

FEBRUARY 2012

SETTLEMENT - U.S. DISTRICT COURT - EASTERN DISTRICT

JULIET [REDACTED] v. STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES (DSHS), EASTERN STATE HOSPITAL; HAROLD "HAL" WILSON; DR. LESLEY BLAKE

Number: 2:10-cv-380-EFS

Settlement Date: 2/9/12

Plff Atty: David Moody & Marty McLean of Hagens Berman Sobol Shapiro (Seattle)

Def. Atty: Jarold Cartwright, Washington State Attorney General's Office (Spokane)

Plff Exp.: Jane Ramon (Social Worker) North Eastham MA; Katherine Kent JD (Attorney) Seattle; Cloie Johnson (Vocational Rehabilitation) Bothell; Anthony Urquiza Ph.D. (Psychologist) Sacramento CA

Def. Exp.: Lorah Sebastian Ph.D. (Psychologist) Portland OR

Mediator: Hon. Cynthia Imbrogno

STATE & DSHS & HOSPITAL NEGLIGENCE; CIVIL RIGHTS VIOLATION

EMOTIONAL DISTRESS; RAPE

1/9/08 - Plff, female age 25. Juliet [REDACTED], ("Ms. [REDACTED]") is currently 30-years-old and resides in Spokane, Washington. On January 9, 2008, Ms. [REDACTED] was raped while she was a patient at Eastern State Hospital. Ms. [REDACTED] is developmentally disabled. This was a negligence and civil rights lawsuit against three Defs.: (1) State of Washington, DSHS, Eastern State Hospital; (2) former CEO Harold Wilson; and (3) Dr. Lesley Blake. Ms. [REDACTED] was first admitted to Def. Eastern State Hospital on October 15, 2000. Ms. [REDACTED] Admission Clinical Profile and Psychological Assessment characterized her as "gravely disabled." During the next several years, Ms. [REDACTED] had several additional admissions to Eastern State Hospital each of which was involuntary. By 2008, Eastern State Hospital was well aware of Ms. [REDACTED] profound disabilities and the need to take precautions to keep her safe. By 2008, Def. Eastern State Hospital was also aware that another patient, Jesse Vasquez ("Vasquez"), posed a danger to others, particularly female patients. Beginning in 1995, Vasquez was arrested more than 10 times in the State of Washington. Vasquez's RAP sheet included arrests for: (1) Fourth Degree Assault (two times); (2) Second Degree Theft; (3) Third Degree Theft; (4) Failure to Comply (two times); (5) First Degree Robbery (two times); (6) First Degree Resisting Arrest; (7) Theft of a Firearm; (8) Criminal Trespass; and (9) Second Degree Assault. During his time as a patient, Def. Eastern State Hospital routinely witnessed Vasquez engage in aggressive and inappropriate sexual behaviors. Vasquez's volatile

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Facts Cont'd: and unwanted advances were directed both at patients and staff. In 2007 alone, Vasquez was documented to have engaged in dozens of acts which were considered, by Eastern State Hospital, to be an "imminent risk" to patient safety. On November 9, 2007, Vasquez was caught entering the rooms of female patients and was "asked to stay off female end" of the ward. In December 2007, staff acknowledged that Vasquez "needs careful watching as may be tempted to become involved in intimate contact with peers." On January 5, 2008, Vasquez was caught trying to enter the female bathrooms. On January 8, 2008, Vasquez touched the thigh of a female staff person. When he was redirected, he became very angry, "I wanted to kill somebody this morning. Sometimes I feel like ripping out people's throats. I think it would make me feel better." According to Def. Eastern State Hospital Staff, Vasquez's volatile and unwanted sexual advances were directed at staff and patients "at least a couple of times a week." Despite the litany of warnings regarding Vasquez and the frequent notations that he was an "imminent risk" to the safety of others, the decision was made by the Defs. to grant Vasquez "Level A Privileges," meaning that he was free to go anywhere he wished on hospital grounds. On January 9, 2008, Juliet was in her room, resting. Vasquez entered Juliet's room, unsupervised by hospital staff, and closed the door. Juliet told Vasquez to go away, but he refused. Vasquez forcibly removed Juliet's clothing and raped her.

Injuries: Emotional Distress; rape. As a result of the rape committed at Eastern State Hospital, Plff suffered significant pain and suffering. Permanency claimed.

Result: PLAINTIFF SETTLEMENT for \$3,000,000. (This represents the largest settlement amount ever paid by the DSHS, Mental Health Division.)