

FILED

BENTON COUNTY CLERK  
STATE OF WASHINGTON  
BENTON COUNTY CLERK  
KENNEWICK WA

13-2-00383-7

Rept. Date	02/14/2013	Receipt/Item #	2013-02-01369/01	Cashier:	SWW
Acct. Date	02/14/2013	Tran-Code	1100	Paid By:	phelps & assoc, P.S.
Time	11:30 AM	Bucket-Code	FFR	Transaction Amount:	\$240.00

# 1369  
240

JOSIE DELVIN  
BENTON COUNTY CLERK

FEB 14 2013

FILED

1303

ORIGINAL

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF BENTON

MICHAEL D. CATES, a single person;  
Plaintiff,

v.

THE BEACH EATERY AND SURF BAR, LLC, dba JACK DIDLEY'S EATERY AND CATERING, ERIC TODD JONES and REBECCA JONES, husband and wife and the marital community comprised thereof, BENJAMIN ADAM TRUDEAU and JANE DOE TRUDEAU, husband and wife and the marital community comprised thereof, MICHAEL THOMAS HIBBARD and JANE DOE HIBBARD, husband and wife and the marital community comprised thereof, MICHAEL H. EISELE and JANE DOE EISELE, husband and wife and the marital community comprised thereof, and JOHN and JANE DOES 1, 2, 3, 4, and 5;  
Defendants.

NO. 13-2-00383-7

COMPLAINT FOR INJURY  
DUE TO ASSAULT,  
NEGLIGENCE, DEFEMATION,  
AND INTENTIONAL  
INFLICTION OF EMOTIONAL  
DISTRESS

COMES NOW the Plaintiff, Michael D. Cates, a single person, by and through his attorney, Douglas D. Phelps of Phelps & Associates, P.S., and for a cause of action against the Defendants above-named alleges as follows:

I. INTRODUCTION

1.1 Plaintiff Michael D. Cates on February 18 and 19, 2011 was a patron at Jack Didley's Eatery & Catering which is a bar operated by The Beach Eatery & Surf Bar, LLC in Kennewick, Washington. Mr. Michael D.

PHELPS & ASSOCIATES, PS  
Attorneys at Law  
2903 N. Stout Rd.  
Spokane, WA 99206-4373

1 Cates observed various employees of Jack Didley's assaulting a female  
2 patron. When Mr. Michael D. Cates expressed concern at the treatment  
3 of the female patron, the employees physically assaulted Mr. Michael  
4 D. Cates. The employees then pushed and shoved Mr. Michael D.  
5 Cates out of the bar, causing him to fall onto his back on the sidewalk  
6 outside of the business. Mr. Michael D. Cates experienced severe back  
7 pain as he had previously injured his back in a work-related accident.  
8 Mr. Michael D. Cates on February 19, 2011 around 0200 hours  
9 returned to the bar, seeking to speak with an owner or manager of the  
10 establishment regarding his injuries and treatment by bar employees of  
11 the previously mentioned female patron and other patrons. Without  
12 warning or provocation, employees again physically shoved him out of  
13 the business. When he began to knock on the locked door,  
14 approximately six to seven employees of Jack Didley's Eatery &  
15 Catering came out of the business, viciously attacking him. He was  
16 shoved down and thrown into the street where he was struck repeatedly  
17 and his head was stomped repeatedly by numerous employees,  
18 including Benjamin Adam Trudeau, Michael Thomas Hibbard, and  
19 Michael H. Eisele. As a result of the physical attack, Mr. Michael D.  
20 Cates suffered serious and debilitating head injuries which caused him  
21 nerve damage and vision loss. These injuries continue and have  
22 required ongoing medical care and treatment.

