

16093W
MW

STANDARD TORT CLAIM FORM

General Liability Claim Form #SF210

Pursuant to RCW 4.96, this form is for filing a tort claim against Clark County Washington. Information requested on this form is required by 4.09.100 and may be subject to public disclosure. Claim forms cannot be submitted electronically (via e-mail or fax.)

PLEASE TYPE OR PRINT IN INK

Mail or deliver Clark County Risk Management
Original claim Attn: Risk Manager
To: PO Box 5000
1300 Franklin St, Ste 644
Vancouver, WA 98666-5000

RECEIVED

OCT 11 2016

CLARK COUNTY
RISK MANAGEMENT

CLAIMANT INFORMATION

1. Claimant's Name: Maphet Jennifer Louise Date of Birth: 11/20/71
Last First Middle (mm/dd/yy)
2. Current residential address: [REDACTED]
Address City State Zip
3. Mailing address (if different) [REDACTED]
Address City State Zip
4. Residential address at the time of incident (if different from current address):
12810 NE 115th St. Vancouver WA 98662
Address City State Zip
5. Claimant's daytime telephone number (include area code): [REDACTED]
6. Claimant's email address: c/o Thomas S. Boothe tsb@boothehouse.com

INCIDENT INFORMATION

7. Date of the incident: Please see attached. Time: _____ am pm (check one)
(mm/dd/yy)
8. If the incident occurred over a period of time, date of first and last occurrences:
from _____, time: _____ am pm (check one) to _____, time _____ am pm (check one)
(mm/dd/yy) (mm/dd/yy)
9. Location of incident:
Washington, Clark County
State and County City, if applicable Place where occurred
10. If the incident occurred on a street or highway:
Name of street or highway milepost number At the intersection with or nearest intersecting street
11. County agency or department alleged responsible for damage/injury:
Clark County and Clark County Sheriff's Office
12. Names, addresses, and telephone numbers of all persons involved in or witness to this incident:
Mike Anderson, Commander for Clark County Sheriff's Office
Candy Arata, former Human Resources employee for Clark County Sheriff's Office

- Chuck Atkins, Sheriff for Clark County Sheriff's Office
- Grant Austin, Sergeant for Clark County Sheriff's Office
- Jody Beach, Custody Officer for Clark County Sheriff's Office
- Kim Beltran, Commander for Clark County Sheriff's Office
- Ric Bishop, Chief for Clark County Sheriff's Office
- Dan Cluzel, Sergeant for Clark County Sheriff's Office
- Mike Cooke, Undersheriff for Clark County Sheriff's Office
- Katie DeFrang, Attorney for Gallagher Bassett Services
- Paul Dougher, Sergeant for Clark County Sheriff's Office
- Lois Hickey, Human Resources employee for Clark County Sheriff's Office
- Victoria MacKenzie, Sergeant for Clark County Sheriff's Office
- Justin McNett, Custody Officer for Clark County Sheriff's Office
- Kathy Meyers, Benefit Manager for Clark County
- James Morrow, Custody Officer for Clark County Sheriff's Office
- Breanne Nelson, Human Resources employee for Clark County Sheriff's Office
- Julie Russell, Senior Disability Benefits Analyst for Clark County
- Phil Sample, Sergeant for Clark County Sheriff's Office
- Mitch Seagondollar, Sergeant for Clark County Sheriff's Office
- Chris Settle, Custody Officer for Clark County Sheriff's Office
- Tim Shotwell, Sergeant for Clark County Sheriff's Office
- Randy Tangen, Sergeant Clark County Sheriff's Office
- Maria Vergis, Human Resources employee for Clark County
- Mark Wilsdon, Risk Management employee for Clark County
- Jamie Zoellner, Risk Management employee for Clark County

13. Names, addresses, and telephone numbers of all county employees having knowledge about this incident:
 Please refer to the witnesses above. Most of the witnesses above are County employees. Claimant believes that the witness addresses and telephone numbers are available to Clark County by and through their directories and personnel files.

