

SEPTEMBER 2016

SETTLEMENT - KING COUNTY

HEATHER CURTIS v. STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND
HEALTH SERVICES (DSHS); PROFESSIONAL REGISTRY OF NURSING, INC.

(PRN); AND VALERIE CROSBY

Number: 16-2-01902-1SEA

Settlement Date: 5/17/16 (Def. DSHS); 6/2/16 (Defs. PRN & Crosby)

Trial Date: 1/23/17 (scheduled)

Plff Atty: David P. Moody & Ian M. Bauer of Hagens Berman Sobol
Shapiro (Seattle)

Def. Atty: Steven Abel & Gary Andrews, Office of the Attorney
General (Tumwater) for Def. DSHS; Pamela Andrews of
Andrews Skinner (Seattle) for Defs. PRN & Crosby

Mediator: Hon. Terrence Carroll (ret.)

STATE & DSHS NEGLIGENCE

EMOTIONAL DISTRESS; LOSS OF VISION

Plff Heather Curtis, female age 23, profoundly disabled. Plff has cerebral palsy and spastic quadriplegia, and is wheelchair-bound and blind. Her cognitive delay has been characterized by Def. DSHS as "so serious it is unmeasurable." Plff has been a client of Def. DSHS' Division of Developmental Disabilities ("DDD") since 2001. She is non-verbal, but loves to sing, listen to music, and interact with her caregivers. On 10/25/12, law enforcement rescued Plff from the home of her state-paid caregivers, Jeffrey and April Henderson. She was emaciated and living in horrific conditions, surrounded by vomit, feces and trash. She was found partially unclothed and moaning in pain. One of the detectives noted that Plff lived in the worst conditions she had ever seen in sixteen years in law enforcement. The first responders, all of whom had decades of fire service and rescue experience, noted that they had "never seen a worse case of neglect inflicted on another human being that was still alive." Plff was living with and being cared for by two adults who had no biological, legal or familial relationship with her. Prior to July 2003, Plff had been living with Jeffrey's mother under an informal arrangement. When Jeffrey's mother died suddenly, Def. DSHS placed Plff in foster care and noted concerns regarding the appropriateness of placement with Jeffrey and/or his brothers due to unresolved allegation of

SEPTEMBER 2016

HEATHER CURTIS v. STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES (DSHS); PROFESSIONAL REGISTRY OF NURSING, INC. (PRN); AND VALERIE CROSBY - SETTLEMENT - KING COUNTY - CONT'D

Facts Cont'd: physical and/or sexual abuse. In August 2003, inexplicably, Def. DSHS placed Plff in Jeffrey's home. Soon after, April applied to become Plff's state-paid caregiver. Despite having no training, experience, or education qualifying her to care for a severely disabled child, Def. DSHS approved April's application and began paying her a significant monthly salary to provide care to Plff. Once Def. DSHS placed Plff in 2003, it began receiving CPS referrals reporting that Plff was not being properly cared for by the Hendersons. Def. DSHS ignored warnings (for years) from community members, teachers, and a shining constellation of additional clear and compelling signs that Plff was the victim of severe neglect within a sub-human living environment. Many of these referrals documented the very conditions that would become evident upon Plff's rescue, including pressure ulcers, filthy living conditions, medical neglect, and lack of dental care. In February 2012, Def. DSHS contracted with Def. PRN and its agent and vice president, Def. Valerie Crosby. Defs. PRN and Crosby were to provide nursing services for Plff and assess her safety in the Henderson home. Instead, they exacerbated the problem by documenting grave concerns about the quality of Plff's care and the conditions of the Henderson home, but failed to comply with the law or to take any steps to protect Plff. Def. DSHS' employees later noted inconsistencies in the records kept by Def. Crosby, questioning whether she had even visited the home as she claimed. Plff's DSHS caseworker opined in an email that Def. Crosby had lied to law enforcement, and could not have provided nursing services for Plff without seeing the pressure ulcers and other warnings signs of the substandard care that Plff was receiving. Though April failed to complete mandatory training and comply with program regulations, Def. DSHS continued renewing her contract and subsidizing her neglect and exploitation of Plff with taxpayer funds. All told, Def. DSHS paid the Hendersons a total of \$214,238.13 in taxpayer dollars for Plff's care; the Hendersons also stole \$67,671.10 in Social Security benefits intended for Plff. The Hendersons used this money to finance an exotic reptile collection, expensive electronics and hats and shoes for themselves. The family of five lived off of Plff, while they left her to starve. April and Jeffrey Henderson were criminally prosecuted and pled guilty to Criminal Mistreatment in the Second

SEPTEMBER 2016

HEATHER CURTIS v. STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND
HEALTH SERVICES (DSHS); PROFESSIONAL REGISTRY OF NURSING, INC.
(PRN); AND VALERIE CROSBY - SETTLEMENT - KING COUNTY - CONT'D

Facts Cont'd: Degree. At the conclusion of the Adult Protective Services (APS) investigation, Def. DSHS entered findings that Plff had been neglected for nearly a decade. She was denied medical care, leading to significant regression in her abilities and the loss of her eyesight. She was denied dental care, requiring 19 root canals upon her rescue. She was shackled in her bedroom, with evidence of restraints still visibly apparent on her body. She was treated like an animal and deprived of love, interaction, and basic human dignity.

Injuries: Emotional distress resulting from severe neglect. Dental injuries. Loss of vision; blindness.

Settlement: The parties entered into an early resolution agreement and participated in a mediation with Judge Terrence Carroll (ret). All claims were resolved with the assistance of Judge Carroll.

Result: PLAINTIFF SETTLEMENT for \$5,520,000. (The settlement included \$4,750,000 from Def. DSHS and \$770,000 from Defs. PRN and Crosby.)