

1 I. PARTIES/JURISDICTION & VENUE

2 1.1 Plaintiff Vince Allen was at times material hereto a
3 resident of Mason County, Washington. Plaintiff Vince
4 Allen was and is married to co-plaintiff Jami Allen.
5 Jami Allen also is and was at all times material hereto
6 a resident of Mason County, Washington. Plaintiffs
7 bring this action in their individual capacity and in
8 their marital community capacity.

9
10 1.2 Defendant Mason County is a governmental entity and
11 Defendant Casey Salisbury is the current Sheriff of this
12 County. On information and belief, Mason County
13 Sheriff's Office operates and controls the local Mason
14 County Jail which is also alleged to be responsible for
15 actions and omissions as specified herein.

16
17 1.3 Defendant City of Shelton is municipal entity operating
18 an administrative department and a police department
19 within Mason County, Washington. Chief Davenport is the
20 current chief of police of the City of Shelton. Vicki
21 Look serves as the Defendants public records officer and
22 risk management official as well as the assistant to the
23 City Administrator.

1 1.4 Defendant Christopher Kostad is, on information and
2 belief, a resident of Mason County, Washington. At
3 times material hereto Christopher Kostad served as a
4 Police Officer for the City of Shelton, Washington
5 located in Mason County, Washington. Defendant Kostad
6 is also alleged to be individually liable for specified
7 actions and omissions herein. On information and believe
8 Defendant Kostad may be married. If married Defendant
9 Kostad perform actions relevant hereto in the course of
10 earning money for use in the martial community and
11 marital community liability is also alleged. Further,
12 the actions of Defendant Kostad are asserted to be
13 individual tort based claims as against him, personally,
14 for the wrongs alleged. Defendant is also being sued in
15 the alternative for negligence and marital community
16 obligation is asserted to exist therein.

17
18 1.5 Defendants John Does 1-5 are intended to serve as
19 identification of the currently unknown, but to be
20 identified persons within Mason County and City of
21 Shelton law enforcement having engaged in the actions of
22 shadowing and monitoring the plaintiffs after the
23 initial facts giving rise to this complaint.

1 1.6 The subject matter of this Complaint concerns actions
2 and omissions as against the Plaintiff by these
3 Defendants within the confines of Mason County,
4 Washington.

5
6 1.7 Plaintiff has complied with all Notice of Claim
7 requirements prior to initiation of this suit.

8
9 1.8 Jurisdiction and Venue are most properly vested in State
10 Court. Plaintiff asserts that the substance of this
11 Complaint pertains predominantly to state law claims and
12 that the vehicle of 42 USC 1983 and 1988 serves merely
13 as a means to challenge the actions taken by government
14 officials in relation to the assertions in this
15 Complaint which can easily be addressed in Washington
16 State Court.

17
18 **II. FACTS**

19 2.1 Plaintiff Vince Allen is a 28 year-old married man. On or
20 about December 2, 2008 Mr. Allen was invited out for drinks by
21 his sister and her boyfriend at a local bar in Shelton,
22 Washington. While at the bar Mr. Allen ran into several other
23 persons who he knew and engaged in playing pool and darts with
24 them.

25

1 2.2 As the bar was getting ready to close for the night a
2 patron invited Mr. Allen to an after party at or near the
3 address of 708 Cota Street in Shelton, Washington. Plaintiff
4 accepted the invitation and attended the after-party.

5
6
7 2.3 As Mr. Allen and those who had accompanied him to the
8 after-party were preparing to leave, two males began a heated
9 exchange. Mr. Allen attempted to intervene in the exchange to
10 stop the two males from escalating matters. Mr. Allen was not
11 physically accosted by either of the two males who were involved
12 in that heated exchange.

13
14 2.4 While the two males were engaged in that exchange and
15 while Mr. Allen was trying to calm them down Officer Chris
16 Kostad appeared at the scene.

