

JULY 2015

SETTLEMENT - PIERCE COUNTY

LAURA GHOLSTON v. STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES (DSHS)

Number: 14-2-08632-1

Settlement Date: 4/17/15

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

Def. Atty: Glen Anderson & Peter Helmberger, Attorney General's Office (Olympia)

Def. Med.: Seth Cohen MD (Psychiatrist/Damages Expert) Seattle

Def. Exp.: Joan Rycraft Ph.D. (Forensic Social Work/Liability) Medford OR; Rene Reizach JD (Attorney/Liability) Rochester NY

Judge: Hon. Ronald Culpepper

STATE & DSHS NEGLIGENCE (FAILURE TO MONITOR)

PHYSICAL ABUSE; EMOTIONAL DISTRESS

Plff, female age 48. Plff is severely developmentally delayed, and has been repeatedly assessed by DSHS as needing 24-hour care and supervision. Plff functions at the approximate level of a 4-5 year old child. In 1996, Laura gave birth to a baby boy on the toilet. As she was incapable of consenting to sexual intercourse, a rape investigation was commenced. DSHS received referrals to both CPS and APS that Plff had been raped. DSHS identified Plff's mother's boyfriend and Plff's nephew, LaMarcus Gholston, as the only males with access to Plff and, therefore, the suspects in her rape. DSHS records indicated that LaMarcus was the only male with unsupervised access to Plff. In 2004, LaMarcus Gholston applied with DSHS to be Plff's full-time, state-paid caregiver. DSHS granted LaMarcus a contract to care for Plff despite: (1) its own suspicions that he had raped her several years earlier; (2) his young age and lack of character, competency and suitability to serve as a caregiver for a severely disabled adult woman; and (3) his arrest history and history of mental health problems, including a history of involuntary psychiatric commitments. While investigating child abuse allegations against LaMarcus in 2004, DSHS receive further warnings that LaMarcus was beating Plff with a belt. DSHS failed to investigate these warnings, and allowed Lamarcus to continue receiving state funds to care for Plff. Though LaMarcus failed to complete mandatory training and program regulations, DSHS continued renewing his contract. While DSHS failed to monitor or oversee Plff's care as required by statute, Plff was being severely abused

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Facts Cont'd: and neglected. In 2011, Plff was rescued from the home. Her arms and legs were covered in burns medically attributed to a meth pipe. She was missing many teeth and had extreme tooth decay. She had not visited a doctor or dentist in many years. Her living conditions were described by law enforcement as "deplorable." It was immediately clear that she had not received adequate personal care for a significant period of time. DSHS made findings that LaMarcus had physically abused and neglected Plff, and immediately removed Plff from the home. DSHS' defense to this case was: (1) that its employees met the standard of care; (2) that it owed no duty to Plff and did not have a special relationship with her; and (3) that she was unharmed by the abuse.

Injuries: Physical abuse; emotional distress.

Result: PLAINTIFF SETTLEMENT for \$2,500,000.