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KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA

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

JASON VEVIK,

Plaintiff,

vs.

GENELEX, a Washington  
Corporation, HOWARD  
COLEMAN and JANE  
DOE COLEMAN,

Defendants.

)  
) **96-2-13354-0 SEA**  
)  
) No.

)  
) **COMPLAINT FOR**  
) **DAMAGES**

I. PARTIES

1. Plaintiff Jason Vevik is a single male. At all times relevant to this action, he resided in King County.
2. Defendant GENELEX is a closely held corporation. It is a privately owned DNA laboratory. At all times relevant to this action, it was registered to do business in the state of Washington and its principal place of business was in Seattle.
3. Defendant Howard Coleman is the President and principal shareholder in GENELEX and was so at all times relevant to this action. He is a resident of King County. Genelex is his alter ego which he controls.
4. Defendant Jane Doe Coleman is defendant Howard Coleman's wife. At all times relevant to this action, she was a resident of King County.

FREDERICK D. LEATHERMAN, JR.

ATTORNEY AT LAW

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1. This court has jurisdiction over the parties and subject matter.
2. Venue is properly in King County where the harm occurred and the parties reside.

### III. FACTUAL ALLEGATIONS

1. On or about October 10, 1993 defendant GENELEX conducted a paternity test using DNA technology in which they compared DNA profiles prepared from blood samples obtained from Jason Vevik, and \_\_\_\_\_, a minor child.
2. On or about October 10, 1993 defendant GENELEX issued a paternity blood testing report stating that there was a 99.93% probability that Jason Vevik was the father of \_\_\_\_\_.
3. As the direct and proximate result of this report, Jason Vevik concluded he was \_\_\_\_\_ biological father. He bonded with her forming a loving parent child relationship and contributed child support to her mother, \_\_\_\_\_.
4. On or about January, 1994 Jason Vevik was ordered to pay child support to \_\_\_\_\_ pursuant to an order entered in King County Superior Court based in part on the defendant's October, 1993 as described in paragraph 2 of this section.
5. On or about June 23, 1994 Howard Coleman signed an affidavit in his capacity as President of GENELEX in which he stated in pertinent part: "Due to the possibility that an error has occurred during the testing process, that report (dated October 10, 1993) should be disregarded as the conclusions reached in the report may be incorrect." Mr. Coleman recommended the parties be retested.
6. On or about June 28, 1994 Roche Biomedical Laboratories in Burlington, North Carolina reported that a retesting of Jason Vevik, \_\_\_\_\_ and \_\_\_\_\_ using DNA technology revealed that Jason Vevik was excluded as the biological father of \_\_\_\_\_.
7. GENELEX laboratory committed an error (a false positive) when it concluded there was a 99.93% probability that Jason Vevik was \_\_\_\_\_ biological father.

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Vevik has suffered extreme emotional distress, in that he bonded with \_\_\_\_\_ believing her to be his daughter only to learn that he is not her biological father.

#### IV. CAUSES OF ACTION

##### 1. Negligence.

Defendants negligently performed a DNA paternity test as described in Paragraph III, Section 1, resulting in a false positive test result claiming there was a 99.93% chance that plaintiff was the biological father of \_\_\_\_\_. As the direct and proximate result of defendants' negligence, plaintiff suffered damages in an amount to be proven at trial.

##### 2. Defamation.


Defendants uttered a false statement as alleged in paragraph III, Section 2 when they incorrectly reported there was a 99.93% chance the plaintiff was the biological father of \_\_\_\_\_. This statement injured the plaintiff's reputation in the community and directly and proximately caused him to suffer severe emotional distress.

#### WHEREFORE,

Plaintiff prays for the following relief:

1. Damages in an amount to be proven at trial;
2. Fees and costs to plaintiff for prosecuting this action; and
3. Such further relief as the court deems necessary.

DATED this 15<sup>th</sup> day of April, 1996.

  
Frederick D. Leatherman, Jr.  
(WSBA # 7223)

Attorney for the Plaintiff