17
18 2.5 Officer Kostad instructed everyone he could see at the
19 scene to get on the "if\$#@ing" ground. Plaintiff immediately
20 performed as instructed. However, a male at the scene decided
21 to argue with Officer Kostad about getting on the ground.

22
23 2.6 Plaintiff attempted to help Officer Kostad by telling the
24 other person that he needed to get on the ground immediately.

25

1

2 2.7 At approximately the same time Plaintiff's sister was
3 upset by the words and conduct of Officer Kostad and was letting
4 officer Kostad know in no uncertain terms and in the same
5 fashion as he was addressing them, that she felt he was being
6 inappropriate. Plaintiff heard his sister yell. Plaintiff
7 started to look over to where he heard his sister yell.

8

9 2.8 When Plaintiff looked over to see why his sister was
10 yelling he attracted negative attention from Officer Kostad.
11 Officer Kostad's negative attention manifested by Officer Kostad
12 using his boots to assault the Plaintiff on his head.

13

14

15 2.9 Plaintiff's jaw was broken by Officer Kostad using his
16 boot on his head. Plaintiff was rendered unconscious from the
17 pain of this assault.

18

19 2.10 After Officer Kostad brutally assaulted the Plaintiff and
20 broke his jaw, Officer Kostad transferred the Plaintiff to the
21 inside of his patrol car.

22

23 2.11 While Plaintiff was locked inside the patrol car he awoke
24 and became angry and upset at the treatment officer Kostad had
25 given to him. Plaintiff's face was in great pain and the

1 offense of Officer Kostad having used his boot on Plaintiff's
2 head was great.

3

4 2.12 Ultimately many people at the scene were taken into
5 custody that night. Plaintiff, although he had actually done
6 nothing before having his face crushed, was one of the people
7 arrested.

8

9

10 2.13 Plaintiff was taken to the Mason County Jail and booked.
11 When booked Plaintiff's blood drenched clothing (from the
12 injuries caused by Officer Kostad) were taken from him. Without
13 his permission or consent Plaintiff's blood drenched clothing
14 became the subject of HEAVY LAUNDERING by the Mason County Jail.
15 Plaintiff Vince Allen was detained several extra hours after his
16 purported release while this unauthorized laundering was being
17 done.

18

19 2.14 Ultimately the Plaintiff was charged with several
20 offenses. Officer Kostad represented that Plaintiff had in some
21 way obstructed him in the performance of his duties; assaulted
22 him; and that plaintiff's bleeding in the patrol car and his
23 reaction to waking up in the back of that patrol car after
24 having his face smashed by law enforcement allegedly took that

25

1 patrol car out of commission long enough to warrant a value of
2 damage to the City in excess of a specific dollar amount.

3

4

5 2.15 After being charged the Plaintiff was told he was released
6 by the jail. However, after telling the Plaintiff that he was
7 released the Plaintiff was forced to remain at the jail in
8 prison clothes for more than four full hours because the Mason
9 County Jail was still laundering his clothes. Mrs. Allen was
10 also forced to wait while this unauthorized laundering took
11 place.

12

13 2.16 When the Mason County Jail finished laundering Plaintiff's
14 clothing they provided that clothing back to the plaintiff in
15 sopping wet, but blood free, condition. Plaintiff was forced to
16 put on the sopping wet clothing, which smelled so heavily of
17 laundry detergent as to make him feel queasy in order to leave
18 the premises.

19

20

21 2.17 Plaintiff's wife Jami Allen was upset and outraged by the
22 treatment of her husband. Multiple witnesses had confirmed for
23 her that Mr. Allen had done absolutely nothing to warrant
24 Officer Kostad's treatment of her husband. Ms. Allen

25

1 immediately took her husband to The City of Shelton and the two
2 promptly filed charges against Officer Kostad.

