



SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

SCOTT HARRIS,

Plaintiff,

v.

CITY OF SEATTLE, a municipal corporation,
and ROBERT E. CAVIN,

Defendants.

No. **07 - 2 - 28 322 - 6SEA**
COMPLAINT

For his complaint, Plaintiff, Scott Harris alleges and states as follows:

I. PARTIES

1. Plaintiff Scott Harris ("Mr. Harris") is an adult resident of Kitsap County, Washington.

2. Defendant, Officer Robert Cavin ("Officer Cavin") is an employee of defendant City of Seattle. All actions taken by defendant Cavin as alleged herein were done in the normal course of defendant Cavin's employment duties and were for the benefit of defendant City of Seattle.

3. Defendant City of Seattle ("the City") is a municipal corporation operating under the laws of the State of Washington. All actions alleged herein pertaining to the Seattle Police Department ("SPD"), or any of its employees, were done on behalf of the City and the City is liable for those actions under the doctrine of *Respondeat Superior*.

COMPLAINT - 1

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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.

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.

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.

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 scarring 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;

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

4 DATED this ~~28~~th day of August, 2007.

5 HAGENS BERMAN SOBOL SHAPIRO LLP

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