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5 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
6 FOR THE COUNTY OF KING

7 OLIMPIA GEORGIANA YORKS,

8 Plaintiff,

9 v.

10 BRIAN CHRISTOPHER YORKS,

11 Defendant.

Case No. 23-2-08129-3 SEA

COMPLAINT FOR DAMAGES

12
13 COMES NOW Plaintiff Olympia Georgiana Yorks (also known as “Gina Yorks”), by and
14 through her attorney, Kyle C. Olive of OLIVE LAW NORTHWEST PLLC, and alleges as follows:

15 **I. INTRODUCTION**

16 1.1 This case involves the torts of negligent and intentional infliction of emotional
17 distress, assault and battery, and false imprisonment of Plaintiff Olympia Georgiana Yorks
18 (“Plaintiff”) by Defendant Brian Christopher Yorks (“Defendant”). All such conduct occurred
19 during an extended pattern of domestic violence that occurred before and throughout the marriage
20 between the plaintiff and the defendant. Such violence by Defendant was directed at Plaintiff
21 and her two minor children for purposes of harming Plaintiff.

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23 1.2 Article I, Section 10 of the Constitution of the State of Washington states: “Justice
24 in all cases shall be administered openly, and without unnecessary delay.”

25 1.3 U.S. Supreme Court Justice Louis Brandeis famously said: “Sunlight is said to be

1 the best of disinfectants.” Plaintiff brings this action to shine sunlight on a long history of
2 domestic violence that occurred in the dark and behind closed doors.

3 1.4 While justice for the plaintiff has been delayed for a considerable period, Plaintiff
4 brings this action to hold Defendant accountable for the wrongful acts described below.

5 1.5 Domestic violence is well-studied and well-defined in the State of Washington.
6 Pursuant to RCW 10.99.020 domestic violence includes, but is not limited to, actions by an
7 intimate partner against another intimate partner that may constitute the crimes of assault;
8 reckless endangerment; coercion; malicious mischief; kidnapping; unlawful imprisonment;
9 violations of restraining, no-contact, or protection orders; rape, stalking, and interference with
10 the reporting of domestic violence.

11 1.6 All conduct defined under RCW 10.99.020 occurred in this case, was committed
12 by Defendant and put Plaintiff in a perpetual state of fear if she chose to speak out about such
13 domestic violence shortly after the abuse occurred. Plaintiff believed any harm caused by the
14 abuse would subside with the passage of time. The harm has not subsided with the passage of
15 time.

16 1.7 Plaintiff did not become aware of a causal link between her ongoing injuries and
17 the domestic violence until 2022, as described below.

18 1.8 Defendant has engaged in all the above-described actions, which have or could
19 have been charged as crimes against the defendant. Such actions also constitute civil infractions
20 that form the basis of this civil case.

21 1.9 This suit is a tort action against Defendant.

22 1.10 One of the purposes of tort law is to “deter wrongful conduct...”. Restat. 2 of Tort,
23 § 901. *See also Davis v. Baugh Indus. Contractors*, 159 Wn.2d 413, 420, 150 P.3d 413 (2007)
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1 (holding that one of the purposes of tort law is to provide public safety through deterrence...)

2 1.11 This action is brought to deter the wrongful conduct of the defendant and to
3 compensate the plaintiff for injuries for which Defendant's conduct was a proximate cause.

4 1.12 Plaintiff brings this action with the reasonable fear that Defendant may attempt to
5 impose additional domestic violence upon her or her children because of the bringing of this
6 action.

7 1.13 Plaintiff brings this action to hold Defendant accountable for his misconduct and
8 to allow, through the legal and discovery process, the public exposure a lengthy history of abuse
9 by Defendant against Plaintiff. The purpose of these efforts is to compensate Plaintiff and to
10 deter future misconduct by Defendant.

11 1.14 Plaintiff and Defendant have two children, who were the product of their
12 relationship: MJY (DOB: XX/XX/2013) and BGY (DOB: XX/XX/2016). Defendant has
13 regularly abused both MJY and BGY, leaving visible scrapes and bruising on their bodies.
14 Plaintiff has documented proof of such abuse from October of 2020, which included scratches
15 on the face of MJY and bruising around his eyes. Such abuse by Defendant against MJY and
16 BGY constituted abuse against the plaintiff.

17 1.15 This abusive conduct was part of a chain of abuse that went back many years.
18 Such conduct was directed at the plaintiff's children, MJY and BGY, and at the plaintiff. Prior
19 abuse led to criminal allegations against the defendant of domestic violence, rape of the plaintiff,
20 and malicious mischief.

