

EXHIBIT 1

Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

THERESA DOE, parent and legal guardian
for M.D., a minor,

Plaintiff,

v.

GRAYS HARBOR COUNTY, a municipality;
GERALD MURPHY, GREG REYNVAAN,
and JOHN and JANE DOES, in their
individual capacity,

Defendants.

NO. 3:17-cv-05186-RBL

REPORT OF SETTLEMENT
GUARDIAN AD LITEM

I. SUMMARY OF RECOMMENDATIONS

GROSS SETTLEMENT: \$45,000.00 present value

NET PROCEEDS: \$37,296.47 present value

Special Issues: This monetary settlement is part of a settlement of claims for injunctive and other relief against the Grays Harbor County relating to practices in their juvenile detention facilities.

SGAL Name: Jo-Hanna Read

Phone: (206) 739-7547

Plaintiff's Attorney: David Whedbee
Nancy Talner

Phone: (206) 622-1604

Phone: (206) 624-2184

Defendant's Attorneys: Suzanne Kelly Michael and Kathleen A. Kline

Phone: (206) 442-9696

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LAW OFFICE OF JO-HANNA READ
600 N. 36th Street, #306
Seattle, WA 98103
206-739-7547

Mediator: J. Paris Kallas

Minor: M. D.

Date of Birth: XXXX XX, 2000

How net proceeds will be protected: Blocked account and annuity

II. APPOINTMENT OF SETTLEMENT GUARDIAN AD LITEM

- A. Name of Settlement Guardian ad Litem: Jo-Hanna Read
- B. Brief Statement of Experience and Qualifications: See attached Curriculum Vitae.
- C. Relationship, if any, with involved parents, guardians, insurers or attorneys: None.

III. DESCRIPTION OF INCIDENT AND LEGAL CLAIMS

M.D., through his mother, brought Eighth and Fourteenth Amendment claims under 42 U.S.C. §1983 arising out of policies and practices of Grays Harbors County Juvenile Detention Center which resulted in detention staff routinely placing M.D. in solitary confinement during the time period from November 2013 to March 2016. Plaintiff asserted claims for compensatory and punitive damages for the approximate 75 instances of solitary confinement during these years, including the period from February 21, 2016, to approximately March 26, 2016, when the County's Detention Director, Gerald Murphy, kept M.D. in isolation continuously. For eight of those days M.D. was confined in the "Padded Room" ordinarily reserved for violent or suicidal detainees. These forms of solitary confinement are contrary to contemporary legal, societal, and scientific standards.

Plaintiffs sought injunctive relief in the form of policy changes that would, consistent with prevailing norms, limit the use of solitary confinement (including under the guise of "cell confinement", "room restriction", "24-hour lock" or other expressions for holding children in isolation) to only extreme circumstances where the child has placed himself or others in serious risk of physical harm, or for a maximum of 4 hours per day for rule violations and behavior management.

M.D., now approaching 17 years old, spent considerable time during his teenage years in the Grays Harbor County Juvenile Detention Facility, largely because of contempt orders that issued amid a series of At-Risk Youth (ARY) petitions filed by his mother, Theresa Doe. Beginning in 2013, as a single parent, Ms. Doe resorted to the ARY petition process because M.D. was missing school and coming home late at night, and because of what she viewed as her son's worsening disrespect and her concerns about his drug use. Judge David Edwards presided over the juvenile docket in Grays Harbor Superior Court and ultimately began

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1 imposing periods of detention along with conditions of probation. M.D. was not always
2 compliant with the conditions, which resulted in contempt orders and yet more time in
3 detention.

4 In 2015, M.D. was involved in the theft of several bottles of liquor and a "residential burglary"
5 after he and a friend entered another friend's house without permission and took an "e-
6 cigarette." M.D. admitted his involvement in both offenses, which resulted in additional
7 probation violations and additional time at the Detention Facility.