## 23 II. JURISDICTION AND VENUE

- 24 2.1 Plaintiff Michael D. Cates is a resident of Seabeck in the County of  
25 Kitsap in the State of Washington.
- 26 2.2 Defendant, The Beach Eatery and Surf Bar, LLC dba Jack Didley's  
27 Eatery and Catering, is located in the City of Kennewick, Benton  
28 County, State of Washington.
- 2.3 Defendant, The Beach Eatery and Surf Bar, LLC dba Jack Didley's  
Eatery and Catering, is a bar operating at 109 W. Kennewick Avenue in

1 the City of Kennewick, Benton County, State of Washington.

2 2.4 All acts of omissions alleged herein occurred in the City of Kennewick,  
3 Benton County, State of Washington.

4 2.5 Benjamin Adam Trudeau and Jane Doe Trudeau are residents of  
5 Benton County, State of Washington.

6 2.6 Matthew Thomas Hibbard and Jane Doe Hibbard are residents of  
7 Benton County, State of Washington.

8 2.7 Michael H. Eisele and Jane Doe Eisele are residents of Benton County,  
9 State of Washington.

10 2.8 Eric Todd Jones and Rebecca Jones are residents of Benton County,  
11 State of Washington.

12 2.9 John and Jane Does 1, 2, 3, 4, and 5 were employees of Jack Didley's  
13 Eatery and Catering, not yet identified, who are believed to be residents  
14 of Benton County.

### 15 III. PARTIES

16 3.1 The Plaintiff, Michael D. Gates, is a resident of the County of Kitsap,  
17 State of Washington.

18 3.2 Defendant, The Beach Eatery and Surf Bar, LLC is a Washington  
19 corporation doing business as Jack Didley's Eatery and Catering at 109  
20 W. Kennewick Avenue, City of Kennewick, Benton County, State of  
21 Washington.

22 3.3 Eric Todd Jones was a manager of Jack Didley's Eatery and Catering  
23 at 109 W. Kennewick Avenue in Kennewick, Washington.

24 3.4 Matthew Thomas Hibbard was employed as a manager and a security  
25 manager of Jack Didley's Eatery and Catering at 109 W. Kennewick  
26 Avenue in Kennewick, Washington.

27 3.5 Benjamin Adam Trudeau was employed as security/bouncer at Jack  
28 Didley's Eatery and Catering at 109 W. Kennewick Avenue in  
Kennewick, Washington.

3.6 Michael H. Eisele was employed as security/bouncer at Jack Didley's

1 Eatery and Catering at 109 W. Kennewick Avenue in Kennewick,  
2 Washington.

3 3.7 John and Jane Does 1, 2, 3, 4, and 5 were employed as  
4 security/bouncers at Jack Didley's Eatery and Catering at 109 W.  
5 Kennewick Avenue in Kennewick, Washington.

#### 6 IV. CAUSE OF ACTION FOR ASSAULT

7 4.1 On or about February 18 and 19, 2011, employees of The Beach  
8 Eatery and Surf Bar, LLC, a Washington corporation doing business as  
9 Jack Didley's Eatery and Catering (hereinafter Jack Didley's), at 109 W.  
10 Kennewick Avenue in Kennewick, Washington, assaulted Mr. Michael  
11 D. Cates.

12 4.2 Mr. Michael D. Cates was physically assaulted and pushed into the  
13 street onto his back, causing pain to his lower back.

14 4.3 Upon returning to Jack Didley's, Mr. Michael D. Cates was once more  
15 assaulted when he requested to talk with an owner. Once more, he was  
16 pushed out of the establishment onto the sidewalk.

17 4.4 As Mr. Michael D. Cates knocked on the locked door of Jack Didley's;  
18 Matthew Thomas Hibbard, Benjamin Adam Trudeau, Michael H. Eisele,  
19 and John and Jane Does 1, 2, 3, 4, and 5 exited the business.

20 4.5 As Matthew Thomas Hibbard, Benjamin Adam Trudeau, Michael H.  
21 Eisele, and John and Jane Does 1, 2, 3, 4, and 5 pushed and struck Mr.  
22 Michael D. Cates who had raised his hands into the air in submission.

