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KING COUNTY
SUPERIOR COURT CLERK
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CASE #: 26-2-34153-2 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

FOR KING COUNTY

THE ESTATE OF CHRISTIAN SALYER, by and through its personal representatives GINA SALYER and JOHN SALYER; GINA SALYER, an Individual; JOHN SALYER, an Individual; KELSEY BENI, by and through the personal representatives of THE ESTATE OF CHRISTIAN SALYER; ALYSSA MBELU, by and through the personal representatives of THE ESTATE OF CHRISTIAN SALYER,

Plaintiffs,

v.

RECOLOGY, INC., a Foreign Profit Corporation; RECOLOGY KING COUNTY, INC., a Foreign Profit Corporation; THEODORE MALLOY, an Individual,

Defendants.

Case No.

PLAINTIFFS' COMPLAINT FOR DAMAGES; DEMAND FOR JURY TRIAL

Plaintiffs, by and through their attorneys, bring this action against Defendants RECOLOGY, INC., RECOLOGY KING COUNTY, INC., and THEODORE MALLOY ("DEFENDANTS") and solemnly allege the following:

I. NATURE OF THE ACTION

1. This action seeks to redress the wrongful death of 30-year-old local Seattle school

PANISH | SHEA | RAVIPUDI LLP
1420 5th Ave. Suite 2200
Seattle, Washington 98101
Telephone: 564. 333.0262 Fax: 310.477.1699

teacher Christian Salyer. Mr. Salyer was lawfully riding his bicycle in a designated bike lane when the RECOLOGY trash truck at issue failed to use a turn signal and abruptly made a right turn, violating Mr. Salyer's right of way, running him over, causing severe injuries and ultimately his death.

Mr. Salyer is survived by his loving family, including his mother, father, and two sisters.

II. PARTIES

A. Plaintiffs

1. Plaintiff GINA SALYER is the mother of decedent Christian Salyer and is a resident of the state of California, San Diego County, City of Carlsbad.

2. Plaintiff JOHN SALYER is the father of decedent Christian Salyer and is a resident of the state of California, San Diego County, City of Carlsbad.

3. Plaintiff KELSEY BENI is the sister of decedent Christian Salyer and is a resident of the state of California, San Francisco County, City of San Francisco.

4. Plaintiff ALYSSA MBELU is the sister of decedent Christian Salyer and is a resident of the state of California, San Diego County, City of Carlsbad.

B. Defendants

5. At all relevant times, Defendant RECOLOGY, INC. was and is a corporation duly licensed and incorporated in the State of California, with its principal place of business in San Francisco, California. RECOLOGY, INC. regularly and consistently engages in business for profit in the State of Washington, in King County, and specifically within the City of Seattle.

6. At all relevant times, Defendant RECOLOGY KING COUNTY, INC. was and is a for-profit corporation duly licensed and incorporated in the State of California, with its principal place of business in San Francisco, California.

7. At all relevant times herein, Defendant RECOLOGY, INC. and Defendant RECOLOGY KING COUNTY, INC. are joint venturers and alter egos of one another. RECOLOGY, INC. and RECOLOGY KING COUNTY, INC. are hereinafter referred to collectively as "RECOLOGY."

PANISH | SHEA | RAVIPUDI LLP
1420 5th Ave. Suite 2200
Seattle, Washington 98101
Telephone: 564. 333.0262 Fax: 310.477.1699

8. At all relevant times, Defendant THEODORE MALLOY was and is an individual residing and domiciled in the State of Washington, King County, City of Des Moines. On information and belief, Defendant THEODORE MALLOY was at all relevant times an employee and/or agent of Defendant RECOLOGY.

III. JURISDICTION & VENUE

9. Exercise of jurisdiction by this Court over each and every Defendant in this action is proper because each and every Defendant has done, and continues to do, business in the State of Washington, and/or resides in the State of Washington, and committed a tort in the State of Washington.

10. The Subject Collision took place in the State of Washington, King County, City of Seattle.

11. Upon information and belief, Defendant THEODORE MALLOY was and is an individual residing in the State of Washington, King County, City of Des Moines.

12. Venue is proper in King County, pursuant to RCW 4.12.020 and RCW 4.12.025, as the Defendants herein transact business, have offices, and reside in King County, Washington.

