CLAIM FOR RELIEF

10 (Wrongful Arrest)

11 28. Plaintiff re-alleges paragraphs 1-24.

12 29. Plaintiff was unlawfully arrested, detained and deprived of her liberty without authority as
13 described herein.

14 30. Plaintiff is entitled to recover from the defendant individually and in his official capacity such
15 amounts as shall be determined at trial to compensate her for her damages as described herein.

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WHEREFORE, PLAINTIFF PRAYS FOR RELIEF AS FOLLOWS:

- A. Judgment against the defendant on each claim in an amount to be determined for economic damages, pain, suffering and distress;
- B. Judgment against the defendant on her first claim for relief for reasonable attorney fees and costs;
- C. Judgment against the defendant on her first claim for relief for punitive damages; and
- D. Such other relief as the court deems just under the circumstances.

DATED THIS 1 day of September 1999.


Peter L. Fels, WSBA #23708