

NOVEMBER 2018

SETTLEMENT - SNOHOMISH COUNTY

JACOB GILLIGAN v. STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES (DSHS)

Number: 18-2-02258-31

Settlement Date: 5/14/18

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

Def. Atty: Scott Barbara, Office of the Attorney General (Seattle)

Judge: Hon. Joseph P. Wilson

STATE & DSHS NEGLIGENCE

EMOTIONAL DISTRESS

On January 31, 2015, Plff Jacob Gilligan (age 3) and his two siblings were rescued from an abandoned home in Lake Stevens, Washington, where they had been left by their parents to fend for themselves. Jacob's 7-year-old sister, Cheyene, was the oldest child in the home. The conditions of the home and the children were horrific, causing experienced law enforcement officers to need to step outside to collect themselves. The home had no heat, no food, and the carpets were "black with filth." Buckets of human waste lined the hallways. The temperature inside the home was 40 degrees. Jacob and his sister were huddled together for warmth on a filthy urine-soaked couch. Behind a locked door, Jacob's baby brother was hypothermic and near death. Jacob's sister told first responders that she and her younger brothers were "left at home by themselves like usual." She told medical staff that they hadn't been bathed in years, and that they had been repeatedly physically assaulted by her mother and her mother's partner. She described the conditions of the home in graphic detail, explaining, among other things: (1) that the children had to fight with rats for food; (2) that she was responsible for the care of her younger brothers; and (3) that Jacob was thrown across the room during one of her parents' drug-induced rages. Jacob's family had a long history with DSHS, preceding his birth in 2011. Jacob's biological father, James Gilligan, was the biological half-brother of his biological mother, Amanda Foley. DSHS was very familiar with both Foley and Gilligan. Gilligan's three older children were removed by DSHS in 2006 following 10 formal CPS referrals. Foley had been the subject of two prior CPS referrals regarding her two older children, one of which resulted in the removal of Jacob's sister

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Facts Cont'd: Cheyene for 18 months. Over the years between 2011 and Jacob's rescue in 2015, DSHS received nine warnings of abuse and neglect of him and his siblings from medical personnel, school employees and family members. Among other things, DSHS was told that: (1) Foley was exposing her children to incest; (2) Foley and her male partners were abusing drugs; (3) Gilligan threw a car seat containing four-month-old Jacob against the wall, causing a skull fracture; (4) the children were locked in their rooms all day with no food; (5) medical providers suspected domestic violence between Foley and her male partners; (6) Foley had again tested positive for methamphetamines at the birth of another child; and (7) Cheyene was hungry and appeared very dirty at school and her family home had no power. Notwithstanding these increasingly-dire warnings, DSHS failed to conduct any meaningful investigation and failed to intervene to protect Jacob and his siblings. DSHS admitted liability in its Answer, after aggressively litigating the earlier lawsuit brought by Jacob's sister Cheyene, as reported in the Northwest Personal Injury Litigation Reports, December 2017, page 388. DSHS' own administrators described the social work performed in Jacob's case as "dangerous and inadequate" in numerous, critical respects. DSHS' 30(b)(6) designees testified that every single CPS investigation between 2007 and 2015 was insufficient and incomplete.

Injuries: Emotional distress.

Result: PLAINTIFF SETTLEMENT for \$5,500,000.