

MAY 2013

SETTLEMENT - U.S. DISTRICT COURT - WESTERN DISTRICT

CRYSTAL AMMONS v. MARY LAFOND AND STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES (DSHS)

Number: 3:08-cv-05548-RBL

Settlement Date: 3/15/13

Trial Date: 3/18/13 (scheduled)

Plff Atty: David Moody, Martin McLean & Shelby Smith of Hagens Berman Sobol Shapiro (Seattle)

Def. Atty: Patricia Fetterly & Ian Bauer, Office of the Attorney General (Tumwater)

Plff Exp.: Jane Ramon (Social Worker/Liability) North Eastham MA; Katherine Kent JD (Attorney/Liability) Seattle; Cloie Johnson (Life Care Planner/Damages) Bothell; Anthony Urquiza Ph.D. (Psychologist/Damages) Sacramento CA

Def. Exp.: Kevin McGovern Ph.D. (Psychologist/Damages) Portland OR; Stanley Owings (Vocational Rehabilitation/Damages) Seattle

Trial Judge: Hon. Ronald Leighton

CIVIL RIGHTS VIOLATION; STATE & DSHS NEGLIGENCE

SEXUAL ABUSE; RAPE

Plff Crystal Ammons, female age 14-15 years old at the time of the abuse. Plff was repeatedly raped by a male staff member over a period of more than three months while an inpatient at the Child Study and Treatment Center (CSTC), the State's only psychiatric hospital for children. The Washington State Department of Social and Health Services (DSHS) governs the CSTC through its Mental Health Division. Crystal filed suit against DSHS (State Law Negligence claims) and former CSTC CEO Mary LaFond (Civil Rights Claims brought pursuant to 42 U.S.C. § 1983). The lawsuit, originally filed in Pierce County Superior Court, was removed to the U.S. District Court, Western District of Washington. Defs. DSHS and LaFond were repeatedly warned about a male counselor's inappropriate and troubling relationships with female patients, including Plff. Crystal's former foster mother repeatedly alerted DSHS to the ongoing patten of grooming of Crystal by the male counselor. A host of warnings of the breeding ground for sexual abuse at CSTC were communicated to both Defs. by a former CSTC Director of Nursing, who took her concerns all the way to the Secretary of DSHS after being repeatedly ignored by LaFond. Earlier reports that the same male staff member was molesting a different female patient were covered-up by LaFond, who failed to notify law enforcement as required by law and interfered with the DSHS investigation. Despite all of these warnings, neither LaFond nor any of her subordinates noticed or intervened as the male staff

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Facts Cont'd: member continued to groom girl patients and took the victim to various locations on hospital grounds where he repeatedly molested her ("penile-vaginal sexual intercourse, digital sexual intercourse, and fellatio") for over 107 days.

Injuries: Sexual abuse; rape.

Result: PLAINTIFF SETTLEMENT for \$3,000,000. (Facing a federal jury trial scheduled for 3/18/13, DSHS agreed to pay \$3,000,000, which matched the largest amount ever paid by the Mental Health Division at any of its three state-operated psychiatric hospitals. Litigation lasted almost five years, including an appeal by LaFond to the Ninth Circuit Court of Appeals. After losing at the Ninth Circuit, LaFond appealed to the United States Supreme Court, which declined to accept review. This lawsuit resulted in a landmark decision from the Ninth Circuit Court of Appeals, which clarified and expanded civil rights claims on behalf of patients in state custody; *Ammons v. DSHS*, 648 F.3d 1020 (9th Cir. 2011).)