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FILED
IN COUNTY CLERK'S OFFICE
A.M. DEC 20 1999 P.M.
PIERCE COUNTY, WASHINGTON
TED RUTT, COUNTY CLERK
BY _____ DEPUTY

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

JOSEPH J. KIRBY and DEBORAH A.)
KIRBY, husband and wife,)
Plaintiffs,)

99 2 13911 4
No.
SUMMONS

vs.)
THE CITY OF TACOMA, a municipal)
corporation; RAY CORPUZ and)
"JANE DOE" CORPUZ, husband and)
wife; PHILIP ARREOLA and "JANE)
DOE" ARREOLA, husband and)
wife; WILLIAM WOODARD and)
CATHERINE WOODARD, husband and)
wife; RAYMOND ROBERTS and "JANE)
DOE" ROBERTS, husband and wife;)
DAVID BRAME and "JANE DOE")
BRAME, husband and wife; and)
JAMES HAIRSTON and "JANE DOE")
HAIRSTON, husband and wife,)
Defendants.)

TO THE DEFENDANTS ABOVE NAMED:

A lawsuit has been started against you in the above-entitled court by the above-named plaintiffs. Plaintiffs' claim

3 DEC 21 1999

MESSINA • BULZOMI

5316 Orchard St. W.
Tacoma, WA 98467-3633
(253) 472-6000

1 is stated in the written complaint, a copy of which is served
upon you with this Summons.

2
3 In order to defend against this lawsuit, you must respond
4 to the complaint by stating your defense in writing, and serve a
5 copy upon the person signing this summons within 20 days after
6 the service of this summons, if served within the State of
7 Washington, and 60 days if served outside the State of
8 Washington, excluding the day of service, or a default judgment
9 may be entered against you without notice. A default judgment is
10 one where plaintiffs are entitled to what they ask for because
11 you have not responded. If you serve a notice of appearance on
12 the undersigned person, you are entitled to notice before a
13 default judgment may be entered.

14 You may demand that the plaintiffs file this lawsuit with
15 the court. If you do so, the demand must be in writing and must
16 be served upon the person signing this summons. Within 14 days
17 after you serve the demand, the plaintiffs must file this lawsuit
18 with the court, or the service on you of this summons and
19 complaint will be void.

20 If you wish to seek the advice of an attorney in this
21 matter, you should do so promptly so that your written response,
22 if any, may be served on time.

23 This summons is issued pursuant to Rule 4 of the Superior
24 Court Civil Rules of the State of Washington.

25 DATED this 6 day of Dec., 1999.

MESSINA BULZOMI

By 

JOHN L. MESSINA 4440

Attorneys for Plaintiffs

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
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JOSEPH J. KIRBY and DEBORAH A.)
KIRBY, husband and wife,)

Plaintiffs,)

vs.)

THE CITY OF TACOMA, a municipal)
corporation; RAY CORPUZ and)
"JANE DOE" CORPUZ, husband and)
wife; PHILIP ARREOLA and "JANE)
DOE" ARREOLA, husband and)
wife; WILLIAM WOODARD and)
CATHERINE WOODARD, husband and)
wife; RAYMOND ROBERTS and "JANE)
DOE" ROBERTS, husband and wife;)
DAVID BRAME and "JANE DOE")
BRAME, husband and wife; and)
JAMES HAIRSTON and "JANE DOE")
HAIRSTON, husband and wife,)

Defendants.)

No. 99 2 13911 4
COMPLAINT FOR PERSONAL
INJURIES AND DAMAGES IN
TORT

3 DEC 21 1999

PLAINTIFFS ALLEGE:

1 I.

2 Plaintiffs Joseph J. Kirby and Deborah A. Kirby were, at
3 all times material hereto, husband and wife and residents of
4 Pierce County, Washington.

5 II.

6 2.1 Defendant, The City of Tacoma, is a municipal
7 corporation duly authorized under the laws of the State of
8 Washington with its principal place of business located in Pierce
9 County, Washington.

10 2.2 The Tacoma Police Department is a department of The
11 City of Tacoma.

12 2.3 Defendant, The City of Tacoma, stood in the
13 relationship of employer of plaintiff and employed a work force
14 of a nature and extent to make it subject to the provisions of
15 RCW 49.60.

16 III.

17 3.1 At all times material hereto, defendants Ray Corpuz
18 and "Jane Doe" Corpuz were husband and wife, and residents of
19 Pierce County, Washington. All actions hereinafter alleged to
20 have been performed by defendant Ray Corpuz, were done for and on
21 his own behalf and for and on the behalf of the marital community
22 consisting of Ray Corpuz and "Jane Doe" Corpuz.

23 3.2 At all times material hereto, defendants Philip
24 Arreola and "Jane Doe" Arreola were husband and wife, and
25 residents of Pierce County, Washington. All actions hereinafter

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1 | alleged to have been performed by defendant Philip Arreola, were
2 | done for and on his own behalf and for and on the behalf of the
3 | marital community consisting of Philip Arreola and "Jane Doe"
4 | Arreola.

