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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING – SEATTLE DIVISION**

**BRITTANY WENTWORTH and KELLI
HADEN, a married couple,**

Plaintiffs,

vs.

**JOSEPH PERNORIO and his marital
community;**

Defendants.

Case No.: 21-2-03285-7SEA

COMPLAINT

Plaintiffs **BRITTANY WENTWORTH and KELLI HADEN**, through attorney of record **ADAM P. KARP** of Animal Law Offices of Adam P. Karp, allege:

JURISDICTION, PARTIES, AND VENUE

1. This court has subject-matter jurisdiction over this action.
2. Plaintiffs **BRITTANY WENTWORTH and KELLI HADEN** are a married couple who reside at 6343 18th Ave. SW, Seattle, Wash. and were the owner-guardians of **GHOST**, an approximately eight-month-old, 11-pound, microchipped, neutered male Snow Mink Bengal.
3. Defendant **JOSEPH PERNORIO** is a married man residing at 6510 21st St. SW, Seattle, Wash. As the crow flies, his home is about 150 yards from the Plaintiffs' across a greenbelt.
4. Pernorio's marital community is also named as his actions and omissions benefited

COMPLAINT - 1

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1 same.

2 5. This court has personal jurisdiction over all named defendants.

3 6. Venue is proper.

4 **GENERAL ALLEGATIONS**

5 7. On or about 11.3.20, Ghost was neutered by a veterinarian and bore fresh evidence
6 of the surgery by a shaved abdomen and incision.

7 8. Ghost was habituated to humans, nonferal, and nonvicious.

8 9. On or about 11.8.20, Ghost entered Pernorio's property, where he had, on
9 information and belief, nearly double the lawful number of domestic fowl permitted under SMC
10 23.42.052(C), unless he had a community garden or urban farm thereon, which is presently
11 unknown. As such, it constituted a nuisance, one particularly attractive to wildlife and
12 domesticated dogs and cats.

13 10. On 11.8.20, Pernorio claims that he observed a feline in his fenced chicken
14 enclosure, which did not possess netting or unscalable and unbreachable sides, which were 5' in
15 height.
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17 11. Summoned by his wife, Pernorio took possession of a 0.22 cal. firearm, though less-
18 lethal instruments were undoubtedly available, and entered the fenced chicken enclosure with
19 intent to discharge the weapon at Ghost.

20 12. After entering the enclosure, Pernorio closed himself and Ghost therein, not
21 permitting Ghost to escape.

22 13. Scared by Pernorio, Ghost tried to exit before Pernorio cornered him and fired the
23 gun repeatedly while aiming directly at Ghost.

24 14. In total, Pernorio stated to Seattle Animal Control Officer Renee Graham he was not
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1 sure how many times he fired, but “once or twice and possibly two more times once it stopped
2 moving.”

3 15. One bullet intentionally struck Ghost, causing physical injury, at which time Ghost
4 was not chasing, injuring, attacking, or killing any chicken or other animal.

5 16. Despite the illegitimacy of the first penetrating wound, which no doubt prompted
6 Ghost to more feverishly try to escape, Pernorio intentionally caused another bullet to strike Ghost
7 at which time he was not chasing, injuring, attacking, or killing any chicken or other animal.

8 17. The second striking bullet ultimately caused Ghost’s death.

9 18. At no time did Pernorio seek veterinary intervention for, or try to render aid to,
10 Ghost.

11 19. Pernorio accordingly caused Ghost grievous bodily injury, tremendous pain, death
12 by a means causing undue and exquisite suffering, while manifesting an extreme indifference to
13 life, all without any lawful justification.

14 20. At the time of each discharge, Ghost presented no threat to Pernorio, any other
15 person, or any animal.

16 21. Prior to discharging the firearm, Pernorio knew or should have known that Ghost
17 was a domesticated feline.

18 22. At no point did Pernorio contact animal control or law enforcement to report that
19 Ghost, a nonferal, uniquely marked feline was on his property, ante or post-mortem.

20 23. Instead, after slaying Ghost, the same day he died, Pernorio and his son Thomas
21 Pernorio set to burying his body on Pernorio’s property, without having taking any steps to locate
22 his owners by either informing government authorities, having his body scanned for a microchip,
23 canvassing the neighborhood, posting signage to reunite him with his owners, or any other means.
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1 24. Plaintiffs observed Pernorio burying Ghost but did not know, at the time, that he was
2 handling Ghost's body or that Ghost had been killed.

