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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

ESTATE OF KARIN RIEBE, by and
through BRADFORD FULTON, Personal
Representative;

Plaintiff,

v.

KING COUNTY, a governmental entity,
and SHAWN RIEBE, a single man;

Defendants.

NO.

**COMPLAINT FOR DAMAGES –
WRONGFUL DEATH**



Karin Riebe
Date of Death – September 14, 2021 (Age 58)

1 COMES NOW Plaintiff, by and through her attorneys of record Stritmatter Kessler
2 Koehler Moore, and for causes of action against Defendants, alleges as follows:

3 I. PREAMBLE

4 1.1 This case is about the King County Sheriff's Office (KCSO) failing in its basic
5 duties to protect Karin Riebe, a victim of domestic violence, from her assailant Shawn Riebe. On
6 the morning of September 14, 2021, Karin sought help from KCSO when her son Shawn pulled
7 out his gun, loaded it, and told her to get out of her own home. Washington State's domestic
8 violence laws required KCSO to arrest Shawn; it had no discretion to do otherwise. Nonetheless,
9 KCSO refused, claiming it had no probable cause to arrest Shawn for any crime. Instead, KCSO
10 treated the situation as solely an issue of Shawn's mental health, and decided they had no basis
11 for detaining Shawn on that basis either. KCSO deputies told Karin they could not do anything to
12 get Shawn out of her house, and told her not to return home until Shawn had "cooled down" –
13 without knowing when or even if this would happen, or providing Karin a means of knowing if
14 or when it had occurred.

15 1.2 A few months before this incident occurred, the legislature had enacted a new law
16 intended to clarify the permissible uses of force by law enforcement officers – HB 1310, enacted
17 as RCW 10.120 *et seq.* This law became a rallying cry for law enforcement departments around
18 the state to claim their hands were tied in dealing with suspects in mental crisis like Shawn. Law
19 enforcement weaponized this law to fight against increases in police accountability. This was
20 particularly the case in the late summer and fall of 2021 – around the time the incidents
21 involving Shawn and Karin unfolded. King County deputies ignored their clear duties under
22 Washington's domestic violence laws, and instead weaponized HB 1310 as an excuse why they
23
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1 could not detain Shawn. Deputies specifically told Karin that “legislative changes were
2 preventing them from getting him help.”

3 1.3 By failing to act, KCSO left Karin no viable means of returning to her own home
4 safely, significantly increasing the risk of danger for Karin. And as a result, Karin is dead, having
5 been shot multiple times by Shawn when she attempted to return home much later that day.

6 II. PARTIES

7 2.1 At all material times, KARIN RIEBE resided in Auburn, King County,
8 Washington. Bradford Fulton was appointed the Personal Representative of the Estate of Karin
9 Riebe on August 10, 2023, in the Superior Court of Pierce County, Washington, Cause No. 21-4-
10 02001-1, substituting for Colleen Jensen and Janine Timm who had been previously appointed
11 on October 13, 2021. He brings claims as Personal Representative of the Estate of Karin Riebe,
12 on behalf of the Estate, as well as on behalf of Karin Riebe’s statutory beneficiaries – Colleen
13 Jensen, Janine Timm, Michael Riebe, Stephen Riebe, Daniel Riebe, and Rhonda Riebe.¹

14 2.2 Defendant KING COUNTY is a governmental entity and is governed and
15 organized in accordance with the Washington State Constitution Article 11. King County
16 operates the King County Sheriff’s Office, which provides law enforcement services for the
17 County.

18 2.3 King County is vicariously liable for all of its employees’ acts and omissions,
19 including but not limited to the acts and omissions of deputies and other employees of the King
20 County Sheriff’s Office.

21 2.4 Defendant SHAWN RIEBE at all material times resided in Auburn, King County,
22

23 ¹ Note: Shawn Riebe is not a statutory beneficiary because he is barred from recovery under the slayer statute, and
24 this action is not brought on his behalf. *See In re Kissinger*, 166 Wn.2d 120, 206 P. 3d 665 (2009).

1 Washington.

2 **III. JURISDICTION/VENUE**

3 3.1 A claim was filed with King County on June 26, 2023. The claim was assigned
4 Claim No. 75955. The claim was filed on behalf of the Estate of Karin Riebe and her statutory
5 beneficiaries – Colleen Jensen, Janine Timm, Michael Riebe, Stephen Riebe, Daniel Riebe, and
6 Rhonda Riebe. More than 60 days elapsed since this claim was filed before the filing of this
7 Complaint. The filing of this claim properly satisfied the notice and other procedural
8 requirements of RCW 4.96 *et seq.*

9 3.2 The Superior Court of King County, State of Washington, has subject matter
10 jurisdiction over this action pursuant to RCW 2.08.010.

