

October 12, 2000

Terry Wilson
Lewis County Medical Examiner
333 NW North Street
Centralia, WA 98532

2000150

RE: Charles Bardsley, Deceased October 3rd, 2000

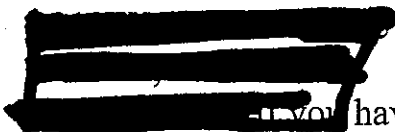
Dear Ms. Wilson:

My sister, brother, family and myself request an incident report from your department on the order of events and your findings regarding the passing of my father Charles W. Bardsley October 3rd, 2000. Please include all details from onset of your 1st phone call or notification of this incident.

I spoke with Carmen last week and she told me to send this letter to request a report. Our family greatly appreciates your cooperation and timely response to our request.

Please mail report to the following address:

Linda Pollick



if you have any questions.

The family of Charles W. Bardsley,

Linda Pollick
Linda Bardsley- Pollick
Judy Bardsley-Macias
Dennis Bardsley

JW
Recd
1-5-01



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

Olympia, Washington 98504
Investigation Service Unit
P.O. Box 47874
Olympia, Washington
98504-7874

November 13, 2000

Terry Wilson, PA-C
Office of the Lewis County Coroner
360 NW North Street, MS:COR01
Chehalis, Washington 98532-1900

Re: Coroner's Report of Charles Bardsley

Dear Mr. Wilson,

Per our conversation of October 21, 2000, I am requesting a copy of your report on Charles Bardsley, of Ashford, Washington, for inclusion in my report. Mr. Bardsley died on or about October 2, 2000.

Please forward as soon as possible.

Thank you for your assistance with this request. If you have any questions, please contact me at the numbers listed below.

Respectfully,

Jeffrey O. Yoshinaka
Investigator
Ph: (360) 236-4654
Cell: [REDACTED]

Filed
By
REG
12/18/00

Chart
Finished
11/16/00
Det



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

Olympia, Washington 98504
Investigation Service Unit
P.O. Box 47874
Olympia, Washington
98504-7874

November 13, 2000

Terry Wilson, PA-C
Office of the Lewis County Coroner
360 NW North Street, MS:COR01
Chehalis, Washington 98532-1900

*Received
11/15/00
J. H.
Transmitted
Charles Bardsley*

Re: Coroner's Report of Charles Bardsley

Dear Mr. Wilson,

Per our conversation of October 21, 2000, I am requesting a copy of your report on Charles Bardsley, of Ashford, Washington, for inclusion in my report. Mr. Bardsley died on or about October 2, 2000.

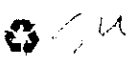
Please forward as soon as possible.

Thank you for your assistance with this request. If you have any questions, please contact me at the numbers listed below.

Respectfully,

Jeffrey O. Yoshinaka
Investigator
Ph: (360) 236-4654
Cell: (██████████)

*OK
JH
Taxed
P.R.O.
12-18-00*



SCHROETER
GOLDMARK
& BENDER

Email: white@schroeter-goldmark.com

December 15, 2000

Terry Wilson
Lewis County Coroner
360 NW North Street, MS COR01
Chehalis, WA 98532

500 Central Building
810 Third Avenue
Seattle, WA 98104

Phone (206) 622-8000
Toll free (800) 809-2234
Fax (206) 682-2305

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Adam J. Berger
James D. Hailey
Kristin Houser
Amanda E. Lee
Mark Leemon
Douglas D. McBroom
Janet L. Rice
Jeffery P. Robinson
Rebecca J. Roe
Sidney S. Royer
William Rutzick
Corrie J. Yackulic

Of Counsel
Martin S. Garfinkel
Kathy Goater

Since 1969

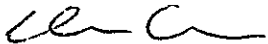
Re: *Charles Bardsley, deceased*
Date of Incident: 10/02/00

Dear Terry:

Pursuant our telephone conversation this morning, we are interested in receiving any and all documentation regarding the coroner's investigation.

Thank you so much for your assistance in this matter. If you have any questions, please do not hesitate to give me a call.

