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Northwest Personal Injury Litigation Reports

JOEY HOILAND, BY AND THROUGH HIS LEGAL GUARDIANS, CLINT HOILAND AND KEN SUNDVIK v.  
STATE OF WASHINGTON, DSHS

Case No. 10-2-02879-8

Settlement Date: January 7, 2011

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**TOPIC:** STATE & DSHS NEGLIGENCE (FAILURE TO MONITOR); PHYSICAL ABUSE.

**RESULT:** PLAINTIFF SETTLEMENT for \$ 2,850,000.

**INJURY:** Physical abuse, neglect and starvation.

**STATE:** Washington

**PLAINTIFF ATTORNEY(S):** David P. Moody & Martin McLean of Hagens Berman Sobol Shapiro (Seattle).

**DEFENDANT ATTORNEY(S):** Edward Winskill & Ian Bauer, Assistants Attorney General, Office of the Attorney General (Olympia).

**SUMMARY:** Plff Joey, male age 3. Def. Department of Social & Health Services' (DSHS) involvement in Joey's life began in 2003. In August 2003, Joey's biological mother voluntarily relinquished custody of Joey and his younger brother Shayne to DSHS. Joey's mother, a known drug addict, agreed to "foster placement" due to her inability to care for her two young children Joey, age 3, and Shayne, age 10 months. Def. DSHS placed Joey into a foster home operated by Pam Winters. However, DSHS forced Joey to continue to have unsupervised visits with his biological mother during which time he suffered severe neglect and abuse. In late 2004, Def. DSHS removed Joey from Ms. Winter's home and placed him with his biological father, a drifter with a known addiction to methamphetamines and a criminal history related to domestic violence. Between May 2005 and October 2006, Def. DSHS received numerous warnings that Joey was being physically abused, neglected and starved. These warnings were provided by several community members including: (1) local enforcement; (2) school personnel; (3) neighbors; (4) babysitters; and (5) other professionals. Def. DSHS failed to adequately investigate these reports and failed to contact any of the individuals who had witnessed Joey's abuse. After Joey's abuse was publicized, Governor Gregoire ordered DSHS to review its role in providing services to Joey and his family. DSHS' "Executive Review" acknowledged its many failures in carrying out its duty to protect Joey from harm.

**PLAINTIFF EXPERT(S):** Jane Ramon (Social Worker/Liability) North Eastham MA; Katherine Kent JD (Attorney/Liability) Seattle; Anthony Urquiza Ph.D. (Psychologist/Damages) Sacramento CA; Cloie Johnson (Vocational Rehabilitation/Damages) Bothell; Stephen Glass MD (Pediatric Neurologist/Damages) Bothell.

**DEFENDANT MEDICAL EXPERT(S):** Forrest Bennett MD (Pediatrician/Damages Expert) Seattle.

**DEFENDANT EXPERT(S):** Kevin McGovern Ph.D. (Psychologist/Damages) Portland OR; Stanley Owings (Vocational Rehabilitation/Damages) Seattle; Sharon Ham (Practice Consultant/Children's Administration/Liability) Moses Lake; Frederick Wise Ph.D. (Neuropsychologist/Damages) Seattle; Cinda Johnson Ed.D. (Special Education Teacher/Damages) Seattle.

**OFFER:** \$ 200,000 at mediation in April 2010.