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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

[REDACTED])
) Case No.
Plaintiff,)
) COMPLAINT FOR DAMAGES
vs.)
) (Jury Trial Demanded)
JEFFERSON COUNTY; EAST)
JEFFERSON FIRE RESCUE; PATRICK)
NICHOLSON JR.; and DOES 1-10,)
)
Defendants.)
)
)

Plaintiff [REDACTED], hereinafter plaintiff, by and through her undersigned attorney, and for the causes of action against the above-named defendants, alleges and avers as follows:

I. INTRODUCTION

1. This is an action for damages is against Jefferson County, East Jefferson Fire Rescue, and Patrick Nicholson, all of whom caused plaintiff to suffer a loss of dignity, loss of

1 self-esteem, deprivation of her civil rights, loss of mental health, and mental and emotional
2 anguish.

3 **II. JURISDICTION**

4 2. The jurisdiction of this Court over this Complaint is invoked pursuant to the
5 provisions of 28 U.S.C. §§ 1331 and 1343; and the provisions of 42 U.S.C. §§ 1983 and
6 1988; and, the Constitution of the United States, specifically the Fourth and Fourteenth
7 Amendments thereto.

8 3. This Court has supplemental jurisdiction over the State claims pursuant to 28
9 U.S.C. § 1367 by virtue of the fact that they arise out of the same transactions or series of
10 transactions as do the claims alleged herein under federal and constitutional law.

11 **III. VENUE**

12 4. All of the unlawful acts and practices alleged herein occurred primarily in or
13 near Jefferson County which is in the southern portion of the Western District of Washington
14 and the Tacoma Courthouse is thus the appropriate forum for this matter.

15 **IV. PARTIES**

16 5. Plaintiff [REDACTED] is a female citizen of the United States, and is a
17 resident of Caldwell, Idaho.

18 6. Defendant Jefferson County is now, and at all times relevant to this complaint,
19 the state agency responsible for East Jefferson Fire Rescue and its employees.

20 7. Defendant East Jefferson Fire Rescue is now, and at all times relevant to this
21 complaint, the employer of Defendant Patrick Nicholson, the voyeuristic employee.

22 8. Defendant Patrick Nicholson is now, and at all times relevant to this
23 complaint, an employee at East Jefferson Fire Rescue.

1 9. Defendants DOES 1-10, inclusive are now, and at all times relevant to this
2 complaint, in some way responsible for the harm that plaintiff suffered as described in this
3 complaint. The complaint will be amended when the true names and capacities are
4 ascertained. At all times relevant each defendant was the agent of each other.

5 **V. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

6 10. Within the statutory time period, specifically on August 9, 2021, plaintiff sent
7 a tort claim against Jefferson County and on August 21, 2021, against East Jefferson Fire
8 Rescue arising out of the events alleged herein. More than 60 days have elapsed, and King
9 County has not responded to the claim. The tort claim was thus denied as a matter of law.
10 Plaintiff has exhausted all possible grievances and pursued all administrative remedies that
11 were available to her.

12 **VI. STATEMENT OF FACTS**

13 11. Plaintiff [REDACTED], while working with East Jefferson Fire Rescue,
14 became a victim of a voyeuristic employee with compromising videos of her being taken on
15 the property of East Jefferson Fire Rescue. Plaintiff has sustained several damages as a result,
16 including emotional distress, humiliation, and mental anguish.

17 12. On June 8, 2021, plaintiff's sister, [REDACTED], contacted plaintiff saying
18 she had received a text message from an individual named Susan. The message stated that
19 plaintiff needed to contact the Sheriff's Department in Jefferson County and a RCW code
20 was given. Furthermore, the message stated that a crime had taken place on East Jefferson
21 Fire Department property and that plaintiff had been involved. It was later revealed that Trish
22 Nicholson, had sent the message using the name Susan and an anonymous number.

1 13. Ms. Nicholson is the wife of Patrick Nicholson, who had previously been
2 employed at East Jefferson Fire during an overlapping period of time that plaintiff had been
3 employed there. Ms. Nicholson later informed plaintiff that she had been vague due to
4 concerns regarding the statute of limitations and had wanted the Sheriff's Department to
5 inform her of the incident in question.

