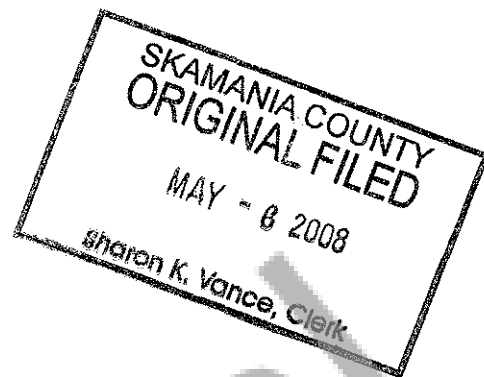


RECEIVED

MAY 13 2008

SKAMANIA COUNTY
CLERK



SUPERIOR COURT OF WASHINGTON

FOR SKAMANIA COUNTY

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,

Plaintiffs,

v.

Evergreen School District,
Number 114, Kiwanis Camp WA-RI-
KI; a Washington Corporation,
and Skamania County, a
Washington State County

Defendants.

No. 08 2 00088 7

Complaint for Negligence;
Premises Liability

Plaintiffs allege:

I. Identification of Plaintiffs

1.1 Plaintiffs are as follows: Beth E. Pinson, as Guardian of the person and Estate of Krysta Necole Pinson; Britton T. Pinson, individually, as father of Krysta Necole Pinson; and Beth E. Pinson, individually, as mother of Krysta Necole Pinson.

1.2 Krysta Necole Pinson is a minor; her date of birth is November 29, 1994. Krysta Necole Pinson resides with her parents, Britton T. Pinson and Beth E. Pinson. Krysta Necole Pinson's father is Britton T. Pinson, and her mother is Beth E. Pinson. The actual residence of Krysta Necole Pinson, Britton T. Pinson, and Beth E. Pinson is 1000 NE 65th Street, Vancouver, Washington 98665. This has been Krysta Necole Pinson, Britton T. Pinson, and Beth E. Pinson's residence since March, 2005. Further, 1000 NE 65th Street, Vancouver, Washington, 98665 was the actual residence of Krysta Necole Pinson, Beth E. Pinson, and Britton T. Pinson for a period of six months immediately prior to the time this claim arose, which was October 10th, 2005.

1
2 1.3 Krysta Necole Pinson's mother, Beth E. Pinson, was
3 appointed as Guardian of the person and Estate Krysta
4 Necole Pinson on October 27, 2006, in Clark County
5 Superior Court.
6
7
8

9 II. Identification of Defendants

10 2.1 The defendant Evergreen School District Number 114, is
11 a public school district located in Clark County,
12 Washington. Image Elementary School is a public school
13 that is part of Evergreen School District, Number 114.
14
15

16 2.2 The defendant Kiwanis Camp WA-RI-KI is a public
17 benefit, nonprofit Washington Corporation that was
18 incorporated on July 9, 1973. The UBI number for
19 Kiwanis Camp WA-RI-KI is 601037040.
20

21 2.3 On or about October 10, 2005, Kiwanis Camp WA-RI-KI was
22 leasing the premises known as Camp WA-RI-KI from the
23 defendant Skamania County; location of the premises is
24
25

1 17051 Washougal River Road, Washougal, Washington,
2 98671, also known as Camp WA-RI-KI.
3

4 2.4 The defendant Skamania County, is a County located in
5 the State of Washington. Skamania County owns property
6 at 17051 Washougal River Road, Washougal, Washington,
7 98671. This camp is also known as Camp WA-RI-KI,
8 located in Skamania County, Washington, at 17051
9 Washougal River Road, Washougal, Washington, 98671. The
10 Skamania County parcel number is 02050000020100.
11 Hereafter referred to as "Camp WA-RI-KI". This parcel
12 is the property whereupon Krysta Necole Pinson suffered
13 injuries as alleged in this complaint.
14

15 16 17 **III. Facts of the Incident**

18 3.1 On or about October 10th, 2005, in Skamania County,
19 Washington, Image Elementary School hosted an overnight
20 school at Camp WA-RI-KI. This camp facility is known
21 as "Camp WA-RI-KI", and is located in Skamania County,
22 at 17051 Washougal River Road, Washougal, 98671, State
23 of Washington.
24
25

1 3.2 On or about October 10th, 2005, Krysta Necole Pinson was
2 a student at Image Elementary School in the Evergreen
3 School District and attended the overnight camp at Camp
4 WA-RI-KI, located in Skamania County, Washington.