Very truly yours,



Dee Dee White
Paralegal to Corrie J. Yackulic

/dw

LEWIS COUNTY CORONER'S OFFICE
360 NW North Street, MS: COR01
Chehalis, Washington 98532

LCC CASE NUMBER 2000150
NAME Charles William Bardsley

STATE OF WASHINGTON
COUNTY OF LEWIS

Coroner's Determination

AN INQUIRY into the death of Charles William Bardsley, age 76 was conducted by the Lewis County Coroner. This inquiry included investigation and documentation of circumstances surrounding death, as well as post-mortem examination of the decedent, which did not include autopsy.

It has been determined that death occurred at 2424 hours on Tuesday the 3th day of October, 2000 at he was moved to Ashford Fire Department and then returned to his residence in Lewis County.

SUMMARY OF CIRCUMSTANCES SURROUNDING DEATH:

Report of death at 0115 hours 3 October 2000, by Central Dispatch.

The Lewis County Coroner's office was called with a report of a 76 year old Caucasian male who developed chest pain and shortness of breath. He called 9-1-1, and the ambulance arrived and was in the process of transporting him to Good Samaritan Hospital in Tacoma. While en route in Pierce County, he developed a cardiopulmonary arrest and was pronounced dead. At that time the ambulance crew returned him to his residence and placed him in the driveway on a backboard where he was found by the Coroner's office on their arrival. It is unclear at this point why he was returned to his residence, but that was the choice of the aid crew who responded to his 9-1-1 call. He had an extensive previous history of COPD, congestive heart failure, and hypertensive heart disease. He was on multiple medications.

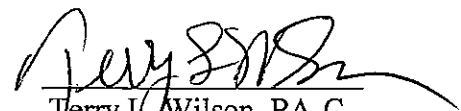
Investigated by: Lewis County Sheriff's Department

CAUSE OF DEATH: Atherosclerotic cardiovascular disease.

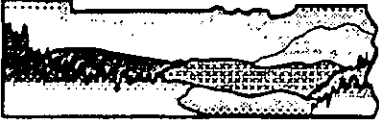
OPINION: This 76 year old Caucasian male had a witnessed cardiopulmonary arrest while being transported to the hospital after a 9-1-1 call. Postmortem examination demonstrated his death to be due to atherosclerotic cardiovascular disease. Because of the obvious cause of death, no autopsy is done. Based on the circumstances surrounding this event as currently known, the manner of death is natural.

Autopsy examination by: _____

Date _____


Terry L. Wilson, PA-C
Lewis County Coroner

LEWIS COUNTY



WASHINGTON

SINCE 1845

Office of the Lewis County Coroner

Terry L. Wilson, P.A.- C., Coroner

360 NW North St., MSCOR01

Chehalis, WA 98532-1900

(360) 740-1376

After hours: (360) 740-1105

Fax: 740-1436

DATE- 1-4-01 TIME- 1640 HRS

TO- Dec Dee White

ORGANIZATION- Schroeter Goldmark & Bender

FAX NUMBER- 206 682 2305

PHONE NUMBER- 206-622-8000

FROM- Carmen Benton Chief Deputy Coroner

FAX-NUMBER 360-740-1436 As per your request on Mr. Charles Bardsley we

have no release from the family to send anything to you. I have

mailed a copy of the coroners report to the family as of today.

NUMBER OF PAGES, INCLUDING COVER SHEET- _____

You make contact the family in a few days as it will take time to

COMMENTS: ARRIVE IN ARIZONA

As per your letter Thank You

12-15-00

Carmen Benton

2000150

FAXED

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SUPERIOR COURT OF WASHINGTON FOR LEWIS COUNTY

DENNIS BARDSLEY, JUDY MACIAS, and
LINDA POLLOCK,

Plaintiffs,

NO. 02-2-00494-4

v.

DECLARATION OF TERRY WILSON

PIERCE COUNTY FIRE DISTRICT 23, a
POLITICAL SUBDIVISION OF THE State of
Washington, CENTRAL PIERCE FIRE AND
RESCUE DISTRICT 6, a political
subdivision of the State of Washington,
and LEWIS COUNTY, a political
subdivision of the State of Washington,

Defendants.