3

4 2.18 The City of Shelton Police Department put Mr. And Mrs.
5 Allen into a room with a detective. The detective allegedly
6 took an oral statement from Mr. Allen about what happened.
7 However during the interview the detective concentrated nearly
8 all his efforts to trying to get Mr. Allen to state that there
9 had been a physical fight taking place before Officer Kostad
10 arrived and that the Mr.Allen was a participant. Mr. Allen
11 agreed that there had been an argument but stated that no
12 physical altercation took place. During the interview (which
13 lasted only 15 minutes) the detective got up multiple times to
14 get materials and documents and to meet others. Mrs. Allen left
15 briefly to answer a telephone call to her cell phone. While she
16 was away, the Detective printed out his work in interviewing Mr.
17 Allen and told Mr. Allen that he needed to sign it as a charge
18 against Officer Kostad so he could begin his work. Mr. Allen
19 signed the Detective's work. Mrs. Allen came back to the room
20 and asked that her husband be given a copy of what the Detective
21 had instructed him to sign and the detective refused. Mrs.
22 Allen then asked Mr. Allen if he had read the material first and
23 Mr. Allen replied that he had not as he had only been instructed
24 to sign the document so that charges could be investigated.

25

1 2.19 The City of Shelton's charges against the Plaintiff Vince
2 Allen were ultimately dismissed by the Mason County Superior
3 Court.
4
5

6 2.20 While the matter of the criminal charges were pending an
7 attorney representing Mr. Allen was asking for evidence to
8 support the contentions of Mr. Allen. While making requests for
9 that evidence the lead attorney for Mason County charged with
10 prosecuting the allegations against Mr. Allen specifically asked
11 that attorney not to engage in the act of making the requests
12 and actually used the words to the effect that the defense
13 attorney should not put the County in a difficult and
14 compromising position by following through with the requests.
15

16 2.21 Plaintiff Vince Allen began to make public record requests
17 to acquire information from both the City and the County
18 regarding the assault visited upon him.
19
20

21 2.22 While making those requests the Plaintiff was required to
22 go to the City of Shelton office of administration where he was
23 required to meet with a mid level administrative RISK management
24 officer named Vicki Look. Ms. Look improperly subjected the
25 Plaintiff to questioning about his intentions in obtaining these

1 public records. Mr. Allen indicated to Ms. Look that he did not
2 feel comfortable talking to her and that he was just present to
3 pick up records, but Ms. Look insisted that Mr. Allen accompany
4 her to her office. In her office Ms. Look used Mr. Allen's
5 public record request as a basis to interrogate him. She
6 informed Plaintiff that she had "heard" that Plaintiff had
7 obtained a Lawyer. She wanted to know who that lawyer was and
8 whether the lawyer was local or from out of town.

9
10 2.23 During these events and after these events both Mr. Allen
11 and Mrs. Allen became the subject of unprecedented and
12 unwarranted pressure and monitoring from both the City of
13 Shelton Police Department and the Mason County Sheriff's office.
14 Plaintiffs home was the subject of repeated contact by law
15 enforcement. Plaintiffs noticed that officers were positioning
16 themselves outside of the Plaintiffs home and monitoring the
17 home. Plaintiffs noticed that the City of Shelton Police
18 Department - and in particular Officer Kostad himself - were
19 positioning themselves outside or near Mrs. Allen's place of
20 work. When Mrs. Allen would drive home from work officers from
21 the City of Shelton were following her and were making the fact
22 that they were following her known and obvious.

23

24

25

1 2.24 After multiple unannounced visits, drive-bys and actions
2 by law enforcement - which included parking in front of the
3 Allen home and also in their parking spaces - the Plaintiffs
4 purchased a scanner to verify that in each observation of law
5 enforcement that there were no calls in the area that would
6 justify the conduct. After having done so the Plaintiffs caused
7 a cease and desist letter, with photographic evidence of the
8 conduct and the disclosure that a scanner had been obtained to
9 issue to both the Mason County Sheriff's office and the City of
10 Shelton.

11

12 **III. CAUSES OF ACTION**

13 **FALSE IMPRISONMENT/FALSE ARREST/MALICIOUS PROSECUTION**

14 3.1 Plaintiff restates and re-alleges all prior paragraphs as
15 if fully set forth herein.

