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19-2-09661-31  
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Complaint  
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR SNOHOMISH COUNTY

**19 2 09661 31**

No.

RENA HEISLER as Administrator of the  
Estate of EDWARD BRADFORD  
HEISLER,

Plaintiff,

vs.

THE CITY OF LAKE STEVENS, a  
municipal corporation,

Defendant.

**COMPLAINT FOR WRONGFUL  
DEATH**

COME NOW the Plaintiff by and through her attorney of record, W. James Kotlowski of Kotlowski Law Office PLLC, and allege the following claim for relief against the defendants.

**I. IDENTIFICATION OF PARTIES, JURISDICTION AND VENUE**

1.1 Decedent, Edward Bradford Heisler, died on August 26, 2016. At the time of his death, Decedent was age 42.

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1.2 At the time of his death, decedent was resident of the City of Lake Stevens, Snohomish County, Washington.

1.3 Plaintiff, Rena Heisler, has been appointed as Administrator of the Estate of Edward Bradford Heisler.

1.4 At all relevant times hereto, the City of Lake Stevens Police Department was a Department of the City of Lake Stevens.

1.5 At all relevant times hereto, Defendant, City of Lake Stevens was a City in Snohomish County, Washington.

## II. Factual Allegations

2.1 On or about August 20, 2016, at approximately 1920pm, Ms. Heisler called 911 reporting to the dispatcher of the Lake Stevens Police Department that she was driving home from Kayak point and that the decedent was suicidal.

2.2 Ms. Heisler received multiple very concerning text messages and phone calls from decedent during this time. She informed City of Lake Stevens police officer Warbis of decedent's condition when he called her from his cell phone.

2.3 Decedent was a veteran with a history of suicide attempts, PTSD among other mental health issues. Decedent also had a prior history and relationship with the City of Lake Stevens first responders and they were very aware of his mental health through past incidents.

1 2.4 Instead of going into the home as instructed by Ms. Heisler to check on decedent,  
2 the two officers waited outside in their police cars at the bottom of the driveway. The  
3 officers had not even attempted to knock on the front door or check the garage.  
4

5 2.5 The officers then waited for Ms. Heisler to arrive and then lead them up the long  
6 driveway and into the house to check on decedents well-being.  
7

8 2.6 Officers Warbis and Parnell had Ms. Heisler enter the house first and then followed  
9 her with each checking a part of the house and the backyard.  
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11 2.7 Ms. Heisler found decedent hanging from the rafters of their garage.  
12

13 2.8 The medics and/or firemen arrived soon after, resuscitating decedent and a faint  
14 heartbeat. Decedent was then transported to Providence Medical Center.  
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16 2.9. On or about August 26, 2016, decedent died after being taken off life support.  
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## 18 FIRST CAUSE OF ACTION—NEGLIGENCE

### 19 III. Negligence

20 3.1 Plaintiffs incorporate and re-alleges all aforementioned allegations.  
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22 3.2 At all relevant times hereto, agents, servants, and/or employees of City of Lake  
23 Steven's were aware from the 911/officer's call, past incidents, or through the exercise of  
24 reasonable care should have known that Decedent presented a danger to himself.  
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26 3.3 The City of Lake Steven's had a duty to respond to said emergency.

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3.4 The City of Lake Stevens, through the police department, breached its duty by failing to promptly enter the home of decedent after receiving clear instructions and consent from decedent's wife Rena Heisler to enter. This was a grave emergency situation where mere moments or seconds would have made all the difference between life and death. Officers waited for Rena Heisler to arrive home despite that the fact she had told 911 and Officer Warbis in very uncertain terms that decedent was at high risk of suicide and directed them to enter the premises immediately. The inaction of the officers was negligent.

3.5 Defendant City of Lake Stevens breach proximately caused Decedent's death.

SECOND CAUSE OF ACTION—WRONGFUL DEATH  
IV. INJURIES TO THE BENEFICIARIES OF  
THE ESTATE OF EDWARD BRADFORD HEISLER

5.1 Plaintiff Rena Heisler re-alleges all paragraphs of the First Cause of Action as if fully and specifically set forth in this Cause of Action.