14. Names, addresses, and telephone numbers of all individuals not already identified in #12 and #13 above that have knowledge regarding the liability issues involved in this incident, or knowledge of the Claimant's resulting damages. Please include a brief description as to the nature and extent of each person's knowledge. Attach additional sheets if necessary. Claimant anticipates that other information and witnesses will become known through the discovery process.

15. Describe the cause of the injury or damages. Explain the extent of the property loss or medical, physical, or mental injuries.
 Attach additional sheets if necessary.
 Please see attached.

16. Has this incident been reported to law enforcement, safety, or security personnel? If so, when and to whom?
 Please see attached.

17. Names, addresses, and telephone numbers of treating medical care providers. Attach copies of all medical reports and billings.

19. I claim damages from Clark County in the sum of \$2,000,000.

The Claimant must sign this form unless he or she is incapacitated, a minor, or a nonresident of the state, in which case, it may be signed on behalf of the Claimant by any relative, attorney, or agent representing the Claimant.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Thomas S. Boothe

Signature of Claimant's Attorney
Thomas S. Boothe, WSBA #21759
7635 SW Westmoor Way
Portland, OR 97225-2138

10/7/16
Date

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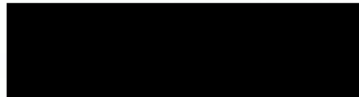
CLARK COUNTY
RISK MANAGEMENT

TORT CLAIM NOTICE

TO : Clark County
Clark County Risk Management
Attn: Risk Manager
PO Box 5000
Suite 644
1300 Franklin Street
Vancouver, WA 98666-5000

Claimant : Ms. Jennifer Maphet

**Actual Residence
of Claimant :**



**Claimant's
Residence for
Six Months
Prior to Time
Claim Arose :**



Claimant's Daytime Telephone Number:



Claimant's Email Address: c/o Tom Boothe tsb@boothehouse.com.

Time, Date and Location of Incidents:

The incidents occurred over a multiyear period, briefly summarized below.

County Agency Responsible for Circumstance: Clark County and Clark County Sheriff's Office.

Witnesses and Participants: Central witnesses are identified in the narrative below and are all known to the County as County employees.

Details of Incidents:

Clark County Sheriff's Office (CCSO) hired Jennifer Maphet on May 12, 2008 as a custody/corrections officer. She attended the Corrections Academy in August 2008 and was at the top of her class, receiving several certificates recognizing her achievements. She completed her probation at CCSO in June of 2009. Her performance evaluation on November 4, 2009, was marked by high marks and positive comments.

On November 8, 2009, Maphet sustained a workplace injury, including a fractured left hand, a torn labrum in her right shoulder, a torn MCL, a torn lateral meniscus and a torn articular cartilage on her femur of her right leg.

After her workplace injury and L&I claim, Maphet experienced differential treatment from what she had known before. Instead of supporting Maphet, Clark County and its agents questioned the severity of her injury, and of her character.

In April of 2010, Maphet underwent knee surgery for a microfracture and meniscectomy. In December of 2010 and August of 2011, Maphet underwent knee surgeries for an autograft and chondroplasty recommended allograft. Following her third surgery, Maphet's superiors began more direct harassment of her. When she sought assistance about the harassment, she was ignored.

In November 2011, Maphet underwent surgery on her knee for an allograft and MCL reconstruction.

In December of 2011 Maphet developed an abscess from the incision and had to go to the emergency room.

The harassment intensified, and the County did not give Maphet the support she needed. Maphet continued to use best efforts to rehabilitate from her workplace injury.

In July 2012, Maphet underwent shoulder surgery for a SLAP tear and Bankart tear.

The harassment continued. In November of 2012, as part of her physical therapy, Maphet rehabbed at a 24 Hour Fitness. Multiple CCSO personnel who worked out at the same club would stare and point out Maphet shaming her for her efforts at recovery.