5 | 3.3 At all times material hereto, defendants William
6 | Woodard and Catherine Woodard were husband and wife, and
7 | residents of Pierce County, Washington. All actions hereinafter
8 | alleged to have been performed by either William Woodard or
9 | Catherine Woodard were done for and on each defendant's own
10 | behalf and for and on the behalf of the marital community
11 | consisting of William Woodard and Catherine Woodard.

12 | 3.4 At all times material hereto, defendants Raymond
13 | Roberts and "Jane Doe" Roberts were husband and wife, and
14 | residents of Pierce County, Washington. All actions hereinafter
15 | alleged to have been performed by defendant Raymond Roberts, were
16 | done for and on his own behalf and for and on the behalf of the
17 | marital community consisting of Raymond Roberts and "Jane Doe"
18 | Roberts.

19 | 3.5 At all times material hereto, defendants David Brame
20 | and "Jane Doe" Brame were husband and wife, and residents of
21 | Pierce County, Washington. All actions hereinafter alleged to
22 | have been performed by defendant David Brame, were done for and
23 | on his own behalf and for and on the behalf of the marital
24 | community consisting of David Brame and "Jane Doe" Brame.
25 |

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VI.

1
2 For a cause of action against the defendants, plaintiff
3 Joseph J. Kirby claims that he was harassed and discriminated
4 against by the employees of defendant, The City of Tacoma, at
5 which time defendant's employees had authority over him and that
6 such harassment and discrimination were condoned by defendant The
7 City of Tacoma, which wrongfully and negligently failed to act to
8 protect plaintiff and to prevent further abuse. Said harassment
9 and discrimination made plaintiff's work environment hostile,
10 unpleasant and unbearable, and violated his rights.

VII.

11
12 For another cause of action against defendants, plaintiff
13 claims that said defendants retaliated against him for exercising
14 his rights under RCW 49.60.

VIII.

15
16 For another cause of action against defendants, plaintiff
17 claims that said defendant The City of Tacoma was negligent in
18 the hiring, retention and supervision of the above-named
19 individual defendants.

IX.

20
21 A Claim for Damages has been duly filed with the Division
22 of Risk Management of the City of Tacoma, for the injuries and
23 damages sustained by Joseph J. Kirby. Said claim has neither
24 been admitted nor denied.
25

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1 X.

2 As a direct and proximate result of the negligent and
3 unlawful conduct of the defendants, plaintiff Joseph J. Kirby
4 sustained personal injuries, both physical and mental, which will
5 continue for an indefinite period of time in the future; he has
6 suffered mental pain and psychological disability, together with
7 a loss of earnings; plaintiff has further been rendered highly
8 susceptible to further injury in the future, which susceptibility
9 will persist for an indefinite period of time, if not perma-
10 nently.

11 XI.

12 As a direct and proximate result of the defendants'
13 negligence and other unlawful conduct, plaintiff Deborah A. Kirby
14 has lost and continues to lose the services and consortium of
15 plaintiff Joseph J. Kirby, her husband, to her damage in such sum
16 of money as will reasonably compensate her for such loss, past,
17 present, and future.

18 XII.

19 As a direct and proximate result of the negligence and
20 unlawful conduct of defendants, plaintiffs have been specially
21 and generally damaged in an amount to be fully proven at the time
22 of trial.

23 XIII.

24 Under the provisions of RCW 49.60, plaintiffs are entitled
25 upon prevailing, to an award of reasonable attorneys' fees, and

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1 request the same in an amount to be determined at the conclusion
2 of the trial.

3 WHEREFORE, plaintiffs pray for judgment against the defen-
4 dants, for such sums of money as will reasonably and justly
5 compensate them for their damages sustained as hereinbefore
6 alleged, together with their costs and disbursements herein to be
7 taxed, and for prejudgment interest.

8 MESSINA BULZOMI

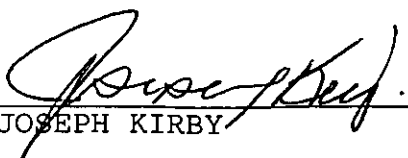
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10 DATED: 12/4/99

BY 
JOHN L. MESSINA 4440
Attorneys for Plaintiffs

11
12
13 STATE OF WASHINGTON)
14 County of Pierce) : ss.

15 JOSEPH KIRBY, being first duly sworn upon oath, deposes and
16 says:

17 That he is one of the plaintiffs above-named; that he has
18 read the foregoing Complaint for Personal Injuries and Damages in
19 Tort, knows the contents thereof and believes the same to be
20 true.

21
22 
JOSEPH KIRBY

23 Signed and sworn to before me on the 20th day of Dec.,
24
25

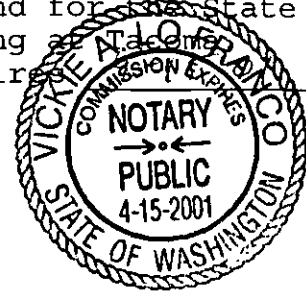
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1 1999, by Joseph Kirby.

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Vickie A. Nozama

Notary Public in and for the State of
Washington, residing at Tacoma
My appointment expires



**THE PLAINTIFF WILL NOT
ACCEPT SERVICE OF PLEADINGS
OR MOTIONS VIA FAX.**

MESSINA • BULZOMI .

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