23 4.6 In spite of his attempts to submit and retreat into the street, Mr. Michael  
24 D. Cates was violently pursued into the street, picked up and thrown to  
25 the pavement in the street.

26 4.7 After Mr. Michael D. Cates was thrown to the ground, Matthew Thomas  
27 Hibbard, Benjamin Adam Trudeau, Michael H. Eisele, and John and  
28 Jane Does 1, 2, 3, 4, and 5 stomped, kicked, and kneed Mr. Cates  
repeatedly in the head and other parts of Mr. Cates' body.

4.8 As a result of the attack, Mr. Michael D. Cates sustained permanent

1 injury and suffering and ongoing medical expenses and permanent  
2 disability.

3  
4 V. CAUSE OF ACTION FOR NEGLIGENT  
5 HIRING AND SELECTION

- 6 5.1 The Beach Eatery and Surf Bar, LLC doing business as Jack Didley's  
7 Eatery and Catering were negligent in their hiring and selection of  
8 employees for management, security, and other positions.
- 9 5.2 That Eric Todd Jones, manager of Jack Didley's Eatery and Catering,  
10 and The Beach Eatery and Surf Bar, LLC, were negligent in the hiring  
11 and selection of Matthew Thomas Hibbard as general manager/security  
12 manager at Jack Didley's Eatery and Catering, failing to comply with  
13 RCW 66.20.310 and WAC 314-17-015.
- 14 5.3 That Eric Todd Jones, manager of Jack Didley's Eatery and Catering,  
15 and The Beach Eatery and Surf Bar, LLC, were negligent in selecting  
16 Matthew Thomas Hibbard for hiring, managing, and supervising  
17 security and management of a liquor establishment.
- 18 5.4 That Eric Todd Jones, manager of Jack Didley's Eatery and Catering,  
19 and The Beach Eatery and Surf Bar, LLC, were negligent in hiring and  
20 selecting employees not qualified under RCW 66.20.310 and WAC 314-  
21 17-015.
- 22 5.5 That Eric Todd Jones, manager of Jack Didley's Eatery and Catering,  
23 and The Beach Eatery and Surf Bar, LLC, were negligent in the hiring  
24 of Matthew Thomas Hibbard by failing to assure that he was aware of  
25 the laws related to assault, disorderly conduct, and liquor laws.
- 26 5.6 That Eric Todd Jones, manager of Jack Didley's Eatery and Catering,  
27 and The Beach Eatery and Surf Bar, LLC, were negligent in hiring  
28 Benjamin Adam Trudeau, Michael H. Eisele, and employees John and  
Jane Doe 1, 2, 3, 4, and 5 without ascertaining even minimal  
compliance with RCW 66.20.310 and WAC 314-17-015, or verifying  
their backgrounds before hiring.

- 1 5.7 That Eric Todd Jones, manager of Jack Didley's Eatery and Catering,  
2 and The Beach Eatery and Surf Bar, LLC, were negligent in their  
3 selection of employees Benjamin Adam Trudeau, Michael H. Eisele,  
4 and employees John and Jane Doe 1, 2, 3, 4, and 5.
- 5 5.8 That there was a failure of Eric Todd Jones, manager of Jack Didley's  
6 Eatery and Catering, and The Beach Eatery and Surf Bar, LLC, and its  
7 management to do adequate background and other investigations to  
8 assure that employees were of a proper temperament and disposition  
9 to deal with bar patrons.
- 10 5.9 That as a result of the negligent hiring and selection of employees, Mr.  
11 Michael D. Cates suffered injury due to the actions or inactions of Jack  
12 Didley's Eatery and Catering employees Matthew Thomas Hibbard,  
13 Benjamin Adam Trudeau, Michael H. Eisele, and employees John and  
14 Jane Doe 1, 2, 3, 4, and 5.

