



Doc # 2008168744
Page 1 of 16
Date: 1/17/2008 02:26P
Filed by: GRANT A GEHRMANN
Filed & Recorded in Official Records
of SKAMANIA COUNTY
SKAMANIA COUNTY AUDITOR
J MICHAEL GARVISON
Fee: \$0.00

SKAMANIA COUNTY CLAIM FOR DAMAGE FORM

CLAIMANT: THIS CLAIM MUST BE FILED WITH THE

SKAMANIA COUNTY AUDITOR'S OFFICE
Skamania County Courthouse
P.O. Box 790
240 NW Vancouver Avenue, Room 27
Stevenson, WA 98648

FOR OFFICE USE ONLY:

CLAIM NO. _____

DATE FILED: _____

COPIES TO: _____

NO DAMAGES CAN BE PAID BY SKAMANIA COUNTY UNLESS THIS
FORM IS COMPLETE. THIS PROVISION CANNOT BE WAIVED.

ATTACHMENTS: YES(#____) NO

1. Name (including spouse if married): (Please Print)
Beth E. Pinson, as Guardian of the person and the Estate of Krysta Necole Pinson
2.

<u>1000 N.E. 65th Street</u>	<u>Vancouver</u>	<u>WA</u>	<u>98665</u>
Address	City	State	Zip
3. HM Phone: (360)891-1670 WK Phone: (360)891-7296 MSSG Phone: _____
4. Date and time of incident: On or about the evening of October 10th, 2005.
5. Location of incident:
Camp WI-RI-KI, 17051 Washougal River Road, Washougal, WA 98671
6. Describe in narrative form and in detail exactly how the incident occurred:
See attached and annexed Tort Claim Notice

7. What is the amount of damages claimed arising out of the following circumstances
(Include estimates and bills, if available): See attached and annexed Tort Claim Notice

8. Please list name and address of any and all witnesses or persons involved:
(Please Print)
See attached and annexed Tort Claim Notice

9. Describe the damages or injuries you sustained as a result of the incident: See attached and annexed Tort Claim Notice

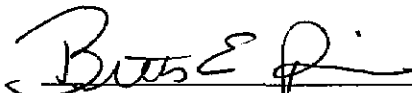
10. Was incident investigated by a police officer? No. Sheriff N/A State Patrol N/A
City N/A
11. If a vehicle was involved in the incident, describe: Make _____
Model _____ Year _____ State _____ License No. _____
Insurance Company _____ Policy Number _____
12. Describe what you did after the incident occurred: See attached and annexed Tort Claim Notice.

13. Describe the conversations you had, if any, with County personnel during or after the incident occurred. None known.

14. How did you identify the County as the party responsible for your damage?
Skamania County owns the premises where Krysta Necole Pinson was injured.

I certify under penalty of perjury under the laws of the State of Washington that the information contained in this claim is true and correct.

DATED THIS 4 DAY OF January, 2008



Claimant's Signature

File Name: Commiss/Risk Mang/Claims/Claim For Damages

NOTE: Personal property (car, etc.) damages are to be accompanied by 2 estimates for repair costs. The Skamania County Risk Manager will investigate this claim. The decision to honor this claim will be based upon that investigation. Making a false report or providing false evidence is a crime and punishable by fine and/or imprisonment. Additional pages may be attached if needed to answer the questions.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Beth E. Pinson, as Guardian of)
the person and the Estate of)
Krysta Necole Pinson (a minor);)
Britton T. Pinson,)
individually; and Beth E.)
Pinson, individually.)

Claimants,)

v.)

Skamania County, a Washington)
State County)

Respondent.

**TORT CLAIM NOTICE
FOR DAMAGES FOR PERSONAL
INJURIES**

COME NOW claimants, and for their claims against the
Respondent, Skamania County, a Washington State County, and
allege and claim as follows:

1 **I. Identification of Claimants**

2 1.1 Claimants are as follows: Beth E. Pinson, as Guardian
3 of the person and Estate of Krysta Necole Pinson;
4 Britton T. Pinson, individually, and as father of
5 Krysta Necole Pinson; and Beth E. Pinson, individually,
6 and as mother of Krysta Necole Pinson.
7