3 25. Meanwhile, Plaintiffs fervently searched for Ghost, putting up signs and posters over
4 a large radius from their home (a true and correct copy of which is attached as **GHOST 1**), and up
5 and down their and Pernorio's streets, including in front of Pernorio's home. Indeed, Plaintiffs put
6 at least one poster inside the Pernorios' mailbox.

7 26. However, posters in plain view of Pernorio's home were removed twice. On
8 information and belief, instead of contacting the Plaintiffs using the information on the poster,
9 Pernorio removed and destroyed them.

10 27. Several days after Ghost's death and burial, Thomas Pernorio sheepishly contacted
11 the Plaintiffs and haltingly confessed that "we had to put [Ghost] down," adding that another cat
12 had chased Ghost in or around the chicken enclosure while his father was trying to corner Ghost.

13 28. Sarah Mantovani, DVM necropsied Ghost on or about 11.18.20, where he was found
14 to have sustained penetrating trauma to his neck and chest.

15 29. The neck lesion was at the level C1-C3, caused by a bullet originating from in front
16 and above Ghost, possibly slightly off center to the right. It traveled toward his left armpit but did
17 not exit his body, instead fragmenting in the surrounding tissues of his cervical vertebrae.
18

19 30. The chest lesion was a through and through penetrating wound that entered the chest
20 cavity on the left side, damaged two of Ghost's cranial lung lobes, and exited on the right side.

21 31. Ghost died from hemorrhage leading to respiratory and/or cardiovascular arrest
22 secondary to the penetrating trauma. Time of insult to death was at least three (and as long as ten)
23 minutes, over which time he suffered cruelly.

24 32. Seattle has no leash law for cats, meaning Ghost was lawfully on Pernorio's
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1 premises at the time he was slain.

2 33. Pernorio's acts and omissions recklessly inflicted severe emotional distress on the
3 Plaintiffs, and each of them, were outrageous, and actually caused significant mental anguish in
4 each.

5 34. Ghost had no fair market or replacement value but, instead, an immense intrinsic
6 value to each of the Plaintiffs, including additional lost utility. Neither of the Plaintiffs, nor any
7 reasonable family in the Plaintiffs' position, would have ever contemplated selling Ghost, who
8 was a wedding gift.

9 35. As a result of the foregoing, the Plaintiffs, and each of them, suffered economic
10 harm, as well as mental anguish, loss of enjoyment of life, and other noneconomic damages.

11 **Plaintiffs plead the following alternative claims against Pernorio**

12
13 **Claim I:** Conversion (unauthorized exercise of dominion and control over Ghost,
14 proximately causing his death)

15 **Claim II:** Conversion (unauthorized exercise of dominion and control over Ghost's body,
16 interring him on Pernorio's property without knowledge or consent of Plaintiffs)

17 **Claim III:** Outrage (relative to the reckless and/or intentional infliction of emotional
18 distress upon the Plaintiffs, and each of them, through outrageous conduct, causing actual severe
19 emotional distress with respect to the torture, killing, and burial of Ghost, as well as removal of
20 Plaintiffs' posters seeking to find and recover Ghost)

21 **Claim IV:** Trespass to Chattels (unauthorized intermeddling with property interests of the
22 Plaintiffs in Ghost by causing injury, subsequent death, and burial).

23 **Claim V:** Malicious Injury to a Pet (per *Womack v. von Rardon*, 133 Wash.App. 254
24 (2006))

25 **Claim VI:** Negligence

PRAYER

Plaintiffs seek judgment against Defendants as follows:

- A. For economic damages;
- B. For noneconomic damages;
- C. For prejudgment interest on liquidated sums;
- D. For reasonable attorney’s fees as allowed by law, contract, or equity;
- E. For costs of suit;
- F. For postjudgment interest at 12% per annum or the highest rate permitted by law,

whichever is higher, pursuant to RCW 4.56.110;

G. For such other and further relief as the Court may deem just and proper.

H. NOTICE: Each of the Plaintiffs intends to seek money damages in excess of the fee-shifting cap set forth by RCW 4.84.250-.280, as amended.

Dated this 3.11.21,

ANIMAL LAW OFFICES



Adam P. Karp, WSBA No. 28622
Attorney for Plaintiffs

GHOST 000001

LOST CAT



Name: **Ghost**

Weight: 11 lbs. Eyes: Blue Color: Grey/Cream/light-brown

Last seen on: 11/09/20 Last seen at: 21st Ave SW & SW Graham st

IF YOU HAVE INFORMATION PLEASE CONTACT

936-346-4604