IV. GENERAL ALLEGATIONS

13. On June 1, 2026, at approximately 4:31 p.m., Decedent Christian Salyer was lawfully and reasonably riding his bicycle southbound in the designated bicycle lane on 12th Avenue South, approaching the intersection with East Yesler Way in Seattle, King County, Washington. At the same time, Defendant THEODORE MALLOY was operating a large commercial trash truck owned by RECOLOGY (the "Recology Vehicle"), in the course and scope of his employment with RECOLOGY, southbound on 12th Avenue South, immediately adjacent to the bicycle lane.

14. As Mr. Salyer was proceeding straight, established in his lane, and neared the intersection in a lawful manner and with the right of way, Defendant THEODORE MALLOY suddenly and without warning turned the Recology Vehicle to the right, across the bicycle lane and directly into Christian Salyer's path, intending to proceed westbound on East Yesler Way.

PANISH | SHEA | RAVIPUDI LLP
1420 5th Ave. Suite 2200
Seattle, Washington 98101
Telephone: 564. 333.0262 Fax: 310.477.1699

Video evidence shows that Defendant THEODORE MALLOY failed to activate the Recology Vehicle's turn signal, failed to check his mirrors or surroundings, and failed to slow the vehicle before initiating the right turn.

15. As a direct and proximate result of Defendant THEODORE MALLOY's dangerous and unsafe right turn, the Recology Vehicle ran over Christian Salyer and his bicycle, causing catastrophic injuries that resulted in his tragic death.

V. CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION

Wrongful Death – Negligence and Negligence Per Se

(Plaintiffs Against All Defendants)

16. Plaintiffs re-allege and incorporate herein by reference each and every allegation and statement contained in the prior paragraphs.

17. Plaintiffs are informed and believe, and thereon allege, that at all relevant times, Defendant THEODORE MALLOY was an employee and/or agent of RECOLOGY and was acting within the course and scope of his employment and/or agency and in furtherance of RECOLOGY's business while operating the Recology Vehicle.

18. Defendants owed Decedent Christian Salyer and all other reasonably foreseeable users of the roadway a duty to exercise reasonable care in the ownership, maintenance, inspection, entrustment, supervision, management, control, and operation of the Recology Vehicle. This duty included, without limitation, the duties to keep a proper lookout; remain reasonably aware of surrounding traffic, bicyclists, and roadway conditions; properly use the Recology Vehicle's mirrors and other safety equipment; signal before turning; yield the right of way; refrain from turning unless the movement could be made with reasonable safety; and to own, maintain, inspect, entrust, supervise, manage, control, and operate the Recology Vehicle in compliance with applicable statutes, regulations, ordinances, and rules of the road. Plaintiffs are informed and believe, and thereon allege, that Defendants also owed a nondelegable duty to third persons for any harm caused by the negligence or other wrongful conduct of independent

PANISH | SHEA | RAVIPUDI LLP
1420 5th Ave. Suite 2200
Seattle, Washington 98101
Telephone: 564. 333.0262 Fax: 310.477.1699

contractor(s) and/or agent(s).

19. Defendants breached their duties of care by, among other acts and omissions:

a. Failing to keep a proper lookout for bicyclists and other roadway users;

b. Failing to observe Christian Salyer riding southbound in the designated bicycle lane adjacent to the Recology Vehicle;

c. Failing to check the Recology Vehicle's mirrors and surroundings before initiating the right turn;

d. Failing to account for the Recology Vehicle's size, configuration, blind spots, and turning path;

e. Failing to activate the Recology Vehicle's turn signal before initiating the right turn;

f. Failing to adequately slow the Recology Vehicle before initiating the right turn;

g. Failing to yield the right of way to Christian Salyer;

h. Turning across the designated bicycle lane when the movement could not be made with reasonable safety;

i. Failing to maintain a safe distance from Christian Salyer and his bicycle;

j. Failing to timely perceive, react to, and avoid the collision; and

k. Otherwise owning, maintaining, inspecting, entrusting, supervising, managing, controlling, and operating the Recology Vehicle carelessly, negligently, recklessly, and unlawfully under the circumstances.