In April of 2013, two of Maphet's coworkers, Ofc. Jody Beach and Ofc. James Morrow, emailed back and forth about seeing Maphet at the gym. They spoke disparagingly about her and joked about physically harming her ("...before I bust her knee up more!" and "Take her out!!"). Maphet questioned how safe she would be at work. This further amplified her stress over her physical circumstance and her thoughts of her future.

In May 2013, Maphet underwent a Fulkerson tibial tubercle transfer. In June 2013, she developed an infection from the incision.

In August 2013, she fractured her hand due to her knee dislocating. Subsequently, around September 2013, Maphet experienced neurological issues caused by her crutch use.

On September 12, 2013, Cmdr. Ric Bishop emailed CCSO HR person Candy Arata inquiring about Maphet's status and stating that it was excessive to have a person away from work for three years, and that they need to find closure regarding her status. Arata informed Cmdr. Bishop they cannot force closure of Maphet's case, although she agreed to speak with their attorneys.

Maphet continued her physical therapy and exercises in her efforts to get back to work at what she thought would be her life's work.

In October 2013, Maphet went to the jail to check her mailbox. The mailbox, all of her personal items and a training manual she had compiled were gone, all without a word to her about it. When inquiries were made, supervisory personnel mocked her loss. On October 7th, Sgt. Grant Austin replied to an email stating, "I wonder if Reeves took it with him on his mission, he may have needed one that was not government issued in case he was captured by enemy forces." Sgt. Tangen replied, "That's funny!!!" Hearing Sgt. Austin's response, Maphet felt further ostracized as it was not a big deal to have her personal property taken and as though she was no longer a part of the County by having her mailbox removed.

On October 30, 2013, Katie DeFrang emailed Mark Wilsdon and Jamie Zoellner from Risk Management, and HR person Lois Hickey, stating, "We finally caught a break on this claim. Abet, a small one, but still. She [Maphet] was trying to add a left upper extremity condition to her claim, claiming that use of crutches caused her condition, but her own doctor has said that it is not due to her use of crutches." However, DeFrang's statement was misguided and false: Maphet and her doctor clarified that the nerve issues were caused by crutches.

In November 2013, the County next tried to prevent Maphet from contributing to her Health Care Flexible Spending Account (HSA) for 2014. The County amplified its harassing actions further, listing Maphet as terminated. The same thing happened the year following.

In December of 2013, Maphet underwent a lateral retinaculum repair, which involved scar tissue and screw removal.

At the beginning of 2014, when the department ordered new uniforms, Maphet submitted her size information. When Maphet reported to exchange her old uniforms, she learned hers had not been ordered. When Maphet spoke with HR about it, HR told her that her uniform was not a priority. On July 16, 2014, Maphet emailed Lois Hickey (HR) inquiring whether her uniform shirts had come in yet and asking why there has been an issue with getting her items when she has seen her coworkers with theirs.

In August 2014, Maphet underwent reconstruction of the lateral retinaculum. In December 2014, Maphet again fractured her hand from a fall due to her knee dislocating.

In February 2015, Maphet twice sprained one ankle and then the other from her knee dislocating.

In March 2015, Maphet suffered a concussion from falling due to her knee dislocating and underwent a revision of the Fulkerson procedure.

In May of 2015, Maphet went to Lois Hickey's office several times to get job description forms for both full duty and light duty positions to provide them to her doctor. She emailed Hickey on May 24, 2015 again asking Hickey for these forms. Hickey did not reply.

On June 1, 2015, Maphet again emailed Hickey to get the forms before meeting with her surgeon. Hickey finally replied that Maphet will be assigned to a vocational counselor soon, and they will wait for further information before moving forward. Maphet replied on June 3rd asking Hickey to confirm that she would deny Maphet the forms that Maphet's doctor needed to decide whether or not she could return. Hickey did not reply.

