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MAY - 2 2005

JUDGE BARBARA LINDE

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**IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING**

PAULA ROEMER, a single woman,

Plaintiff,

vs.

WALLACE D. GRAY, a single man; and
DOES 1-10;

Defendants.

Case No.: 45-09514

**ORDER ON DEFAULT JUDGMENT
WITH SUMMARY**

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

Clerk's Action Required

The Court having reviewed the evidence and the pleadings herein, the Court hereby enters the following Findings of Fact and Conclusions of Law (as selected by checkbox):

FINDINGS OF FACT

1. The Court adopts by reference all factual allegations in Plaintiff's Complaint.
2. Defendant Wallace Donovan Gray was found in default on December 30, 2004.
3. Said Defaulting Defendant was owner, keeper, and/or possessor of Sheena/Kenna at the time of the acts complained of, resulting in injury to Plaintiff and death to Plaintiff's nonhuman companion, Yofi.

CONCLUSIONS OF LAW

A. Cause of Action One (Strict Statutory Liability) is cognizable.

DEFAULT JUDGMENT ORDER -
FINDINGS AND CONCLUSIONS - 1

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(1) Defendant is liable under this cause of action.

B. **Cause of Action Two** (Strict Common Law Liability) is cognizable.

(1) Defendant is liable under this cause of action.

C. **Cause of Action Three** (Statutory Private Nuisance) is cognizable.

(1) Defendant is liable under this cause of action.

(2) Plaintiff is entitled to an order and warrant of abatement requiring that Defendant's dog be removed from the city of Seattle within 15 days of service of the warrant. Failure to comply will result in Defendant being held in contempt by this court and further sanctions. Failure to comply will also result in the immediate confiscation and banishment or euthanasia of said animal by Seattle Animal Control and/or the King County Sheriff. The Defendant shall pay all costs relating to issuance, execution, and return of this warrant. This Court recognizes that it does not have the power to issue such an order but may refer the cause to the superior court for issuance of same. Accordingly, this Court authorizes transfer of this case, on Plaintiff's demand, to King County Superior Court for processing of the above-described order and warrant of abatement.

D. **Cause of Action Three** (Statutory Public Nuisance) is cognizable.

(1) Defendant is liable under this cause of action.

(2) Plaintiff is entitled to an order and warrant of abatement requiring that Defendant's dog be removed from the city of Seattle within 15 days of service of the warrant. Failure to comply will result in Defendant being held in contempt by this court and further sanctions. Failure to comply will also result in the immediate confiscation and banishment or euthanasia of said animal by Seattle Animal Control and/or the King County Sheriff. The Defendant shall pay all costs relating to issuance, execution, and return of this warrant. This Court recognizes that it does not have the power to issue such an order but may refer the cause to the superior court for issuance of same. Accordingly, this Court authorizes transfer of this case, on Plaintiff's demand, to King County Superior Court for processing of the above-described order and warrant of abatement.

E. **Cause of Action Four** (Simple Negligence) is cognizable.

(1) Defendant is liable under this cause of action.

F. **Cause of Action Five** (Gross Negligence) is cognizable.

(1) Defendant is liable under this cause of action.

G. **Cause of Action Six** (Loss of Companionship/Use) is cognizable.

DEFAULT JUDGMENT ORDER –
FINDINGS AND CONCLUSIONS - 2

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(1) Defendant is liable under this cause of action.

H. Cause of Action Seven (Outrage) is cognizable.

(1) Defendant is liable under this cause of action.

I. Cause of Action Eight (Negligent Infliction of Emotional Distress) is cognizable.

(1) Defendant is liable under this cause of action.

J. The measure of damages relating to Yofi Roemer is (select all that apply):

(1) Intrinsic value, including loss of companionship, love, and affection.

K. Reasonable attorney's fees are recoverable under LCRLJ 54.

L. **JUDGMENT SUMMARY:** Defendant Gray is liable for the following damages:

Judgment Creditor:

Paula Roemer

Judgment Creditor's Attorney:

Adam P. Karp

Judgment Debtors:

Wallace Donovan Gray

a. Cremation Fee (Yofi):

(1) 90⁰⁰

b. Medical Bills (Roemer):

(1) 80⁰⁰

c. Yofi's Intrinsic Value:

(1) 30,000

d. Emotional Distress:

(1) Relating to Yofi: 15,000

(2) Relating to Interference with Realty: _____

f. Prejudgment Interest:

(1) 24.12

g. Attorney's Fees:

DEFAULT JUDGMENT ORDER –
FINDINGS AND CONCLUSIONS - 3

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1 (1) 200⁰⁰

2 h. Costs:

3 (1) 86⁰⁰

4 i. Other:

5 (1) _____

6 j. TOTAL JUDGMENT:

7 (1) 45,480.12

8 The judgment will bear interest at 4.63 percent per annum from this date forward.

9 Dated this 5/2 2005.

10 Barbara Linde
THE HONORABLE BARBARA LINDE

11 Presented by:

12 LAW OFFICE OF ADAM P. KARP

13 Adam P. Karp

14 Adam P. Karp, WSB No. 28622
Attorney for Plaintiff

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24 DEFAULT JUDGMENT ORDER -
FINDINGS AND CONCLUSIONS - 4

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