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Northwest Personal Injury Litigation Reports

HAILEE RHOADS, CHANIN CARR (MOTHER), JEFF RHOADS (FATHER) V. STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Case No. CASE NUMBER NOT AVAILABLE

Settlement Date: August 11, 2004

Date of Publication: October, 2004

2004 WA Jury Verdicts & Sett. LEXIS 1137

TOPIC: STATE & DSHS NEGLIGENCE; SKULL FRACTURE; SCAR.

RESULT: PLAINTIFF SETTLEMENT for \$ 4,500,000 per Associated Press reports. (Zaring was scheduled to go to trial on 9/13/04 on a charge of first degree assault in connection with Plff Hailee's injuries but that trial is expected to be postponed until 11/04.).

INJURY: Skull fracture resulting in a brain hemorrhage. Emergency surgery to release pressure on Plff's brain. Six (6) inch surgical scar. No permanency; Plff has since recovered.

STATE: Washington

COUNTY: Spokane

MEDIATOR: Antonio Piazza

PLAINTIFF ATTORNEY(S): David P. Moody of Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim (Seattle).

DEFENDANT ATTORNEY(S): Elizabeth Erwin, Office of the Attorney General (Olympia).

SUMMARY: 1/12/04 - Plff Hailee, female age 2. Plff Hailee's mother, Plff Carr, dropped her off at a day care run by Danette Zaring. Plffs contended that Zaring picked Plff Hailee up out of the playpen in which she was standing, lifted her up to shoulder height and threw her bodily back into the playpen after Plff refused to stop crying and would not take a nap. The back of Plff's head struck the floor inside the playpen and her body remained limp for about one (1) to five (5) minutes. Plff Hailee finally responded and began crying when Zaring blew air in her face. Zaring considered calling medics but did not do so because she did not want to lose her day care license. Plffs contended that Def. Department of Social and Health Services could have prevented Plff Hailee's injury had it acted sooner and revoked Zaring's day care license. Plffs further contended that the Def. never initiated a license revocation against Zaring even though her day care received 12 complaints between 1998 and 2001, nine (9) of which the Def.'s officials later found to be valid and that, for several reasons, the Def. was grossly negligent in licensing and continuing to license Zaring's day care. Plffs contended the Def. had several opportunities to close Zaring's day care but failed to take advantage of them despite complaints from parents that Zaring left children unsupervised, slapped them and pulled them down hallways. Zaring's day care license was placed on six (6) months probation in 2000 after parents complained to the Def.

PLAINTIFF MEDICAL EXPERT(S): Stephen T. Glass MD (Pediatric Neurologist) Woodinville; Terry Winkler MD (Physiatrist) Springfield MO.

PLAINTIFF EXPERT(S): David T. Rollins Ph.D. (Rehabilitation) Portland OR; Jane W. Ramon (Social Work Standards) North Eastham MA.