21 1.16 Many prior instances of tortious abuse, including assault and battery, negligent
22 and intentional infliction of emotional distress and false imprisonment occurred in the years
23 preceding the incidents more fully described herein. Such prior incidents give context to the
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1 severity of the conduct that occurred in and around October of 2020.

2 1.17 Because of Defendant's prior conduct toward the plaintiff, Plaintiff was
3 particularly susceptible to more dramatic injury arising out of the incidents that occurred in
4 October of 2020, and after. Such conduct gave Plaintiff a proverbial eggshell skull (as described
5 in RESTATEMENT 2D OF TORTS, §461), making her particularly susceptible to more serious injury.

6 1.18 As a direct and proximate result of Defendant's actions, Plaintiff has sustained
7 physical injuries and severe emotional distress including, but not limited to, loss of self-esteem,
8 anxiety, depression, hypervigilance, fear, isolation from loved ones, trouble sleeping, panic
9 attacks, and difficulty forming and maintaining relationships.

10 1.19 As a direct and proximate result of Defendant's intentional, reckless and negligent
11 actions, Plaintiff continues to suffer severe and likely permanent emotional harm. Plaintiff has
12 required and is likely to continue to require medical, psychological, and therapeutic treatment to
13 manage and be relieved of the effects of her mental distress and its physical manifestations.

14 **II. PARTIES**

15 2.1 Plaintiff is a 37-year-old woman who resides in King County, Washington. She
16 is the mother of two minor children, MJY and BJY, who are also the children of Defendant.

17 2.2 Defendant is a 44-year-old man that, on information and belief, resides in
18 Snohomish County, Washington. Some of the acts alleged in this complaint took place in King
19 County, Washington.

20 **III. JURISDICTION AND VENUE**

21 3.1 Pursuant to RCW 2.08.010, this court has original jurisdiction over the subject
22 matter of this action and personal jurisdiction over the defendant.

23 3.2 Pursuant to RCW 4.12.020, venue is appropriate in this court because it is the
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1 location (in the cities of Seattle and Renton) where some of the physical and psychological abuse
2 occurred.

3 IV. FACTUAL BACKGROUND

4 4.1 At all times relevant to the allegations made in this complaint, Plaintiff and
5 Defendant were either married or otherwise properly characterized as intimate or former intimate
6 partners as defined at RCW 10.99.020(8).

7 4.2 Plaintiff and Defendant met when Plaintiff was an exchange student from
8 Romania in 2008.

9 4.3 Plaintiff and Defendant were married on August 29, 2008, in Las Vegas, Nevada.
10 They are now divorced, and their divorce was completed in Snohomish County on or about July
11 14, 2022.

12 4.4 Defendant's sexual abuse of Plaintiff began before they were married.

13 4.5 By way of example and only to give context to the history of abuse by Defendant,
14 in or around May of 2015, Defendant walked down the steps of their marital home. He asked
15 Plaintiff to have sex with him. Plaintiff declined. Defendant claimed he was depressed because
16 his mother had recently passed away. Without Plaintiff's consent, Defendant put his hands
17 around Plaintiff's neck, deprived her of oxygen and raped her until he ejaculated inside of her.
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19 4.6 By way of example and only to give context to the history of abuse, Defendant
20 pushed Plaintiff into a mirror in their bedroom, which caused the mirror to break in about January
21 of 2016. Defendant climbed on top of Plaintiff and slapped her. Plaintiff was pregnant at the
22 time. Plaintiff was cut by the broken glass. Defendant called Plaintiff a "slut". Plaintiff pleaded
23 with Defendant to stop. Defendant finished the nonconsensual sexual encounter with Plaintiff
24 and then forced her into a closet and locked the door. Defendant was aware that Plaintiff was
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1 afraid to be left alone in the dark and began using her shoe to try to get Defendant's attention and
2 to get out of the locked closet. Defendant then unlocked the door with a knife in his hand.
3 Plaintiff took photographs of the damage to the walls.

4 4.7 By way of example and only to give context to the history of abuse, a friend
5 contacted law enforcement on or about March 18, 2016, to report a suspicion of domestic
6 violence. Investigating law enforcement officers contacted Plaintiff, who informed the police
7 that Defendant had assaulted Plaintiff, had threatened her with a firearm, and deprived her of her
8 cell phone when she attempted to call for help from law enforcement.