16 3.2 Plaintiff Vince Allen was detained and/or restrained
17 against his will by Defendants Mason County, City of
18 Shelton and Officer Kostad.

19 3.3 Plaintiff detention and/or restraint was unlawful.

20 3.4 Plaintiff was subsequently subjected to prosecution and
21 dismissal of charges.

22 3.5 As a direct and proximate result of this unlawful
23 detention, restraint and malicious prosecution, the
24 Plaintiff Vince Allen has been made to suffer damages as
25 shall be proven at time of trial or hearing.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ASSAULT

- 3.6 Plaintiff restates and re-alleges all prior paragraphs as if fully set forth herein.
- 3.7 Defendants engaged in threatening behavior and conduct to engage in harmful actions as against the Plaintiffs and each of them.
- 3.8 The threatening behavior to commit harmful actions as against the Plaintiffs were immediate in nature.
- 3.9 The threatening behavior had the obvious capability of being carried out at the time they were made and these defendants intended the threats when made.
- 3.10 As a direct and proximate result of the assaultive behavior by these Defendants the plaintiffs were made to suffer damages as shall be proven at time of trial or hearing.

BATTERY

- 3.11 Plaintiff restates and re-alleges all prior paragraphs as if fully set forth herein.
- 3.12 Defendant Kostad engaged in harmful or offensive contact.
- 3.13 Defendant Kostad intended harmful or offensive contact when this contact was made.

1 3.14 Plaintiff was made to suffer harm as a direct and
2 proximate result of these harmful and offensive contacts
3 in amounts to be proven at time of trial or hearing
4 herein.

5
6
7

8 VIOLATION OF CIVIL RIGHTS

9 Count 1: As against Defendants Mason County and City of
10 Shelton

11 3.15 Plaintiff restates and re-alleges all prior paragraphs as
12 if fully set forth herein.

13 3.16 Defendants government entities failed to adequately train
14 or supervise its subordinates and specifically, Vicki
15 Look, John Does 1-5 and Officer Kostad.

16 3.17 The failure to adequately train or supervise these
17 persons represents a deliberate indifference to both
18 state law and constitutional rights of the plaintiff
19 under color of law.

20 3.18 The rights subject to interference by defendants
21 include, but are not necessarily limited to, rights
22 protected by ready access to information under the public
23 records disclosure laws of the State of Washington and
24 under rights protected by the 4th and 14th Amendment of the
25 Constitution of the United States of America.

1 3.19 The actions of the defendants did in fact deprive the
2 Plaintiffs of rights under color of law.

3 3.20 As a direct and proximate result of the actions of the
4 Defendants the Plaintiff has been injured in an amount to
5 be proven at time of trial or hearing.
6
7
8
9

10 **COUNT 2 UNNECESSARY USE OF FORCE CLAIM AS AGAINST OFFICER**
11 **KOSTAD**

12 3.21 Plaintiff Vince Allen restates and realleges all prior
13 paragraphs.

14 3.22 Defendant Kostad arrested or seized the Plaintiff under
15 color of law and in violation of the 4th Amendment of the
16 Constitution.

17 3.23 The force used to effect the arrest was unreasonable
18 under the circumstances.

19 3.24 The force used to effect the arrest proximately caused
20 damages to the plaintiff, including, but not limited damages
21 for bodily injury, emotional damage and pain and suffering in
22 an amount to be proven at time of trial or hearing.
23
24
25

1 **OUTRAGE**

2 3.25 Plaintiff restates and re-alleges all prior paragraphs.

3 3.26 The actions of the Defendants herein were extreme and
4 outrageous in form.

5 3.27 The actions as complained of herein were designed and
6 intended to cause the Plaintiffs to suffer emotional distress.

7 3.28 As a directed and proximate result of the actions of the
8 Defendants the Plaintiffs did suffer emotional distress.

9 3.29 Plaintiffs have been injured in an amount to be proven
10 at time of trial or hearing.