In May 2015, Maphet also tried to set up a meeting with Breanne Nelson from CCSO HR. Maphet left her a voicemail, which Nelson returned. However, Nelson refused to meet Maphet. On June 10, 2015, Maphet emailed Nelson complaining of harassment by Hickey. Maphet stated that she called Hickey to give her monthly update, and Hickey brought up the forms and job analysis Maphet had asked for with no provocation and stated again that Maphet must go through the vocational counselor. Maphet explained that she had to call HR every month with a status update, and she did not want to feel attacked each time she did so. Nelson replied that Maphet could email her update each month and that Nelson spoke to Hickey about the change. Maphet subsequently requested an investigation into the unprofessional behavior of Hickey. Sgt. Phil Sample of Internal Affairs (IA) sent Maphet a letter on January 7, 2016, stating that Nelson investigated her allegations of harassment and the result was that they were unfounded. Despite Nelson's finding, the harassment continued.

On October 5, 2015, Maphet's medical provider, Dr. Jonathan Greenleaf, received a letter from the law office representing Clark County. Dr. Greenleaf marked on the form that he was continuing to provide ongoing treatment for Maphet's right knee condition and for no other conditions. He also marked that Maphet will not be capable of returning to her job of injury, but could perform work at a sedentary level.

In November 2015, Maphet underwent surgery for screw removal tightened lateral retinaculum.

By letter dated January 29, 2016, Hickey put Maphet on notice about Maphet's employment options. Hickey noted Dr. Greenleaf's October 16, 2015 letter about Maphet's medical status and asserted Greenleaf confirmed that Maphet will never return to work as a corrections officer. Hickey stated that Maphet would be released from employment on February 29, 2016, but the County would consider Maphet for sedentary jobs at the County and review them with her once she could provide them with her restrictions.

On February 3, 2016, Maphet provided the County with a note from Dr. Greenleaf that stated, "It has come to my attention that Maphet's employer has misconstrued statements that I agreed to last Fall on October 16, 2015. What was not included was a statement that Maphet could not return to her job as a correctional officer at the present time. Since I signed that statement, Maphet has had another surgery to further stabilize her kneecap, which has improved the frequency and severity of the dislocations... Assuming she continues to make these improvements... then I do not see any reason why she cannot return to work as a correctional officer. It is not medically possible to assign a specific timeline for when her knee function will improve to the point of resuming her law enforcement duties. At this point, it is probably at least 3 months away."

On February 11, 2016, Undersheriff Mike Cooke sent Maphet a letter stating that, despite Dr. Greenleaf's February 3, 2016 note, Maphet's medical leave was no longer available due to the civil service rules and the Corrections Deputy Guild Collective Bargaining Agreement. Undersheriff Cooke stated in the letter that if Maphet can return to work as a full duty corrections officer in the future, she will have to seek reinstatement under the civil service rules and receive complete and comprehensive training again, which may include testing and training at the academy.

On February 26, 2016, Risk Manager Jim Hansen sent Maphet a letter regarding her current status and ability to return to work. He offered her the opportunity to meet with Sheriff Atkins, Chief Ric Bishop, and HR Manager Breanne Nelson, or to submit a written response for consideration. Otherwise, CCSO would issue a final disposition based on the information they had available.

On March 8, 2016, Maphet received a letter from Undersheriff Cooke regarding the aforementioned meeting which had occurred the day prior. Cooke stated that Maphet was terminated effective immediately. Also on March 8th, Maphet's request for FMLA was denied by Nelson.

Since Maphet's workplace injury on November 8, 2009, Maphet has endured ten knee surgeries. Maphet has worked hard toward getting back to work as a corrections officer. She followed her doctors' orders and unflaggingly met her physical therapy requirements. Maphet loved working as a corrections officer, and would not have undergone so many painful surgeries if she did not desperately wish to return to her position with CCSO. The harassment she had to endure over the years due to her injury and disability status, and her eventual termination on March 8, 2016, have devastated Maphet and affected her both financially and emotionally.