6 14. The night of June 8, 2021, plaintiff called the Jefferson County Sheriff's
7 office, stating that she had been told through a third party that she may have been the victim
8 in a voyeurism case. The officers told her that they would pass on her information to the
9 Detective in Port Townsend.

10 15. On June 9, 2021, Detective John Stuart called plaintiff and confirmed that she
11 was named as a victim of Patrick Nicholson and that there were two other victims named
12 originally. He proceeded to tell plaintiff that he had been informed about the case, but it
13 would be a couple of months before the investigation began given he was investigating other
14 cases. He did not yet have the records from the Yakima Police department.

15 16. The voyeuristic individual being investigated is Patrick Nicholson, who was
16 employed by East Jefferson Fire Rescue as a Firefighter/Paramedic from June 2007 through
17 November 2015. He also was in charge of radio, programming and communication for the
18 department. Plaintiff was employed by East Jefferson Fire Rescue from June of 2011 through
19 2013 as a Firefighter EMT. Plaintiff and Patrick Nicholson's employment overlapped for a
20 period of about 2 years, but during this time there was minimal contact. Patrick Nicholson's
21 departmentally assigned responsibilities afforded him direct access to the private bedrooms
22 where plaintiff was recorded without her consent. In addition to being recorded in the private
23

1 bedroom while partially nude, Patrick Nicholson also recorded plaintiff with audio and video
2 in various other places around the department.

3 17. On June 9, 2021, after speaking with the detective, plaintiff left work to try
4 and process what she had been told. Before leaving she informed her supervisors with the
5 Bureau of Land Management what had happened and why she had to leave.

6 18. On Thursday June 10, 2021, plaintiff called out of work saying that she woke
7 up shaking and was so anxious she was sick to her stomach. She didn't feel that she was safe
8 in her own home or place of work. That day she signed up for BetterHelp which is an online
9 service that provides mental health services. Plaintiff had childhood anxiety that had been
10 managed until this incident occurred. The invasion and violation of privacy by East Jefferson
11 Fire Rescue's voyeuristic employee, Patrick Nicholson, impacted plaintiff both mentally and
12 physically.

13 19. June 11, 2021 was a hot night. Plaintiff had taken Melatonin but only slept for
14 an hour before waking from a panic attack. She had been wearing a sports bra and underwear
15 on account of the heat. The only thing that calmed her down was once she had covered
16 herself by putting on her husband's oversized t-shirt, baggy shorts, and wrapping herself up
17 in a blanket.

18 20. Plaintiff describes been constantly nauseous, and by June 12th she hadn't
19 eaten for three days from the anxiety and unease caused by the defendants. By the fourth day,
20 she didn't eat from hunger but recognized the necessity. She ate only small portions, and it
21 took nearly two weeks for her to begin to eat relatively normally again. Over that period of
22 time plaintiff lost a significant amount of weight from the anxiety, paranoia, and disgust this
23 incident elicited.

1 21. On Saturday June 12th, plaintiff attempted to return to work, but she began
2 panicking and crying. She continuously had to dismiss herself from being around people due
3 to the overwhelming anxiety, unease, and panic she was experiencing. That day she began
4 journaling in an attempt to manage her anxiety. She was barely sleeping and continues to
5 struggle with sleeping since she found out about the violation of her privacy and person. That
6 Friday, June 12th, she finally told her parents what had occurred. She had been too anxious
7 and ashamed to inform them when she learned of what had occurred at East Jefferson Fire
8 Rescue.

9 22. Sunday June 12th, 2021 was the first day since plaintiff had been informed
10 that she did not feel sick to her stomach when she ate. That same day, however, plaintiff had
11 to stay at a hotel for a work assignment. She was incredibly scared and paranoid that there
12 were cameras hidden somewhere watching her. She describes continuing to have this fear of
13 the unknown and of being watched.

