



II. JURISDICTION AND VENUE

4. Jurisdiction and venue are proper pursuant to RCW 4.12.025, because this cause of action arose in King County and Defendants reside or do business in King County.

5. On April 16, 2007, plaintiff filed a Claim For Damages form with the City of Seattle. On June 29, 2007, plaintiff served an Amended Claim For Damages form with the City of Seattle. Sixty (60) days have passed since the claim form was filed with the City of Seattle.

III. FACTS

6. On January 31, 2007, at approximately 7:20 a.m., Mr. Harris was riding his bicycle from his home on Bainbridge Island to his workplace at Third Avenue S. and S. Bennett in Seattle, Washington.

7. As he was preparing to make a left-hand turn from First Avenue to S. Bennett Street, Mr. Harris was in the left-hand lane with his left arm extended signaling to make a left turn when a City of Seattle police car operated by Officer Cavin struck him from the rear at a high speed.

8. Prior to the collision, Mr. Harris had an operating flashing light on the back of his backpack on his back and an operating light on the front of his bicycle.

9. After being struck from behind by the right front bumper of the police car, Mr. Harris' body and bicycle went up onto the hood of the police car, striking the windshield, then flew approximately 60 feet in the air across the street where he came to rest under a parked tractor-trailer.

10. Witnesses at and nearby the scene of the collision confirm that Officer Cavin was traveling at an excessive speed and was not utilizing his emergency lights and siren.

10. Mr. Harris' injuries include, but are not limited to, the following: Head injury; Partial memory loss; Broken neck; Three fractured vertebrae; Anterior cervical fusion; Partially torn rotator cuff – right shoulder; Separated right clavicle; Artery in neck blocked (surgically blocked off permanently); Right ankle sprain; Right thigh - massive contusion, infected and

1 surgically treated; significant facial scaring across upper eyebrow area (requiring numerous
2 stitches); Large scar on neck. Mr. Harris' treatment is ongoing.

3 **IV. CAUSE OF ACTION**

4 **A. Negligence**

5 11. Plaintiff realleges the allegations contained in ¶¶ 1 through 10.

6 12. Officer Cavin was negligent in failing to use reasonable care when operating his
7 vehicle.

8 13. As a direct and proximate result of defendant Cavin's negligence, plaintiff sustained
9 substantial damages, including property damage, physical and psychological injuries and pain and
10 suffering, medical expenses, lost wages, and other incidental expenses, in an amount to be proven at
11 trial.

12 **B. Respondeat Superior**

13 14. Plaintiff realleges the allegations contained in Paragraphs 1 through 13.

14 15. The City, as Officer Cavin's employer, is responsible for his negligence under the
15 doctrine of *Respondeat Superior*. All acts relevant to this complaint were done by Officer Cavin in
16 his capacity as an employee of SPD and on behalf of SPD and the City.

17 16. As a direct and proximate result of Officer Cavin's negligence, for which the City is
18 derivatively liable, plaintiff has sustained substantial damages, including property damage, physical
19 and psychological injuries and pain and suffering, medical expenses, lost wages, and other
20 incidental damages and expenses, in an amount to be proven at trial.

21 **V. PRAYER FOR RELIEF**

22 Wherefore, plaintiff requests that the court enter judgment against defendants in the
23 following fashion:

24 A. Declaring defendants liable to plaintiff for the full extent of his damages;
25 B. The full amount of plaintiff's special damages;
26 C. The full amount of plaintiff's general damages;

- D. For plaintiff's attorneys' fees and costs to the extent allowed by law;
- E. For prejudgment interest on plaintiff's damages; and
- F. Such other and further relief which the Court may deem just and proper.

DATED this 27th day of August, 2007.

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