20. Defendant THEODORE MALLOY's conduct violated applicable Washington statutes, regulations, ordinances, and rules of the road, including, without limitation, RCW 46.61.305, by turning the Recology Vehicle without first ensuring that the movement could be made with reasonable safety and without giving an appropriate signal, and RCW 46.61.290, by failing to execute the right turn in a lawful and reasonably safe manner.

21. Pursuant to RCW 5.40.050, Defendant THEODORE MALLOY's violations of

PANISH | SHEA | RAVIPUDI LLP
1420 5th Ave. Suite 2200
Seattle, Washington 98101
Telephone: 564. 333.0262 Fax: 310.477.1699

the statutes, regulations, ordinances, and rules of the road alleged herein constitute evidence of negligence. Christian Salyer was within the class of persons those provisions were intended to protect, and the fatal collision and resulting harm were of the type those provisions were intended to prevent.

22. Defendants' negligent, reckless, careless, and unlawful ownership, maintenance, inspection, entrustment, supervision, management, control, and operation of the Recology Vehicle was an actual and proximate cause of the Subject Collision, Christian Salyer's fatal injuries and death, and the resulting injuries and damages sustained by Plaintiffs.

23. Because Defendant THEODORE MALLOY was acting within the course and scope of his employment and/or agency with RECOLOGY when the Subject Collision occurred, Defendants RECOLOGY, INC. and RECOLOGY KING COUNTY, INC. are vicariously liable for his negligent acts and omissions and the resulting injuries and damages.

24. As a direct and proximate result of Defendants' conduct, Christian Salyer sustained catastrophic physical injuries and, before his death, experienced conscious pain and suffering, anxiety, emotional distress, and other noneconomic harm. Christian Salyer also incurred medical and related expenses, loss of earnings and earning capacity, property damage, and other economic losses. The duly appointed personal representatives of THE ESTATE OF CHRISTIAN SALYER are entitled to recover these damages under Washington's survival statutes, including RCW 4.20.046 and RCW 4.20.060, in amounts to be established according to proof.

25. Decedent Christian Salyer died without a surviving spouse, state-registered domestic partner, child, or stepchild. His parents, GINA SALYER and JOHN SALYER, and his sisters, KELSEY BENI and ALYSSA MBELU, are therefore statutory beneficiaries under RCW 4.20.020.

26. As a direct and proximate result of Christian Salyer's wrongful death, each statutory beneficiary sustained economic and noneconomic damages personal to that beneficiary, including loss of Christian Salyer's financial support and contributions; loss of his services, care,

PANISH | SHEA | RAVIPUDI LLP
1420 5th Ave. Suite 2200
Seattle, Washington 98101
Telephone: 564. 333.0262 Fax: 310.477.1699

assistance, protection, companionship, society, affection, love, and emotional support; grief, sorrow, and mental anguish; and other damages recoverable under Washington law, in amounts to be established according to proof.

27. Plaintiffs further seek recovery of Christian Salyer's medical, funeral, burial, and related expenses on behalf of the person or entity that incurred or became legally responsible for those expenses, according to proof.

SECOND CAUSE OF ACTION

Negligent Hiring, Retention, Supervision, Training, and Entrustment

(All Plaintiffs Against Recology, Inc. and Recology King County, Inc.)

28. Plaintiffs re-allege and incorporate by reference each preceding allegation as though fully set forth herein.

29. Plaintiffs are informed and believe, and thereon allege, that at all relevant times, Defendants RECOLOGY, INC. and RECOLOGY KING COUNTY, INC. owned, leased, maintained, inspected, serviced, managed, controlled, and/or entrusted the Recology Vehicle and authorized Defendant THEODORE MALLOY to operate it in furtherance of RECOLOGY's business and economic benefit.

30. RECOLOGY owed Christian Salyer and other foreseeable roadway users a duty to exercise reasonable care in selecting, hiring, qualifying, training, supervising, retaining, and entrusting commercial drivers, including Defendant THEODORE MALLOY, and in adopting and enforcing reasonable policies and procedures governing the safe operation of its commercial vehicles around bicyclists and other vulnerable roadway users.

