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

HEIDI A. STOCKER, Personal Representative of the Estate of KELSEY ROSE SEIBEL,) Case No.
Plaintiff,) COMPLAINT
v.) (Negligence, Wrongful Death)
SOUTH LINCOLN AMBULANCE, INC. and YACHATS RURAL FIRE PROTECTION DISTRICT;) Filing Fee: \$884 ORS 21.160(1)(e)
Defendants.) Amount in Controversy: > \$1M < \$10M
) JURY TRIAL REQUESTED
) NOT SUBJECT TO MANDATORY
) ARBITRATION
)
)
)

Comes now Plaintiff Heidi A. Stocker, as personal representative of the Estate of Kelsey Rose Seibel (“Plaintiff”) to allege the following against defendants South Lincoln Ambulance, Inc. (“SLA”) and Yachats Rural Fire Protection District (“YRFPD”) (collectively, Defendants):

JURISDICTION AND VENUE

1.

At all times relevant, Highway 101 near Yachats, Oregon was a north-south road open to the public for vehicular travel in the State of Oregon.

2.

Venue in this case is proper because the actions and inactions giving rise to this complaint occurred in Lincoln County, Oregon. This court has general jurisdiction over this case pursuant to ORS 14.030.

1 **PARTIES**

2 3.

3 Plaintiff Heidi A. Stocker is the personal representative of the Estate of Kelsey Rose
4 Seibel pursuant to an order entered in Lincoln County Circuit Court on January 26, 2024. Ms.
5 Stocker is the mother of Kelsey Seibel, who died because of the crash at issue in this civil
6 complaint. Ms. Seibel was the mother of two children, Kayden Simmons and Ryan Simmons,
7 who were ages 5 and 3 when the alleged events occurred.

8 4.

9 Defendant SLA is an Oregon non-profit corporation registered with the Oregon Secretary
10 of State with its principal place of business in Yachats, Oregon.

11 5.

12 Defendant Yachats Rural Fire Protection District is an Oregon special district organized
13 under ORS Chapter 478.

14 6.

15 YRFPD and SLA jointly operate an ambulance service that serves Ambulance Service
16 Area #5 in Lincoln County, Oregon (hereinafter, ASA #5). Specifically, YRFPD and SLA filed
17 a joint application with Lincoln County to be the ambulance service provider in ASA #5 in 2022,
18 which Lincoln County approved. SLA owns the ambulance and medical equipment, while
19 YRFPD provides staff to operate the ambulance and respond to service calls.

20 **FACTUAL ALLEGATIONS**

21 7.

22 At approximately 5:14 p.m. on January 11, 2024, Ms. Seibel was driving her 2015 Kia
23 Sol northbound on Highway 101, near milepost 163. Ms. Seibel drove at a reasonable speed and
24 remained in her appropriate lane of travel.

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8.

At the same time and place, an ambulance owned by SLA and driven by YRFPD employee Casey Wittmier was driving from the Yachats Main Fire Station located at 2056 Highway 101 N., to Sea Aire Assisted Living on an ambulance service call.

9.

The driveway to the Yachats Main Fire Station intersects with Highway 101. There is a white painted stop line on the Fire Station Driveway at the intersection with Highway 101. To get to its destination, the ambulance needed to make a left turn from the fire station driveway onto Highway 101.

10.

Mr. Wittmier drove the ambulance across the northbound lane of Highway 101 directly in front of Ms. Siebel's path of travel, causing Ms. Seibel's Kia Sol to collide broadside into the ambulance.

11.

Mr. Wittmier never brought the ambulance to a stop at the end of the driveway prior to entering Highway 101, nor did he activate the ambulance's overhead lights or siren prior to the crash.

12.

At all times material, Casey Wittmier was both an employee of YRFPD acting in the course and scope of his employment with YRFPD and an actual agent of SLA, acting within the course and scope of his agency with SLA. Specifically, Mr. Wittmier was driving SLA's ambulance to fulfill both SLA and YRFPD's contractual duties as an ambulance service provider. SLA had the right to control the method and means by which ambulance service was provided. Defendants SLA and YRFPD are therefore both vicariously liable for Casey Wittmier's actions and omissions as described herein.

