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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ESTATE OF W. SCOTT CREACH, by and)
through IMOGENE CREACH, Personal)
Representative, IMOGENE CREACH)
Individually and as Personal Representative)
of The ESTATE OF W. SCOTT CREACH,)
ALAN CREACH, ERNEST CREACH,)
SERENA LEONARD, and EDITH)
CARROLL, Individually,)

Plaintiffs,)

vs.)

SPOKANE COUNTY WASHINGTON,)
BRIAN HIRZEL, and OZZIE)
KNEZOVICH)

Defendants.)

Civil Action

Case No.: CV-11-432-RMP

COMPLAINT FOR
DAMAGES FOR VIOLATION
OF CIVIL RIGHTS, FOR
VIOLATION OF
STATE-BASED CLAIMS
AND DEMAND FOR JURY
TRIAL

COMPLAINT AND
JURY DEMAND - 1

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1
2 Plaintiffs by way of Complaint against the defendants named herein, state
3 and allege as follows:
4

5 INTRODUCTION

6 This is an action for damages in which Plaintiffs allege that the defendants,
7 individually and in conspiracy with other defendants, wrongfully, maliciously and
8 unlawfully deprived W. Scott Creach of his civil rights without due process of law and,
9 all under color of state law in violation of his right to equal protection of the law, and
10 did intentionally, recklessly, and/or negligently inflict physical injury to Plaintiff,
11 thereby causing physical injury, pain and suffering resulting in the death of Mr.
12 Creach, causing severe psychological and emotional injuries and losses to other
13 beneficiaries of the estate.
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19 PARTIES

20 1. The Estate of W. Scott Creach was created on September 20, 2010.
21 IMOGENE CREACH is the wife of Mr. Creach. On September 20th, 2010,
22 IMOGENE CREACH was appointed as Personal Representative of the Estate W. Scott
23 Creach.
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26 2. Plaintiff IMOGENE CREACH and Mr. Creach were, at all times
27 pertinent to this action, residents of the City of Spokane Valley.
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1 3. Plaintiffs ALAN CREACH, ERNEST CREACH, SERENA LEONARD,
2 and EDITH CARROLL are the natural children of Mr. Creach.

3
4 4. Defendant OZZIE KNEZOVICH, hereinafter referred to as
5 “KNEZOVICH”, is and was at all times pertinent to this action the duly elected Sheriff
6 of Spokane County. Defendant KNEZOVICH is and was responsible for formulating
7 and implementing policies and procedures for the Spokane County Sheriff’s Office and
8 ensuring that its officers are properly trained in customs, policies and training
9 regarding de-escalation techniques, non-lethal tactics, and the decision-making process
10 that accompany the use of lethal force. Spokane County Sheriff’s Department’s
11 mission is to enforce the law and insure the community’s safety. Spokane County
12 Sheriff’s purpose is to protect citizens from harm. Defendant KNEZOVICH is named
13 herein in both his personal and representative capacity.

14
15 5. Defendant BRIAN HIRZEL, hereinafter referred to a “HIRZEL”, is and
16 was at all times pertinent to this action a deputized officer of the Spokane County
17 Sheriff’s Office and employed in that capacity by defendant SPOKANE COUNTY,
18 WASHINGTON. Defendant HIRZEL is named herein in both his individual and
19 representative capacity.

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21 6. Defendant SPOKANE COUNTY is a political subdivision of the State of
22 Washington and employer/principal of the individuals responsible for determining
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COMPLAINT AND
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1 customs, policy's and training regarding de-escalation techniques, non-lethal tactics,
2 and the decision-making process that should accompany the use of lethal force.

