

JULY 2019

SETTLEMENT - KING COUNTY

VERNON R. GRAY v. STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Settlement Date: 4/11/19

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

Def. Atty: Allison Croft, Office of the Attorney General (Seattle)

Mediator: Antonio Piazza

STATE & DSHS NEGLIGENCE

EMOTIONAL DISTRESS

Plff, male age 64 at the time of settlement. Over the span of eight years, neighbors, friends, and professionals involved with Plff Vernon Gray - a developmentally delayed man - called Adult Protective Services (APS) repeatedly to report that Vernon was living alone in horrific conditions warranting APS intervention and protective services. On multiple occasions, APS refused to investigate. On the occasions when APS did investigate, it closed cases prematurely, reached conclusions without ever meeting with Vernon, and failed to offer even the most basic services necessary to preserve Vernon's dignity, health, safety and well-being. Plff Vernon Ray Gray was born on January 11, 1955. In approximately 1963, Vernon and his parents, Fred and Lillie Mae Gray, moved into a home in Seattle's Central District. Vernon attended a school for students with developmental disabilities and lived a simple life - interacting with neighbors, playing guitar, and listening to jazz on the home's front porch. Though Vernon was not able to meet his own needs even as an adult, he was well-cared for by his parents. In 1982, Fred Gray died. In 2000, Lillie Mae Gray died, and Vernon was left alone in his home. It did not take long for Vernon's home to become uninhabitable. By 2004, Vernon's home was described by a service worker who came to fix the furnace as "the worst hoarder house he had ever been in," complete with "an over[]powering stench, rotten garbage thick on the floor of the home and many rats in the house." The service worker described Vernon using a pitchfork to shovel through a thicket of garbage and rotting food to create a path to access the furnace. By 2009, Vernon's living conditions were dire. His home suffered from a rat infestation so severe that "the grass moved in waves like water as the rats ran through the lawn" and there were "rats swinging from the drapes inside [the] windows." Vernon had no food, and he relied on the goodwill of neighbors and dug through trash cans to survive. He

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Facts Cont'd: was a recognizable figure in the neighborhood, often seen wearing filthy layers of soiled clothing and pushing a shopping cart. His neighbors did their best to help him, and their intervention kept Vernon alive. But it was not enough. APS began receiving calls about Vernon in 2009. The first complaint came from a seasoned Public Health Investigator, who was assigned to investigate the rat infestation at Vernon's home. In response to this first complaint, APS concluded that Vernon - who was developmentally delayed and profoundly vulnerable - was not a vulnerable adult, and therefore did not require APS protection. APS made this conclusion without ever directly seeing or speaking to Vernon. APS again relied upon its incorrect and improper conclusion when refusing to investigate a second, separate complaint, which indicated that Vernon was developmentally delayed, that his rat infestation had worsened, that he was living without power and heat, and that he was in grave danger as his home was "a fire waiting to happen." The referent begged APS to help Vernon. APS refused. In 2013, APS received a third complaint, which indicated that Vernon's home was being "sold out from under him" and that he was mentally unwell and not receiving proper care. Vernon was noted to be living in utter squalor. While APS did conduct a brief investigation into Vernon's living conditions and noted actions that should be taken to protect Vernon - including provision of in-home care and establishment of guardianship - it did not take any of these essential actions. Instead, APS closed its case as "substantiated" without helping Vernon at all, because "there was no safe location for [APS] to meet with him regularly." In 2016, another complaint came to APS - alleging that Vernon had no water, holes in his home, and was unable to care for himself - and was substantiated. By this time, Vernon was blind due to untreated glaucoma. Instead of providing Vernon any of the services or care that he desperately needed, APS again closed its file and walked away from Vernon. Through its attorneys, DSHS/APS indicated that it planned to admit liability at trial. DSHS/APS agreed to settle Vernon's claims prior to the filing of a lawsuit.

Injuries: Emotional distress.

Result: PLAINTIFF SETTLEMENT for \$8,000,000. (Following the settlement, DSHS told local media that it was "sorry for what happened to Mr. Gray" and described its actions in the case as a "system-wide failure." Plff's attorneys reported that this is the largest known single-plaintiff settlement against APS in state history.)