



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 00196 4

Complaint for Negligence;
Premises Liability

1
2 Plaintiffs allege:

3 I. Identification of Plaintiffs

4 1.1 Plaintiffs are as follows: Beth E. Pinson, as Guardian
5 of the person and Estate of Krysta Necole Pinson;
6 Britton T. Pinson, individually, as father of Krysta
7 Necole Pinson; and Beth E. Pinson, individually, as
8 mother of Krysta Necole Pinson.
9

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

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 **II. Identification of Defendants**

9 2.1 The defendant Evergreen School District Number 114, is
10 a public school district located in Clark County,
11 Washington. Image Elementary School is a public school
12 that is part of Evergreen School District, Number 114.
13

14
15 2.2 The defendant Kiwanis Camp WA-RI-KI is a public
16 benefit, nonprofit Washington Corporation that was
17 incorporated on July 9, 1973. The UBI number for
18 Kiwanis Camp WA-RI-KI is 601037040.
19

20 2.3 On or about October 10, 2005, Kiwanis Camp WA-RI-KI was
21 leasing the premises known as Camp WA-RI-KI from the
22 defendant Skamania County; location of the premises is
23 17051 Washougal River Road, Washougal, Washington,
24 98671, also known as Camp WA-RI-KI.
25

1
2 2.4 The defendant Skamania County is a County located in
3 the State of Washington. Skamania County owns property
4 at 17051 Washougal River Road, Washougal, Washington,
5 98671. This camp is also known as Camp WA-RI-KI,
6 located in Skamania County, Washington, at 17051
7 Washougal River Road, Washougal, Washington, 98671. The
8 Skamania County parcel number is 02050000020100.
9 Hereafter referred to as "Camp WA-RI-KI". This parcel
10 is the property whereupon Krysta Necole Pinson suffered
11 injuries as alleged in this complaint.
12

13 14 15 **III. Facts of the Incident**

16 3.1 On or about October 10th, 2005, in Skamania County,
17 Washington, Image Elementary School hosted an overnight
18 school at Camp WA-RI-KI. This camp facility is known
19 as "Camp WA-RI-KI", and is located in Skamania County,
20 at 17051 Washougal River Road, Washougal, 98671, State
21 of Washington.
22

23 3.2 On or about October 10th, 2005, Krysta Necole Pinson was
24 a student at Image Elementary School in the Evergreen
25

1 School District and attended the overnight camp at Camp
2 WA-RI-KI, located in Skamania County, Washington.

3
4 3.3 On or about October 10th, 2005, at Camp WA-RI-KI, Krysta
5 Necole Pinson was participating in an overnight camp
6 with her elementary school. The children were
7 instructed to bring a sleeping bag and a pillow for
8 sleeping.

9
10
11 3.4 On or about October 10, 2005, Camp WA-RI-KI had bunk
12 beds (two high, an upper bunk over a lower bunk) for
13 the children to sleep upon. The mattresses of the bunk
14 beds are covered with a thick plastic material. The
15 plastic material used to cover the mattresses was both
16 thick and slick. The bed railings on the bunks were of
17 insufficient height and/or design to protect against a
18 person sliding off of the bunk beds.

19
20 3.5 On or about October 10th, 2005, Krysta Necole Pinson was
21 sleeping on a top bunk with the above-described plastic
22 material covering the mattress at Camp WA-RI-KI.
23 Krysta Necole Pinson's sleeping bag slipped off of the
24 top bunk in the middle of the night. Krysta Necole
25

1 Pinson fell approximately four feet down to the
2 concrete floor, landing on her head. Krysta Necole
3 Pinson was knocked unconscious and suffered injuries.
4

5 3.6 Krysta Necole Pinson was awakened by an Evergreen
6 School District Staff Member who told her she had
7 fallen off the bed. Krysta Necole Pinson was
8 instructed to go back to bed. Krysta Necole Pinson
9 awoke later that night and reportedly felt that she was
10 unable to move her extremities.
11

12
13 3.7 This incident was the direct and proximate cause of
14 injury to plaintiff, Krysta Necole Pinson.
15

16 3.8 Plaintiffs have completed all requirements of RCW 4.96
17 and waited a period of sixty (60) days after service of
18 the Tort Claim Notice prior to filing this lawsuit.
19