3
4 Defendant SPOKANE COUNTY is the employer of defendants HIRZEL and
5 KNEZOVICH. SPOKANE COUNTY provides law enforcement services to the City
6 of Spokane Valley, Washington, under a contract between the City of Spokane Valley
7 and the Spokane County Sheriff's Office.
8
9

10 JURISDICTION

11
12 7. This court has jurisdiction under 28 U.S.C. § 1331; title 42, United States
13 Code 1988; and 28 USC Section 1343(a) (3) in that this is a civil action arising under
14 the Constitution of the United States.
15

16
17 8. Plaintiffs' claims are predicated upon The Fourth and Fourteenth
18 Amendments to the United States Constitution and on 42 U.S.C. § 1983, which
19 authorizes actions to redress the deprivation of rights, privileges and immunities
20 secured to plaintiff by the Constitution of the United States and under the laws of the
21 State of Washington.
22

23
24 9. Plaintiff's claims for attorneys' fees and costs are predicated upon 42
25 U.S.C. § 1988, which authorize the award of attorneys' fees and costs to prevailing
26 parties pursuant to 42 U.S.C. § 1983.
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COMPLAINT AND
JURY DEMAND - 4

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VENUE

FACTS

SPOKANE SHERIFF'S OFFICE TRAINING & POLICIES

13. This training includes the proper use of force against the general public. This training should include training involving de-escalation techniques, non-lethal tactics, and appropriate decision making process regarding the use of lethal force. Proper training requires proportionate responses and prohibits the use of disproportionate force.

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15. The Spokane County Sheriff's office employs senior police officers to conduct internal investigations of incidents involving questionable use of force by a member of the Department. These officers have additional training in the methods of investigation appropriate to internal reviews.

16. In the late evening hours of August 25, 2010, W. Scott Creach and his wife, IMOGENE CREACH, were asleep in the bedroom of their home located at 14208 E. 4th Avenue, Spokane Valley, WA 99216.

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1 Farm," a nursery/greenhouse business located at 14208 E. 4th Avenue, Spokane Valley,
2 WA 99216. The business is owned and operated by the Creach family.

3
4 18. At approximately 11:00 p.m. Pacific Daylight Time, HIRZEL, who had
5 recently concluded a prowling check on nearby property drove his vehicle into the parking
6 lot of The Plant Farm. Although he had no authorization or prior approval to park in
7 the Plant Farm parking lot, he did so anyway. HIRZEL was not investigating any
8 suspected criminal conduct nor had any reason to believe that a crime had been
9 committed at the Plant Farm. HIRZEL parked his vehicle at The Plant Farm because he
10 wanted to complete a report on an earlier traffic incident using the computer in his
11 patrol car.

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16 19. He backed his vehicle in close proximity to the entry way of the
17 greenhouses where plants and flowers were arranged on the South side of the parking
18 lot. The vehicle had no markings or symbols indicating that it was a vehicle belonging
19 to or being used by any law enforcement agency. The vehicle was dark blue in color
20 and did not have any overhead lights that would have identified it as a law enforcement
21 vehicle.

22
23
24
25 20. The Creach residence and The Plant Farm, including the gravel parking
26 lot, are located on private property. When HIRZEL arrived at The Plant Farm and
27 parked his patrol vehicle at the South side of the parking lot, the lot was dark except
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1 for a single overhead light near the West end of the lot. HIRZEL parked his vehicle in
2 close proximity to a sign identifying the business as "The Plant Farm" and indicating
3 hours of operation from 8:30 to 6:00 Monday through Saturday. Clearly, the business
4 was closed. HIRZEL did not notify the owners of the property of his presence or
5 obtain permission to conduct police activity on The Plant Farm property.
6
7

8
9 21. On information and belief, Mr. Creach became aware of an unknown
10 trespasser in The Plant Farm parking lot shortly after HIRZEL arrived. Mr. Creach got
11 out of bed to investigate. Mr. Creach put on a pair of slippers and pants but did not put
12 on a shirt. Mr. Creach also picked up a flashlight and a handgun that he kept in the
13 house near the bedroom. Mr. Creach then proceeded out of the house to the parking
14 lot. On information and belief, Mr. Creach was carrying the flashlight in his right hand
15 and had the handgun in the back waistband of his pants when he approached
16 HIRZEL's vehicle.
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21 22. On information and belief, Mr. Creach was not aware that he was
22 approaching a police officer when he left the house. The vehicle was dark in color, did
23 not have overhead lights, and did not have any markings indicating it was a law
24 enforcement vehicle.
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27
28 23. At approximately 11:06 p.m., IMOGENE CREACH awoke and
29 discovered that her husband was not lying next to her. After realizing he was not in the
30