11 3.3 Jurisdiction and venue are proper within the Superior Court of Washington King
12 County, as Defendants reside there and the incident giving rise to this cause of action occurred
13 there.

14 **IV. FACTS**

15 **Washington Law Does Not Tolerate Domestic Violence**

16 4.1 Over the past several decades, Washington has repeatedly strengthened its
17 domestic violence laws to show that domestic violence will not be tolerated.

18 4.2 RCW 10.99.010, which was enacted in 1979, provides:

19 The purpose of this chapter is to recognize the importance of domestic
20 violence as a serious crime against society and to assure the victim of
21 domestic violence the maximum protection from abuse which the law and
22 those who enforce the law can provide. The legislature finds that the
23 existing criminal statutes are adequate to provide protection for victims of
24 domestic violence. However, previous societal attitudes have been
reflected in policies and practices of law enforcement agencies and
prosecutors which have resulted in differing treatment of crimes occurring
between cohabitants and of the same crimes occurring between strangers.
Only recently has public perception of the serious consequences of

1 domestic violence to society and to the victims led to the recognition of
2 the necessity for early intervention by law enforcement agencies. It is the
3 intent of the legislature that the official response to cases of domestic
4 violence shall stress the enforcement of the laws to protect the victim and
5 shall communicate the attitude that violent behavior is not excused or
6 tolerated. Furthermore, it is the intent of the legislature that criminal laws
7 be enforced without regard to whether the persons involved are or were
8 married, cohabiting, or involved in a relationship.

9 4.3 Washington’s changes to domestic violence law were intended to counteract the
10 historical responses to domestic violence, which included: attempting to mediate between
11 victims and assailants rather than arrest, forcing a victim to press charges, and portraying the
12 victim as having “done something” to provoke violence.

13 4.4 “Domestic violence” is not limited to violence between spouses, or of a parent
14 against a child. It includes violence committed by “one family or household member against
15 another family or household member.” RCW 10.99.020(4).

16 4.5 Washington’s domestic violence laws require officers to make an arrest under
17 certain circumstances: “When a peace officer responds to a domestic violence call and has
18 probable cause to believe that a crime has been committed, the peace officer **shall** exercise arrest
19 powers with reference to the criteria in RCW 10.31.100.” RCW 10.99.030(2)(a) (emphasis
20 added). Under those circumstances, officers have no discretion – they must make an arrest.

21 4.6 A peace officer who responds to a domestic violence call and has probable cause
22 to believe a crime has been committed but also take certain actions related to firearms, including:

23 4.6.1 “[s]eize all firearms and ammunition the peace officer has reasonable
24 grounds to believe were used or threatened to be used in the commission of the offense.”
RCW 10.99.030(3)(a)(i).

4.6.2 “[s]eize all firearms in plain sight or discovered pursuant to a lawful
search.” RCW 10.99.030(3)(a)(ii).

1 4.6.3 “[r]equest consent to take temporary custody of any other firearms and
2 ammunition to which the alleged abuser has access until a judicial officer has heard the
3 matter.” RCW 10.99.030(3)(a)(iii).

4 4.6.4 “inquire of the victim: (i) If there are any firearms or ammunition in the
5 home that are owned or possessed by either party; (ii) if the alleged abuser has access to
6 any other firearms located off-site; and (iii) whether the alleged abuser has an active
7 concealed pistol license, so that there is a complete record for future court proceedings.”
8 RCW 10.99.030(3)(b).

9 4.6.5 “document all information about firearms and concealed pistol licenses in
10 the incident report. The incident report must be coded to indicate the presence of or
11 access to firearms so that personal recognizance screeners, prosecutors, and judicial
12 officers address the heightened risk to victim, family, and peace officer safety due to the
13 alleged abuser’s access to firearms.” RCW 10.99.030(3)(c).

14 4.7 Under RCW 10.31.100(2),

15 A police officer **shall** arrest and take into custody... a person without a
16 warrant when the officer has probable cause to believe that:

17 ...

18 (d) The person is eighteen years or older and within the proceeding four
19 hours has assaulted a family or household member or intimate partner...
20 and the officer believes:

21 (i) A **felonious assault** has occurred;

22 ...

