

SNOHOMISH HEALTH DISTRICT
RESOLUTION OF THE BOARD OF HEALTH

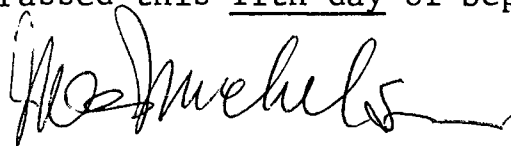
11 - 73

RESOLUTION: 11 - 73

RESOLUTION SUBJECT: DENIAL OF CLAIM

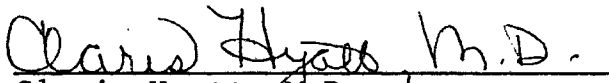
ON MOTION, the CLAIM FOR DAMAGES served upon the Health Officer of Snohomish Health District 9/7/73 by Robert Oaks and his wife Roxanne Oaks of 14728 99th Avenue S.W., Snohomish, Washington 98290 and Lester Wear and his wife Joyce Wear of Route 1, Lake Stevens, Washington 98258 alleging that negligence of Snohomish Health District in the death of Michael Anglin in the Brentwood Heights Addition has resulted in Robert Oaks and Lester Wear to be named defendants in a lawsuit brought by John Anglin and Paris Anglin, et al against multiple defendants (Superior Court Cause No. 117911) and that therefore Robert Oaks and Lester Wear are entitled to recover damages from Snohomish Health District resulting from this legal action, is hereby REJECTED.

Passed this 11th day of September 1973.



Moe Michelson, Chairman

ATTEST:



Claris Hyatt, M.D.
Health Officer

September 11, 1973

AUG 10 1913

CLAIM FOR DAMAGES AGAINST
SNOHOMISH COUNTY, WASHINGTON
AND SNOHOMISH HEALTH DISTRICT

TO: The Board of County Commissioners of Snohomish County, Washington,
AND TO: Snohomish Health District:

Pursuant to RCW 36.45 and other statutes and ordinances of the State of Washington, Lester Wear and Joyce E. Wear, his wife; and Robert Oaks and Roxanne Oaks, his wife, claim for damages against Snohomish County, Washington (hereinafter called "County") and Snohomish Health District as follows:

I

STATEMENT OF RESIDENCY

The actual residence of the claimant Lester Wear and his wife is Rural Route 1, Post Office Box 164, Lake Stevens, Washington 98258, and the address for the claimant Robert Oaks and his wife is 14728 - 99th Avenue S.E., Snohomish, Washington 98290, and such residences have been the aforesaid claimants' residences for a period of six months immediately preceding this claim, and also at the time of this claim.

II

IDENTIFICATION OF CLAIMANTS

The claimants are Robert Oaks and _____ Oaks, his wife, and Lester Wear and Joyce E. Wear, his wife, who are defendants in a Superior Court lawsuit in Snohomish County, Washington entitled among other things, John Anglin and Paris Anglin, et al v. Robert Withers and Jané Doe Withers, Lester Wear, et ux, and Robert Oaks, et ux, et al, under Superior Court Cause No. 117911.

CLAIM FOR DAMAGES - 1

1 III

2 DESCRIPTION OF INJURY

3 The claimants Robert Oaks and Lester Wear have been injured
4 by the County of Snohomish and the Snohomish Health District by
5 reason of having to expend attorney's fees and other legal expenses
6 and costs in connection with their defense by reason of being
7 named in the aforesaid lawsuit which arises, inter alia, from
8 the alleged death of Michael Anglin due to alleged negligence
9 of multiple defendants, including Snohomish County, Wear and Oaks,
10 and the Snohomish County Health District, and other multiple defen-
11 dants whose names and involvement in the aforesaid death action
12 are well known to the County, its Prosecutor and Health districts.

13 The claimants Oaks and Wear have been forced to expend legal
14 fees in order to defend the aforesaid case and action, and are
15 without any negligence, culpability or liability whatsoever in
16 such action, and have been named as defendants solely because of
17 their geographical proximity and business operations to a piece of
18 land which was affected by the negligence of the County as sub-
19 sequently described herein.

20 The claimants Oaks and Wear have suffered additional damages
21 and injury which will become certain in the future by reason of
22 their right to have indemnity from Snohomish County and Snohomish
23 Health District for all such aforesaid legal expenses and costs,
24 and by reason of the possibility that their lack of negligence
25 or passive negligence or other involvement in some way, manner,
26 shape or form, which was due to no fault or legal liability of
27 their own, may still cause them to be named jointly and severally
28 liable in a Judgment obtained by the plaintiffs Anglin. The claim-
29 ants Oaks and Wear should therefore have in addition to all of
30 their costs and legal fees, compensation of other damages sustained
31 in the defense of the lawsuit, indemnity over and against the

32 CLAIM FOR DAMAGES - 2

1 County and Snohomish Health District for the full amount of any
2 Judgment or any joint liability asserted against either Wear and
3 Oaks (or individual liability by Wear and Oaks) as a result of
4 any settlement or other termination or conclusion of the aforesaid
5 Superior Court lawsuit.