9 4.8 By way of example and only to give context to the history of abuse, Plaintiff was
10 recovering from the c-section surgery she had undergone in about February of 2016. Defendant
11 grabbed Plaintiff from behind, slammed her head into the kitchen wall in their home, forced
12 Plaintiff to touch his penis, and pushed his fingers inside her vagina. Plaintiff was able to turn
13 and bite Defendant on his arm. Plaintiff chipped her front tooth during this process.

14 4.9 By way of example and only to give context to the history of abuse, Defendant
15 held Plaintiff down while she was in a bathtub in April of 2016. Plaintiff feared for her life and
16 was deprived of oxygen while Defendant kept her from breathing at that time.

17 4.10 By way of example and only to give context to the history of abuse, Plaintiff and
18 Defendant intended to see a Tim McGraw concert at the Tacoma Dome on or about May 27,
19 2017. Plaintiff and Defendant intended to stay at a Silver Cloud Inn in Tacoma.

20 4.11 Prior to checking in to the hotel room on that occasion, Defendant became
21 intoxicated at strip club in Tacoma.

22 4.12 In the hotel room that the parties intended to stay in, Defendant grabbed Plaintiff
23 and slammed her head into a hotel room wall approximately five times. Defendant grabbed
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1 Plaintiff and threw her onto a bed. Plaintiff lost consciousness. When she awoke, Defendant
2 was on top of Plaintiff raping her.

3 4.13 The next morning, Plaintiff confronted Defendant about the incident. On that
4 occasion, as he had done during other instances of rape, assault and battery in the past, Defendant
5 claimed either that the violent incident did not happen or that she had consented to it.

6 4.14 By way of example and only to give context to the history of abuse in August of
7 2009, while riding in an Acura being driven by Defendant, Plaintiff struck her head inside the
8 car because of Defendant's erratic driving. Plaintiff saw that Defendant was, at times, exceeding
9 100 miles per hour. Plaintiff begged Defendant to slow down. Defendant refused and implied
10 to Plaintiff that he would kill them both.

11 4.15 Defendant said to Plaintiff on that occasion: "Yes, baby, we are going to heaven
12 today." Plaintiff was put in imminent apprehension that Defendant's conduct would kill her at
13 that time. Plaintiff reached for her phone to call 911, but Defendant grabbed Plaintiff's phone
14 away from her to prevent her from calling for help. This occurred near Greenlake in Seattle,
15 Washington.

16 4.16 On another occasion around the same time, Defendant grabbed and squeezed
17 Plaintiff's breast while she was in the shower. This was unwanted and painful. Plaintiff finished
18 the shower and went into the couple's bedroom. After she entered the bedroom, Plaintiff
19 attempted to lock the door. Defendant managed to get the door open, pinned Plaintiff on the bed,
20 slapped her and called her a bitch and a slut.

21 4.17 Defendant then put great force on Plaintiff's neck, such that it deprived her from
22 being able to breathe. While Plaintiff desperately attempted to get oxygen to breathe, Defendant
23 inserted his fingers into Plaintiff's vagina. Plaintiff shouted at the defendant, trying to get him
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1 to stop. Defendant shouted: “You’ll like this.” With a pillow forced under Plaintiff’s stomach,
2 Defendant lifted Plaintiff’s pelvis upward and raped her from behind.

3 4.18 Defendant then pinned the plaintiff down on her bed. Over the course of their
4 relationship and their marriage, Defendant regularly engaged in “gaslighting” of the plaintiff.

5 4.19 Gaslighting is a noun defined by Merriam-Webster as the “psychological
6 manipulation of a person usually over an extended period of time that causes the victim to
7 question the validity of their own thoughts, perception of reality, or memories and typically leads
8 to confusion, loss of confidence and self-esteem, uncertainty of one’s emotional or mental
9 stability, and a dependency on the perpetrator.”

10 4.20 Defendant regularly engaged in “gaslighting” of the plaintiff before and during
11 their marriage. This caused Plaintiff to be uncertain about what had occurred and what the lasting
12 effects of such conduct were.

13 4.21 On the first date of their relationship on approximately June 13, 2008, Defendant
14 engaged in sexual intercourse with Plaintiff by forcible compulsion and without the plaintiff’s
15 consent by inflicting serious personal injury to the plaintiff.

16 4.22 On or about May 27, 2017, while on their way to a Tim McGraw concert in
17 Tacoma, Washington, Defendant intentionally slammed Plaintiff’s head against the windshield
18 of a car in which the two had been riding. This was done following an argument about whether
19 Defendant should bring a firearm in his possession into the concert.