23 (iii) that **any physical action** has occurred which was **intended to cause**
24 **another person reasonably to fear imminent serious bodily injury or**
death.

(emphasis added)

1 4.8 Assault with a deadly weapon constitutes second degree assault – a class B
2 felony. RCW 9A.36.021(1)(c).

3 4.9 An act does not need to injure someone to be an assault. “Assault” also includes
4 “an act done with the intent to create in another apprehension and fear of bodily injury, and
5 which in fact creates in another a reasonable apprehension and imminent fear of bodily injury” –
6 regardless of whether the assailant intended to harm the victim. WPI 35.50.

7 4.10 The Criminal Justice Training Commission (CJTC) provides basic training for
8 Washington State law enforcement officers, including training on what constitutes domestic
9 violence and how to respond to a domestic violence situation.

10 4.11 The CJTC trains that the following is a “mandatory arrest” situation:

11 **Question #3 – Is it a Mandatory Arrest?**

YES/NO

12 ➤ *One of these two situations:*

- 13 ● Suspect is 18 or older, **AND**
- 14 ● Occurred within the last four hours, **AND**
- 15 ● Family/Household Member or Intimate Partner relationship, **AND**
- 16 ● The crime was a felonious assault, assault with injury or action to cause fear of
imminent serious bodily injury/death.

17 4.12 The CJTC trains law enforcement officers to recognize that the **victim** of
18 domestic violence is “likely in a state of crisis (‘an emotionally significant event that causes
19 stress and/or overwhelms someone’s usual problem-solving skills and results in chaos’).”

20 4.13 The CJTC trains that the three law enforcement goals of dealing with domestic
21 violence are:

22 4.13.1 Stop the immediate violence;

23 4.13.2 Remove the **abuser**; and

1 4.13.3 Provide the victim with resources.

2 **September 14, 2021 – Karin’s Pleas For Help**

3 4.14 Around 7 am on September 14, 2021, Karin (age 58) called 911 regarding her
4 adult son Shawn (age 40). During the call she was quite distressed. Karin reported Shawn had
5 PTSD and was “really having issues right now.” Shawn had not been eating, had been up since 2
6 in the morning, and was “doing some really strange things” like rocking back and forth on his
7 bed. Karin said, “Something is wrong, he needs some help.”



18 **Shawn Riebe**

19 4.15 Emergency personnel came to Karin’s home and attempted to treat Shawn but he
20 declined medical assistance. Emergency personnel left around 7:30 am.



Picture of Karin's home

4.16 Soon after, around 8 am, Karin called 911 again. She cried throughout the entire call, sounding worried and fearful. Among other things, Karin reported:

“My son is sick he’s bipolar manic and he just got his gun out and loaded it and told me I’m not welcome in my own home and told me to get out.”

4.17 The 911 dispatcher categorized Karin’s call as “DV, in progress,” *i.e.* Domestic Violence, “Priority:1.”

4.18 Sergeant Robert Nishimura, Deputy Roland Gervacio, Deputy Steven Johnson, and Deputy Eric Andersen from the King County Sheriff’s Office (KCSO) were dispatched to the scene.

4.19 King County deputies responded to the scene “code 2” – urgent.

4.20 While the deputies were enroute, the 911 dispatcher urged Karin to get out of her house out of concern Shawn might try to hurt her.

4.21 Karin told the dispatcher “I just don’t want him to see me” leaving the house.

4.22 After repeated reassurance by 911, Karin snuck out of the house through the

1 garage with her little dog Henney. As she left her house she hid behind a tree on the driveway.

2 4.23 Karin then met up with King County deputies around 8:15 am, about a half-block
3 away from her house, who then drove her ten blocks away to a church parking lot.

4 **King County Deputies Failed In Their Duties**

5 4.24 Shawn’s actions constituted probable cause for domestic violence and mandated
6 his arrest.

7 4.25 Defendant KCSO was informed and knew Shawn had pulled out his gun, loaded
8 it, and told Karin to get out of her own home – threatening Karin with a deadly weapon.

9 4.26 Defendant KCSO was informed and knew Shawn’s actions had put Karin in fear
10 of what Shawn might do.

11 4.27 Defendant KCSO was informed and knew Shawn’s actions had put its own 911
12 dispatcher and deputies in fear of what Shawn might do to Karin.

13 4.28 Deputy Johnson reported Karin was “so afraid of her son’s mental health, and that
14 he was armed with a pistol, she had to hide in her house while on the phone with 911.”