15 V. CAUSE OF ACTION FOR NEGLIGENT  
16 SUPERVISION

- 17 6.1 The Beach Eatery and Surf Bar, LLC doing business as Jack Didley's  
18 Eatery and Catering, Eric Todd Jones, and Matthew Thomas Hibbard  
19 were negligent in the supervision of their employees for management,  
20 security, and other positions.
- 21 6.2 That The Beach Eatery and Surf Bar, LLC doing business as Jack  
22 Didley's Eatery and Catering, Eric Todd Jones, and Matthew Thomas  
23 Hibbard were negligent as managers/owners in failing to adequately  
24 establish policies and procedures to supervise employees in the proper  
25 manner to deal with unruly patrons at the bar/eatery.
- 26 6.3 The Beach Eatery and Surf Bar, LLC doing business as Jack Didley's  
27 Eatery and Catering, Eric Todd Jones, and Matthew Thomas Hibbard  
28 failed to adequately establish policies and procedures for employees  
and security personnel in requiring notification of police to report and  
defuse patrons who became unruly in the business.

- 1 6.4 That The Beach Eatery and Surf Bar, LLC doing business as Jack  
2 Didley's Eatery and Catering, Eric Todd Jones, and Matthew Thomas  
3 Hibbard discouraged the reporting of unruly patrons and physical  
4 assaults in order to avoid allegations endangering the business liquor  
5 license.
- 6 6.5 That The Beach Eatery and Surf Bar, LLC doing business as Jack  
7 Didley's Eatery and Catering, Eric Todd Jones, and Matthew Thomas  
8 Hibbard were negligent supervising employees regarding over serving  
9 of patrons, causing unruly behavior and physical confrontations within  
10 the establishment.
- 11 6.6 That The Beach Eatery and Surf Bar, LLC doing business as Jack  
12 Didley's Eatery and Catering, Eric Todd Jones, and Matthew Thomas  
13 Hibbard failed to supervise employees and require the reporting of any  
14 licensee or employee who acts in a disorderly.
- 15 6.7 That The Beach Eatery and Surf Bar, LLC doing business as Jack  
16 Didley's Eatery and Catering, Eric Todd Jones, and Matthew Thomas  
17 Hibbard failed to supervise employees that they should not pursue  
18 patrons onto public property once the patrons left the property of the  
19 business.
- 20 6.8 That as a result of the negligent supervision of employees by The  
21 Beach Eatery and Surf Bar, LLC, doing business as Jack Didley's  
22 Eatery and Catering, Eric Todd Jones, and Matthew Thomas Hibbard,  
23 Mr. Michael D. Cates sustained injury from the acts of Matthew Thomas  
24 Hibbard, Benjamin Adam Trudeau, Michael H. Eisele, and employees  
25 John and Jane Doe 1, 2, 3, 4, and 5.

26 VII. CAUSE OF ACTION FOR NEGLIGENT  
27 TRAINING

- 28 7.1 The Beach Eatery and Surf Bar, LLC doing business as Jack Didley's  
Eatery and Catering, Eric Todd Jones, and Matthew Hibbard were  
negligent in their training of employees and managers by failing to

1 establish policies and procedures regarding over serving and security  
2 within Jack Didley's.

3 7.2 That The Beach Eatery and Surf Bar, LLC doing business as Jack  
4 Didley's Eatery and Catering, Eric Todd Jones, and Matthew Hibbard  
5 were negligent in failing to maintain the requirement of RCW 66.20.310  
6 and WAC 314-17-015 for training all managers and employees.

7 7.3 That The Beach Eatery and Surf Bar, LLC doing business as Jack  
8 Didley's Eatery and Catering, Eric Todd Jones, and Matthew Thomas  
9 Hibbard were negligent in the training of employees and managers in  
10 that they failed to conduct, document, and maintain training of  
11 employees in dealing with unruly patrons, over serving liquor, and when  
12 to properly contact law enforcement.