COMPLAINT AND
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1 bedroom or the attached bathroom, Mrs. Creach assumed that he had gone to the
2 kitchen. Mrs. Creach got out of bed and proceeded toward the kitchen to see if her
3 husband needed any assistance. Up to that time, Mrs. Creach had not heard any noise
4 or any voices from outside the house. Mrs. Creach began to leave the bedroom when
5 she heard a voice from the parking lot that sounded like an exclamation. Mrs. Creach
6 immediately turned and walked back toward a window that looks out onto the parking
7 lot. As she was opening the window, Mrs. Creach heard a gunshot. She then walked
8 to the opposite side of the bed and picked up the telephone from a dresser and dialed 9-
9 1-1.
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15 24. On information and belief, the fatal shooting of Mr. Creach happened as
16 follows. As Mr. Creach approached HIRZEL's vehicle from the driver's side of the
17 vehicle, he shined his flashlight in the direction of the vehicle. Upon seeing the flash of
18 light, HIRZEL became startled, exited the vehicle and drew his weapon. He
19 approached Mr. Creach quickly and in an aggressive and hostile manner. HIRZEL
20 then either ordered Mr. Creach to get down on the ground or forced him to the ground.
21
22

23 HIRZEL then shot Mr. Creach before Mr. Creach had any opportunity to identify
24 himself or indicate his intentions. At no time did Mr. Creach do or say anything to
25 indicate that he was a threat to HIRZEL or that he intended to harm HIRZEL.
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29 25. As Mr. Creach was in a kneeling or crouching position, HIRZEL fired a
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COMPLAINT AND
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1 single shot from his 9mm Glock handgun into Mr. Creach's chest at close range. The
2 bullet entered Mr. Creach's chest at a downward angle of approximately fifty degrees
3 from horizontal and at an angle of approximately 25 degrees from left to right. The
4 bullet pierced Mr. Creach's heart and other internal organs and came to rest in his
5 lower back. Mr. Creach rolled to his left side onto the ground and onto his back. Mr.
6 Creach died a few minutes later while lying in the gravel parking lot.

10 26. Upon Information and belief, Mr. Creach did not at any time fail or refuse
11 to comply with any lawful commands by HIRZEL. Mr. Creach did not take any
12 aggressive or threatening action toward HIRZEL. No reasonable officer in HIRZEL's
13 position would have believed that the use of deadly force against Mr. Creach was
14 objectively reasonable or justified under the circumstances known to HIRZEL at the
15 time.

19 27. At 11:07 p.m., HIRZEL made a call to the County-City Dispatch Center
20 via radio requesting backup. A few seconds later, HIRZEL radioed "Shots Fired!"

23 28. A number of officers of the Spokane County Sheriff's Office responded to
24 HIRZEL's broadcasts. The first responding officer arrived approximately one minute
25 after HIRZEL had radioed for backup. Several other officers arrived within the next
26 few minutes. HIRZEL was quickly taken away from the scene and transported to the
27 Spokane Valley Police Station.

30 COMPLAINT AND
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1 29. No medical aid was given to Mr. Creach by HIRZEL or any of the
2
3 responding officers. Medical personnel from the Spokane Valley Fire Department
4 arrived at the scene approximately six minutes after HIRZEL had announced the need
5 for backup. Attempts by Spokane Valley Fire Department medics to revive Mr.
6 Creach were unsuccessful, and he was pronounced dead at the scene at approximately
7
8 11:27 p.m. PDT.
9