15 4.29 Deputy Andersen described Karin as “crying and visibly upset,” and reported
16 “Sean [sic] was carrying his firearm and because of his agitated behavior Karen [sic] became
17 alarmed and called the police. Sean [sic] demanded that Karen [sic] leave the home.”

18 4.30 Yet contrary to the known facts, King County deputies stated they had no
19 probable cause to arrest Shawn.

20 4.31 King County deputies downplayed or disregarded the threatening, assaultive, and
21 domestic violence nature of Shawn’s conduct. They ignored Shawn’s threatening words and acts
22 toward Karin and their clear import.

23 4.32 King County deputies claimed Karin “was not claiming a crime had occurred with
24

1 her as the victim” – disregarding Karin’s reports that Shawn had threatened her with a loaded
2 gun and demanded that she leave her own home.

3 4.33 King County deputies took Shawn at his word when he “denied trying to harm
4 others, had not harmed himself, and... was not suicidal” – again disregarding the fact of Shawn’s
5 threatening words and actions towards his mother.

6 4.34 Defendant KCSO did not attempt to arrest Shawn or obtain a warrant for his
7 arrest.

8 4.35 King County deputies did not attempt to go into the house to meet with Shawn
9 and determine if he was still brandishing a firearm.

10 4.36 King County deputies did not attempt to escort Karin back into her home at any
11 time.

12 4.37 King County deputies did not attempt to seize the firearm and ammunition Shawn
13 used to threaten Karin.

14 4.38 King County deputies did not attempt to seize any other firearms in plain sight –
15 because the deputies never came within sight of either Shawn or of Karin’s house.

16 4.39 King County deputies did not attempt to obtain a search warrant to seize any other
17 firearms or ammunition Shawn had in his possession.

18 4.40 Instead of enforcing Washington’s domestic violence laws, Defendant KCSO
19 pivoted and focused solely on the issue of Shawn’s mental health.

20 4.41 King County deputies (without seeing him in person) performed an evaluation of
21 Shawn under the Involuntary Treatment Act (ITA). This focused on Shawn’s mental health
22 disorders, including bipolar disorder, manic psychosis, schizophrenia, dissociative identity
23 disorder, and PTSD. Not on Shawn’s domestic violence crimes.

1 4.42 On instruction from Sergeant Nishimura, Deputy Andersen talked with Shawn on
2 the phone for an extended period, in order to find excuses **not** to detain Shawn. For example,
3 Deputy Andersen reported having the following exchanges with Shawn:

4 4.42.1 “I asked him if he was planning to hurt anyone or himself. He stated he
5 never would hurt anyone.”

6 4.42.2 “I asked him what he planned to do. He said he was going to walk to the
7 beach and sit on the sand and think.”

8 4.42.3 “He said he did not want to see his mother and she should stay away. I
9 said I could not stop his mother from returning to the house. He said he knew.”

10 4.42.4 “I asked him to go for a walk and try to cool down. He said he was calm.”

11 4.42.5 “I asked if he would stay in his room and leave his mother alone. He said
12 he would.”

13 4.43 King County deputies informed Karin they “didn’t believe there was enough
14 criteria met to involuntarily detain Shawn to speak with a mental health professional,” and that
15 they could not provide assistance after Shawn declined their offer of mental health resources.

16 4.44 King County deputies told Karin they could only take Shawn in if he committed a
17 crime – but in doing so ignored the crimes he had already committed under Washington’s
18 domestic violence laws.

19 4.45 A few months before this incident occurred, the legislature had enacted a new law
20 intended to clarify the permissible uses of force by law enforcement officers – HB 1310, enacted
21 as RCW 10.120 *et seq.* This law became a rallying cry for law enforcement departments around
22 the state to claim their hands were tied in dealing with suspects in mental crisis like Shawn. Law
23 enforcement weaponized this law to fight **against** increases in police accountability. This was
24

1 particularly the case in the late summer and fall of 2021 – around the time the incidents
2 involving Shawn and Karin unfolded.

3 4.46 Sergeant Nishimura cited HB 1310 as another reason why the deputies could not
4 take further action regarding Shawn because it might “escalate” the situation – again ignoring
5 their obligations under Washington’s domestic violence laws and that HB 1310 specifically
6 permitted physical force when necessary to effect an arrest. King County deputies specifically
7 told Karin that “legislative changes were preventing them from getting him help.”