8 1.2 Krysta Necole Pinson is a minor; her date of birth is
9 November 29, 1994. Krysta Necole Pinson resides with
10 her parents, Britton T. Pinson and Beth E. Pinson.
11 Krysta Necole Pinson's father is Britton T. Pinson, and
12 her mother is Beth E. Pinson. The actual residence of
13 Krysta Necole Pinson, Britton T. Pinson, and Beth E.
14 Pinson is 1000 NE 65th Street, Vancouver, Washington
15 98665. This has been Krysta Necole Pinson, Britton T.
16 Pinson, and Beth E. Pinson's residence since March,
17 2005. Further, 1000 NE 65th Street, Vancouver,
18 Washington, 98665 was the actual residence of Krysta
19 Necole Pinson, Beth E. Pinson, and Britton T. Pinson
20 for a period of six months immediately prior to the
21 time this claim arose, which was October 10th, 2005.
22
23
24
25

1 1.3 Krysta Necole Pinson's mother, Beth E. Pinson, was
2 appointed as Guardian of the person and Estate of
3 Krysta Necole Pinson on October 27, 2006, in Clark
4 County Superior Court.

6 7 **II. Identification of Respondent**

8 2.1 The respondent is Skamania County, a County located in
9 the State of Washington. Skamania County owns property
10 at 17051 Washougal River Road, Washougal, Washington,
11 98671. This camp is known as "Camp WA-RI-KI", and also
12 known as "Camp WI-RI-KI", (hereafter referred to as
13 "Camp WA-RI-KI") located in Skamania County,
14 Washington, at 17051 Washougal River Road, Washougal,
15 Washington, 98671. The Skamania County parcel number is
16 02050000020100. This parcel is the subject of this
17 Tort Claim Notice, and further is the property
18 whereupon Krysta Necole Pinson suffered injuries.

19 20 **III. Facts of the Incident**

21 3.1 On or about October 10th, 2005, in Skamania County,
22 Washington, Image Elementary School hosted an overnight
23 school camp. This camp facility is known as "Camp WA-
24 RI-KI", also known as "Camp WI-RI-KI", (hereafter
25

1 referred to as "Camp WA-RI-KI") and is located in
2 Skamania County, at 17051 Washougal River Road,
3 Washougal, 98671, State of Washington.
4

5 3.2 On or about October 10th, 2005, Krysta Necole Pinson was
6 a student at Image Elementary School in the Evergreen
7 School District and attended the overnight camp at Camp
8 WA-RI-KI, located in Skamania County, Washington.
9

10 3.3 On or about October 10th, 2005, at Camp WA-RI-KI, Krysta
11 Necole Pinson was participating in an overnight camp
12 with her elementary school. The children were
13 instructed to bring a sleeping bag and a pillow for
14 sleeping.
15

16 3.4 On or about October 10, 2005, Camp WA-RI-KI had bunk
17 beds (two high, an upper bunk over a lower bunk) for
18 the children to sleep upon. The mattresses of the bunk
19 beds are covered with a thick plastic material. The
20 plastic material used to cover the mattresses was both
21 thick and slick. The bed railings on the bunks were of
22 insufficient height and/or design to protect against a
23 person sliding off of the bunk beds.
24
25

1
2 3.5 On or about October 10th, 2005, Krysta Necole Pinson was
3 sleeping on a bunk with the above-described plastic
4 material covering the mattress at Camp WA-RI-KI.

5 Krysta Necole Pinson's sleeping bag slipped off of the
6 top bunk in the middle of the night. Krysta Necole
7 Pinson fell approximately four feet down to the
8 concrete floor, landing on her head. Krysta Necole
9 Pinson was knocked unconscious and suffered injuries.
10

11
12 3.6 Krysta Necole Pinson was awakened by an Evergreen
13 School District Staff Member who told her she had
14 fallen off the bed. Krysta Necole Pinson was
15 instructed to go back to bed. Krysta Necole Pinson
16 awoke later that night and reportedly felt that she was
17 unable to move her extremities.
18

19 IV. Additional Facts and Injuries

20 4.1 Beth E. Pinson received a call at work on October 11,
21 2005. She learned that Krysta Necole Pinson was
22 injured. Beth E. Pinson contacted Mr. Ivan Beer and
23 Mrs. Loydene Beer, Krysta Necole Pinson's Grandfather
24 and Grandmother. Beth E. Pinson asked Ivan and Loydene
25

1 to go pick Krysta Necole Pinson up from Camp WA-RI-KI
2 and take her home. Mr. Ivan Beer and Mrs. Loydene
3 Beer are both residents of Clark County.
4

