

PROSECUTOR GZ
COMMISSIONERS JK
DEPARTMENT GD
INSURANCE JP

10/13/2017 02:21:20 PM
\$0.00
Claims Against County/rls/misc
Kittitas County Auditor

Page: 1 of 8
KC PROS

201710130040



KITTITAS COUNTY CLAIM FOR DAMAGES

Return to:

County Auditor

205 W 5th Ave, Suite 105
Ellensburg, WA 98926
509-962-7504

Instructions:

Please read the entire form before completion. Fill out each question as completely as possible, to the best of your ability. Do not hesitate to use the back side of this form if you need more than the space provided. An incomplete response may delay the processing of your claim.

1. Name (Including spouse, if married):

RICHARD COLLE

2. Phone (Home): (206 605-1049) (Work): ()

3. Address (include former address if at present address for less than 6 months):

12000 SE 73rd Pl Newcastle, WA 98056

Physical

SAME

Mailing

4. Date of Birth: 6/23/60

5. Date and Time of Incident:

9:00 AM 10/17/2015

6. Location of Incident:

Yakima River, Kittitas City

7. Describe in detail the defect which caused the injury:

See attached complaint

8. Describe in narrative form and in detail exactly how the incident occurred:

See attached complaint

9. List the names of all persons involved and contact information, if known.

See attached complaint

10. Was claim investigated by a police officer? YES

Sheriff State Patrol City Police

11. Description of claimant's vehicle: NA Make _____ Year _____

Model: _____ License No. _____

12. Describe what you did after the accident occurred:

See attached complaint

13. Describe the conversations you had, if any, with County personnel during or after the incident occurred:

See attached complaint

14. Describe the damages or injuries which you sustained as a result of the incident:

SEE ATTACHED COMPLAINT

15. What is the amount of damages claimed? (Include estimates and bills, if available):

\$ 10,000 +

16. How did you identify the County as the party responsible for your damage?

SEE ATTACHED COMPLAINT

17. List the names and addresses of all witnesses to the incident:

SEE ATTACHED COMPLAINT

18. Are you covered by insurance? NA If yes, who is your insurance agent/carrier?

Dated this 9th Day of October, 2017.

B. C. [Signature]
Signature of Claimant

Subscribed and sworn (affirmed) to before me this _____ day of _____, 20____.

Seal

Notary Public in and for the State of Washington
Residing at _____

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KITTITAS COUNTY SUPERIOR COURT
IN AND FOR THE STATE OF WASHINGTON

Cole, Richard

Plaintiff,

v.

KITTITAS COUNTY SHERIFF,
WASHINGTON DEPT OF
FISH & WILDLIFE,
KITTITAS COUNTY, all are subdivisions
of
THE STATE OF WASHINGTON
And unknown individuals working for the
above entities

Defendants.

No.

COMPLAINT FOR CONVERSION
VIOLATION OF CIVIL RIGHTS
AND DEFAMATION

Plaintiff alleges:

I. PARTIES

1.1 Plaintiff, Richard Cole, is a resident of Seattle, Washington which is located in King
County, Washington.

1.2 Defendants are entities and individuals believed to be located in Kittitas County,
Washington.

II. JURISDICTION AND VENUE

2.1 All acts hereinafter alleged occurred in Kittitas County, Washington.

1 2.1 All acts hereinafter alleged occurred in Kittitas County, Washington.

2 2.2 This court has jurisdiction and venue over this cause.

3
4 III. FACTS

5 3.1 On October 17, 2015 plaintiff Richard Cole possessed the required licenses to
6 lawfully hunt deer in the State of Washington.

7 3.2 Said license were sold to him by the State of Washington via Washington's
8 Department of Fish and Game.

9 3.2 On the opening day of the deer season 2015 (ie October 17, 2015), during daylight
10 hours, plaintiff followed all applicable rules, regulations and laws governing hunting in the State of
11 Washington did legally kill and properly "tag" a male deer exceeding the 3 point minimum.

12 3.3 Such deer was shot and mortally wounded on public State land.

13 3.4 Such deer then stumbled approximately 10 yards up a bank and died on a gravel
14 road next to an irrigation ditch.

15 3.5 Such gravel road was littered with old spent shells from previous hunters.

16 3.6 The gravel road had no signs whatsoever stating "no trespassing" or "no hunting" or
17 "posted."

18 3.7 There was no fence or barrier or any indication whatsoever such land was private or
19 the owner of such land would prohibit someone from entering the land to retrieve game.