8 On April 27, 2016, after a representative from Team Child alerted the Grays Harbor County
9 Prosecuting Attorney to concerns about the extended use of solitary confinement on M.D. and
10 the fact that the County was continuing to hold M.D. without lawful authority, M.D. was
11 released from the Detention Facility.

12 **IV. INVESTIGATION**

13 I have reviewed various documents, including mediation materials, court pleadings, a fee
14 agreement and a proposed disbursement. I have spoken by telephone with M.D., Theresa Doe,
15 David Whedbee and Nancy Talner. I believe that the investigation is adequate given the nature
16 of the case, the injuries to the minor, and the amount involved.

17 **V. LIABILITY ISSUES**

18 Liability was not conceded.

19 **VI. INJURIES AND TREATMENT, DIAGNOSIS, AND PROGNOSIS**

20 It is hard to quantify specific damages to M.D. caused directly by the actions of the juvenile
21 facility, although it was obviously a very negative experience for him. He and his mother were
22 most concerned that this should not have happened and should not happen to anyone else. Their
23 actions in bringing this claim will have a clear positive impact on future treatment of young
24 people in the Grays Harbor detention facility, as evidenced in the settlement agreement entered
25 into by the parties. This is a point of pride for them, as it should be. M.D. can look back on this
26 as a positive result of such a negative experience.

27 In addition to a monetary settlement, the county agreed to the following:

- 28 a. The County will revise its juvenile detention policy regarding discipline
and the use of isolation and room restriction to be consistent with the
Washington State Juvenile Justice & Rehabilitation Administration Policy
22, Assigning Room Confinement, Programmed Room Confinement and
Isolation, ("JRA Policy.22"), and will present this revised policy to Doe for
review within 90 days of the Settlement Date.

1 b. The County will provide Doe with a copy of its training protocols and
2 curriculum related to the policy change within 120 days of the Settlement
3 Date.

4 c. The County will certify by December 1, 2017 that it has trained all
5 existing Juvenile Detention Center staff using the training protocols and
6 curriculum which were provided to Doe.

7 d. The County will certify by December 1, 2017 that it will train all newly
8 hired Juvenile Detention Center staff on the revised policy and provide
9 refresher training to all Staff regarding the revised policy once every 12
10 months.

11 e. The County will provide, verification that its practices comply with the
12 revised policy. Verification may take the form of expedited provision of a
13 juvenile detainee's file to the detainee and/or the detainee's legal guardian
14 or legal representative.

15 **VII. DAMAGES**

16 There are no treatment bills or other special damages.

17 **VIII. ALL INSURANCE OR COLLATERAL SOURCES AVAILABLE TO** 18 **SATISFY CLAIM**

19 There is adequate funding to cover this claim.

20 **IX. LIENS, SUBROGATION AND REIMBURSEMENTS**

21 None known.

22 **X. IDENTIFICATION OF OTHER CLAIMS INCLUDING CLAIMS OF OTHER** 23 **FAMILY MEMBERS**

24 No other claims have been brought.

25 **XI. APPORTIONMENT**

26 There are no apportionment issues.

XII. PROPOSED MONETARY SETTLEMENT

A. Amount: \$45,000.00 present value

B. Payment Terms: Cash into blocked account and structure.

C. Proposed Settlement Documents: Settlement agreement and release, receipt for blocked account and proof of acquisition of annuity.

XIII. EXPENSES AND FEES

A. Expenses

The following expenses were incurred in pursuing these claims:

Filing Fees	\$400.00
Process Service	\$619.00
Medical Records	\$213.46
Expert Fees	\$3,750.00
Depositions	\$1,945.41
Travel Expenses	\$713.99
Fed Ex	61.67
Total:	\$7,703.53

These expenses are reasonable given the nature of the case.

B. Attorney Fees.

This minor has been represented by David Whedbee of MacDonald Hoague & Bayless and Nancy Talner of the ACLU. Neither is requesting attorney fees.