6 3.3 On or about October 10th, 2005, at Camp WA-RI-KI, Krysta
7 Necole Pinson was participating in an overnight camp
8 with her elementary school. The children were
9 instructed to bring a sleeping bag and a pillow for
10 sleeping.

13 3.4 On or about October 10, 2005, Camp WA-RI-KI had bunk
14 beds (two high, an upper bunk over a lower bunk) for
15 the children to sleep upon. The mattresses of the bunk
16 beds are covered with a thick plastic material. The
17 plastic material used to cover the mattresses was both
18 thick and slick. The bed railings on the bunks were of
19 insufficient height and/or design to protect against a
20 person sliding off of the bunk beds.

22 3.5 On or about October 10th, 2005, Krysta Necole Pinson was
23 sleeping on a top bunk with the above-described plastic
24 material covering the mattress at Camp WA-RI-KI.
25

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

6
7 3.6 Krysta Necole Pinson was awakened by an Evergreen
8 School District Staff Member who told her she had
9 fallen off the bed. Krysta Necole Pinson was
10 instructed to go back to bed. Krysta Necole Pinson
11 awoke later that night and reportedly felt that she was
12 unable to move her extremities.

13
14
15 3.7 This incident was the direct and proximate cause of
16 injury to plaintiff, Krysta N. Pinson.

17
18 3.8 Plaintiffs have completed all requirements of RCW 4.96
19 and waited a period of sixty (60) days after service of
20 the Tort Claim Notice prior to filing this lawsuit.

21 22 IV. Jurisdiction

23 4.1 Skamania County Superior Court has jurisdiction to hear
24 and adjudicate this lawsuit.
25

V. Venue

5.1 Venue is proper in Skamania County, where the incident occurred.

VI. Liability

6.1 That at the time and place of the above-described fall off of the bed, Defendant, Evergreen School District Number 114 was negligent and/or liable in one or more of the following ways:

- a. Failing to exercise ordinary care;
- b. Failing to provide safe sleeping arrangements and/or safe conditions for Krysta Necole Pinson;
- c. Failing to exercise reasonable care under the circumstances;
- d. Failure to warn Krysta Necole Pinson and/or her parents about dangers from the bunk beds, at the outdoor school;
- e. Failure to promptly call for assistance from an ambulance, after Krysta Necole Pinson was injured;
- f. Failure to assure the camp facilities were safe for all students;

- g. Failure to investigate and/or inspect to ensure the camp facility complied with national standards for bunk beds;
- h. Failure to inquire and/or, investigate whether facility bunk beds were suitable for the age of students attending the camp;
- i. Failure to inquire into and/or restrict the use of certain types of sleeping bags for upper bunks; and/or
- j. Failure to protect students from reasonably foreseeable risks of harm.

6.2 That at the time and place of the above-described fall off of the bed, Defendant, Kiwanis Camp WA-RI-KI, was negligent and/or liable in one or more of the following ways:

- k. Failing to exercise ordinary care;
- l. Failing to provide safe sleeping arrangements and/or safe conditions for Krysta Necole Pinson;
- m. Having bunk bed designs that did not comply with national standards for protection of children up to 15 years old,;

- n. Having bunk beds that were not suitable for school age users because of the hazards due to design issues;
- o. Making modifications to bunk beds by changing mattress size resulting in increase in the risk to user of falling from upper bunks;
- p. Having bunk beds that lacked required labeling to indicate proper mattress size that lead to wrong mattress being used on bunk;
- q. Having bunks with modifications of mattress that increased danger to user of slipping and sliding from upper bunk;
- r. Failure to conduct an inspection to assure bunk beds were suitable for this age user;
- s. Failure to conduct an inspection to assure bunk beds complied with national standards;
- t. Failure to restrict, limit, warn or instruct on the use of certain types of sleeping bags for the upper bunks;
- u. Failure to protect invitees and/or licensees from reasonably foreseeable risks of harm; and/or
- v. Failure to warn and/or correct a latent dangerous condition on the premises.

