

COURT OF APPEALS OF THE STATE OF WASHINGTON, DIVISION ONE

Bartlett v. Valley Communications Center

Bartlett · No. 87600-7-I · Decided June 1, 2026

SUMMARY

The Washington Court of Appeals held that the complaint sufficiently alleged a special relationship exception to the public duty doctrine in the Estate's negligence claim against Valley Communications Center for allegedly delaying an emergency response. The court reversed dismissal of the negligence claim under CR 12(b)(6). It affirmed dismissal of the negligent supervision and training claim because the complaint did not allege that any employee acted outside the scope of employment.

CASE DETAILS

COURT	Court of Appeals of the State of Washington, Division One
WRITING FOR THE COURT	Mann, J.
JURISDICTION	Washington Court of Appeals, Division One
DECIDED	June 1, 2026
DOCKET	87600-7-I
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Estate appealed the trial court's dismissal of its wrongful-death complaint under Washington Civil Rule 12(b)(6).
STANDARD OF REVIEW	Dismissal under CR 12(b)(6) is reviewed de novo. Dismissal is proper only if no set of facts consistent with the complaint would entitle the plaintiff to relief; the court presumes the complaint's factual allegations are true and rejects dismissal if any hypothetical situation conceivably raised by the complaint would legally support the claim.
PRECEDENTIAL VALUE	Published Washington Court of Appeals opinion
PARTIES	Tricia Keith Bartlett, as personal representative of the Estate of Amber Mary Keith, Tricia Keith Bartlett, Dean Bartlett, Jesse Keith v. Valley Communications Center

TOPICS

- motions to dismiss
- municipal liability
- duty of care
- negligence
- negligent supervision

PRACTICE AREAS

torts

municipal liability

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the complaint sufficiently alleged an actionable duty under the special-relationship exception to Washington's public duty doctrine.
2. Whether the complaint sufficiently alleged privity, express assurances, and justifiable reliance for the special-relationship exception even though the victim did not personally communicate with VCC.
3. Whether the Estate's negligent supervision and training claims could proceed without alleging that VCC employees acted outside the scope of their employment.

HOLDINGS

1. The complaint legally sufficiently alleged that the special-relationship exception to the public duty doctrine applied to the Estate's negligence claim.
2. Direct communication between the injured plaintiff and the government entity is not required to establish privity under the special-relationship exception.
3. An express assurance need not be made directly to the victim; it is sufficient that a government employee assured the caller that emergency assistance was on the way for the victim.
4. The negligent supervision and training claims fail because the complaint did not allege that any VCC employee acted outside the scope of employment.

KEY QUOTATIONS

"If the duty that the government allegedly breached was owed to the public at large, then the public duty doctrine applies; if the duty was owed to an individual, then the public duty doctrine does not apply." (at 5)

"Under Munich, this is sufficient to meet the express assurances requirement." (at 9)

"We hold that a plaintiff must prove that justifiable reliance existed by the person to whom the express assurance was given." (at 11)

FACTUAL BACKGROUND

Amber Keith was the sole registered occupant of a hotel room when hotel personnel heard sounds of a violent struggle, including screaming and statements that someone was choking and pushing a woman. A hotel security officer called Valley Communications Center, reported that someone appeared to be getting murdered, and was told that help was being dispatched and would arrive as quickly as possible; the call was nevertheless assigned a lower priority and placed on hold. After further calls and delay, a 911 call from the assailant resulted in a priority-one response, but Keith was found dead.

PROCEDURAL HISTORY

The Estate sued Valley Communications Center alleging negligence and negligent supervision and training arising from the allegedly delayed emergency response to reports of a violent struggle. Before filing an answer, VCC moved to dismiss under CR 12(b)(6), arguing that it owed no actionable duty to Keith, and the trial court granted the motion. The Court of Appeals reversed dismissal of the negligence claim but affirmed dismissal of the negligent supervision and training claim.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The negligence claim is to proceed following reversal of its CR 12(b)(6) dismissal. The dismissal of the negligent supervision and training claims remains affirmed.

CASES CITED

- Tavaglione v. Dehkhoda & Qadri, P.C., 34 Wn. App. 2d 515, 519-20, 568 P.3d 1158 (2025)
- Tulalip Tribes of Washington v. Lexington Insurance Co., 34 Wn. App. 2d 108, 113, 566 P.3d 149 (2025)
- Norg v. City of Seattle, 200 Wn.2d 749, 756-58, 522 P.3d 580 (2023)
- Beltran-Serrano v. City of Tacoma, 193 Wn.2d 537, 549, 442 P.3d 608 (2019)
- Munich v. Skagit Emergency Communication Center, 175 Wn.2d 871, 874, 879, 884, 288 P.3d 328 (2012)
- Cummins v. Lewis County, 156 Wn.2d 844, 848-49, 854-57, 133 P.3d 458 (2006)
- Beal v. City of Seattle, 134 Wn.2d 769, 773-74, 785-88, 954 P.2d 237 (1998)
- Babcock v. Mason County Fire District No. 6, 144 Wn.2d 774, 787, 793-94, 30 P.3d 1261 (2001)
- Mita v. Guardsmark, LLC, 182 Wn. App. 76, 85-86, 328 P.3d 962 (2014)
- Bratton v. Welp, 145 Wn.2d 572, 575, 577, 39 P.3d 959 (2002)
- Bratton v. Welp, 106 Wn. App. 248, 257, 23 P.3d 19 (2001)
- Noakes v. City of Seattle, 77 Wn. App. 694, 700, 895 P.2d 842 (1995)
- Evans v. Tacoma School District No. 10, 195 Wn. App. 25, 47, 380 P.3d 553 (2016)
- Harris v. Federal Way Public Schools, 21 Wn. App. 2d 144, 505 P.3d 140 (2022)

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