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XIV. DISPOSITION OF NET PROCEEDS

A. Proposed Settlement

Offer	\$45,000.00
	present value
Less	
Costs	\$7,703.53
Net Proceeds	\$37,296.47
	present value

B. Disposition of Net Proceeds

I recommend a structured settlement as to the majority of the funds. This will provide a cushion for M.D. to pursue education and/or training after he turns 18 years of age. The proposed structured settlement payout is as follows: \$8,339.37 payable annually, guaranteed for 3 years, beginning on 07/21/2019, with the last guaranteed payment on 07/21/2021.

The cost of the above structured settlement is \$25,000.00. The interest rate earned on the funds going into the structured settlement is 0.03%. The name of the company issuing the structured settlement is Pacific Life and that company's financial rating is A+15 by AM Best.

The plaintiff's attorney should be required to file a Proof of Annuity Acquisition within thirty days after the settlement is approved by the court.

M.D. has requested that he be allowed \$1,000 now, to spend on clothing. After discussion with him and his mother, I recommend that this be allowed. This should take the form of a pre-paid credit card or gift card in his name. He has also requested that \$399.00 be allotted to paying for a drivers' education course, which I also recommend. After these expenditures there will remain approximately \$10,897.00 of the settlement. This amount should be placed in a blocked account, to be available to him when he turns 18, in 2018.

I recommend that this settlement be monitored by the King County Superior Court, as plaintiff's counsel are located in Seattle.

XV. SETTLEMENT GUARDIAN AD LITEM FEES

I request settlement guardian ad litem fees and costs in the amount of \$1,500.00. I am filing a declaration of my time and services and costs incurred, concurrently with this report. I recommend that the settlement guardian ad litem fees and costs be paid the defendant's insurer, as agreed.

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XVI. SETTLEMENT APPROVAL IN OTHER JURISDICTIONS

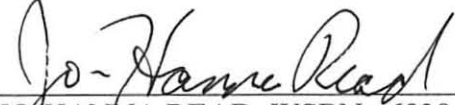
This settlement has not been submitted for approval in any other court or jurisdiction.

XVII. CONCLUSION

I believe that the settlement set forth herein is in the minor's best interests and recommend that the court approve it and authorize application of the proceeds as set forth herein.

DATED this 16 August 2017.

LAW OFFICE OF JO-HANNA READ


JO-HANNA READ, WSBN: 6938
Settlement Guardian ad Litem

JO-HANNA READ

600 N 36th St, Ste 306

Seattle, WA 98103

206-739-7547

an AV rated attorney

EDUCATION

Undergraduate: Bachelors of Arts, summa cum laude, phi beta kappa, with honors in Anthropology, University of Washington, 1972.

Law: J.D., with honors, University of Maryland, 1976.

JOB EXPERIENCE

2005-present: Law Office of Jo-Hanna Read. Representing clients in personal injury claims. Emphasis in recent years has been on representation of victims of sexual and/or physical abuse, therapy malpractice, sexual harassment, and related areas, as well as extensive service as a litigation guardian ad litem and settlement guardian ad litem.

2001-2005: Endriss & Read, PLLC. Partner.

1988-2001: Law Office of Jo-Hanna Read. Solo practice. Plaintiffs' personal injury.

1983-1988: partner in the firm of Adler, Giersch, and Read.

1976-1982: staff attorney, Seattle/King County Public Defenders Office.

RELATED EXPERIENCE

recipient, Washington State Association for Justice Public Justice Award, 2010

recipient, Washington Women Lawyers Passing the Torch Award, 2008

member, Washington State Association for Justice (formerly Washington State Trial Lawyers Association)

graduate, Trial Lawyer's College (founded by Gerry Spence), 2006

presentations at numerous continuing education seminars for attorneys, 1976-present

Contributing Author, *Beyond the Criminal Justice System: Transforming Our Nation's Response to Rape*

Chief Author, Washington Lawyers Practice Manual Chapter 5, Part One: "Personal Injury: A Plaintiff's Perspective", 1998 to 2000.

designated a Washington state Super Lawyer by Washington Law & Politics, 1999 through 2006, 2010 through 2017