10 30. IMOGENE CREACH and other family members were present on the
11
12 scene shortly after the shooting. The family pleaded with officers to be allowed to tend
13 to and comfort the dying Mr. Creach. Despite their requests, the officers on the scene
14 prevented any family member from approaching Mr. Creach as he lay dying in the
15 parking lot. Mr. Creach's body was left in the parking lot until the following morning.
16
17

18 **THE SPOKANE POLICE DEPARTMENT INVESTIGATION**

19 31. HIRZEL was taken to Spokane Valley Police Station after the shooting.
20
21 He was not formally interviewed at that time as to the events of that evening and
22 provided only a brief description of the incident. He was then allowed to leave
23 Spokane County and go on vacation to the State of Montana and to Las Vegas, Nevada
24
25 for the next nine days.
26

27 32. A formal interview with HIRZEL was not conducted until nine days after
28
29 the shooting. HIRZEL was permitted to speak with his attorney and Union
30

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1 representative before he gave an interview. Ultimately, HIRZEL was questioned three
2 separate times by officers of the Spokane Police Department and Washington State
3 Patrol assigned to investigate the shooting.
4

5
6 33. An investigation into the shooting of Mr. Creach was conducted by the
7 City of Spokane Police Department. The physical evidence, the forensic evidence, and
8 the statements provided by witnesses do not substantiate the results of the investigation
9 or conclusions reached by the City investigators.
10

11
12 34. HIRZEL claims that he gave multiple commands to Mr. Creach to drop
13 his gun and get on the ground before shooting him. However, several neighbors who
14 were awake at the time of the shooting told investigating officers that they did not hear
15 any voices prior to hearing the gunshot. Those neighbors also told investigators that
16 from the position they were in at the time of the shooting, they would have been able to
17 hear any shouting or loud voices coming from 'The Plant Farm' parking lot.
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21 35. The autopsy report indicates that the angle of bullet entry into Mr.
22 Creach's chest was at an acute downward angle and also at a significant angle from
23 Mr. Creach's left to right. The physical evidence also indicates that the shot was fired
24 at close range. This physical evidence contradicts HIRZEL's claim that he and Mr.
25 Creach were both standing upright and facing each other approximately six feet apart
26 at the time HIRZEL fired his gun.
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COMPLAINT AND
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1 36. The blood evidence at the scene is not consistent with Mr. Creach being in
2
3 a standing upright position at the time he was shot, but is consistent with Mr. Creach
4 being in a kneeling or crouching position. The physical evidence is not consistent with
5 HIRZEL's claim that Mr. Creach was reaching behind his back when he was shot or
6 with HIRZEL'S claim that Mr. Creach was holding the handgun in his right hand when
7 HIRZEL fired his weapon.
8
9

10 37. IMOGENE CREACH was awake lying in bed moments before her
11 husband was shot. She told investigators she had just gotten out of bed when she heard
12 a single voice coming from the parking lot, make an exclamatory remark. The voice
13 was immediately followed by the sound of a gunshot. IMOGENE CREACH did not
14 hear any other talking or voices coming from the parking lot.
15
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17

18 38. HIRZEL claimed that he struck Mr. Creach with his baton prior to the
19 shooting. The autopsy report, the crush testing and DNA testing conducted by
20 Washington State Patrol failed to find any evidence that Mr. Creach was struck with a
21 baton.
22
23

24 39. HIRZEL claimed that he removed his baton from the baton ring on his left
25 side, struck Mr. Creach on the left leg with the baton, and then put the baton back into
26 the baton ring, all while holding his firearm in his right hand pointed at Mr. Creach's
27 chest. That claim is contrary to well established standards for police practices and
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COMPLAINT AND
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1 procedures in the use of weapons. No reasonable officer would have used a baton
2 against Mr. Creach under the circumstances described by HIRZEL. The use of force
3 under the totality of the circumstances as described by HIRZEL was objectively
4 unreasonable under Graham v. Connor, 490 US 386 (1989).
5
6

7 **FACTS RELATING TO RATIFICATION BY COUNTY**

8

9 40. The County of Spokane, through its Sheriff, has since the shooting of Mr.
10 Creach and continuing to the present date, ratified the actions of HIRZEL, resulting in
11 the violation of Mr. Creach's civil rights.
12

