

FILED

17 JUN 06 PM 3:47

KING COUNTY  
SUPERIOR COURT CLERK  
E-FILED

CASE NUMBER: 17-2-14664-1 KNT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

PATRICK THOMAS, an individual

Plaintiff,

vs.

CITY OF DES MOINES, a municipal corporation; OFFICER R. TSCHIDA and JANE DOE TSCHIDA, individually and the marital community comprised thereof; OFFICER J. WEST and JANE DOE WEST, individually and the marital community comprised thereof; SOUTH KING COUNTY FIRE AND RESCUE, a municipal corporation; GREG GARKA and JANE DOE GARKS, individually and the marital community comprised thereof; and DAVID MICHAELS and JANE DOE MICHAELS, individually and the marital community comprised thereof

Defendants.

No.

COMPLAINT FOR DAMAGES

1 Plaintiff Patrick Thomas, a Washington resident, brings this action against the City of  
2 Des Moines, R. Tschida and Jane Doe Tschida, J. and Jane Doe West, and Greg and Jane Garks,  
3 David and Jane Michaels, to redress tortuous acts, and alleges as follows:

4 **JURISDICTION AND VENUE**

5 1. This Court has original jurisdiction in this matter because the Defendant resides in  
6 King County and all acts complained of herein occurred in King County, Washington.

7 2. Personal jurisdiction and venue are proper in King County pursuant to RCW  
8 4.12.020.

9 **PARTIES**

10 3. Plaintiff Patrick Thomas, an individual, is a resident of Des Moines, Washington.

11 4. Defendant City of Des Moines is a municipal corporation located in the State of  
12 Washington.

13 5. Defendant Officer R. Tschida, at all times relevant herein, is a City of Des Moines  
14 Police Officer that resides in the State of Washington. All acts alleged herein occurred within  
15 King County, State of Washington, and were done under the color of state law, and for the  
16 individual benefit of R. Tschida and for the benefit of the marital community with Defendant  
17 Jane Doe R. Tschida.

18 6. Defendant J. West, at all times relevant herein, is a City of Des Moines Police  
19 Officer that resides in the State of Washington. All acts alleged herein occurred within King  
20 County, State of Washington, and were done under the color of state law, and for the individual  
21 benefit of J. West and for the benefit of the marital community with Defendant Jane Doe West.

22 7. Defendant South King County Fire And Rescue is a municipal corporation  
23 located in the State of Washington.

24 8. Defendant Greg Garka, at all times relevant herein, is a South King Fire And  
25 Rescue firefighter that resides in the State of Washington. All acts alleged herein occurred

1 within King County, State of Washington, and were done under the color of state law, and for the  
2 individual benefit of Greg Garka and for the benefit of the marital community with Defendant  
3 Jane Doe Garka.

4 9. Defendant David Michaels, at all times relevant herein, is a South King Fire And  
5 Rescue firefighter that resides in the State of Washington. All acts alleged herein occurred  
6 within King County, State of Washington, and were done under the color of state law, and for the  
7 individual benefit of David Michaels and for the benefit of the marital community with  
8 Defendant Jane Doe Michaels.

9  
10  
11 **FACTUAL BACKGROUND AND DEFENDANTS' UNLAWFUL CONDUCT**

12 10. On June 6, 2015, Mr. Patrick Thomas ingested marijuana butter for the first and  
13 only time. Mr. Thomas became overwhelmed and intoxicated shortly after ingesting the  
14 marijuana butter. Having never ingested marijuana butter previously, and believing that the  
15 marijuana butter was laced with something stronger, Mr. Patrick called 911 for immediate  
16 medical attention. Mr. Thomas feared for his life believing if he did not get medical attention he  
17 would die.

18 11. Mr. Thomas, a fifty-eight (58) year old African American male, is a Seattle Metro  
19 Bus driver with thirty-two years of tenure. Mr. Thomas is subjected to random drug tests by his  
20 employer. Mr. Thomas has an impeccable record and has never tested positive for any drugs. Mr.  
21 Thomas does not smoke marijuana. Mr. Thomas tried the marijuana butter having been told by a  
22 trusted friend that marijuana butter has medicinal healing agents that may assist Mr. Thomas  
23 with physical impediments. Until the incident on June 6, 2015, Mr. Thomas has never had a  
24 criminal allegation or record.

25 12. On June 6, 2015, Mr. Patrick's life changed after trying the butter containing  
26 marijuana. Mr. Thomas called 911 asking for immediate medical assistance. The first to arrive at

1 the residence located in Des Moines was the South King County Fire Rescue. At the time of their  
2 arrival, Mr. Thomas was lying on the floor. Mr. Thomas requested an ambulance as he was  
3 rendered immobile and unable to stand.

4 13. The responding officers asked Mr. Thomas to get on the couch. With tremendous  
5 and inconceivable effort, Mr. Thomas managed to get to the couch. Mr. Thomas was nearly  
6 unconscious.