Pursuant to RCW 9A.72.085, Terry Wilson declares as follows:

1. I am over the age of 18, am competent to be a witness and have personal knowledge of the foregoing.
2. At all times relevant hereto, I have been the Lewis County Coroner.
3. Human remains can only be transported in a vehicle licensed and approved for that purpose. The Lewis County Coroner's Office does not have a vehicle for transporting human remains. Consequently, it has a verbal agreement with area mortuaries to transport human remains, that rotates on a monthly basis. When a mortuary is called upon to do a transport human remains, it charges Lewis County a fee for that service.

DECLARATION OF TERRY WILSON - 1

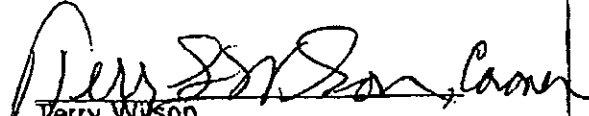
LAW, LYMAN, DANIEL,
KAMERRER & BOGDANOVICH, P.S.
ATTORNEYS AT LAW
910 LAKERRIDGE WAY S.W.
P.O. BOX 11800
OLYMPIA, WASHINGTON 98504-1880
13601 754-3400 FAX: 13601 357-3511

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FAXED

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I declare, under penalty of perjury under the laws of the State of Washington,
that the foregoing is true and correct to the best of my knowledge.

DATED this 14 day of June, 2003, at Chehalis, Washington.


Terry Wilson

DECLARATION OF TERRY WILSON - 2

LAW, LYMAN, DANIEL,
KAMERRER & BOGDANOVICH, P.S.
ATTORNEYS AT LAW
310 LAKEBRIDGE WAY S.W.
P.O. BOX 11380
OLYMPIA, WASHINGTON 98576-1400
(360) 724-1400 FAX: (360) 357-3511

v

6/14

SCHROETER
GOLDMARK
& BENDER

RECEIVED

JUL 27 2001

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY WASHINGTON

VIA REGISTERED MAIL

500 Central Building
810 Third Avenue
Seattle, WA 98104

Phone (206) 622-8000
Toll free (800) 809-2234
Fax (206) 682-2305

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Jeffery P. Robinson
Rebecca J. Roe
Sidney S. Royer
William Rutzick
Corrie J. Yackulic

Of Counsel
Martin S. Garfinkel
Kathy Goater

Since 1969

Board of Fire Commissioners
Central Pierce Fire & Rescue
17520 22nd Ave E
Tacoma, WA 98445

Board of Fire Commissioners
Pierce County Fire District No. 23
18109 541st E
Elbe, WA 98330

Eric Johnson
Richard Graham
Dennis Hadaller
Lewis County Commissioners
360 NW North St
Chehalis, WA 98532

To Whom It May Concern:

This letter constitutes a notice of claim pursuant to RCW 4.96.020 against Central Pierce Fire and Rescue, Pierce County Fire District No. 23, and Lewis County, arising out of the mistreatment of the remains of Charles Bardsley on October 3, 2000. This claim is asserted by and on behalf of Mr. Bardsley's surviving children, Dennis Bardsley, Linda Pollick, and Judy Macias, who all have suffered severe and continuing emotional distress as a result of the gross mishandling of our father's remains.

Description of Events Giving Rise to Claim

The events giving rise to this claim occurred on October 3, 2000 at 102 Tahoma Place, Ashford, Washington.

Our father, Charles Bardsley, was a devoted husband and father, and a long-time resident of Ashford, Washington. He had owned his cabin at 102 Tahoma Place for 35 years and

July 11, 2001

Page 2

had lived there, with our mother, year-round since 1990. He was well-known and well-liked in the community.