13 41. The County of Spokane through the words and actions of Sheriff
14 KNEZOVICH has publically approved of the acts of HIRZEL. Sheriff KNEZOVICH
15 has publicly stated that HIRZEL'S actions in causing the death of Mr. Creach, as
16 described by HIRZEL himself, were entirely consistent with the policies and
17 procedures of the Spokane County Sheriff's Department. Those actions in fact
18 demonstrated callous disregard for Mr. Creach's safety, well-being and civil rights.
19
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23 42. The County of Spokane has also publicly defended HIRZEL and the
24 conduct that led to the deprivation of Mr. Creach's civil rights.
25

26 **FAILURE TO ADEQUATELY TRAIN AND SUPERVISE**

27

28 43. During formal interview with investigators, HIRZEL has stated that he
29 had recently participated in a special training that involved being shot at while sitting
30

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1 in a parked vehicle. HIRZEL described the training as being "almost identical" to the
2 incident involving the shooting of Mr. Creach. Upon information and belief that
3 training failed to provide adequate instruction with respect to distinguishing between
4 persons who pose a serious threat to officers safety and persons who did not pose any
5 serious threat to officer safety. The failure to provide adequate training and instruction
6 was a direct and proximate cause of Mr. Creach's death and the violation of his civil
7 rights.
8

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12 44. Where actions taken by HIRZEL, other agents and KNEZOVICH
13 leading to the deprivation of Mr. Creach's civil rights were taken contrary to written
14 policies and procedures, the County and Sheriff has failed to supervise and
15 discipline its subordinates, and failed to conduct an adequate investigation. These
16 failures, alone and in combination, effectively ratified the individual Defendants'
17 misconduct.
18

19
20
21 45. Alternatively, the conduct of HIRZEL in causing the death of Mr.
22 Creach violated well-established standards for police officer conduct contrary to the
23 established policies and procedure of the Spokane County Sheriff's Department.
24 Sheriff KNEZOVICH failed to provide adequate training and supervision of
25 HIRZEL to ensure compliance with such policies and procedures. On information
26 and belief, such failure included the failure to discipline HIRZEL and other officers
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COMPLAINT AND
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1 of the Sheriff's Department and to conduct adequate investigations into other
2 departmental use of excessive and/or deadly force. These failures alone and in
3 combination, amount to an intentional and or callous disregard for the safety of the
4 person coming into contact with officers of the Department.
5

6
7 **DE FACTO POLICY RE: USE OF DEADLY FORCE**
8

9 46. On information and belief, prior to the shooting of Mr. Creach by
10 Deputy HIRZEL, the Spokane County Sheriff's Department had failed to
11 adequately investigate prior incidents of the use of deadly force by its officers and
12 had failed to discipline officers who used deadly force in a manner contrary to the
13 Department's own written policies and well-established national standards for
14 police. The failure of the Department to conduct adequate investigations and to
15 impose appropriate discipline on its officers for the improper use of deadly force
16 established a de facto policy of permitting the unlawful use of force by its officers
17 in violation of the Fourth and Fourteenth Amendments to the Constitution of the
18 United States.
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24 47. The existence of a de facto policy permitting the unlawful use by
25 officers of the Spokane County Sheriff's Department was a proximate cause of the
26 death of W. Scott Creach and the violation of his civil rights.
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COMPLAINT AND
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1 48. The Defendants' failure to properly train, investigate, and discipline
2 officers amounts to a deliberate indifference to the safety and well-being of the persons
3 with whom members of Spokane County Sheriff's office employees regularly come
4 into contact.
5

6
7 **FACTS RELATING TO DAMAGES FOR FEDERAL CLAIMS**
8

9 49. As a proximate cause of the deprivation of Mr. Creach's federal civil
10 rights, Mr. Creach suffered substantial general damages in anticipation of death,
11 including pain and suffering in an amount to be proven at trial.
12