5 4.2 Krysta Necole Pinson's mother, Beth E. Pinson, called
6 the Kaiser Permanente Advice line. A representative of
7 Kaiser contacted Krysta Necole Pinson's grandparents
8 directly by phone and instructed them to take Krysta
9 Necole Pinson to the Emergency Room Department at
10 Southwest Washington Medical Center, which they did.
11

12
13 4.3 At Southwest Washington Medical Center, Krysta Necole
14 Pinson was treated by Dr. Peter Stich, M.D., who
15 diagnosed her with a Occipital Skull Fracture and
16 internal head injuries.
17

18 4.4 Krysta Necole Pinson was transported by ambulance to
19 Doernbecher Children's Hospital in Portland, Oregon on
20 October 11, 2005.
21

22 4.5 Krysta Necole Pinson arrived at Doernbecher Children's
23 Hospital and was evaluated by Dr. Ritu Sahni, M.D. Dr.
24 Sahni diagnosed Krysta Necole Pinson with extra-axial
25

1 bleeding with right occipital skull basal fracture.
2 Krysta Necole Pinson was admitted to Intensive Care
3 unit for clinical observation. Krysta Necole Pinson
4 stayed at Doernbecher Children's Hospital until October
5 12, 2005. Krysta Necole Pinson was discharged with a
6 school note and special instructions limiting her
7 activities.
8

9
10 4.6 Krysta Necole Pinson incurred medical bills in the
11 amount of \$16,896.06, as a proximate result of the
12 injuries sustained at the outdoor camp at Camp WA-RI-
13 KI, as earlier set out in this Tort Claim Notice.
14

15 16 **V. Liability**

17 5.1 That at the time and place of the above-described fall
18 off of the bed, Respondent, Skamania County, was
19 negligent and/or liable in one or more of the following
20 ways:
21

- 22 a. Failing to exercise ordinary care;
23 b. Failing to provide safe sleeping arrangements
24 and/or safe conditions for Krysta Necole Pinson;
25

Tort Claim Notice- 7

Law Office Of
Grant A. Gehrmann p.s.
203 SE Park Plaza Dr.
Suite 240
Vancouver, WA 98684
(360) 253-3667

DOC # 2008168744
Page 9 of 16

- 1 c. Having bunk bed designs that did not comply with
2 national standards for protection of children up
3 to 15 years old,;
- 4 d. Having bunk beds that were not suitable for school
5 age users because of the hazards due to design
6 issues;
- 7 e. Making modifications to bunk beds by changing
8 mattress size resulting in increase in the risk to
9 user of falling from upper bunks;
- 10 f. Having bunk beds that lacked required labeling to
11 indicate proper mattress size that lead to wrong
12 mattress being used on bunk;
- 13 g. Having bunks with modifications of mattress that
14 increased danger to user of slipping and sliding
15 from upper bunk;
- 16 h. Failure to conduct an inspection to assure bunk
17 beds were suitable for this age user;
- 18 i. Failure to conduct an inspection to assure bunk
19 beds complied with national standards;
- 20 j. Failure to restrict, limit, warn or instruct on
21 the use of certain types of sleeping bags for the
22 upper bunks;
23
24
25

- 1 k. Failure to protect and/or warn invitees and/or
2 licensees from reasonably foreseeable risks of
3 harm; and/or
4
5 1. Failure to warn and/or correct a latent dangerous
6 condition on the premises.
7

8 VI. Damages

9 6.1 That as a direct, proximate, and foreseeable result of
10 Respondent, Skamania County's negligence and/or
11 liability, as alleged in this Claim, it has been
12 necessary for The Estate of Krysta Necole Pinson,
13 Krysta Necole Pinson, and/or her parents, Britton T.
14 Pinson and Beth E. Pinson to incur medical attention
15 and expenses, and to incur travel and other expenses in
16 securing medical treatment. The Estate of Krysta Necole
17 Pinson, Krysta Necole Pinson, and/or her parents,
18 Britton T. Pinson and Beth E. Pinson, have incurred
19 medical bills in the amount of \$16,896.06, as a
20 proximate result of the negligence of Skamania County,
21 as earlier set out in this Tort Claim Notice.
22
23
24
25