On the evening of October 2, 2000, our father called Lewis County 911 dispatch for medical assistance at his home. Units from Pierce County Fire District No. 23, including Gene Casey, Michael Hill, Darrell Day, and Fire Chief James Gregory, responded to the call and, after some delay, arrived at his home. They assisted our father into an aid car and rendezvoused with Captain Robert Hudspeth and his partner from Central Pierce Fire & Rescue in the parking lot of the Nisqually Lodge in Ashford approximately a half hour later. Our father was transferred to the Central Pierce aid car, at which point he apparently suffered complete cardiopulmonary arrest. Attempts to resuscitate him failed.

Our father died shortly after midnight on October 3, 2000 while both aid cars were still in the parking lot of the Nisqually Lodge. The aid units made the decision to return his body to his residence rather than taking his remains to the hospital, morgue or some other more appropriate location.

The aid units, including at least Chief Gregory, Mr. Casey, and Mr. Hudspeth, returned to the Bardsley residence. They were joined by Lewis County Deputy Sheriff Eric Weinrich, who arrived at the house at approximately 1:24 a.m. Lewis County Deputy Coroner Ricky Gray arrived sometime later. They removed our father's body from the aid car, but rather than transferring him to another vehicle or bringing him inside the house, they left him strapped to a back board, partially covered by a sheet, in the driveway next to the garbage. The aid units left the house at about 2:07 a.m.

The aid units and Deputy Weinrich knew that Judy Macias, Charles Bardsley's daughter, had been informed of his death and that Charles Bardsley's son, Dennis Bardsley, was on his way to the house. Although the deputy's report indicates that Judy was told her father's body had been returned to the house, in fact she was not. Rather, Judy was waiting to hear back from the medics regarding to which hospital our father's body would be taken.

As a result, when Dennis and his wife Cindy arrived at the house at approximately 3:30 a.m., we did not know that our father's body had been returned to the house, much less left outside next to the trash. Dennis and Cindy encountered Deputy Weinrich as they were arriving and he was leaving, but he did not tell them about the body. As they walked up to the house, Cindy noticed a shape lying next to the garbage, and told Dennis she believed it was a body. Dennis refused to believe at first that the medics would have left our father's body lying outside next to the garbage. Dennis and Cindy went to investigate and discovered to their horror that Cindy was correct.

Our father's body remained outside and exposed to the elements until approximately 8:45 a.m., when a car from the funeral home arrived. Although the deputy coroner was still at the cabin, neither the coroner's office, the sheriff's office nor the fire districts took any steps to hasten respectful disposition of our father's remains.

Description of Claim

The actions of the aid units, deputy sheriff, and deputy coroner showed a callous and incredible disregard for the dignity of Charles Bardsley's remains and the feelings of his surviving family. In the days following October 3, news of the treatment of our father's body was met by widespread disbelief and outrage by the community, the general public, experienced fire commissioners and aid workers, and elected officials. This reaction expresses the universal sentiment that we expect the remains of our loved ones to be treated with due care and respect, particularly by those who are charged, by duty and training, with helping them in their hours of greatest need.

While the condemnable handling of our father's body has caused widespread dismay in the community, it has become a private nightmare for us, his surviving children. Each of us has suffered severe and continuing grief and anguish as a result of witnessing or hearing of the outrageous treatment of our father's remains. Our last memories of the man who raised and loved us have been tainted by the image of his body lying half-covered next to the trash. Our family cabin, once a center of joyous childhood memories, has become a focus of profound distress and regret. The image of our father lying in the driveway has confounded the painful, if natural, grieving process, and left us struggling to accept our father's passing and proceed with the normal course of our own lives.

Dennis was horrified by the discovery of our father's body lying next to the trash and the way our father, who led such an honorable life, was dishonored in death. Dennis has suffered continuing emotional distress, upset and discord in his family life as a result of these events. Dennis can no longer stand to go to his parents' cabin because of the memories of that night. His and Cindy's life have been irrevocably changed as a result of this incident.

Judy cries and experiences frequent bouts of depression as she thinks about the inhumane manner our father was treated upon his death. She has headaches and days of severe nausea and has experienced sleepless nights and graphic nightmares. Judy cannot understand why our father's remains were handled in such an appalling fashion and why the family was not contacted regarding our wishes. She is disgusted with the medics' explanation that they decided to return our father's body in order to save the family money.