13 7.4 That The Beach Eatery and Surf Bar, LLC doing business as Jack  
14 Didley's Eatery and Catering, Eric Todd Jones, and Matthew Hibbard  
15 were negligent in failing to train employees and in failing to create and  
16 maintain policies and procedures to recover, restore, and maintain  
17 tapes of all video recordings of incidents at Jack Didley's Eatery and  
18 Catering.

19 7.5 That the failure to maintain and review these tapes with employees  
20 constitutes negligent training in that employees were not trained based  
21 upon incidents occurring at the business.

22 7.6 That as a result of the negligent training of The Beach Eatery and Surf  
23 Bar, LLC doing business as Jack Didley's Eatery and Catering, Eric  
24 Todd Jones, Matthew Hibbard, Benjamin Adam Trudeau, Michael H.  
25 Eisele, and John and Jane Does 1, 2, 3, 4, and 5, Mr. Michael D. Cates  
26 suffered and continues to suffer injury from employee actions.

27 VIII. CAUSE OF ACTION FOR  
28 NEGLIGENCE RETENTION

8.1 That The Beach Eatery and Surf Bar, LLC doing business as Jack  
Didley's Eatery and Catering, Eric Todd Jones, and Matthew Hibbard

1 were negligent in their retention of employees and managers.

2 8.2 That The Beach Eatery and Surf Bar, LLC doing business as Jack  
3 Didley's Eatery and Catering, Eric Todd Jones, and Matthew Hibbard  
4 were negligent in failing to maintain policies and procedures to  
5 discipline and terminate employees and managers who displayed  
6 aggressive and assaultive tendencies in contacts with patrons.

7 8.3 That The Beach Eatery and Surf Bar, LLC doing business as Jack  
8 Didley's Eatery and Catering owed a duty to patrons to only retain  
9 employees who were not unreasonably aggressive in contacts with  
10 patrons.

11 8.4 That in failing to terminate or discipline aggressive employees, The  
12 Beach Eatery and Surf Bar, LLC doing business as Jack Didley's  
13 Eatery and Catering failed to protect patrons.

14 8.5 That as a result of the negligent retention of aggressive or unruly  
15 employees and managers, Mr. Michael D. Cates suffered injury.

16 IX. CAUSE OF ACTION FOR INTENTIONAL  
17 INFLICTION OF EMOTIONAL DISTRESS

18 9.1 That on or about February 18 and 19, 2011, employees of The Beach  
19 Eatery and Surf Bar, LLC, a Washington corporation doing business as  
20 Jack Didley's Eatery and Catering at 109 W. Kennewick Avenue in  
21 Kennewick, Washington, acted out physically, shoving and striking Mr.  
22 Michael D. Cates.

23 9.2 The employees acted in a manner in dealing with Mr. Michael D. Cates  
24 and other patrons that they intentionally caused the patrons including  
25 Mr. Michael D. Cates emotional distress.

26 9.3 The conduct of the employees at Jack Didley's intentionally and  
27 needlessly caused Mr. Michael D. Cates emotional distress by the  
28 manner in which patrons were treated by employees of Jack Didley's  
Eatery and Catering employees.

9.4 That as a result of the actions or inactions of the employees and

1 managers of Jack Didley's Eatery and Catering in addressing disorderly  
2 employee conduct at the business, Mr. Michael D. Cates has suffered  
3 and continues to suffer emotional distress.

4 9.5 That Mr. Michael D. Cates continues to suffer emotional distress due to  
5 the acts and inaction of Jack Didley's Eatery and Catering and their  
6 employees and managers in responding to his complaints about the  
7 disorderly conduct of employees in dealing with bar patrons.