5.2 As a direct and proximate result of the Defendants negligence, the beneficiaries of dependent's Estate have suffered damages, in amounts to be established at the time of trial which include the emotional damages, loss of love, affection, care, service, companionship, consortium, protection, society, training, counsel, and support of the Decedent, and has suffered other pecuniary damages as allowed by the above statutes and applicable case law.

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THIRD CAUSE OF ACTION--SURVIVAL

**V. DAMAGES TO THE ESTATE OF EDWARD BRADFORD HEISLER**

6.1 Pursuant to RCW 4.20.060 and 4.20.046, this claim is brought on behalf of the Estate of EDWARD BRADFORD HEISLER for the losses sustained as a result of the injuries and death of Edward Bradford Heisler and the Plaintiff asserts that the estate is damaged as follows:

6.2 The plaintiffs re-alleges all paragraphs of the First Cause of Action as if fully and specifically set forth in this Cause of Action.

6.3 For the pain and suffering, anxiety, and emotional distress and humiliation that Edward Bradford Heisler may have endured prior to his death.

6.4 For the disabilities, loss of enjoyment of life, cost of medical, hospital, and funeral expenses, and other economic losses.

6.5 For the loss of love, affection and companionship.

WHEREFORE, the plaintiffs respectfully pray for judgment against

Defendant, City of Lake Stevens:

1. For past and future special and general damages, as may be proven by the Plaintiff at the time of trial.

1           2. For Rena Heisler and Brienna Lively, as the beneficiaries of Edward Bradford  
2 Heisler's estate, for emotional damages and grief, economic losses, loss of support, love,  
3 affection, care, service, companionship, society, and consortium.  
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5           3. For other pecuniary damages suffered by the beneficiary as allowed by statute and  
6 applicable case law;

7           4. For the pain and suffering, anxiety, emotional distress, loss of enjoyment of life,  
8 and humiliation sustained by Edward Bradford Heisler before his death;

9           5. For past and future direct costs of medical, hospital, and other health care  
10 expenses;

11           6. For funeral expenses;

12           7. For other economic losses which survive to Edward B. Heisler's estate;

13           8. For attorney fees and costs of the suit;

14           9. For pre-judgment interest and attorney's fees and costs; and  
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16           10. For such other and further relief as the court may deem just and proper;  
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## 18                           **VI. LIMITED WAIVER OF PHYSICIAN/PATIENT PRIVILEGE**

19           7.1 Pursuant to RCW 5.60.060(4)(b) and the provisions of the Uniform Health Care  
20 Information Act, RCW 42.17 and RCW Chapter 70, plaintiff and each of them hereby  
21 waives the physician-patient privilege only insofar as necessary to place any and all  
22 alleged damages at issue at time of trial, as might be required by any act or statute or  
23 case law interpreting said statutes or acts, in the State of Washington. It should be  
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1 understood that plaintiff's actions do not constitute a waiver of any of the plaintiff's  
2 constitutional or statutory rights and that defendant is not to contact any treating  
3 physician, past, present, or subsequent, without first notifying counsel for plaintiff, as  
4 required by and in compliance with the Uniform Health Care Information Act, so that they  
5 might bring the matter to the attention of the Court and seek appropriate relief in terms of  
6 imposing limitations and restrictions upon any such defendant's desire or intent to contact  
7 past or subsequent treating physicians ex parte or otherwise. Plaintiff further alleges that  
8 London v. Mhyre, 110 Wn.2d 675, 756 P.2d 138 (1988) and Kime v. Niemann, 64 Wn.2d  
9 394 (1964), 391 P.2d 955 are the correct laws governing waiver of physician-patient  
10 privilege in this state, and that the Uniform Health Care Information Act, RCW 42.17 and  
11 RCW Chapter 70, sets forth the correct law as to the obtaining of plaintiff's medical  
12 records and related health care information.  
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## 15 16 **VII. REQUEST FOR RELIEF**

17 WHEREFORE, plaintiff prays for judgment against the defendant in an amount to be  
18 proved at the time of trial, together with plaintiff's costs and disbursements incurred  
19 herein, and for such other and further relief as the Court may deem just and equitable,  
20 including but not limited to, prejudgment interest.  
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DATED this 24<sup>th</sup> day of October 2019



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W. James Kotlowski  
Attorney for Plaintiff