31. RECOLOGY knew or, in the exercise of reasonable care, should have known that operating a large commercial refuse vehicle creates substantial and foreseeable risks to bicyclists, including when a driver turns across a designated bicycle lane. RECOLOGY therefore had a duty to ensure that its drivers were competent, qualified, adequately trained, and properly supervised regarding safe right turns, mirror use, blind spots, signaling, speed reduction, yielding, and detection of bicyclists traveling adjacent to its vehicles.

PANISH | SHEA | RAVIPUDI LLP
1420 5th Ave. Suite 2200
Seattle, Washington 98101
Telephone: 564. 333.0262 Fax: 310.477.1699

32. Upon information and belief, RECOLOGY breached its duties by one or more of the following acts or omissions:

a. Failing to use reasonable care in selecting, screening, hiring, and qualifying Defendant THEODORE MALLOY to operate the Recology Vehicle;

b. Failing to provide adequate initial and continuing training concerning bicycle-lane conflicts, blind spots, mirror use, safe right-turn procedures, signaling, speed reduction, yielding, and the operation of large commercial vehicles in dense urban traffic;

c. Failing to reasonably supervise, monitor, evaluate, and discipline Defendant THEODORE MALLOY's driving performance and compliance with applicable safety rules, policies, and procedures;

d. Retaining Defendant THEODORE MALLOY when RECOLOGY knew or, through reasonable investigation, supervision, or monitoring, should have known that he was unfit, insufficiently trained, or otherwise posed an unreasonable risk in the operation of the Recology Vehicle;

e. Entrusting the Recology Vehicle to Defendant THEODORE MALLOY when RECOLOGY knew or should have known that he was not adequately qualified, trained, supervised, or competent to operate it safely under the circumstances;

f. Failing to adopt, implement, and enforce reasonable policies, procedures, and safeguards for the safe operation of commercial refuse vehicles near bicycle lanes and bicyclists; and

g. Otherwise failing to exercise reasonable care in the hiring, qualification, training, supervision, retention, and entrustment of Defendant THEODORE MALLOY.

33. RECOLOGY's direct negligence was separate from, and in addition to, its vicarious liability for Defendant THEODORE MALLOY's acts and omissions within the course and scope of his employment and/or agency.

34. RECOLOGY's negligent acts and omissions were actual and proximate causes of the Subject Collision, Christian Salyer's catastrophic injuries and death, and the resulting injuries

PANISH | SHEA | RAVIPUDI LLP
1420 5th Ave. Suite 2200
Seattle, Washington 98101
Telephone: 564. 333.0262 Fax: 310.477.1699

and damages sustained by Plaintiffs.

35. As a direct and proximate result, the ESTATE OF CHRISTIAN SALYER and the statutory beneficiaries sustained the survival and wrongful-death damages alleged above and incorporated herein, in amounts to be established according to proof.

THIRD CAUSE OF ACTION

Wrongful Death

(The Estate of Christian Salyer, by and through its Personal Representatives GINA SALYER and JOHN SALYER, for the Benefit of the Statutory Beneficiaries KELSEY BENI and ALYSSA MBELU, Against All Defendants)

36. Plaintiff THE ESTATE OF CHRISTIAN SALYER, by and through its duly appointed personal representatives, re-alleges and incorporates by reference each preceding allegation as though fully set forth herein.

37. Pursuant to RCW 4.20.010, when a person's death is caused by the wrongful act, neglect, or default of another, the decedent's personal representative may maintain an action for the economic and noneconomic damages sustained by the beneficiaries identified in RCW 4.20.020 as a result of the death.

38. Christian Salyer died without a surviving spouse, state-registered domestic partner, child, or stepchild. His parents, GINA SALYER and JOHN SALYER, and his sisters, KELSEY BENI and ALYSSA MBELU, are the beneficiaries for whose benefit this wrongful-death action is maintained under RCW 4.20.010 and RCW 4.20.020.

39. Defendants' wrongful acts, negligence, and omissions, as alleged herein, were actual and proximate causes of Christian Salyer's fatal injuries and death.

40. As a direct and proximate result of Christian Salyer's death, each statutory beneficiary has sustained economic and noneconomic damages personal to that beneficiary, including loss of Christian Salyer's financial support and contributions; loss of his services, care, assistance, protection, companionship, society, affection, love, and emotional support; grief, sorrow, and mental anguish; and other damages recoverable under Washington law, in amounts

PANISH | SHEA | RAVIPUDI LLP
1420 5th Ave. Suite 2200
Seattle, Washington 98101
Telephone: 564. 333.0262 Fax: 310.477.1699

to be established according to proof.