8 X. CAUSE OF ACTION FOR  
9 DEFAMATION

10 10.1 As a result of the February 18 and 19, 2011 actions of employees of  
11 The Beach Eatery and Surf Bar, LLC doing business as Jack Didley's  
12 Eatery and Catering in attacking Mr. Michael D. Cates and falsely  
13 accusing him of assault, Mr. Michael D. Cates suffered loss of  
14 reputation and standing in the community.

15 10.2 As a result of the false statements and claims of The Beach Eatery and  
16 Surf Bar, LLC doing business as Jack Didley's Eatery and Catering and  
17 employee Benjamin Adam Trudeau, Mr. Michael D. Cates was falsely  
18 arrested and charged with assault of an employee, Benjamin Adam  
19 Trudeau, when Benjamin Adam Trudeau injured his hand striking Mr.  
20 Michael D. Cates in the mouth with his fist and not when Mr. Michael D.  
21 Cates bit the hand of Benjamin Adam Trudeau.

22 10.3 That as a result of the false statements made by employees of Jack  
23 Didley's Eatery and Catering and Benjamin Adam Trudeau, Mr. Michael  
24 D. Cates was arrested and falsely charged with assaulting employees  
25 of Jack Didley's Eatery and Catering.

26 10.4 That as a result of the false claims and statements of employees  
27 Matthew Thomas Hibbard, Benjamin Adam Trudeau, Michael H. Eisele,  
28 and John and Jane Doe 1, 2, 3, 4, and 5, Mr. Michael D. Cates suffered  
injury to his reputation, including but not limited to criminal charges.

10.5 That as a result of these false statements, Mr. Michael D. Cates has

1 incurred damages, including attorney fees and other costs associated  
2 with defending his diminished reputation.

3 XI. CAUSE OF ACTION FOR  
4 NEGLIGENCE (EXCESSIVE FORCE)

- 5 11.1 On or about February 18 and 19, 2011, employees of The Beach  
6 Eatery and Surf Bar, LLC, a Washington corporation doing business as  
7 Jack Didley's Eatery and Catering at 109 W. Kennewick Avenue in  
8 Kennewick, Washington, failed to respond to concerns of patron Mr.  
9 Michael D. Cates about the disorderly and assaultive behavior of  
10 employees dealing with a female patron.
- 11 11.2 Mr. Michael D. Cates was injured as a result of the actions of  
12 employees of Jack Didley's Eatery and Catering, Matthew Thomas  
13 Hibbard, Benjamin Adam Trudeau, Michael H. Eisele, and employees  
14 John and Jane Doe 1, 2, 3, 4, and 5.
- 15 11.3 That the employees, Matthew Thomas Hibbard, Benjamin Adam  
16 Trudeau, Michael H. Eisele, and employees John and Jane Doe 1, 2, 3,  
17 4, and 5 were negligent in that they used excessive force in their efforts  
18 to remove Mr. Michael D. Cates from the business.
- 19 11.4 That the employees, Matthew Thomas Hibbard, Benjamin Adam  
20 Trudeau, Michael H. Eisele, and employees John and Jane Doe 1, 2, 3,  
21 4, and 5 were negligent in using excessive force in opening the locked  
22 door to the business and knocking Mr. Michael D. Cates to the ground.
- 23 11.5 That the employees, Matthew Thomas Hibbard, Benjamin Adam  
24 Trudeau, Michael H. Eisele, and John and Jane Does 1, 2, 3, 4, and 5,  
25 were negligent in throwing Mr. Michael D. Cates to the pavement after  
26 he had submitted and left the property of The Beach Eatery and Surf  
27 Bar, LLC doing business as Jack Didley's Eatery and Catering.
- 28 11.6 That the employees, Matthew Thomas Hibbard, Benjamin Adam  
Trudeau, Michael H. Eisele, and employees John and Jane Doe 1, 2, 3,  
4, and 5 were negligent in striking and kicking Mr. Michael D. Cates in  
the head repeatedly, causing head and eye injuries to Mr. Michael D.