13 50. As a proximate cause of deprivation of Mr. Creach's federal civil rights,
14 his Estate suffered damages in an amount to be proven at trial.
15

16 51. As a proximate cause of deprivation of Mr. Creach's federal civil rights,
17 his Estate incurred funeral and other expenses in an amount to be proven at trial.
18

19 52. Under the Fourteenth Amendment's due process clause, IMOGENE
20 CREACH and the children of W. Scott Creach have suffered general damages related
21 to the interference in the husband-wife, parent-child relationship in an amount to be
22 proven at trial.
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FACTS RELATING TO DAMAGES FOR STATE-BASED CLAIMS

53. As a proximate cause of the County of Spokane agents and employees' negligence, Mr. Creach suffered substantial general damages in anticipation of death, including pain and suffering in an amount to be proven at trial.

54. As a proximate cause of the DEFENDANTS' negligence, the Estate suffered a loss in an amount to be proven at trial.

55. As a proximate cause of the DEFENDANTS' agents and employees' negligence, the Estate incurred funeral and other expenses in an amount to be proven at trial.

56. As a proximate cause of the DEFENDANTS' agents and employees' negligence, Imogene Creach suffered the loss of support, companionship and interference with the husband-wife relationship in an amount to be proven at trial.

57. As a proximate cause of the DEFENDANTS' agents and employees' negligence, the children of Mr. Creach suffered the loss of support, companionship and interference with the parent-child relationship in an amount to be proven at trial.

58. Accordingly, under the common law of negligence, wrongful death, and the statutory provisions of RCW 4.20.010 and -.020 (wrongful death statutes), RCW 4.20.060 (special survival statute) and -.046 (general survival statute), and 4.24.010 (death of a child) the Estate and Mr. Creach have suffered special and general damages

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1 related to Mr. Creach's death, including interference in the parent-child relationship, in
2 an amount to be proven at trial.
3

4 **FACTS RELATING TO MR. CREACH AND THE**
5 **FAMILY OF MR. CREACH**

6 59. W. Scott Creach was born on May 20th 1936. He married Imogene
7 Creach on June 2, 1956. At the time of his death Mr. Creach and Imogene Creach had
8 been married 54 years. They have four children, namely Alan Creach, Ernest Creach,
9 Serena Leonard, and Edith Carroll. They have 12 grandchildren and 2 great
10 grandchildren. Mr. Creach was a Baptist Minister, a farmer, a radio show host, a
11 public speaker, and a business owner.
12
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14

15 60. Mr. Creach was in good health.
16

17 61. Mr. Creach provided significant emotional support and enjoyment to his
18 wife and family members in addition to personal services and financial support.
19

20 **CAUSES OF ACTION**
21

22 **EXCESSIVE USE OF FORCE IN VIOLATION OF CIVIL RIGHTS**
23

24 62. The conduct of the DEFENDANTS' and each of them as set forth above
25 constitutes the intentional and/or reckless use of excessive force against Mr. Creach in
26 violation of his civil rights under the United States Constitution and 42 U.S.C. § 1983,
27 directly and proximately causing physical injury, severe pain and discomfort, and
28 mental and emotional distress, and ultimately death.
29
30

COMPLAINT AND
JURY DEMAND - 19

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1
2 **UNLAWFUL SEIZURE IN VIOLATION OF**
3 **THE FOURTH AMENDMENT**

4 63. The conduct of DEFENDANTS' and each of them constitutes the
5 unlawful seizure of Mr. Creach in a manner exhibiting an intentional and/or reckless
6 and callous disregard for his civil rights under the United States Constitution to be free
7 from detention and/or arrest without cause for which defendants are liable under 42
8 U.S.C. § 1983.
9
10
11

12 **VIOLATION OF DUE PROCESS**

13 64. DEFENDANTS' actions constitute arbitrary and capricious conduct in
14 violation of the Fourth and Fourteenth Amendments to the United States Constitution
15 of the United States, which conduct proximately caused injury to Mr. Creach for which
16 DEFENDANTS are liable under 42 U.S.C. § 1983.
17
18
19

