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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

SHAKIYA SARGENT, a minor child by her
Guardian ad Litem, Amber Fox,

Plaintiff,

v.

PORTLAND PUBLIC SCHOOL DISTRICT 1J,

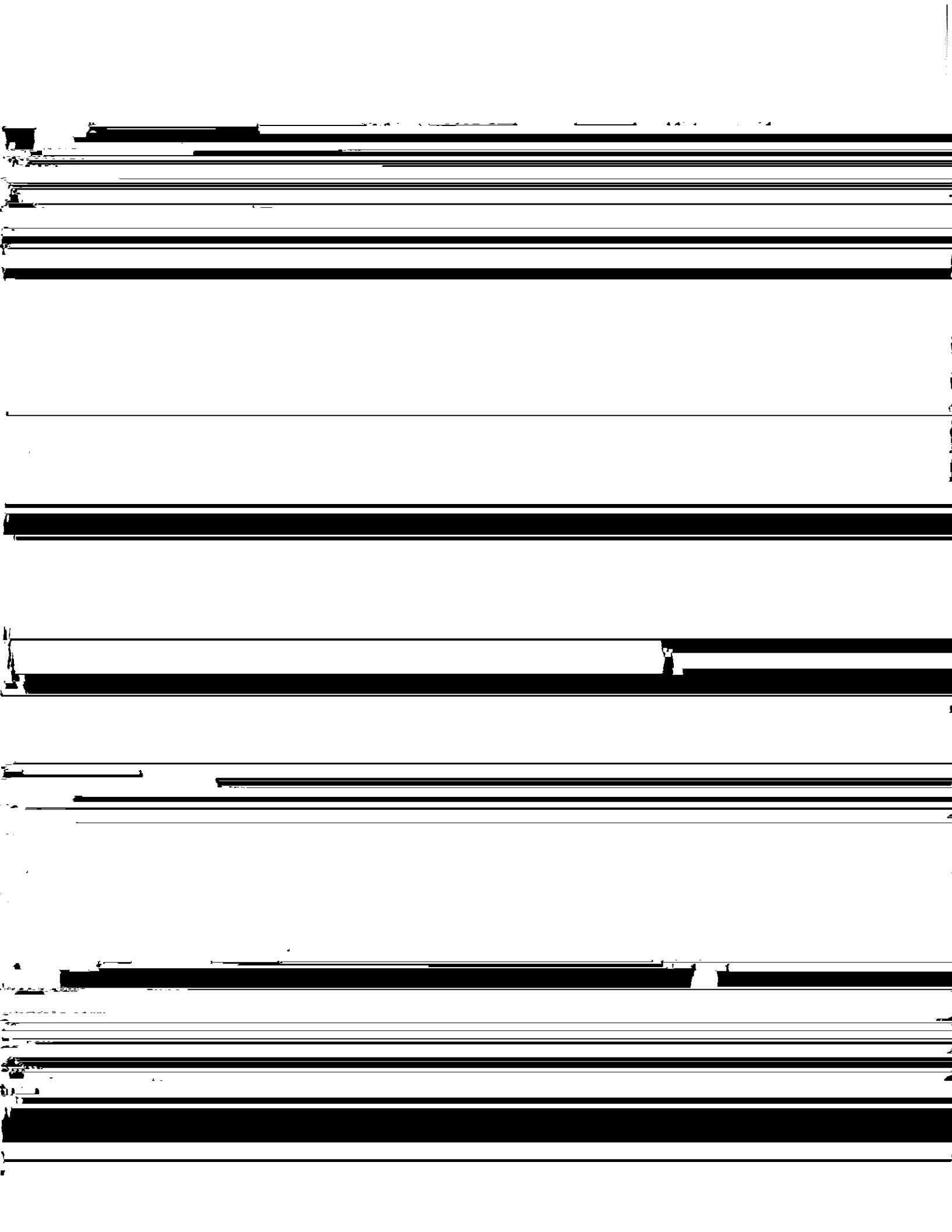
Defendant.