1 Cates after he had submitted and was no longer on the property of The  
2 Beach Eatery and Surf Bar, LLC doing business as Jack Didley's  
3 Eatery and Catering.

4 11.7 That The Beach Eatery and Surf Bar, LLC doing business as Jack  
5 Didley's Eatery and Catering, and managers Eric Todd Jones and  
6 Matthew Thomas Hibbard, were negligent in failing to assure that  
7 managers and employees were aware that police must be called to deal  
8 with disorderly patrons, especially patrons who were not on business  
9 property.

10 11.8 That the failures of The Beach Eatery and Surf Bar, LLC doing business  
11 as Jack Didley's Eatery and Catering, Eric Todd Jones, and Matthew  
12 Hibbard as managers in stopping the attack of Mr. Michael D. Cates  
13 allowed for caused injury to Mr. Michael D. Cates.

14 XII. CAUSE OF ACTION PURSUANT  
15 TO RESPONDEAT SUPERIOR

16 12.1 On or about February 18 and 19, 2011, employees of The Beach  
17 Eatery and Surf Bar, LLC, a Washington corporation doing business as  
18 Jack Didley's Eatery and Catering at 109 W. Kennewick Avenue in  
19 Kennewick, Washington, caused injuries to Mr. Michael D. Cates in the  
20 course of their duties on behalf of the business.

21 12.2 That The Beach Eatery and Surf Bar, LLC doing business as Jack  
22 Didley's Eatery and Catering is liable for the actions of their employees  
23 and managers under the doctrine of respondeat superior.

24 12.3 That the actions and inactions of Eric Todd Jones, Matthew Thomas  
25 Hibbard, Benjamin Adam Trudeau, Michael H. Eisele, and John and  
26 Jane Doe 1, 2, 3, 4, and 5 are of the responsibility of their employer.

27 12.14 That Mr. Michael D. Cates has sustained injury as a result of the action  
28 or inaction of Matthew Thomas Hibbard, Benjamin Adam Trudeau,  
Michael H. Eisele, and John and Jane Does 1, 2, 3, 4, and 5, who were  
acting on behalf of The Beach Eatery and Surf Bar, LLC, a Washington

1 corporation doing business as Jack Didley's Eatery and Catering at 109  
2 W. Kennewick Avenue in Kennewick, Washington.

3 XII. RELIEF SOUGHT

4 WHEREFORE, Plaintiff prays for judgment against the Defendants,  
5 jointly and severally, in an amount that will fairly compensate Plaintiff for all  
6 damages sustained, costs, and reasonable attorney's fees and costs, interest  
7 calculated at the maximum amount allowable by law, and other relief the court  
8 deems just, including but not limited to:

- 9 13.1 Pain and suffering, both mental and physical.  
10 13.2 Loss of enjoyment of life and property.  
11 13.3 Past and future special damages.  
12 13.4 Property damage to and loss of personal property.  
13 13.5 Interest calculated at the maximum amount allowable by law, including  
14 prejudgment interest.  
15 13.6 Attorney's fees and costs.  
16 13.7 Costs and disbursements herein in an amount to be proven at trial.  
17 13.8 Any and all other remedies that the court deems equitable and just.  
18 13.9 Loss of earnings and other income due to wrongful incarceration due to  
19 Defendants actions.  
20 13.10 Injunctive relief prohibiting or otherwise preventing such future action by  
21 the Defendants against others similarly situated.  
22 13.11 Injunctive relief requiring that The Beach Eatery and Surf Bar, LLC  
23 doing business as Jack Didley's Eatery and Catering institute policies,  
24 procedures, and training to protect the public from similar violations by  
25 The Beach Eatery and Surf Bar, LLC doing business as Jack Didley's  
26 Eatery and Catering.

27 DATED at Spokane, Washington, this 13 day of February, 2013

28   
DOUGLAS D. PHELPS, WSBA # 22620  
Attorneys for Plaintiff