11

12 **NEGLIGENCE Count 1**

13 3.30 Plaintiff restates and realleges all prior paragraphs
14 and pleads in the alternative as to this cause of action.

15 3.31 Defendant Kostad in the performance of his duties had
16 a duty to utilize only reasonable and necessary force to
17 effectuate his purpose.

18 3.32 Defendant Kostad breached his duty to utilize only
19 reasonable and necessary force to effectuate his purpose.

20 3.33 As a direct and proximate result of Defendant Kostad's
21 breach of duty the plaintiff was made to suffer, and did
22 suffer, egregious injuries of an on-going nature and
23 damages in an amount to be proven at time of trial or
24 hearing.

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Negligence Count 2

3.34 Plaintiff restates and realleges all prior paragraphs as if fully set forth herein and pleads this action in the alternative based upon information and belief that Defendant Kostad intends to argue that some of plaintiff's injuries were self inflicted in the back of a patrol car subsequent to improper arrest.

3.35 Defendant Kostad had a duty in the apprehension and restraint of Vince Allen to properly restrain Allen in a fashion which prevented him from causing harm to himself to others and to property.

3.36 It was foreseeable that a person placed in the back of a patrol car under these facts may awake and struggle even if all possible defense assertions were to be considered.

3.37 It was not only foreseeable in this situation, but the facts show that Mr. Allen awoke from the events causing him to become unconscious and reacted to the events described in this Complaint.

1 3.38 Instead of taking action to further restrain Allen
2 in this instance, the video of the event evidences that
3 Officer Kostad chose to turn on his dash camera, point
4 that camera away from the front of his vehicle, and
5 direct it to the back of the patrol car in order to video
6 Mr. Allen's visible shock and outrage at the horrible
7 treatment he received from this officer.
8

9 3.39 Should defendant establish that any part of
10 plaintiffs damages were proximately caused by the events
11 transpiring in the back of that patrol car the plaintiff
12 asserts that defendant breached his duty of care in
13 relation to those events.
14

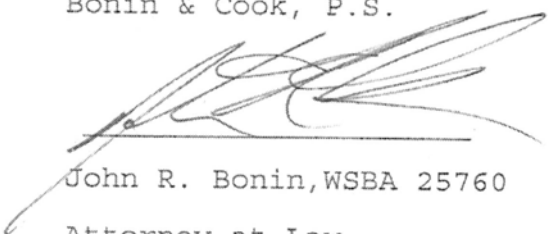
15 3.40 Should defendant establish that any part of
16 plaintiff's damages were proximately caused by the events
17 transpiring in the back of that patrol car the plaintiff
18 asserts that the duty of care for officer Kostad in
19 detaining a person was breached and that as a direct and
20 proximate result of that breach the plaintiff was injured
21 in an amount to be proven at time of trial or hearing.
22

23 WHEREFORE, PLAINTIFFS, HAVING SET FORTH CAUSE OF ACTION AND
24 CLAIMS IN THIS MATTER RESPECTFULLY REQUEST THE FOLLOWING RELIEF:
25

- 1
- 2 A) Findings of Fact and Conclusions of law as against
- 3 Defendants in accord with proof as to each claim as shall
- 4 be proven at time of trial or hearing.
- 5 B) An award of damages, in accord with proof to be presented
- 6 at time of trial or hearing for all damages suffered and
- 7 sustained by the Plaintiff in association with those
- 8 actions complained of herein.
- 9 C) All damages available to Plaintiffs under the parameters of
- 10 42 USC 1988, inclusive but not limited to costs and
- 11 attorney fees if any are determined by the fact finder to
- 12 be appropriate.
- 13 D) For such other and further relief as the Court deems just
- 14 and appropriate.
- 15

16 Respectfully Submitted this 3rd day of February 2010

17 Bonin & Cook, P.S.

18 

19

20 John R. Bonin, WSBA 25760

21 Attorney at Law

22

23

24

25