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1 **DAMAGES**

2 13.

3 As a result of Defendants’ negligence, Ms. Siebel suffered severe blunt force injuries.
4 Ms. Siebel died several minutes after the crash, but during the period from the crash until her
5 death, Ms. Siebel suffered pain, discomfort, and distress. Ms. Siebel’s children and mother have
6 permanently lost the society and companionship of their mother and daughter. For these harms
7 and losses, Plaintiff seeks compensation in the amount of \$3,000,000.

8 14.

9 As a further direct result of Defendants’ negligence, Plaintiff suffered economic
10 damages. Specifically, Plaintiff has incurred damages in the form of lost monetary support and
11 lost services that Ms. Siebel would have provided to her children, Kayden and Ryan, in an
12 amount not yet certain, but for the purposes of ORCP 18 currently estimated to be \$3,000,000.

13 **FIRST CLAIM FOR RELIEF**

14 **(Negligence/Vicarious Liability Against Defendants)**

15 15.

16 Plaintiff re-alleges paragraphs 1 - 14 of this Complaint.

17 16.

18 Casey Wittmier owed Ms. Siebel and all roadway users a duty to operate the ambulance
19 in a safe manner, including to obey all traffic laws.

20 17.

21 Casey Wittmier was negligent in one or more of the following ways, causing death and
22 injury to Ms. Siebel:

23 (a) In failing to yield the right of way to Ms. Siebel’s vehicle when entering the roadway
24 from a private road or driveway, when Ms. Siebel’s vehicle was approaching so
25 closely as to constitute an immediate hazard (ORS 811.280);

26 (b) In failing to stop the ambulance prior to entering highway from a private road or
driveway (ORS 811.505);

- 1 (c) In failing to activate the ambulance's overhead lights when entering the highway
2 without first stopping at the roadway and waiting for traffic to clear the intersection
3 prior to entering the highway;
- 4 (d) In failing to activate the ambulance's siren when entering the highway without first
5 stopping at the roadway and waiting for traffic to clear the intersection prior to
6 entering the highway;
- 7 (e) In failing to keep a proper lookout; and
- 8 (f) In operating the ambulance too fast for the conditions then and there existing,
9 specifically, in going too fast to be able to see if vehicles were approaching so closely
10 as to constitute an immediate hazard prior to entering the highway (ORS 811.100).

11 18.

12 At all times material, Mr. Wittmier was the actual agent and/or employee of both YRFPD
13 and SLA and acting within the course and scope of that employment/agency. Defendants SLA
14 and YRFPD are therefore both vicariously liable for Casey Wittmier's negligence described
15 herein.

16 19.

17 Casey Wittmier's negligence as alleged above caused Plaintiff to incur the damages set
18 forth in Paragraphs 13 and 14.

19 **SECOND CLAIM FOR RELIEF**

20 (Direct Negligence Against Defendants SLA and YRFPD)

21 20.

22 Plaintiff re-alleges paragraphs 1-19 of this Complaint.

23 21.

24 Defendants owed a duty to all roadway users, including Ms. Siebel, to train and educate
25 their employees/agents on safe ambulance and/or emergency vehicle operation prior to allowing
26 their employees/agents to operate emergency vehicles.

22.

Defendants were negligent in one or more of the following ways, causing death and injury to Ms. Seibel:

- (a) Upon information and belief, in failing to provide proper training on safe ambulance/emergency vehicle operation, including when to use overhead lights and sirens, to Mr. Wittmier;
- (b) Upon information and belief, in adopting or acquiescing to an unwritten policy of not activating an emergency's vehicle's siren near the Yachats Main Fire Station, even when proceeding onto the highway without first stopping to ensure the roadway is clear, so as not to disturb neighbors.

23.

Defendants' negligence as alleged above caused Plaintiff to incur the damages set forth in Paragraphs 13 and 14.

PRAYER

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

- (a) For non-economic damages in an amount of \$3,000,000;
- (b) For economic damages in an amount not to exceed \$3,000,000; and
- (c) For her costs and disbursements incurred herein.

DATED this 16th day of October, 2024.

/s/ Adam C. Springer
Adam C. Springer, OSB #112109
springer@yaquinalaw.com
Attorney for Plaintiff