She has been scarred physically and emotionally by this experience, and the thought of our father lying on the ground next to the garbage throughout the night will stay with her forever.

Linda is haunted constantly by the unimaginable mistreatment of her father's remains after his passing on the evening of October 3rd. Linda has become withdrawn and suffers from continuing emotional distress and suffers bouts of depression. She experiences uncontrollable shaking, cries emotionally and has persistent and frequent headaches. Linda's sleep frequently is interrupted by vivid nightmares of our father's body lying in the dirt driveway next to the trash cans in the dark and alone. She has sought counseling to help deal with the emotional scars of the aftermath of this life-altering incident. The callous disposal of our father's body has twisted the life of Linda's whole family.

All of these emotional and physical tolls were caused by the inexplicable and outrageous decision to return our father's body to his cabin and leave it next to the garbage, half-covered and exposed to the elements when it was predictable that Dennis or some other family member would discover the remains in this condition. The decision by the fire district and county personnel to return the body to the house and leave it outside was compounded by the failure of these personnel to warn us of what had been done with our father's body.

The law has long recognized failure to treat the remains of the deceased with due care and respect as a proper subject of the tort of outrage. See, e.g., Gammon v. Osteopathic Hospital of Maine, 534 A.2d 1282 (Me. 1987); Smith v. Telophase National Cremation Soc'y, 471 So.2d 163 (Fla. App. 1985); Cates v. Taylor, 428 So.2d 637 (Ala. 1983); Scarpaci v. Milwaukee County, 292 N.W.2s 816 (Wisc. 1980); Meyer v. Nottger, 241 N.W.2d 911 (Iowa 1976). As the court stated in Koerber v. Patek, 102 N.W. 40 (1905):

We can imagine no clearer or dearer right in the gamut of civil liberty and security than to bury our dead in peace and unobstructed; none more sacred to the individual, nor more important of preservation and protection from the point of view of public welfare and decency.

Liability has been recognized even when the surviving children did not witness the desecration but were later informed by their relatives or through other means. See Golston v. Lincoln Cemetery, Inc., 573 S.W.2d 700 (Mo. App. 1978) ("It is reasonable to believe under the evidence in this case that all three children sustained and shared similar bad experiences in the knowledge, however acquired, that their mother had been improperly buried."); Carney v. Knollwood Cemetery Ass'n, 514 N.E.2d 430 (Ohio App. 1986).

Charles Bardsley's remains were treated in a fundamentally unconscionable manner. The Pierce County Fire District No. 23, Central Pierce Fire & Rescue, and Lewis County are responsible for the severe emotional and concomitant physical distress inflicted on us as a result of this malfeasance.

Persons Involved

We have been able to determine that the following persons were involved or potentially involved in the events giving rise to this claim:

James Gregory
Gene Casey
Michael Hill
Darrell Day
Robert Hudspeth
Eric Weinrich
Rick Gray

There may be additional personnel of Pierce County Fire District No. 23 and Central Pierce Fire and Rescue who participated in the response to our father's 911 call and the decision to return his body to the house. The names of these persons are known to the fire districts, but have not been disclosed to us to date. All of these persons are responsible, in whole or in part, for the outrageous disposition of our father's remains and the failure to warn Judy, Dennis and Linda of the disposition of his remains.

Relief Claimed

As described above, each of us has suffered severe and continuing emotional distress as a result of the outrageous mistreatment of our father's earthly remains. We seek total compensation of \$500,000 with respect to this injury.

More important, we seek adoption of policies by the fire districts and the county that would prevent a similar tragedy from occurring to other families in the future. These policies should ensure that the remains of persons who die while in the care of the fire districts or the county are not returned to their homes or the homes of their loved ones without explicit warning to and consent from the surviving family members. We also demand that, in addition to adopting such policies themselves, the fire district and the county join in petitioning the State and any state and regional associations of fire districts to adopt such policies.