20 3.8 Rather, on the far side of the gravel away from the area the plaintiff had shot the
21 deer was a fenced area marked property of the US government and prohibiting trespassing behind
22 the sign and within the fenced area.

23 3.9 Plaintiff did not know, and had no reason to know, the gravel road was private
24 property.

25 3.10 Plaintiff believed, and had reason to believe, the gravel road was either public
26 property or if it was private property the owner permitted hunting and the retrieval of game from the
27 road.

1
2 3.11 Plaintiff did not retrieve the game at that time but rather then left the area, retrieved
3 his vehicle, drove on public roads to where the gravel road intersected with the public road and
4 began to call the telephone number on the gate that separated the gravel road from the public road
5 with the intent to contact the landowner to ask if he could open the gate and allow the plaintiff to
6 use the gravel road to retrieve his deer.

7 3.12 A private individual who refused to identify himself then approached the plaintiff to
8 ask what he was doing outside the gate. The plaintiff replied he was calling the landowner to ask if
9 he would open the gate to allow access to the deer. The private individual then told the plaintiff to
10 wait. The private individual then apparently called the Kittitas County Sheriff's office.

11 3.13 The Kittitas County Sheriff, accompanied by personnel from Washington Fish and
12 Game, and a prosecutor, all acting under color of law, arrived and proceeded to state the gravel road
13 was private property and called the alleged land owner, Springfield Ranch.

14 3.14 Springfield Ranch is alleged to be the largest landowner in Kittitas County.

15 3.15 The Kittitas County Sheriff, accompanied by personnel from Washington Fish and
16 Game, and a prosecutor, all acting under color of law, proceeded to call the plaintiff a "poacher"
17 which was false and libelous and defamatory.

18 3.16 The Kittitas County Sheriff, accompanied by personnel from Washington Fish and
19 Game, and a prosecutor, all acting under color of law, proceeded to take the deer.

20 3.17 Defendants never contacted plaintiff again.

21 3.18 Plaintiff was engaged in the lawful pursuit and taking of game while the defendants
22 unlawfully interfered with that activity.

23 3.19 RCW 77.15.170 mandates a hunter not waste game.

24 3.20 RCW 77.15.435 (2) a-d states in any prosecution for unlawfully hunting on the
25 premises of another it is a defense that the actor reasonably believed the owner of the property
26 would have licensed him to enter or remain on the property for the purposes of retrieving game.

27 3.21 RCW 77.15.210 states a person is guilty of obstructing the taking of wildlife if the
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1 person interferes with an individual engaged in the lawful taking of wildlife with the intent of
2 disrupting lawful pursuit or taking thereof.

3 3.22 RCW 77.15.212 states any person damaged by any act prohibited by RCW
4 77.15.210 may bring a civil action to recover damages sustained, including reasonable attorneys'
5 fees and up to three times damages sustained.

6 3.23 RCW 77.15.098 states the department of fish and game may be subject to civil
7 liability for their willful or reckless misconduct involving the seizure and forfeiture of personal
8 property involved in fish or wildlife offenses.

9 3.24 Plaintiff suffered economic damage, emotional damage, and damage to his name
10 and reputation as a result of defendants' action.

11 IV. PLAINTIFF'S FIRST CAUSE OF ACTION

12 4.1 Plaintiff realleges each allegation above.

13 4.2 Defendants' actions constitute unlawful conversion and are a direct and proximate
14 cause of plaintiff's damages.

15 V. PLAINTIFF'S SECOND CAUSE OF ACTION

16 5.1 Plaintiff realleges each allegation above.

17 5.2 Defendants' actions constitute violation of plaintiff's rights of due process and are a
18 direct and proximate cause of plaintiff's damages.

19 VI. PLAINTIFF'S THIRD CAUSE OF ACTION

20 6.1 Plaintiff realleges each allegation above.

21 6.2 Defendants' actions constitute defamation and libel and slander and are a direct and
22 proximate cause of plaintiff's damages.

23 VII. RELIEF

24 WHEREFORE, plaintiff pray for judgment against the defendants and each of them, jointly
25 and severally, in an amount now unknown but which will be proved at the time of trial, treble
26 damages, together with plaintiffs' costs and disbursements incurred herein, and for such other and
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1 further relief as the court may deem just and equitable, including but not limited to prejudgment
2 interest.
3

4 DATED at Seattle, Washington, this 9th day of Oct., 2017.
5

6 The Law Firm of Richard A. Cole P.S.

7 By: R. Cole
8 RICHARD A. COLE
9 WSBA No. 18864
10 Attorneys for Plaintiff
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