Claimant's Injury:

Jennifer Maphet has experienced economic damages through losing her job and benefits, reduced future employability and ongoing medical expenses. Maphet has experienced noneconomic injury through her emotional distress due to the harassment she experienced from Clark County and CCSO and at losing the opportunity to return to the career she loved.


Legal Basis:

42 U.S.C. § 2000e, *et seq* (Title VII of the Civil Rights Act of 1964); RCW 49.60.010, *et seq* (Washington Law Against Discrimination); and other federal and state statutes and common law theories.

Amount of damages claimed:

Jennifer Maphet has no exact calculation of her damages. For the County's risk management, \$2,000,000 would be an appropriate reserve.

DATED: October 7, 2016.


Thomas S. Boothe, WSB No. 21759
Attorney for Claimant

16093N MW

Straight, Judy

From: Tom Boothe [REDACTED]
Sent: Tuesday, October 11, 2016 11:00 PM
To: Straight, Judy
Subject: RE: Pandora Pierce and Jennifer Maphet Claims

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CLARK COUNTY
RISK MANAGEMENT

Ms. Straight:

In response to your email: First, please show me where in the governing statute a complainant is mandated to sign a release, let alone one as broad as the County's:

4.96.020. Tortious conduct of local governmental entities and their agents--
Claims--Presentment and filing--Contents

- (1) The provisions of this section apply to claims for damages against all local governmental entities and their officers, employees, or volunteers, acting in such capacity.
- (2) The governing body of each local governmental entity shall appoint an agent to receive any claim for damages made under this chapter. The identity of the agent and the address where he or she may be reached during the normal business hours of the local governmental entity are public records and shall be recorded with the auditor of the county in which the entity is located. All claims for damages against a local governmental entity, or against any local governmental entity's officers, employees, or volunteers, acting in such capacity, shall be presented to the agent within the applicable period of limitations within which an action must be commenced. A claim is deemed presented when the claim form is delivered in person or is received by the agent by regular mail, registered mail, or certified mail, with return receipt requested, to the agent or other person designated to accept delivery at the agent's office. The failure of a local governmental entity to comply with the requirements of this section precludes that local governmental entity from raising a defense under this chapter.
- (3) For claims for damages presented after July 26, 2009, all claims for damages must be presented on the standard tort claim form that is maintained by the office of risk management in the department of enterprise services, except as allowed under (c) of this subsection. The standard tort claim form must be posted on the department of enterprise services' web site.
 - (a) The standard tort claim form must, at a minimum, require the following information:
 - (i) The claimant's name, date of birth, and contact information;
 - (ii) A description of the conduct and the circumstances that brought about the injury or damage;
 - (iii) A description of the injury or damage;

