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MAY 03 2015

MICHAEL J. KILLIAN
FRANKLIN COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF FRANKLIN

P.S., a single woman,

Plaintiff(s),

v.

FRANKLIN COUNTY,

Defendant(s).

NO.: 15-2 50365-3

COMPLAINT FOR DAMAGES

COMES NOW the plaintiffs and alleges the following:

I. PARTIES / VENUE / JURISDICTION

1.1 Due to the sensitive nature of these allegations, and to protect the privacy of the plaintiff, initials have been used in lieu of plaintiff's legal name. Plaintiff is willing to file her legal name under seal upon request of the Court and provide her legal name to defense counsel upon this Court's entry of a protective order regarding the same.

1.2 Plaintiff P.S. is a resident of Franklin County, Washington.

1.3 On February 20th, 2015, plaintiff properly served a valid tort claim upon the defendant in compliance with RCW 4.96.020.

1.4 Defendant Franklin County is a political subdivision of the State of Washington. It operates the Franklin County Corrections Center ("Jail") in which it incarcerates people who

1 have been charged with crimes and are awaiting trial and people who have been convicted of
2 crimes and are serving criminal sentences.

3 1.5 As the jail operator, Defendant has a non-delegable duty for the responsibility
4 of the health, safety, and treatment of inmates detained in the facility and for the Jail's staffing
5 and operations.
6

7 1.6 Franklin County is responsible and liable for the actions of Jail employees,
8 agents, and assigns.
9

10 1.7 This Court has jurisdiction over the parties and subject matter of this lawsuit.

11 II. FACTS

12 2.1 Plaintiff was incarcerated in the Jail between December 2011 and May 2012.

13 2.2 During the time of her incarceration, Plaintiff was under the care and
14 supervision of the Franklin County Sheriff's Office, Franklin County Jail and Franklin County.
15

16 2.3 During the time of her incarceration, Plaintiff was repeatedly sexually assaulted
17 and raped by Franklin County Corrections Officer Justin Thomas Husom.

18 2.4 Mr. Husom used his position as a Corrections Officer, employed by defendant
19 Franklin County, to take advantage of, sexually assault, and rape plaintiff.
20

21 2.5 Defendant was negligent in its hiring, training, retention and supervision of its
22 employee, directly resulting in injuries, including, but not limited to, emotional and physical
23 trauma.

24 III. CLAIMS / CAUSES OF ACTION

25 3.1 The defendant had a duty of care to inmates, including plaintiff, to ensure
26 adequate hiring, supervision, and retention of correctional employees. In part, this duty
27
28

1 includes the prevention of custodial sexual misconduct against vulnerable female inmates. The
2 defendant breached this duty.

3 3.2 Defendant further negligently failed to adequately monitor plaintiff to ensure
4 her protection from abusive custodial sexual misconduct by Correctional Officer Husom.
5

6 3.3 Defendant failed to adhere to the duties imposed upon it and therefore is
7 negligent and liable for all damages proximately caused to the plaintiff.

8 **IV. DAMAGES / REQUEST FOR RELIEF**

9 4.1 As a result of defendant's negligence, Plaintiffs sustained injuries and damages
10 in an amount to be proven at trial.
11

12 WHEREFORE, Plaintiff requests the following relief:

13 A. Judgment against the defendant in an amount that will fairly compensate the
14 plaintiff for all damages sustained;
15

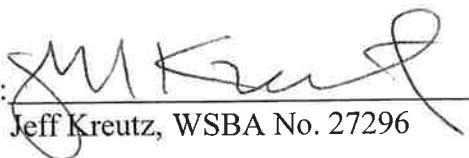
16 B. Statutory costs and reasonable attorney's fees;

17 C. Interest calculated at the maximum amount allowable by law; and

18 D. Such other and further relief the court deems just and equitable, including
19 attorney fees and costs.
20

21 DATED this 6th day of May, 2015.

22 TAMAKI LAW OFFICES
23 Attorneys for Plaintiffs

24 By: 
25 Jeff Kreutz, WSBA No. 27296
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