7 14. While lying on the couch, one of the paramedics took Mr. Thomas' vitals.

8 15. At this time, Mr. Thomas recalls two police officers entering his home uninvited.  
9 He later learned the officers are Des Moines Police Officer R. Tschida and Des Moines Police  
10 Officer J. West. Mr. Thomas asked why the police were in his home when he called 911 for an  
11 ambulance only. None of the public servants responded to Mr. Thomas' inquiry.

12 16. Mr. Thomas asked the officers to retract the marijuana butter thrown in the trash  
13 in order that they could ascertain whether Mr. Thomas had been overdosed or ingested  
14 something that was not marijuana. Mr. Thomas was met with disrespect, judgment and utter  
15 coldness. The officers demanded Mr. Thomas lay down and shut up. Mr. Thomas asked  
16 repeatedly about the butter to ensure there was evidence in the event he died. Mr. Thomas  
17 continued to fear for his life despite the responding officers' presence.

18 17. Mr. Thomas requested water. Mr. Thomas tongue was swelling. The officers were  
19 non responsive demanding his silence and expressing he did this to himself.

20 18. Mr. Thomas heard the officers laughing at him. Mr. Thomas heard the officers  
21 demeaning his credentials as a bail bond agent. In Mr. Thomas' home and on his walls are all his  
22 licenses as a Private Investigator and Bail Bond Agent.

23 19. Mr. Thomas thought to record the whole interaction requesting Officer West to  
24 hand Mr. Thomas his phone, which was on the counter. Officer West refused the request which  
25 was made by Mr. Thomas a few times.

1           20.     Mr. Thomas went in and out of consciousness.

2           21.     Finally, the ambulance arrived. The Emergency Medical Technician (EMT) who  
3 arrived, instructed Mr. Thomas to stand up from the couch and walk to the ambulance. Mr.  
4 Thomas was still incapacitated and incapable of walking to the ambulance from inside his house.  
5 Mr. Thomas did not believe his legs could hold him. Mr. Thomas was afraid he would fall.  
6 Regardless of Mr. Thomas expressed concerns, the EMT demanded Mr. Thomas get up and walk  
7 on his own to the ambulance. Mr. Thomas begged for help to the ambulance. The EMT refused  
8 stating that if Mr. Thomas did not walk to the ambulance on his own, the EMT was leaving. Mr.  
9 Thomas was flabbergasted, confused and scared now that the EMT would not help him either.  
10

11           22.     At the point that Mr. Thomas realized no one came to help him despite his call to  
12 911 for immediate medical assistance, Mr. Thomas requested everyone leave his house. Mr.  
13 Thomas was still in and out of consciousness and still laying on the couch.

14           23.     Mr. Thomas believes the EMT left the house although the officers did not leave as  
15 requested. Rather, Officer Tschida started hitting Mr. Thomas aggressively and with great force  
16 on his chest. Officer Tschida kicked the back of the couch continuously yelling angrily at Mr.  
17 Thomas. Officer Tschida demanded Mr. Thomas get up and walk. Officer Tschida asked Mr.  
18 Thomas if Mr. Thomas really wanted the ambulance. Mr. Thomas said yes. The EMT came  
19 back inside the house.

20           24.     Despite Mr. Thomas' prior assertions that he was incapable of walking to the  
21 ambulance, the EMT again demanded that Mr. Thomas stand up and walk to the ambulance.  
22 Again, Mr. Thomas asked for assistance to comply with the demand. Again, the EMT repeated,  
23 if Mr. Thomas didn't stand and walk to the ambulance unassisted, he was leaving and not  
24 returning. Because Mr. Thomas simply did not believe I could walk unassisted, Mr. Thomas told  
25 him and everyone else to leave my house. Mr. Thomas fell asleep once more.  
26

1           25.     Officer Tschida yelled extremely loud and woke Mr. Thomas. Officer Tschida  
2 stated, "Since you don't want to walk to the ambulance, we are going to put you in a flap jacket  
3 and take you to detox." Although Mr. Thomas heard the threat, Mr. Thomas fell back to sleep.

4           26.     Mr. Thomas woke to the police and firefighters rocking his heavy leather couch  
5 back and forth yelling at Mr. Thomas to wake and get up. Mr. Thomas was confused and now  
6 antagonized by the violent jostling of the couch and demand for him to get up. Because Mr.  
7 Thomas asked everyone to leave, he did not understand the harassment to get up. Mr. Thomas  
8 began to fear the officers believing they were in his home threatening his life. There were several  
9 men around the couch screaming at him while rocking the couch. They jostled the couch with  
10 such velocity, they broke the couch. Mr. Thomas fell off the couch, feeling attacked.