14 23. Plaintiff continues to experience paranoia in hotels as she is required to travel
15 for work. She describes beginning to feel comfortable in her own home, but still feeling
16 anxious, uneasy and paranoid while at work. Plaintiff works in a male dominated field and
17 has caught herself frequently looking over her shoulder while working. She has isolated
18 herself since finding out about the incident, withdrawing from her friendships, relationships
19 and regular activities. Plaintiff has suffered intimacy and communication issues in her
20 marriage as a direct result of this incident. To this day plaintiff struggles with her health and
21 wellbeing. She used to enjoy cooking and would go to the gym daily. Since being informed
22 of the invasion of her privacy and the conduct of a voyeuristic employee at East Jefferson
23 Fire Rescue she has had difficulty sleeping, eating and feels as though she is in a “delusional

1 fog.” She no longer has a desire to cook, go to the gym, or exercise self-care. She finds
2 herself checking outlets and mirrors for cameras or recording equipment out of fear and
3 struggles to trust her current colleagues.

4 24. On July 9th, 2021, plaintiff ended up having to end her therapy due to
5 increased work demands, but signed up with BetterHelp again on July 27, 2021, due to the
6 continued anxiety and paranoia defendants caused her.

7 25. Trish Nicholson and plaintiff began talking about the incident on June 19th,
8 2021. They had no previous relationship and had never spoken before discovering the
9 invasion of plaintiff’s privacy. Over time Ms. Nicholson has slowly revealed to plaintiff
10 more information about her husband's voyeuristic tendencies.

11 26. Several years ago, Ms. Nicholson had found non-consensually recorded video
12 footage Patrick Nicholson had taken. He had convinced her that it was out of character for
13 him, he had deleted them, and that he had been going through a tough time.

14 27. In December of 2020, Ms. Nicholson had found footage that Mr. Nicholson
15 claimed had been taken by the previous Fire Marshall. He told Ms. Nicholson that the
16 Marshall had put the video camera in a vent to film a woman in the department taking a
17 shower. Mr. Nicholson told Ms. Nicholson he had reported it, but the footage was on his
18 computer. When she found this content, she also rediscovered the videos he had claimed he
19 deleted along with new footage as well.

20 28. In early January 2021, Ms. Nicholson turned over 2 laptop hard drives and an
21 old iPad to the Yakima Police. The iPad contained footage of their underaged daughters, who
22 were 15 and 2 at the time they were filmed. There were other women filmed in
23 compromising conditions, and Mr. Nicholson admitted to both Ms. Nicholson and his

1 psychosexual evaluator that he had filmed these individuals without their consent or
2 knowledge. Some video files were deleted by the evaluator, and he is currently under
3 investigation. The videos that Ms. Nicholson were able to access had footage ranging from
4 2011 to 2020.

5 29. While Mr. Nicholson was working with East Jefferson Fire Rescue, he also
6 was employed by or volunteered with Jefferson County Fire Protection District 5 from
7 October 2009 to May 2013, Jefferson County Fire Protection District 4 from May 2013 to
8 2015, and Jefferson County Sheriff's Office from April 2013 through March 2016. Since his
9 employment with East Jefferson Fire Rescue, he has worked and volunteered with Skamania
10 County Public Hospital District from November 2015 through July 2016. He was reinstated
11 as a volunteer with Skamania County Public Hospital District after unlawful termination and
12 worked there from November 2016 through August 2017. He worked with American
13 Medical Response Yakima from August 2017 through November 2018 and Ellensburg,
14 Kittitas County, from November 2018 until present as far as plaintiff is aware.

15 30. Since the discovery of the actions of East Jefferson Fire Rescue's voyeuristic
16 employee, plaintiff has experienced significant anxiety, paranoia, and disgust in her place of
17 work, home and person that is ongoing. She has had to pay for therapy and taken time from
18 work to deal with the repercussions of the incident at hand. A person has the right to feel safe
19 in their place of employment. This right has been taken from plaintiff due to her being filmed
20 in compromising situations without her knowledge and consent.