8 4.47 Instead of arresting Shawn and removing the danger to Karin, King County
9 deputies came up with the plan that she not return home until her son had “cooled down” –
10 without knowing when or even if this would happen, or providing Karin a means of knowing if
11 or when it had occurred.

12 4.48 By failing to arrest Shawn, Defendant KCSO significantly increased the risk of
13 danger for Karin. Defendant KCSO provided Karin no viable means of returning to her own
14 home in a safe and timely manner. Defendant KCSO put the onus entirely on Karin, the victim,
15 to protect herself.

16 4.49 King County deputies left around 9:10 am. One of the deputies drove Karin back
17 to her neighborhood and dropped her a few blocks away from her house.

18 **King County Deputies Failed In Their Duties – A Second Time**

19 4.50 Around 10:30 am, Defendant KCSO received 911 reports from neighbors of a
20 disturbance at Karin’s house. That there was screaming, yelling, pounding, and things being
21 slammed around. And that a female – Karin – was in the garage hiding.

22 4.51 The 911 dispatcher categorized the incident as “DV, in progress,” “Priority:1,”
23 and dispatched Deputy Gervacio to the scene.

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1 4.52 But before Deputy Gervacio arrived, Sergeant Nishimura called him off, and
2 instructed Deputy Gervacio to call Karin and “tell her to leave the residence, if possible, and
3 attempt to have her meet him down the road to take a report.”

4 4.53 King County deputies spoke with Karin on the phone, but never met with her
5 again in person. Karin asked for their help. She told them she wanted to go home. She said, “I
6 want you to get [Shawn] help even if that means taking him out of here kicking and screaming.”
7 But King County deputies refused to act, telling Karin they “weren’t going to make contact since
8 he had a gun and this was a mental health situation.”

9 4.54 King County deputies told Karin not to “antagonize” Shawn. That she should
10 “leave the house before Shawn hurts her” and stay away “until Shawn cools off” – again without
11 knowing when or even if this would happen, or providing Karin a means of knowing if or when
12 it had occurred.

13 **Karin Returns Home For The Last Time**

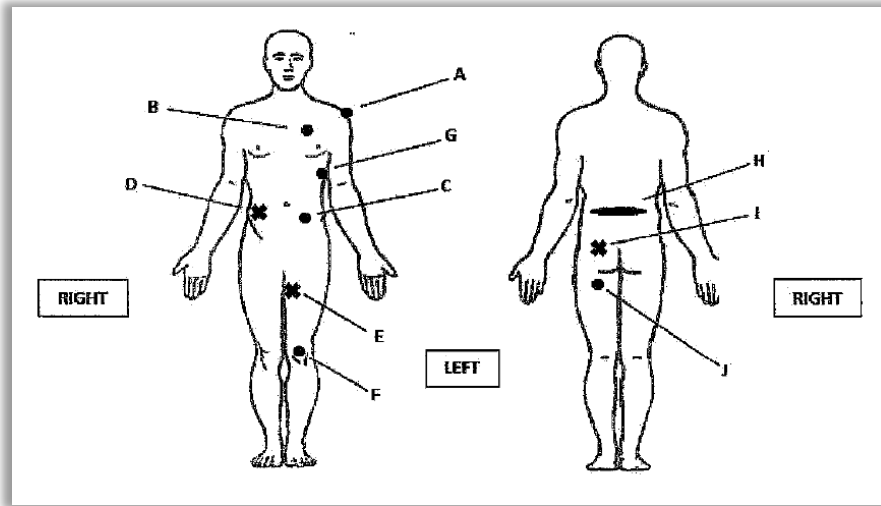
14 4.55 Karin followed the deputies’ advice and left for another almost three hours (over
15 five hours since Shawn originally brandished a loaded gun and demanded she leave her home) to
16 give her son time to “cool off.”

17 4.56 Around 1:30 pm she returned home, parked her car in the driveway and walked
18 into the house through the garage door. Within one minute, Shawn fired his gun 12 times, killing
19 his mother and her dog Henney.

20 4.57 A seven-hour standoff ensued, involving SWAT, deputies, and crisis negotiators.
21 Shawn was ultimately taken into custody, without any gunfire exchanged or injury to law
22 enforcement.

23 4.58 Karin’s body was found by law enforcement in the garage near the doorway to the
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1 house, next to the dead body of Henney.