20 IV. Jurisdiction

21 4.1 Skamania County Superior Court has jurisdiction to hear
22 and adjudicate this lawsuit.
23
24
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:

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

- d. Having bunk beds that were not suitable for elementary school age users because of the hazards due to design issues;
- e. Making modifications to bunk beds by changing mattress size resulting in increase in the risk to user of falling from upper bunks;
- f. Having bunk beds that lacked required labeling to indicate proper mattress size that led to improper mattresses being used on bunks;
- g. Having bunk beds with modifications of mattress that increased the danger to users of slipping and sliding from upper bunk;
- h. Failure to conduct an inspection to assure bunk beds were suitable for elementary school-aged children;
- 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

1. Failure to warn and/or correct a latent dangerous condition on the premises.

6.3 That at the time and place of the above-described fall off of the bed, Defendant, Skamania County, 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. Having bunk bed designs that did not comply with national standards for protection of children up to 15 years old,;
- d. Having bunk beds that were not suitable for elementary school age users because of the hazards due to design issues;
- e. Making modifications to bunk beds by changing mattress size resulting in increase in the risk to user of falling from upper bunks;
- f. Having bunk beds that lacked required labeling to indicate proper mattress size that led to improper mattresses being used on bunks;

- g. Having bunk beds with modifications of mattress that increased the danger to users of slipping and sliding from upper bunk;
- h. Failure to conduct an inspection to assure bunk beds were suitable for elementary school-aged children;
- 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, Krysta Necole Pinson was injured. As a further direct, proximate, and foreseeable result, it has been

1 necessary for Krysta Necole Pinson to incur medical
2 attention and expenses, and to incur travel and other
3 expenses in securing medical treatment. By reason of
4 the matters alleged in this paragraph The Estate of
5 Krysta Necole Pinson has suffered damages in an amount
6 to be proven at trial;
7

8 7.2 Krysta Necole Pinson and/or her parents, Britton T.
9 Pinson and Beth E. Pinson, have further incurred
10 medical bills and damages, as a direct, proximate, and
11 foreseeable result of the negligence and/or actions of
12 Skamania County, Kiwanis Camp WA-RI-KI, and/or
13 Evergreen School District Number 114, as earlier set
14 out in this Complaint, in an amount to be proven at
15 trial.
16

17
18 7.3 Britton T. Pinson and Beth E. Pinson, as parents of
19 Krysta Necole Pinson, have suffered damages under RCW
20 4.24.010. By reason of the matters alleged in this
21 Complaint, Britton T. Pinson has suffered damages in an
22 amount to be proven at trial and Beth E. Pinson has
23 suffered damages in an amount to be proven at trial;
24
25

1 WHEREFORE, plaintiffs, Beth E. Pinson, as Guardian of
 2 the person and Estate of Krysta Necole Pinson; Britton
 3 T. Pinson, individually, as father of Krysta Necole
 4 Pinson; and Beth E. Pinson, individually, as mother of
 5 Krysta Necole Pinson pray for judgment against the
 6 defendants, Evergreen School District Number 114,
 7 Kiwanis Camp WA-RI-KI and Skamania County as follows:

- 8 a. For special and general damages in amounts to be
- 9 proven at trial;
- 10 b. For costs and disbursements herein;
- 11 c. For statutory attorney fees in an amount to be
- 12 proven at trial; or in the alternative, if
- 13 defendant brings any frivolous or unfounded
- 14 defenses, then attorney fees pursuant to RCW
- 15 4.84.185 and/or Rule 11 of the Superior Court
- 16 Civil Rules;
- 17 d. For statutory interest on the judgment from the
- 18 date judgment is entered until paid in full;
- 19
- 20
- 21
- 22
- 23
- 24
- 25

/

/

/

/

/

1 /
2 /
3 /

- 4 e. For prejudgment interest on the special damages in
5 an amount to be proven at trial; and
6 f. For such other and further relief as the Court may
7 deem just and equitable.
8

9
10 Dated this 8th day of October, 2008.

11
12 
13 Grant A. Gehrmann, WSBA #21867
14 Attorney for Plaintiffs
15
16
17
18
19
20
21
22
23
24
25