20 4.23 Later on the same date, Defendant grabbed Plaintiff by the back of her head and
21 neck at a hotel. Plaintiff resisted Defendant’s forced advances but was unable to prevent a rape
22 on that occasion. Defendant penetrated Plaintiff’s vagina on that occasion while depriving her
23 of oxygen while strangling her.
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1 4.24 When confronted about this and other non-consensual violent sexual encounters,
2 Defendant informed Plaintiff either that Plaintiff had consented to the unwanted sexual assault
3 or that it had not happened. Plaintiff was confused and afraid to seek help elsewhere. She fell
4 into a pattern of questioning herself.

5 4.25 In or around November of 2019, Plaintiff locked the door to the parties shared
6 bathroom. Defendant kicked the door in and told the plaintiff to stop locking the door. Defendant
7 accused Plaintiff of marital infidelity. Defendant then pushed Plaintiff onto a bed, put his fingers
8 inside her vagina and then put his erect penis inside the plaintiff. This sexual contact was non-
9 consensual, and Defendant knew it.

10 4.26 Misconduct such as this occurred repeatedly during the relationship between
11 Plaintiff and Defendant. In or around March of 2022, Plaintiff began seeing a trauma therapist.
12 With the support of a trauma therapist, Plaintiff began to remember specific instances of abuse
13 that began occurring before Plaintiff and Defendant were married.

14 4.27 As of September of 2022, a mental health provider gave Plaintiff a diagnosis of
15 post-traumatic stress disorder related both to her two children being removed from her care and
16 to spouse/partner sexual violence and abuse by Defendant.

17 4.28 Even though Plaintiff had experienced multiple instances of abuse since before
18 the parties were married, Plaintiff did not recognize that her injuries were caused by Defendant
19 until approximately November of 2022, at which time she had an MRI done of her brain, which
20 revealed the physical consequences of the ongoing deprivation of oxygen to her brain.

21 4.29 On November 18, 2022, Plaintiff was diagnosed with a traumatic brain injury as
22 a result of a “[h]istory of head injuries, multiple, including trauma and asphyxiation”.

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24 **V. FIRST CAUSE OF ACTION: INTENTIONAL INFLICTION OF EMOTIONAL**
25 **DISTRESS**

1 5.1 Defendant's conduct toward plaintiff, including but not limited to the conduct
2 described above, was extreme and outrageous. Defendant's conduct went far beyond occasional
3 acts of inconsiderateness and unkindness. Defendant's conduct was intentional, consistent and
4 persistent. Defendant's conduct would have caused emotional harm and been outrageous to any
5 reasonable person. Defendant's conduct involved physical harm, bodily injury, assault, or the
6 intentional infliction of fear of imminent physical harm, bodily injury, or assault, sexual assault,
7 or stalking.

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9 5.2 As a result of a long history of abuse by Defendant, Plaintiff was particularly
10 susceptible to Defendant's extreme and outrageous conduct because of conduct that occurred in
11 the many years prior to 2021. Defendant knew that Plaintiff was susceptible because of
12 Plaintiff's inability to stop past extreme and outrageous conduct. Defendant was aware of this
13 susceptibility and was a reason that the abuse continued.

14 5.3 Defendant intentionally and recklessly inflicted extreme emotional distress on the
15 plaintiff and knew or should have known that he was doing so.

16 5.4 Plaintiff experienced and continues to experience severe emotional distress,
17 including fear, grief, shame, humiliation, embarrassment, worry, and trouble sleeping.

18 5.5 Defendant intended his acts, which caused physical and emotional distress to the
19 plaintiff.

20 **VI. SECOND CAUSE OF ACTION: NEGLIGENT INFLECTION OF**
21 **EMOTIONAL DISTRESS**

22 6.1 Defendant had a duty to refrain from inflicting emotional distress on Plaintiff.

23 6.2 Defendant breached his duty by negligently inflicting emotional distress on
24 Plaintiff while she was particularly susceptible to the damage caused by his conduct.

1 6.3 Plaintiff experienced and continues to experience diagnosable objective
2 symptomatology from distress caused by Defendant.

3 6.4 Defendant's conduct was a foreseeable and proximate cause of Plaintiff's ongoing
4 emotional distress.

5 6.5 Plaintiff continues to suffer from the diagnosable objective symptomatology of
6 trauma caused by Defendant's repeated abusive conduct toward the plaintiff that occurred over
7 many years.