20 **LIABILITY OF SPOKANE COUNTY**

21 65. Under Monell v. City of New York Department of Social Services, 436
22 U.S. 658 (1978) DEFENDANT SPOKANE COUNTY is liable for the acts of
23 HIRZEL as the result of its failure to adequately train and supervise HIRZEL and the
24 maintenance of a de facto practice and policy allowing officers to use unlawful deadly
25 force, and because the COUNTY ratified HIRZEL's actions through the words and
26
27
28
29
30

COMPLAINT AND
JURY DEMAND - 20

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1 conduct of defendant KNEZOVICH and other representatives of SPOKANE
2 COUNTY.
3

4 **WRONGFUL DEATH**

5
6 66. DEFENDANTS' conduct constitutes negligence, culminating in personal
7 injury to and wrongful death of Mr. Creach. This claim is made under common law
8 negligence; RCW 4.20.010 and -.020 (wrongful death statutes); RCW 4.20.060
9 (special survival statute) and -.046 (general survival statute); and RCW 4.24.010
10 (parent-child consortium statute).
11

12
13 67. DEFENDANTS' wrongful conduct caused Plaintiff IMOGENE
14 CREACH to suffer the loss of love, affection, care, service, companionship, society,
15 and consortium of her husband Mr. Creach. This claim is made on behalf of
16 IMOGENE CREACH.
17
18

19
20 68. Mr. Creach left as heirs four adult children, ALAN CREACH,
21 ERNEST CREACH, SERENA LEONARD, and EDITH CARROLL who request
22 damages for emotional trauma caused by the tragic loss, together with deprivation of
23 the companionship of their father.
24

25
26 69. As a result of the tortuous conduct of the DEFENDANTS, Mr. Creach
27 sustained personal injuries resulting in his death. Mr. Creach suffered pain and
28 suffering and his estate suffered financial damages. The survivors have also
29

30 COMPLAINT AND
JURY DEMAND - 21

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1 experienced financial and emotional damages as permitted under RCW 4.24.010,
2 4.20.010, 4.20.020, 4.20.046 and 4.20.060 for compensation for pecuniary loss
3 sustained by the death of Mr. Creach, and for the loss of companionship, love,
4 affection, support, care, society and guidance, including destruction of the
5 parent/child relationship.
6
7

8
9 70. The State-based claims for relief are brought only against Defendant
10 SPOKANE COUNTY, which is liable for all the acts of individual defendants and
11 other agents and employees acting within the scope of their duties under the doctrine of
12 *respondeat superior*.
13
14

15 RESPONDEAT SUPERIOR

16
17 71. Defendant SPOKANE COUNTY is liable to Plaintiffs under state law
18 for all damages proximately resulting from the acts and/or omissions by its
19 representatives, agents, and/or employees as alleged herein that fall within the scope
20 of such representation, agency and/or employment with the County.
21
22

23 PRAYER FOR RELIEF

24 WHEREFORE plaintiff prays for the following relief:
25

26 1. For an award of special and general damages in an amount to be
27 proved at trial;
28
29

30 COMPLAINT AND
JURY DEMAND - 22

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2. For an award of punitive damages against each of the individual defendants in an amount to be determined at trial;

3. For reasonable costs and attorney fees incurred in bringing the present action pursuant to statute; and

4. For such further legal and equitable relief as to the court appears just.

JURY DEMAND

Plaintiff hereby demands a jury trial on all issues triable by jury.

Dated this 18th day of November, 2011.

RICHARD D. WALL, P.S.

By: 

RICHARD D. WALL, WSBA#16581
Attorney for Plaintiffs

CRARY, CLARK & DOMANICO, P.S.

By: 

ROBERT B. CRARY, WSBA#11247
Attorney for Plaintiffs

By: 

IMOGENE CREACH, as Personal
Representative of the Estate of
W. SCOTT CREACH and Individually

COMPLAINT AND
JURY DEMAND - 23

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