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SUPERIOR COURT, STATE OF WASHINGTON, YAKIMA COUNTY

SUZIE L.M. SMITH, personally, and as
Personal Representative of the ESTATE OF
KABIN E. SMITH,

Plaintiff,

vs.

YAKIMA COUNTY SCHOOL DISTRICT NO. 7, a,
public corporation organized under the laws
of the State of Washington,

Defendant.

2020070439

NO.

COMPLAINT FOR WRONGFUL DEATH

COMES NOW, Suzie L.M. Smith, personally, as Personal Representative of the Estate of Kaben E. Smith, the Plaintiff in this matter, by and through her attorney of record, Rodney K. Nelson, of Abeyta Nelson, P.C. and hereby alleges and avers as follows:

PLAINTIFFS AND JURISDICTION/VENUE

1.

Plaintiff, Suzie L.M. Smith was appointed personal representative of decedent's estate by order of the court in Yakima County Superior Court Cause No. 19-4-00638-39 on December 6, 2019 and is authorized to commence and maintain this action on behalf of the Estate of Kabin E. Smith and the statutory beneficiaries.

2.

1 Suzie Smith also brings this action on her own behalf. Suzie Smith is the Mother of Kabin
2 Smith. Suzie Smith is a resident of Yakima County, Washington. Before his death, minor Kabin
3 Smith was also a resident of Yakima County, Washington.
4

5 DEFENDANTS AND JURISDICTION/VENUE

6 3.

7 At all times material hereto, defendant Yakima School District No. 7 was and is a public
8 corporation organized under the laws of the State of Washington, and operating in Yakima
9 County, Washington.

10 FACTS AND NEGLIGENCE

11 4.

12 Kabin Smith was a properly enrolled student at Eisenhower High School in the Yakima
13 School District. As such he was in the care and control of said school district and was owed a
14 duty of care by said school district.

15 5.

16 On April 24, 2017, Kabin Smith was released from Eisenhower High School, where he was
17 a student, for allegedly wearing red gang colors. He was released midday without effective notice
18 to his Mother, Suzie Smith. Fourteen year old Kabin was allowed to leave the school grounds and
19 begin the nearly seven mile walk home. While he was walking home, he was shot and killed in a
20 drive-by shooting on the corner of West King Street and Cornell Avenue in Yakima, Yakima
21 County, Washington, roughly three-and-a-half miles from the high school. This death occurred
22 as a result of the negligence of defendant Yakima School District No. 7.
23

24 DAMAGES

25 6.

26 As a proximate result of the negligence of defendant Yakima School District No. 7, the
27 Estate of Kabin E. Smith has suffered a loss of net accumulations to the estate, loss of home
28 services, and incurred substantial medical, funeral, and burial expenses. The Estate of Kabin E.
29 Smith is entitled to damages for these losses under RCW § 4.20.046 in such amounts as will be
30 proven at the time of trial together with interest thereon at the statutory rate from the date of
31 death or the date the expenses were incurred.
32

33 7.

1
2 Kabin Smith also suffered pain, anxiety and distress before his death and his estate is
3 entitled to damages for this under RCW 4.20.046.
4

5 8.

6 As a proximate result of defendants' negligence, plaintiff Suzie L.M. Smith has suffered
7 emotional distress and is entitled to damages for these losses in such amounts as shall be proven
8 at trial.
9

10 9.

11 The Estate of Kabin E. Smith sustained damages as a result of the death of decedent
12 pursuant to RCW §§ 4.20.010, .020, .046, and .060.
13

14 10.

15 Parent, Suzie L.M. Smith, sustained damages as a result of the death of her son consisting
16 of the loss of the love and companionship of her son and loss of the parent-child relationship,
17 and is entitled to damages under RCW § 4.24.010.
18

19 **NOTICE TO DEFENDANT UNDER RCW 4.92.100**

20 11.

21 The Estate of Kabin Smith has properly filed a claim with the Yakima School District under RCW
22 4.92.100. More than 60 days have elapsed since the filing of said claim.
23


24 **WHEREFORE**, having asserted its claims and causes of action, plaintiff hereby prays for
25 judgment against the defendant as follows:
26

- 27 1. For judgment in such amounts as shall be proven at the time trial.
- 28 2. For pre-judgment interest at the statutory rate on all items of special damages
29 including, without limitation, expenses of medical, funeral and burial expenses,
30 and economic loss.
- 31 3. For an award of attorney's fees and costs incurred herein.
- 32 4. For such other and further relief as the court deems just and equitable.
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DATED: February 27, 2020.

ABEYTA NELSON P.C.
Attorneys for Plaintiff

By: 
Rodney K. Nelson
WSBA 9587