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Diagram of gunshot wounds to Karin
(circles showing entrance wounds, X's showing exit wounds, H showing a graze wound)

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V. CAUSE OF ACTION #1
AGAINST KING COUNTY

5.1 Defendant King County had a common law duty to exercise ordinary care and to act in a manner that a reasonably careful person would have under the same or similar circumstances. *See* RCW 4.96.010; RCW 4.92.090.

5.2 Defendant King County had a duty to use reasonable police practices.

5.3 Defendant King County had a duty to protect and safeguard Karin Riebe from foreseeable danger.

5.4 Defendant King County had a duty to enforce Washington's domestic violence laws. *See* RCW 10.99.030, RCW 10.31.100, and former RCW 26.50, *et seq.*

5.5 Defendant King County had a duty to effectuate a mandatory arrest of Shawn Riebe. *See* RCW 10.99.030, RCW 10.31.100, and former RCW 26.50, *et seq.*

5.6 Defendant King County failed to effectuate the mandatory arrest of Shawn Riebe in violation of Washington statutes, violated its own policies and reasonable police practices,

1 failed to protect Karin Riebe from reasonably foreseeable dangers, and otherwise failed to
2 exercise reasonable care.

3 5.7 Defendant King County acted negligently when it responded to Karin's calls for
4 emergency police assistance, and through its actions elevated the risk Shawn posed to Karin.

5 5.8 Defendant King County negligently failed to properly train its officers,
6 employees, and other agents.

7 5.9 Defendant King County negligently failed to properly supervise its officers,
8 employees, and other agents.

9 5.10 Defendant King County's wrongful acts and/or omissions resulted in the death of
10 Karin Riebe.

11 5.11 The individual officers employed by Defendant King County were acting within
12 the course and scope of their employment with the County at the time of the above-described
13 acts and omissions, and in furtherance of the County's business. Defendant King County is
14 vicariously liable for the negligence of the individual officers under *respondeat superior*.

15 **VI. CAUSE OF ACTION #2**
16 **AGAINST SHAWN RIEBE**

17 6.1 Defendant Shawn Riebe intended to cause fear and apprehension of an imminent
18 harmful or offensive contact and committed acts that resulted in Karin Riebe's fear or
19 apprehension of such contact.

20 6.2 Defendant Shawn Riebe intended to touch Karin Riebe in a harmful or offensive
21 manner and committed acts that resulted in harmful or offensive contact with Karin Riebe.

22 6.3 Defendant Shawn Riebe committed the intentional torts of assault and battery
23 with a deadly weapon, resulting in the death of Karin Riebe.
24

1 **VII. DAMAGES**

2 7.1 As a direct and proximate result of the above acts, omissions, and other conduct
3 of Defendant, the Estate of Karin Riebe suffered economic and non-economic damages in
4 amounts to be proven at trial, including all damages as provided under RCW 4.20.046 and RCW
5 4.20.060. These damages include, but are not limited to:

6 7.1.1 Memorial and cremation expenses,

7 7.1.2 Pre-death pain and suffering, both mental and physical, including fear of
8 impending death,

9 7.1.3 Loss of net accumulations, and

10 7.1.4 Other economic and pecuniary damages.

11 7.2 As a direct and proximate result of the above acts, omissions, and other conduct
12 of Defendant, the statutory beneficiaries of Karin Riebe suffered damages in an amount to be
13 proven at trial, including the destruction of their familial relationships, and all other damages as
14 provided under RCW 4.20.010, RCW 4.20.046, and RCW 4.20.060.

15 **VIII. PRAAYER FOR RELIEF**

16 WHEREFORE, Plaintiff prays for judgment against Defendants, jointly and severally, as
17 follows:

- 18 1. For special damages in an amount to be proven at trial;
- 19 2. For general damages in an amount to be proven at the time of trial;
- 20 3. For costs and disbursements;
- 21 4. For reasonable and statutory attorneys' fees;
- 22 5. For statutory interest on the judgment from the date judgment is entered until paid
23 in full;

- 1 6. For prejudgment interest on economic damages;
- 2 7. For prejudgment interest on liquidated damages;
- 3 8. If Defendants bring any frivolous or unfounded defenses, for attorneys’ fees and
- 4 costs pursuant to RCW 4.84.185 and/or Rule 11 of the Superior Court Civil
- 5 Rules; and
- 6 9. For such other and further relief as this Court deems just and equitable.

7 DATED this 12th day of September, 2023.

8 STRITMATTER KESSLER
9 KOEHLER MOORE

10 s/ Lisa Benedetti
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