1 6.2 That as a direct, proximate, and foreseeable result of
2 Respondent, Skamania County's negligence as alleged in
3 this Claim, Krysta Necole Pinson has incurred physical
4 handicap and/or disability in connection with her usual
5 activities, and has suffered injury, pain, suffering,
6 disfigurement, and an impairment of ability to enjoy
7 life. By reason of the matters alleged in this Tort
8 Claim Notice, Krysta Necole Pinson and/or The Estate of
9 Krysta Necole Pinson has suffered general damages in
10 the amount of \$75,000.00;
11

12
13 6.3 Britton T. Pinson and Beth E. Pinson, as parents of
14 Krysta Necole Pinson, have suffered damages under RCW
15 4.24.010. By reason of the matters alleged in this Tort
16 Claim Notice, Britton T. Pinson has suffered damages in
17 an amount of \$10,000.00 and Beth E. Pinson has suffered
18 damages in an amount of \$10,000.00;
19
20
21
22
23
24
25

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

2
3
4
5
6
7
8
9
10
11

16
17

18
19

21
22
23
24
25

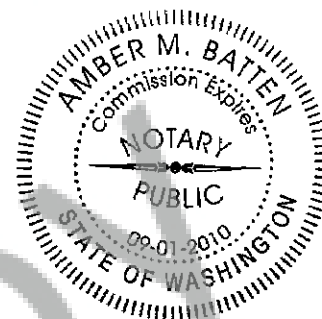
1 foregoing TORT CLAIM NOTICE, know the contents thereof,
2 and believe the same to be true and correct.
3
4

5 Beth E. Pinson 1-4-08 Vancouver WA.
6 Beth E. Pinson Date and Place Signed

7 SUBSCRIBED AND SWORN to before me on this 4 day of
8 January, 2008.

9 Amber M. Batten
Amber M. Batten

10 NOTARY PUBLIC in and for the state of
11 Washington, residing in Vancouver, Washington.
My Commission Expires: 9-01-2010



12
13
14
15 STATE OF WASHINGTON)
16 : ss
17 County of Clark)

18
19 I, Britton T. Pinson, being first duly sworn upon oath
20 depose, certify and declare under penalty of perjury
under the laws of the State of Washington as follows:

21
22 As the Father of Krysta Necole Pinson, minor child,
23 and/or individually, I am the Claimant in the above
24 action; I have read the foregoing TORT CLAIM NOTICE,
25

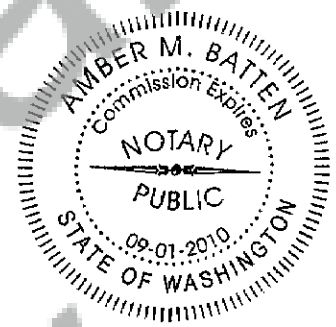
1 know the contents thereof, and believe the same to be
2 true and correct.

3 *Britton T. Pinson*
4 Britton T. Pinson
5 1-4-08 Vancouver, WA
6 Date and Place signed

7 SUBSCRIBED AND SWORN to before me on this 4 day of
8 January, 2008.

9 *Amber M. Batten*
10 Amber M. Batten

11 NOTARY PUBLIC in and for the state of
12 Washington, residing in Vancouver, Washington.
13 My Commission Expires: 01-01-2010



14
15
16
17 STATE OF WASHINGTON)
18 :ss
19 County of Clark)

20 I, Grant A. Gehrman, being first duly sworn upon oath
21 depose, certify and declare under penalty of perjury
22 under the laws of the State of Washington as follows:

23 I, Grant A. Gehrman, Attorney for Krysta Necole
24 Pinson, an incapacitated minor, Date of Birth November
25 29, 1994, and for Beth E. Pinson as Guardian of the
person and Estate of Krysta Necole Pinson, (A Minor),

1 Beth E. Pinson, Individually, and Britton T. Pinson,
2 Individually. I have read the foregoing TORT CLAIM
3 NOTICE, know the contents thereof, and believe the same
4 to be true and correct.
5

6 [Signature]
7 Grant A. Gehrmann, WSBA #21867
8 Attorney for Claimants

1-4-08 Vancouver WA
Date and Place Signed

9 SUBSCRIBED AND SWORN to before me on this 4 day of
10 January, 2008.

11 [Signature]
12 Amber M. Batten
13 NOTARY PUBLIC in and for the state of
14 Washington, residing in Vancouver, Washington.
15 My Commission Expires: 09-01-2010