1
2 6.3 That at the time and place of the above-described fall
3 off of the bed, Defendant, Skamania County, was
4 negligent and/or liable in one or more of the following
5 ways:

- 6
7 a. Failing to exercise ordinary care;
8
9 b. Failing to provide safe sleeping arrangements
10 and/or safe conditions for Krysta Necole Pinson;
11
12 c. Having bunk bed designs that did not comply with
13 national standards for protection of children up
14 to 15 years old;;
15
16 d. Having bunk beds that were not suitable for school
17 age users because of the hazards due to design
18 issues;
19
20 e. Making modifications to bunk beds by changing
21 mattress size resulting in increase in the risk to
22 user of falling from upper bunks;
23
24 f. Having bunk beds that lacked required labeling to
25 indicate proper mattress size that lead to wrong
mattress being used on bunk;

- g. Having bunks with modifications of mattress that increased danger to user of slipping and sliding from upper bunk;
- h. Failure to conduct an inspection to assure bunk beds were suitable for this age user;
- i. Failure to conduct an inspection to assure bunk beds complied with national standards;
- j. Failure to restrict, limit, warn or instruct on the use of certain types of sleeping bags for the upper bunks;
- k. Failure to protect invitees and/or licensees from reasonably foreseeable risks of harm; and/or
- l. Failure to warn and/or correct a latent dangerous condition on the premises.

VII. Damages

7.1 That as a direct, proximate, and foreseeable result of the negligence and/or actions of Evergreen School District Number 114, Kiwanis Camp WA-RI-KI, and/or Skamania County as alleged in this Complaint, it has been necessary for Krysta Necole Pinson to incur medical attention and expenses, and to incur travel and other expenses in securing medical treatment. By

1 reason of the matters alleged in this paragraph The
2 Estate of Krysta Necole Pinson has suffered damages in
3 an amount to be proven at trial;
4

5 7.2 Krysta Necole Pinson and/or her parents, Britton T.
6 Pinson and Beth E. Pinson, have further incurred
7 medical bills in an amount to be proven at trial, as a
8 proximate result of the negligence and/or actions of
9 Skamania County, Kiwanis Camp WA-RI-KI, and/or
10 Evergreen School District Number 114, as earlier set
11 out in this Complaint.
12

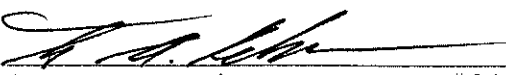
13
14 7.3 Britton T. Pinson and Beth E. Pinson, as parents of
15 Krysta Necole Pinson, have suffered damages under RCW
16 4.24.010. By reason of the matters alleged in this
17 Complaint, Britton T. Pinson has suffered damages in an
18 amount to be proven at trial and Beth E. Pinson has
19 suffered damages in an amount to be proven at trial;
20

21 **WHEREFORE**, plaintiffs, Beth E. Pinson, as Guardian of
22 the person and Estate of Krysta Necole Pinson; Britton
23 T. Pinson, individually, as father of Krysta Necole
24 Pinson; and Beth E. Pinson, individually, as mother of
25

Krysta Necole Pinson pray for judgment against the
defendants, Evergreen School District Number 114,
Kiwanis Camp WA-RI-KI and Skamania County as follows:

- a. For special and general damages in amounts to be
proven at trial;
- b. For costs and disbursements herein;
- c. For statutory attorney fees in an amount to be
proven at trial; or in the alternative, if
defendant brings any frivolous or unfounded
defenses, then attorney fees pursuant to RCW
4.84.185 and/or Rule 11 of the Superior Court
Civil Rules;
- d. For statutory interest on the judgment from the
date judgment is entered until paid in full;
- e. For prejudgment interest on the special damages in
an amount to be proven at trial; and
- f. For such other and further relief as the Court may
deem just and equitable.

Dated this 6th day of May, 2008.


Grant A. Gehrman, WSBA #21867
Attorney for Plaintiffs