APR 19 2002

Nettie Jungers
Lewis County Clerk

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF LEWIS

DENNIS BARDSLEY, JUDY MACIAS, and
LINDA POLLICK,

Plaintiffs,

v.

PIERCE COUNTY FIRE DISTRICT 23, a
political subdivision of the State of
Washington, CENTRAL PIERCE FIRE AND
RESCUE DISTRICT 6, a political subdivision
of the State of Washington, and LEWIS
COUNTY, a political subdivision of the State
of Washington,

Defendants.

02 2 00494 4
No.

COMPLAINT FOR DAMAGES

RECEIVED

MAY 03 2002

COUNTY ADMINISTRATION

I. PRELIMINARY STATEMENT

1.1 This case is brought by Dennis Bardsley, Judy Macias, and Linda Pollick, the surviving adult children of Charles Bardsley, for outrage, infliction of emotional distress, and mistreatment of the remains of their father by the defendants, Pierce County Fire District No. 23 ("PCFD 23"), Central Pierce Fire and Rescue District No. 6 ("CPFRD 6"), and Lewis County. This case arises from defendants' actions in depositing the body of Charles Bardsley in the driveway of his cabin following his death, without notice to his surviving children, where it was discovered without forewarning by Dennis Bardsley and Dennis Bardsley's wife.

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II. JURISDICTION AND VENUE

2.1 Jurisdiction and venue are proper in this Court because all or most of the tortious acts and omissions giving rise to the claims occurred in Lewis County.

2.2 Plaintiffs served a notice of claim on all defendants more than 60 days ago in compliance with RCW 4.96.020.

III. PARTIES

3.1 Plaintiff Dennis Bardsley is a resident of Washington and the son of decedent Charles Bardsley.

3.2 Plaintiff Judy Macias is a resident of Washington and the daughter of decedent Charles Bardsley.

3.3 Plaintiff Linda Pollick is a resident of Arizona and the daughter of decedent Charles Bardsley.

3.4 Defendant Pierce County Fire District No. 23 is a political subdivision of the State of Washington.

3.5 Defendant Central Pierce Fire and Rescue District No. 6 is a political subdivision of the State of Washington.

3.6 Defendant Lewis County is a political subdivision of the State of Washington, whose officers and employees include the county sheriff and deputy sheriffs and the county coroner and deputy coroners.

IV. FACTUAL BACKGROUND

4.1 Charles Bardsley was a World War II veteran and long-time resident of Washington State. Since 1989, Charles had lived with his wife Eileen, who suffers from

1 advanced Alzheimer's, at 102 Tahoma Place in Ashford, Washington, a remote and rural
2 area of Lewis County.

3 4.2 On the evening of October 2, 2000, Mr. Bardsley telephoned 9-1-1
4 requesting immediate medical assistance. After some delay, units from PCFD 23 responded
5 to the call. The Bardsleys' home is located within Lewis County Fire District No. 17, which
6 at that time had a contract with PCFD 23 to provide emergency medical services.
7

8 4.3 PCFD 23 personnel, including Fire Chief James Gregory, assisted Mr.
9 Bardsley into an aid car and arranged to rendezvous with an Advanced Life Support (ALS)
10 unit from CPFRD 6. The units met in the parking lot of the Nisqually Lodge in Ashford
11 approximately a half hour later. During the transfer to the ALS unit, Mr. Bardsley
12 apparently suffered complete cardiopulmonary arrest. Attempts to resuscitate him failed,
13 and Mr. Bardsley was pronounced dead shortly after midnight on October 3, 2000. The aid
14 cars never left the Nisqually Lodge parking lot.
15

16 4.4 Rather than continuing the hospital or taking Mr. Bardsley's remains to one
17 of the fire stations, the fire district personnel decided to return his body to his home. They
18 contacted the Lewis County Sheriff to apprise him of this decision and to request that a
19 deputy be sent to the house. The Lewis County Coroner's Office also was contacted and
20 dispatched a deputy coroner to the house.
21

22 4.5 The fire district personnel were met at the house by Deputy Sheriff Eric
23 Weinrich at approximately 1:30 a.m. The fire district personnel and/or the deputy sheriff
24 removed Mr. Bardsley's body from the aid car, but rather than transferring him to another
25 vehicle, they left him in the driveway, strapped to a backboard, next to the garbage. The fire
26

1 district personnel left the scene at about 2 a.m., and the deputy coroner arrived
2 approximately 3:30 a.m.