8 **VII. THIRD CAUSE OF ACTION: ASSAULT AND BATTERY**

9 7.1 Defendant physically contacted and battered the plaintiff on many occasions
10 including but not limited to those described above. All such conduct, including conduct that
11 occurred prior to 2021, was part of a chain of abuse that caused Plaintiff to be particularly
12 susceptible to conduct occurring later than 2021.

13 7.2 Each such occasion described above, and many others, involved intentional
14 physical contact by Defendant of the plaintiff, which was a proximate cause of ongoing physical
15 and emotional injuries.

16 7.3 None of the contact described above, which involved conduct initiated by
17 Defendant, was consented to by the plaintiff.

18 7.4 The tortious conduct described above caused Plaintiff reasonably to fear
19 additional imminent harm to her health and safety, additional tortious battery, and fear for her
20 life.

21 7.5 The damages suffered by Plaintiff include, but are not limited to, physical injuries,
22 emotional and mental distress, PTSD, humiliation, embarrassment, reduction in the ability to
23 enjoy life and family interactions, and pain and suffering.
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1 7.6 Defendant's intentional physical contact with Plaintiff was a proximate cause of
2 Plaintiff's injuries and damages.

3 **VIII. FOURTH CAUSE OF ACTION: FALSE IMPRISONMENT**

4 8.1 Defendant willfully acted to confine the plaintiff in their home and elsewhere.
5 Defendant intended to confine the plaintiff and to do so without Plaintiff's consent.

6 8.2 Defendant's conduct caused the plaintiff to be confined without her consent and
7 Plaintiff was aware that she was confined.

8 8.3 Plaintiff's confinement against her will was a proximate cause of emotional and
9 physical harm and distress.

10 **IX. INJURIES AND DAMAGES**

11 9.1 As a direct and proximate cause of the Defendant's repeated tortious conduct
12 described above, Plaintiff has sustained and will sustain past and future economic and
13 noneconomic damages in an amount to be proved at trial.

14 **X. PRAYER FOR RELIEF**

15 10.1 Plaintiff prays for economic damages including, but not limited to, medical
16 expenses, loss of earnings and earning capacity, loss of use of property, costs associated with
17 obtaining substitute domestic services, loss of employment and loss of business or employment
18 opportunities.

19 10.2 Plaintiff prays for noneconomic damages including, but not limited to, pain,
20 suffering, inconvenience, mental anguish, emotional distress, loss of society and companionship,
21 and injury to reputation and humiliation experienced and with reasonable probability to be
22 experienced in the future.

23 10.3 Damages arising out of intentional conduct by Defendant that occurred prior to
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2021, and negligent conduct by defendant that occurred prior to 2010, are not time barred because they arose out of misconduct that was ongoing.

10.4 Intentional conduct that occurred before 2021, and negligent conduct that occurred before 2020, constituted tortious conduct that was part of a “chain of similar ... acts emanating from the same ... animus” as that phrase is described in *Washington v. Boeing Co.*, 105 Wn. App. 1, 8, 19 P.3d 1041 (2000).

10.5 Pursuant to the “discovery rule,” Plaintiff’s claims described above are not time barred because she did not become aware of a relationship between her ongoing physical and psychological harms until she began seeing a trauma therapist in 2022 and she was diagnosed with a traumatic brain injury related to strangulation and trauma to the head in about November of 2022.

10.6 As Washington’s appellate courts have recognized, victims of domestic violence may delay reporting incidents of abuse, “deny abuse” occurred, or “minimize the degree of violence when discussing it with others,” because they “fear retaliation,” harbor “a sense of hopelessness or mistrust of the judicial system to protect them,” or simply to “placate their abusers in an attempt to avoid repeated violence.” *See, e.g., State v. Grant*, 83 Wn. App. 90, 107, 920 P.2d 609 (1996) n. 5.

10.7 Plaintiff prays for interest on all damages to the extent permitted by applicable law.

10.8 Plaintiff prays for attorney fees and costs as permitted by law.

10.9 Plaintiff prays for all other relief the court determines is fair, just and equitable.

1 DATED this 3rd day of May 2023.

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3 **DECLARATION OF PLAINTIFF**

4 I, Plaintiff Olimpia Georgiana Yorks, swear under penalty of perjury under the laws of
5 the State of Washington that the foregoing facts are true and accurate to the best of my knowledge
6 and belief.

7 *Yorks*

8 _____
9 Olimpia Georgiana Yorks

10 Dated this 4th day of May 2023 at KIRKLAND, Washington.
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