

Seaside business sued for wrongful death

Vacationer incurred fatal injuries at The Tides By the Sea due to defendants' negligence, complaint says

By Katherine Lacaze
Seaside Signal

A wrongful death complaint and request for a jury trial has been filed in Multnomah County Circuit Court regarding an incident that occurred in 2013 at The Tides By the Sea in Seaside.

The plaintiffs are requesting about \$4,366,000 in compensation for negligence they allege resulted in the death of David Lloyd Roach in August 2013, ac-

ording to the complaint, filed April 23.

The lawsuit lists Norma S. Poitras (also known as Norma S. Ninomiya); Trent Johnson; and Tides Unit Owners Association and/or its unknown business entity and/or subsidiary as the defendants. Jeffrey P. Thayer, a lawyer in Salem, is representing the plaintiffs, Peter Roach and Andrew Roach, who are the personal representatives of the estate of David Lloyd Roach.

On Aug. 16, 2013, decedent David Roach was vacationing in Seaside with his family staying at rented units at The Tides By the Sea.

According to the complaint, David Roach "attempted to step up onto the deck (at unit No. 130) to join his son, fell backwards and struck his head on the ground."

"The fall, and the resultant injuries, were caused by negligence of the defendants as hereinafter more specifically alleged,"

the complaint states. "This fall, furthermore, proximately caused certain injuries to decedent David Roach, which, ultimately, resulted in his death."

David Roach suffered fatal injuries to his head and brain, according to the complaint.

The complaint lists six particular ways in which the defendants – as owners, managers, caretakers, manufacturers and/or purchasers of the unit – were negligent.

At the time of David Roach's death, Poitras was the owner of The Tides Condo No. 130, at 2316 Beach Drive, according to the complaint. Johnson was the property manager. Both were responsible, the plaintiffs claim, for the construction, maintenance, care, decoration and upkeep of unit No. 130.

The plaintiffs are asking for a sum not to exceed \$3 million "for the pain and suffering" of David Roach and to compensate his heirs

"for their loss of society and companionship." The plaintiffs also are requesting approximately \$278,376.70 for economic damages incurred from medical expenses and approximately \$6,732.66 for funeral costs. Additionally, David Roach was the sole caretaker of his wife, Mary Roach, who suffers cognitive impairment, according to the complaint. The plaintiffs are requesting about \$1,080,978.85 for past and future care expenses for her.

One man suffers burns in Warrenton structure fire

House, contents determined total loss

By Katherine Lacaze
Seaside Signal

One man is injured after a structure fire April 20 that resulted in a total loss of a manufactured home and its contents.

At about 1:54 p.m., Gearhart Volunteer Fire Department was called to a fire at 89103 Short Road in Warrenton, near Gearhart city limits. It was a fully involved structure fire that started in the south side of the manufactured home, owned by Cora Lee Koch, Gearhart Fire Chief Bill Eddy said.

Koch and her son, Don Fish, were inside the structure when the fire started. Koch was not injured, but Don Fish suffered burns to his back and arms.

"(Don Fish) was unable to get out in time, and his brother (Mark Fish) actually pretty much was able to grab him and carry him out the rest of the way," Eddy said.

'(The victim's) brother actually pretty much was able to grab him and carry him out.'

Gearhart Fire Chief Bill Eddy

happened. They believe the cause was accidental in nature.

The trailer home was manufactured in 1987. It's assessed value is \$31,000, and the contents from the home are assessed from \$50,000 to \$75,000, Eddy said. The house was uninsured and the family lost everything. The American Red Cross also responded to the incident, but Eddy said he is unsure to what degree the agency can help the family.

Locals are stepping in to help the family. North Coast Family Fellowship has a bin for clothes located by the espresso stand in its Wahanna Road campus. The family is in need of women's clothing, size 1x, and men's clothing, size 33 pants and large shirts. Meals for the family also are being coordinated. To help, contact Angie Koch at (503) 440-1751 or Greg Koch at (503) 440-2142.

The family also has set up a GoFundMe account, at www.gofundme.com/sna72ak, and so far about \$5,000 has been raised.

Man charged with assault for attack in Seaside

A Wilsonville man has been charged with second-degree assault and two other offenses for allegedly using a baseball bat to harm a man in Seaside on April 19.

Kenneth Wayne Smith Jr., 29, was indicted in Clatsop County Circuit Court on Monday for one count each of second-degree assault, unlawful use of a weapon and menacing.

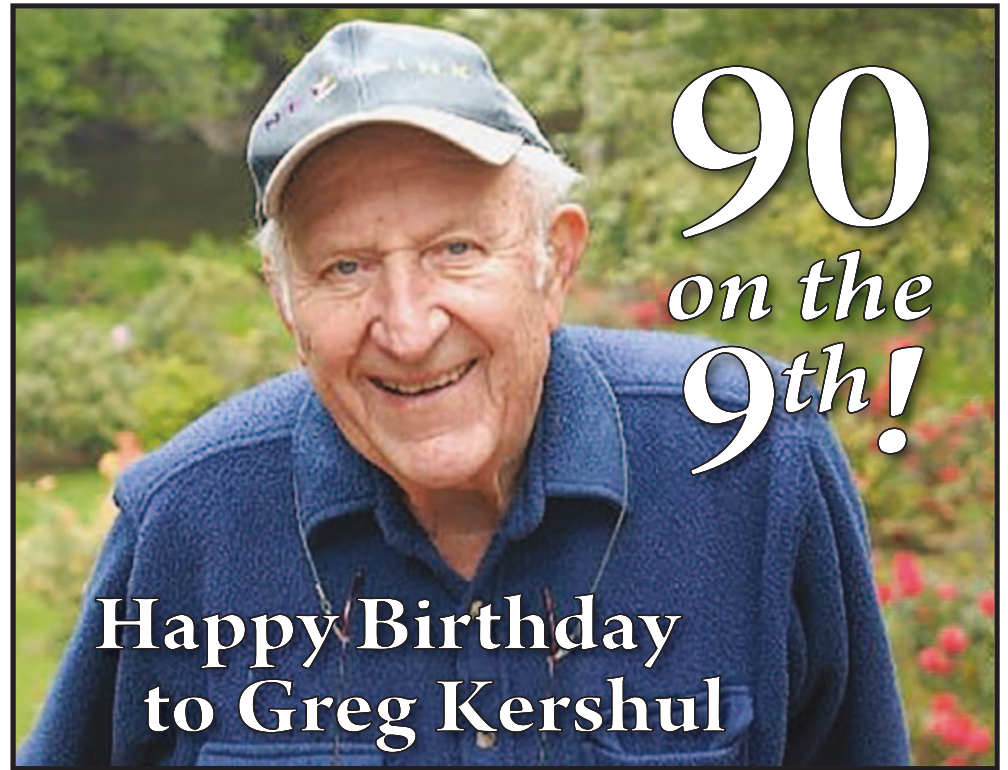
About 3 p.m. April 19, the Seaside Police Department responded to a 911 call about a "disturbance" in the parking lot of the Seaside Civic and Convention Center. According to the indictment, Smith was unlawfully and knowingly using a baseball

bat to physically injure Daniel Garcia. He also is charged with unlawfully and intentionally attempting to place Garcia "in fear of imminent serious physical injury," the indictment states.

Smith was arrested and detained at the Seaside Police Department and then transported to Clatsop County Jail on April 20. The extent of Garcia's injuries are unknown.

Smith pleaded not guilty to all three charges and he has an early resolution conference set for 9 a.m. May 20.

Bail is set at \$250,000. Smith is being represented by defense lawyer Kris Kaino.



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