11           27.     Mr. Thomas recalls throwing a punch at the EMT and/or officer only after feeling  
12 attacked by the officers and firefighters and only after being thrown from the couch by the  
13 officer and firefighter's force. Mr. Thomas recalls being shot in the chest with a gun. Mr.  
14 Thomas learned that he was hit with a taser gun. Mr. Thomas was rendered incapacitated forced to  
15 lie face down while in his living room.

16           28.     Still incapacitated, the officers began kicking Mr. Thomas' legs demanding he  
17 stand. Mr. Thomas was rendered paralyzed due to fear of being shot again and due to the drugs  
18 remaining effect on his body. Mr. Thomas did not move.

19           29.     Mr. Thomas was handcuffed behind his back. The officers picked him up from  
20 the floor by his shoulder. Instantly, Mr. Thomas felt a sharp pain in his shoulder. Mr. Thomas  
21 was dragged outside. Mr. Thomas was dragged to a police car. Officer West put his hand on the  
22 back of Mr. Thomas' head and slammed Mr. Thomas head against the car doorway as he shoved  
23 Mr. Thomas in the police vehicle's back seat. Mr. Thomas was knocked unconscious due to the  
24 assault on his head.  
25

1           30.     Upon waking, Mr. Thomas asked Officer West to loosen the handcuffs because  
2 the handcuffs were cutting off his circulation to his hands. Officer West responded by tightening  
3 the cuffs.

4           31.     Mr. Thomas was taken to the police station where he sat in the police car, outside  
5 the police station for approximately one hour before being booked into King County Jail. By the  
6 time Mr. Thomas was booked into King County Jail, he had no feeling in his right hand because  
7 the handcuffs were too tight. The nurse inside the jail inquired about the big golf ball size knot  
8 on Mr. Thomas' head. Mr. Thomas told the King County Jail's nurse that Officer West slammed  
9 his head on the doorway of the police car. Mr. Thomas requested the nurse take pictures of his  
10 head. The nurse declined stating it is jail policy to not take pictures of injuries.

11           32.     From the onset, the police and paramedics who responded to Mr. Thomas 911 call  
12 for medical assistance, failed to provide any care, compassion, humility or understanding. All the  
13 responding officers and paramedics need education on the potential negative effects of edible  
14 marijuana.

15           33.     Mr. Thomas was criminally charged with two counts of Third Degree Assault of  
16 two paramedics. As a result of the criminal charge, Mr. Thomas entered a guilty plea to one  
17 count of Fourth Degree Assault on January 22, 2016 despite the fact Mr. Thomas did not have  
18 the criminal intent to do so. Mr. Thomas entered a guilty plea to Assault in the 4<sup>th</sup> Degree solely  
19 due to the advice of defense counsel who assured Mr. Thomas would have no jail time and the  
20 deferred prosecution will be removed from his record after completion.

21           34.     Mr. Thomas also faced revocation of his bail bond license due to the criminal  
22 charges and guilty plea. Mr. Thomas paid for legal representation to defeat the DOL's revocation  
23 of his license.

24           35.     On or about April 26, 2017, a claim for damages was submitted and delivered to  
25 the City of Des Moines. The City of Des Moines failed to respond to the claim for damages.



**COUNT I**  
**(Negligence; All Defendants)**

36. Plaintiff Thomas re-alleges and incorporates by this reference each and every allegation set forth in paragraphs 1 through 35 above.

37. Defendants City of Des Moines, Tschida, West, South King County Fire And Rescue, Garka, and Michaels had a duty to Mr. Thomas, including the protection of Mr. Thomas against unreasonable risk of injury.

38. Defendants City of Des Moines, Tschida, West, South King County Fire And Rescue, Garka, and Michaels breached their duty.

39. Defendants City of Des Moines, Tschida, West, South King County Fire And Rescue, Garka, and Michaels' breach of their duty was the actual and proximate cause of injury to Mr. Thomas.

40. Plaintiff Thomas suffered damage to his person and property.

**COUNT II**  
**(Civil Rights Violation, 42 U.S.C. § 1983; All Defendants)**

41. Plaintiff Thomas re-alleges and incorporates by this reference each and every allegation set forth in paragraphs 1 through 40 above.

42. By the conduct set forth above, Defendants City of Des Moines, Tschida, West, South King County Fire And Rescue, Garka, and Michaels knowingly violated and/or recklessly disregarded Plaintiff's well established Constitutional Right as provided by the Fourth, Fifth and Fourteenth Amendment of the United States Constitution, and Article 1, Section 3 and Section 7 of the Washington State Constitution.

43. At the time of their conduct, Defendants City of Des Moines, Tschida, West, South King County Fire And Rescue, Garka, and Michaels were each acting under the color of title.





1 4. Such other relief as the Court deems just and proper

2 **JURY DEMAND**

3 The Plaintiffs respectfully demand a trial by jury.

4 DATED this 6<sup>th</sup> day of June, 2017.

5 FREEMAN LAW FIRM, INC.

6  
7  
8 By: 

Spencer Freeman

WSBA No. 25069

Attorney for Plaintiff Thomas