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Northwest Personal Injury Litigation Reports

ESTERA TAMAS, RUTH TAMAS AND MONICA FABREGAS v. STATE OF WASHINGTON, DEPARTMENT
OF SOCIAL AND HEALTH SERVICES (DSHS) AND NINE (9) INDIVIDUAL STATE ACTORS

Case No. 2:2007-cv-00750 RAJ

Settlement Date: June 3, 2011

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TOPIC: STATE & DSHS NEGLIGENCE; CIVIL RIGHTS VIOLATION; PHYSICAL & SEXUAL ABUSE; EMOTIONAL DISTRESS.

RESULT: PLAINTIFF SETTLEMENT for \$ 7,325,000. (This lawsuit, originally filed in King County Superior Court, was removed to the U.S. District Court, Western District of Washington. This lawsuit resulted in a landmark decision from the Ninth Circuit Court of Appeals, which clarified and expanded civil rights claims on behalf of foster children. *Tamas v. DSHS*, 630 F.3d 833 (9th Cir. 2010).).

INJURY: Physical and sexual abuse; emotional distress.

STATE: Washington

COURT: U.S. District Court, Western District

JUDGE: Hon. Richard A. Jones

PLAINTIFF ATTORNEY(S): David P. Moody & Marty McLean of Hagens Berman Sobol Shapiro (Seattle).

DEFENDANT ATTORNEY(S): Ian Bauer, Office of the Attorney General (Olympia).

SUMMARY: Pliffs, all females between the ages of 13 and 20, were profoundly victimized over several years by a state-licensed foster parent. Starting in 1997, the Defs. licensed a career criminal with a string of convictions from coast to coast to serve as a foster parent. Pliffs claimed the Defs. knew of the foster parent's disqualifying criminal history, yet overrode their licensing regulations and granted him a license to care for children in his home. Between 1997 and 2006, the Defs. received more than two dozen separate reports of abuse, neglect, exploitation and/or licensing violations concerning the same foster parent. The warnings were graphic and compelling. Notwithstanding the foster parent's long criminal history and the litany of the warnings received from several members of the community, the Defs. re-licensed the foster parent three (3) separate times over the period of nearly ten (10) years. Pliffs contended during this time, the Defs. failed to take any steps to remove these three victims from the foster home in which they were being beaten, neglected and sexually victimized. Pliffs filed suit against DSHS (state law negligence claims) and nine (9) state actors responsible for ensuring Pliffs' safety (civil rights claims brought pursuant to *42 U.S.C § 1983*).

PLAINTIFF EXPERT(S): Jane Ramon (Social Worker/Liability) North Eastham MA; Katherine Kent JD (Attorney/Liability) Seattle; Anthony Urquiza Ph.D. (Psychologist/Damages) Sacramento CA; Cloie Johnson (Vocational Rehabilitation/Damages) Bothell; D.P. Van Blaricom (Police Practices) Bellevue.

DEFENDANT EXPERT(S): Kevin McGovern Ph.D. (Psychologist/Damages) Portland OR; Stanley Owings (Vocational Rehabilitation/Damages) Seattle.