6 IV

7 LOCATION AND DESCRIPTION OF DEFECT WHICH CAUSED THE INJURY

8 Among other defects and acts of negligence of Snohomish County
9 of which the claimants Wear and Oaks are presently aware, but who
10 expect to learn many other acts of negligence and liability of
11 Snohomish County herein, the claimants Wear and Oaks allege that
12 Snohomish County, its agencies, departments and divisions, either
13 negligently constructed or allowed to have been negligently con-
14 structed by County or private contractors, persons or other busi-
15 nesses, negligently constructed roads and drainage ditches and other
16 water carrying alterations of the geography in an area of Snohomish
17 County commonly known as "Brentwood Heights Addition" with the
18 proximate result that surface and subsurface waters negligently,
19 and in a manner so as to constitute criminal and civil trespass,
20 were directed by the negligence of the County and the aforesaid
21 individuals, onto Lots 2 and 3 of the aforesaid Brentwood Heights
22 Addition, with the proximate result that holes on such lots may
23 have filled with water and may have, as is alleged by the plaintiffs
24 Anglin in the Superior Court lawsuit aforesaid, caused the death
25 of Michael Anglin.

26 Such negligence and acts of the County and other peoples
27 aforesaid described was the sole and proximate cause of the death
28 of Michael Anglin.

29 Among the defects and acts of negligence of the Snohomish Health
30 District, were failure to enforce and administer the laws, ordinances
31 and regulations, civil standards and Washington Administrative Codes

32 CLAIM FOR DAMAGES - 3

1 and other regulations and laws too numerous to mention, specifically
2 with reference, but not limited to, construction of septic tank
3 systems, drain fields, soil percolation testing and soil approval;
4 the negligent enforcement or non-enforcement of the same in whole
5 or in part; delay in deciding by its employees and agents whether
6 or not Lots 2 and/or 3 in Brentwood Heights Addition would pass or
7 file soil tests, with the proximate result that holes owned, con-
8 trolled and possessed by the landowner or contractor may have stayed
9 open so as to create nuisances or other dangers (if the plaintiffs'
10 allegations be proved); failure to require owners or contractors
11 to protect or fence such holes when in their owners' or contractors'
12 possession, and also in not assuming the defense, nor Snohomish
13 County assuming, of defendants Wear and Oaks in the Superior Court
14 action previously cited herein.

15 V

16 AMOUNT OF DAMAGES CLAIMED

17 The claimants Oaks and Wear claim as damages from Snohomish
18 County and Snohomish Health District:

19 1. Full indemnity for any and all Judgments rendered against
20 them or settlements made or other costs expended in termination
21 of the wrongful death claims asserted in the aforesaid Superior
22 Court lawsuit under Cause No. 117911 in order to terminate, satisfy
23 or otherwise release any and all claims of the plaintiffs Anglin;

24 2. Indemnity for all legal costs, attorney's fees and other
25 expenses incurred in the defense of the aforesaid Superior Court
26 lawsuit.

27 VI

28 DATE OF THE NEGLIGENCE OR ACTS OF WRONGDOING BY THE COUNTY AND SNO-
29 HOMISH HEALTH DISTRICT

30 . The claimants Oaks and Wear are unaware of the exact dates
31 of the acts of negligence or wrongdoing by Snohomish County and

32 CLAIM FOR DAMAGES - 4

1 Snohomish Health District, and learned of the aforesaid acts of
2 wrongdoing or negligence on or about July 15, 1973 for the first
3 time.

4 The dates of damage sustained by the defendants Oaks and
5 Wear commenced on or about June 1, 1973 when they were named as
6 defendants in the Superior Court lawsuit aforesaid.

7 VII

8 DATE OF PRESENTING AND FILING CLAIM

9 This claim occurred on or about July 1, 1973 insofar as actual
10 indemnity damages began, and the specific date of the County's
11 and Snohomish Health District's wrongdoing or negligence is unknown
12 at this time. The claim is herewith presented and filed on August ____,
13 1973.

14 Robert Oaks
15 ROBERT OAKS

16 Roxanne Oaks
17 OAKS, his wife

18 Lester Wear
19 LESTER WEAR

20 Joyce E. Wear
21 JOYCE E. WEAR, his wife

22
23
24 STATE OF WASHINGTON)
25) ss.
26 COUNTY OF SNOHOMISH)

27 ROBERT OAKS, ROXANNE OAKS, his wife, LESTER WEAR and
28 JOYCE E. WEAR, his wife, each being first duly sworn on oath,
29 each for himself and herself, depose and say:

30 We are the claimants herein; we have read the within and
31 foregoing Claim for Damages against Snohomish County, Washing-
32 ton and Snohomish Health District, know the contents thereof and

CLAIM FOR DAMAGES - 5

1 believe the same to be true.

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Robert Oaks
ROBERT OAKS

Robyrene Oaks
OAKS, his wife

Lester Wear
LESTER WEAR

Joyce E. Wear
JOYCE E. WEAR, his wife

SUBSCRIBED AND SWORN to before me this 8th day of August, 1973.

Darryl B. Wagoner
Notary Public in and for the State
of Washington residing at Leche Street