) Case No. 0904-04938
)
) AMENDED COMPLAINT
) (Personal Injury—Common Law
) Negligence and Negligence *Per Se*)
)
) NOT SUBJECT TO ARBITRATION
)
) JURY TRIAL REQUESTED
)

Plaintiff alleges:

Count 1—Common Law Negligence

1.



1
2 The defendant failed to meet its duty of providing a reasonably safe physical environment
3 for it students, including Shakiya, in the following respects:

4 a. After learning of the unreasonable dangerousness of the wired glass, the defendant:

5 I. Took no action of any kind with respect to the wired glass panels causing
6 injury herein;

7 ii. Failed to assess and identify the level of hazard presented by the use of wired
8 glass. Such an assessment would have focused remedial efforts to remove the hazard at its most
9 dangerous locations, such as the door in question;

10 iii. Failed to consider cost effective safety measure alternatives to replacement of

1 this location. The wired glass installed in the door in question does not meet federal impact
2 standards, thus contributing substantially to the fact of injury and/or the severity of injuries
3 sustained.

4 c. The location of the door is such that a Category I fire rated assembly is required in
5 order to retard the passage of fire. The door in question is only rated to achieve some degree of
6 smoke control in the early stages of a fire. The wired glass panes in the illegally installed door
7 exceed the glazing size limitation allowed. See 16 C.F.R. Sec. 1201.2(a)(3)(ii). The illegal sized
8 wired glass pane at issue increased the size or surface area of the dangerous condition, thus
9 making serious injury more probable. Additionally, increasing the surface area of the wired glass
10 further weakened its resistance to impact, thus increasing the likelihood of serious injury.

11 d. Oregon and federal law require that wired glass must meet the minimum impact
12 standards set forth in ANSI Z 97.1, *i.e.* to withstand 100 lbs of impact and breaking in a safe
13 manner. The wired glass at issue did not meet this standard.

14 10.

15 As a direct and proximate consequence of defendant's negligence, Shakiya suffered
16 multiple slicing lacerations to her right leg and ankle area, one such laceration nearly four inches
17 in depth and another three inches wide; a 70% laceration of the Achilles tendon; severance and
18 disruption of nerves, arteries and blood vessels. These injuries have caused permanent
19 impairment and disfigurement of the right leg.

20 11.

21 As a direct and proximate consequence of defendant's negligence, Shakiya has suffered
22 significant economic loss for the cost of reasonable and necessary medical care, including a week

1 \$25,000.

2 12.

3 As a direct and proximate consequence of defendant's negligence, Shakiya has suffered
4 severe non-economic damages; more specifically extreme pain, emotional upset, disfigurement,
5 humiliation and embarrassment, and will continue to suffer these damages on a permanent basis.
6 Additionally, Shakiya's usual and customary lifestyle and daily activities of living are now and
7 will be limited, to be compensated in an amount not to exceed \$350,000.

8 **Count 2--Negligence Per Se**

9 13.

10 Plaintiff incorporates paragraphs 1-12 as alleged above.

11 14.

12 Shakiya was within the category of persons sought to be protected by 16 CFR Sec. 1201,
13 *et.seq.*, and ANSI Standard Z 97.1.

14 15.

15 The injuries she sustained were of the type contemplated by the regulations cited in
16 Paragraph 14 above.

17 16.

18 Defendant is negligent *per se*.

19 WHEREFORE, plaintiff requests a trial by jury and prays for an award:

- 20 1. For economic and non-economic damages, not to exceed the amounts listed
21 above;
- 22 2. For costs and disbursements incurred herein; and
- 23 3. For such other relief as the court deems just.

Of Attorneys for Plaintiff

Wm. Keith Dozier, Jr., OSB No. 012748
Of Attorneys for Plaintiff

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1 3. For such other relief as the court deems just.


2 DATED this 28th day of February, 2011.

3 _____
4 James E. McCandlish, OSB No. 75246-9
5 GRIFFIN & McCANDLISH
6 Of Attorneys for Plaintiff

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