3 4.6 At some point, Judy Macias and Linda Pollick were contacted by telephone
4 by a neighbor, Deputy Weinrich, and/or one of the fire district personnel and informed of
5 their father's death. They were told that the fire districts were handling Mr. Bardsley's
6 remains, but they were not told about the disposition of his body.
7

8 4.7 As a result, when Dennis Bardsley and his wife, Cindy, arrived at the cabin at
9 about 4:00 a.m. to check on his mother, they were unaware that Mr. Bardsley's body had
10 been left in the driveway. The couple encountered Deputy Weinrich driving away from the
11 home as they were arriving, but he did not tell them about the body. As they walked up to
12 the house, Cindy noticed a shape lying next to the garbage cans and told Dennis she
13 believed it was a body. Dennis refused to believe this at first, but, upon approaching and
14 seeing his father's half-covered body, he discovered to his horror that Cindy was right.
15

16 4.8 The deputy coroner, who was still at the cabin, assured Dennis that a car
17 from the funeral home was on its way and would be there shortly. In fact, Mr. Bardsley's
18 body remained outside, exposed to the elements, for several hours until a car from the
19 funeral home eventually arrived.
20

21 4.9 Dennis Bardsley has suffered intense emotional distress as a result of finding
22 his father's body in this manner. His sisters also have suffered severe emotional distress as
23 a result of learning of this callous and disrespectful treatment of their father's remains. The
24 outrageous treatment of his remains has confounded the normal progression of their grieving
25 process, has caused them continuing nightmares and sleeplessness, anguish and depression,
26 headaches, and bouts of extreme emotionality, and has adversely affected their relations

1 with their spouses, family, and friends. Their last and lasting image of the father they loved
2 and respected is his body lying, half-covered and strapped to a board, next to the garbage
3 throughout the night.

4 V. CLAIMS FOR RELIEF

5 5.1 **Outrage:** The defendants treated disposition of Charles Bardsley's remains
6 in a fundamentally unconscionable manner and with complete disregard for the impacts on
7 his survivors. Observation of his father's body in this state has caused severe and
8 continuing emotional distress to Dennis Bardsley. The defendants are liable for all
9 emotional distress and other damages caused to Dennis Bardsley by their extreme and
10 outrageous conduct, in an amount to be proven at trial.

11 5.2 **Negligent or Reckless Infliction of Emotional Distress:** Dennis Bardsley,
12 Judy Macias, and Linda Pollick all have suffered severe emotional distress accompanied by
13 physical symptoms such as headaches, nausea, and sleeplessness as a result of defendants'
14 negligent, reckless and wanton conduct described above. Defendants are liable to plaintiffs
15 for all emotional distress and other damages caused by their negligent, reckless and wanton
16 conduct, in an amount to be proven at trial.

17 5.3 **Mishandling/Mistreatment of Dead Body:** Plaintiffs, as the surviving adult
18 children of Charles Bardsley, were entitled to the proper treatment and disposition of their
19 father's remains. Defendants intentionally, recklessly or negligently interfered with this
20 right by their improper treatment of his remains. Defendants are liable to plaintiffs for all
21 emotional distress and other damages caused by their conduct, in an amount to be proven at
22 trial.


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VI. PRAYER FOR RELIEF

6.1 WHEREFORE plaintiffs pray for judgment against defendants for the items of damages as set forth in the paragraphs above, for costs and disbursement and attorneys' fees incurred in bringing this action, and for such other and further relief as the Court may deem just and reasonable.

DATED this 18th day of April, 2002.

SCHROETER, GOLDMARK & BENDER


CORRIE J. YACKULIC, WSBA #16063
ADAM BERGER, WSBA #20714
Counsel for Plaintiffs