- (iv) A statement of the time and place that the injury or damage occurred;
 - (v) A listing of the names of all persons involved and contact information, if known;
 - (vi) A statement of the amount of damages claimed; and
 - (vii) A statement of the actual residence of the claimant at the time of presenting the claim and at the time the claim arose.
- (b) The standard tort claim form must be signed either:
- (i) By the claimant, verifying the claim;
 - (ii) Pursuant to a written power of attorney, by the attorney in fact for the claimant;
 - (iii) By an attorney admitted to practice in Washington state on the claimant's behalf; or
 - (iv) By a court-approved guardian or guardian ad litem on behalf of the claimant.
- (c) Local governmental entities shall make available the standard tort claim form described in this section with instructions on how the form is to be presented and the name, address, and business hours of the agent of the local governmental entity. If a local governmental entity chooses to also make available its own tort claim form in lieu of the standard tort claim form, the form:
- (i) May require additional information beyond what is specified under this section, but the local governmental entity may not deny a claim because of the claimant's failure to provide that additional information;
 - (ii) Must not require the claimant's social security number; and
 - (iii) Must include instructions on how the form is to be presented and the name, address, and business hours of the agent of the local governmental entity appointed to receive the claim.
- (d) If any claim form provided by the local governmental entity fails to require the information specified in this section, or incorrectly lists the agent with whom the claim is to be filed, the local governmental entity is deemed to have waived any defense related to the failure to provide that specific information or to present the claim to the proper designated agent.
- (e) Presenting either the standard tort claim form or the local government tort claim form satisfies the requirements of this chapter.
- (f) The amount of damages stated on the claim form is not admissible at trial.
- (4) No action subject to the claim filing requirements of this section shall be commenced against any local governmental entity, or against any local governmental entity's officers, employees, or volunteers, acting in such capacity, for damages arising out of tortious conduct until sixty calendar days have elapsed after the claim has first been presented to the agent of the governing body thereof. The applicable period of limitations within which an action must be commenced shall be tolled during the sixty calendar day period. For the purposes of the applicable period of limitations, an action commenced within five court days after the sixty calendar day period has elapsed is deemed to have been presented on the first day after the sixty calendar day period elapsed.

(5) With respect to the content of claims under this section and all procedural requirements in this section, this section must be liberally construed so that substantial compliance will be deemed satisfactory.

A claim is deemed presented when the claim form is delivered in person or is received by the agent by regular mail, registered mail, or certified mail, with return receipt requested, to the agent or other person designated to accept delivery at the agent's office. The failure of a local governmental entity to comply with the requirements of this section precludes that local governmental entity from raising a defense under this chapter.

Second, given the extreme detail we provide, I find it remarkable that you could seriously believe our submittal does not demonstrate substantial compliance with the County's form and the statute.

Third, given the County's abysmal human relations practices, it would be malpractice to provide the glob al release you seek. Furhter, the form violates the law by purporting to require a notarized signature from the claimant.

Forth, and finally, I view your email as evidence of bad faith and ill intent by the county. I also consider it evidence of total lack of interest in resolving this case prior to filing the complaint to initiate action in the matter.

- Tom

Thomas S. Boothe
7635 SW Westmoor Way
Portland, OR 97225-2138
(503) 292-5800
(503) 292-5556 fax
tsb@boothehouse.com

CONFIDENTIALITY NOTICE: Please do not read, copy, or disseminate this communication unless you are the intended addressee. This e-mail may contain confidential and/or privileged information intended only for the addressee. If you have received this in error, please notify me via return e-mail.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties or (ii) promoting, marketing, or recommending any transaction, plan, or arrangement. A taxpayer may rely on professional advice to avoid tax-related penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you have any questions about this requirement, or would like to discuss preparation of an opinion that conforms to these IRS rules.

From: Straight, Judy [mailto:Judy.Straight@clark.wa.gov]
Sent: Tuesday, October 11, 2016 12:12 PM
To: tsb@boothehouse.com
Subject: Pandora Pierce and Jennifer Maphet Claims

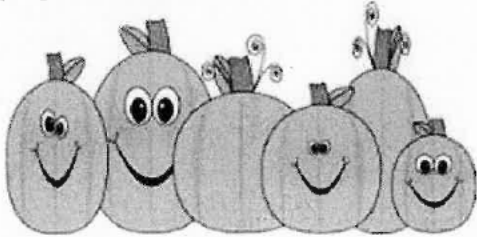
Mr. Boothe,

The above mentioned claims are incomplete due to missing the Records Request Authorization form. Please have your clients sign and scan back to us at the email below.

Thank you.

Judy

Judy Straight
Administrative Support
Clark County, Risk Management
1300 Franklin St • PO Box 5000 • Vancouver, WA 98666-5000
Phone (360) 397-2025 • Ext. 4218 • Fax (360) 397-6165
judy.straight@clark.wa.gov



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