21 **VII. FIRST CLAIM FOR RELIEF**

22 **(42 U.S.C. §§ 1983 - Fourth Amendment – Unreasonable Search and Seizure – Against**
23 **Patrick Nicholson)**

1 Wiretap Act. Patrick Nicholson had no authorization or consent to engage in such behavior,
2 and plaintiff behaved in the manner that she did under the reasonable expectation that said
3 communication was not subjected to interception.

4 37. Patrick Nicholson intercepted plaintiff's private conversations, as well as her
5 disrobing, which plaintiff would not have done had she been aware that he had access to
6 view her actions.

7 38. As a direct and proximate result of Patrick Nicholson's acts, plaintiff
8 sustained severe mental anguish, mortification, humiliation, loss of good health and sleep,
9 paranoia, anxiety, and physical distress, all to her damage according to proof at trial.

10 **IX. THIRD CLAIM FOR RELIEF**

11 **(Fourteenth Amendment – Due Process – Against Patrick Nicholson)**

12 39. Plaintiff realleges and incorporates by reference herein paragraphs 1 through
13 38 with the same force and effect as if such paragraphs were separately realleged in this
14 Third Claim for Relief.

15 40. Plaintiff has a liberty interest of being free from having her likeness
16 disseminated without her consent or any discernable way for her to know who has seen or
17 had access to the videos Patrick Nicholson took of her. Patrick Nicholson's actions deprive
18 plaintiff of a constitutionally protected liberty interest in that they constitute an atypical and
19 significant hardship as compared with the ordinary incidents of work life.

20 41. Plaintiff also has a liberty interest of being free from having constant and
21 perpetual anxiety and paranoia, emotional and mental distress, and trauma. As a result of
22 Patrick Nicholson's voyeuristic actions, plaintiff has experienced strains on her relationships
23 with friends, family and her spouse, and has been unable to perform her work duties.

1 by not knowing who has seen or has access to the videos taken of her without her knowledge
2 or consent. East Jefferson Fire Rescue and Jefferson County are vicariously liable for all acts
3 by any person employed who is responsible for the damages that plaintiff suffered.

4 52. As a direct and proximate result of each defendants' negligent conduct,
5 plaintiff sustained economic and non-economic damages including, without limitation,
6 mental suffering, embarrassment, humiliation, mortification, emotional distress, emotional
7 trauma, and other mental pain and suffering, and other damages, to be proven at trial.

8 **XIII. SEVENTH CLAIM FOR RELIEF**

9 **(Negligent Hire – Against East Jefferson Fire Rescue, Jefferson County)**

10 53. Plaintiff realleges and incorporates by reference herein paragraphs 1 through
11 52 with the same force and effect as if such paragraphs were separately realleged in this
12 Seventh Claim for Relief.

13 54. Defendants East Jefferson Fire Rescue and Jefferson County were negligent in
14 checking the background of defendant Patrick Nicholson during the hiring process. Given his
15 predilection, Patrick Nicholson should not have been hired to a position that gave him regular
16 access to women and their private spaces as well. Defendants East Jefferson Fire Rescue and
17 Jefferson County were negligent in allowing an individual who had not been properly
18 evaluated to have the free reign to enter any bedroom he wished with no supervision.

19 55. As a direct and proximate result of the defendant's negligence, plaintiff has
20 suffered mental suffering, mortification, humiliation, embarrassment, emotional, emotional
21 trauma, and other mental pain and suffering, and other damages, to be proven at trial.

22 **XIV. EIGHTH CLAIM FOR RELIEF**

23 **(Negligent Retention – Against East Jefferson Fire Rescue, Jefferson County)**

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WHEREFORE, plaintiff respectfully prays for the following relief against
defendants:

- A. A money judgement against each defendant in an amount which will fully compensate her for her economic losses, emotional distress, and other losses, harm and damages sustained in this matter;
- B. That the court awarded plaintiff her costs, including reasonable and statutory attorney fees incurred in this matter, as provided by law; and
- C. Such further relief as this Court deems appropriate.

Dated this 22nd day of March, 2022, at Seattle, Washington.

CIVIL RIGHTS JUSTICE CENTER, PLLC

/s/ Darryl Parker
Darryl Parker, WSBA #30770