

BURGESS FILTER PS
... ..
... ..
... ..

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR PIERCE COUNTY

RAY DUNN and JODI DUNN, individually
and on behalf of their marital community,

NO. 02-2-11657-0

Plaintiffs,

PLAINTIFF'S RESPONSE TO REQUEST
FOR STATEMENT OF DAMAGES

vs.

ASSIGNED TO THE HONORABLE
BRYAN CHUSHCOFF

FINISHERS CORPORATION, a Washington
corporation,

Defendant.

Plaintiff's attorneys make the following statement of damages, as required by law and pursuant to the request of Defendant Finishers and its attorneys, to assist the Defendant's insurance company in setting reserves, and reserving all objections to the admissibility of this information at trial.

A. **Special Damages:** Medical treatment expenses are approximately \$37,000, as of the present date. Treatment is ongoing.

Past Economic Loss: Time-loss from July 5, 2001 to the present date, accruing at approximately \$5,650 in regular wages per month, or about \$115,000 at the present time. This does not include regular overtime payments, fringe benefits, and other economic losses caused by Mr. Dunn's injury from July 5, 2001 to the present date. Further,

1 Plaintiff has provided Defendant Finishers Corporation with seven years of earnings history
2 reflected on income tax filings, and this earnings history should be considered in determining
3 Mr. Dunn's past lost wages. This total is subject to expert analysis, and will be disclosed
4 through expert opinion accordingly.

5 **Future Economic Loss:** Mr. Dun is permanently and totally disabled from his
6 employment. His special damages will include his lost earnings for his remaining work life
7 expectancy of approximately twenty-five years. Special damages for future lost wages will be
8 calculated and provided through expert opinion. A very rough total amount of future special
9 lost wages may be calculated by reference to Mr. Dunn's earnings history, as reflected in the
10 income tax returns provided to the Defendant, multiplied by the length of Mr. Dunn's
11 remaining work life expectancy, although the total may not properly consider future wage
12 growth that Mr. Dunn would have achieved.

13 **Other Special Damages:** Mr. Dunn has been forced to retire from
14 employment with the City of Buckley Fire Department where he served as a paid on-call
15 volunteer fire fighter from March, 1994 until last year. Mr. Dunn's compensation for this
16 work ranged from approximately \$700 to approximately \$1,300 per year. Mr. Dunn has also
17 been disabled from working in and around his home, resulting in special damages that will be
18 addressed in expert opinion.

19 **B. General Damages:** The negligence of the Defendant Finishers Corporation
20 caused Ray Dunn to be struck on the head by a falling metal stud or beam, causing very
21 severe and permanent pain and disability. The amount of general damages owed to Ray and
22 Jody Dunn is within the province and conscience of the jurors to determine. Other juries have
23
24
25
26

1 awarded general damages of \$3 million and \$4 million and were in similar cases involving
2 permanent, painful and disabling injuries to a young, active father of young children, such as
3 Ray Dunn, with similar interests, activities, work history and family responsibilities.

4 Dated this 18 day of March, 2003.

5 GORDON, THOMAS, HONEYWELL, MALANCA,
6 PETERSON & DAHEIM LLP

7
8 By 

9 F. Mike Shaffer, WSBA No. 18669
10 fshaffer@gth-law.com
11 Attorneys for Plaintiffs
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

RESPONSE TO REQUEST FOR STATEMENT OF DAMAGES - 3 of 3
(02-2-11657-0)
[1217534 v04.doc]

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP
1201 PACIFIC AVENUE, SUITE 2200
POST OFFICE BOX 1157
TACOMA, WASHINGTON 98401-1157
(253) 820-8500 - FACSIMILE (253) 820-8565

1 12. **Injuries.** Please identify in specific detail each and every injury or harm you
2 have suffered as a result of the alleged incident.

3 **ANSWER:**

4 Cervical strain and disruption; lumbar strain and lumbar disk herniation, laminotomy
5 surgery; chronic lumbar spine pain; constant and severe low back pain; sciatic pain; neck
6 pain; migraines associated with pain; cervical, lumbar and thoracic subluxation; pain radiating
7 into hips and buttocks; constant, aching bilateral leg pain; bilateral lumbar radiculopathy; pain
8 associated with surgery; extremely painful diskogram procedures; pain associated with
9 physical therapy; excruciating pain resulting from spinal injections and other medical
10 procedures; extreme limitation on all forms of activity; inability to lift more than minimal
11 weights; limited movement in general; stiffness and soreness in back; severe difficulty sitting,
12 standing, walking, bending, lifting driving or performing virtually all activities due to
13 aggravation of symptoms; permanent loss of beloved profession and related lifestyle;
14 psychological injuries, including depression, discouragement and frustration caused by severe
15 physical limitations and resulting restrictions on all work-, leisure-, friends- and family-
16 activities; feelings of failure caused by inability to do usual activities.

17 Jodi Dunn's injuries include loss of consortium, sadness and frustration resulting from
18 Ray's pain, physical limitations and the related psychological repercussions on her and their
19 children.

20 Loss to the Dunn marital community includes all economic losses and loss of the
21 value of Ray's prior physical, emotional and psychological well-being and fitness as a spouse,
22 parent, and provider.

23 Discovery is continuing, and so is medical treatment. Please see Plaintiffs' Statement
24 of Damages for additional information.

25 13. **Health Care For This Incident.** Please identify -- by name, addresses,
26 specialty and nature of care or treatment provided -- all physicians, physical therapists,
osteopaths, naturopaths, chiropractors, psychologists, psychiatrists, or other health care
providers who have examined and/or treated you with regard to the injuries and harm you
identified in response to Interrogatory No. 12.