41. GINA SALYER and JOHN SALYER, as personal representatives of the ESTATE OF CHRISTIAN SALYER, also seek recovery of funeral, burial, and related expenses to the extent recoverable by the proper claimant under Washington law, according to proof.

FOURTH CAUSE OF ACTION

Action for Injury or Death of a Child

(Gina Salyer and John Salyer, Individually, Against All Defendants)

42. Plaintiffs GINA SALYER and JOHN SALYER re-allege and incorporate by reference each preceding allegation as though fully set forth herein.

43. GINA SALYER is Christian Salyer's surviving mother, and JOHN SALYER is Christian Salyer's surviving father.

44. At and near the time of the Subject Collision and Christian Salyer's death, GINA SALYER and JOHN SALYER each had significant involvement in Christian Salyer's life, including emotional, psychological, and/or financial support, within the meaning of RCW 4.24.010.

45. Under RCW 4.24.010, a parent who had significant involvement in the life of an adult child may maintain or join as a plaintiff an action for the injury or death of that child and may recover the damages authorized by statute.

46. Defendants' wrongful acts, negligence, and omissions, as alleged herein, were actual and proximate causes of Christian Salyer's catastrophic injuries and death and of the resulting injury to and destruction of the parent-child relationships of GINA SALYER and JOHN SALYER with their son.

47. As a direct and proximate result, GINA SALYER and JOHN SALYER are each entitled to recover damages authorized by RCW 4.24.010, including loss of Christian Salyer's services and financial support; loss of his love, companionship, care, and emotional support; injury to and destruction of the parent-child relationship; grief, mental anguish, and suffering; and other recoverable economic and noneconomic damages, in amounts to be established

PANISH | SHEA | RAVIPUDI LLP
1420 5th Ave. Suite 2200
Seattle, Washington 98101
Telephone: 564. 333.0262 Fax: 310.477.1699

according to proof.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request judgment against Defendants, jointly and severally to the extent permitted by law, and pray for the following relief:

48. Economic damages recoverable by the ESTATE OF CHRISTIAN SALYER under Washington's survival statutes, including medical and related expenses, lost earnings and earning capacity, property damage, and other predeath losses, according to proof;

49. Noneconomic damages recoverable by the ESTATE OF CHRISTIAN SALYER under Washington's survival statutes, including Christian Salyer's conscious pain and suffering, anxiety, emotional distress, and other predeath noneconomic harm, according to proof;

50. Economic and noneconomic wrongful-death damages sustained by the statutory beneficiaries under RCW 4.20.010 and RCW 4.20.020, according to proof;

51. Economic and noneconomic damages sustained by GINA SALYER and JOHN SALYER under RCW 4.24.010, according to proof;

52. Medical, funeral, burial, and related expenses on behalf of the person or entity entitled to recover them, according to proof;

53. Prejudgment and post-judgment interest as allowed by law;

54. For fees and costs of the suit incurred herein, according to proof; and

55. For such other and further relief as this Court may deem just and proper.

PANISH | SHEA | RAVIPUDI LLP
1420 5th Ave. Suite 2200
Seattle, Washington 98101
Telephone: 564. 333.0262 Fax: 310.477.1699

DATED this 19th day of October, 2026

PANISH | SHEA | RAVIPUDI LLP
Attorneys for Plaintiffs

By: _____

Spencer R. Lucas, WA Bar No. 54427
slucas@panish.law
Robert B. Reagan, WA Bar No. 63335
breagan@panish.law
Alec M. Clark, WA Bar No. 64895
aclark@panish.law

PANISH | SHEA | RAVIPUDI LLP
1420 5th Ave. Suite 2200
Seattle, Washington 98101
Telephone: 564. 333.0262 Fax: 310.477.1699

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury as to all causes of action.

DATED this 19th day of October, 2026

PANISH | SHEA | RAVIPUDI LLP
Attorneys for Plaintiffs

By: _____

Spencer R. Lucas, WA Bar No. 54427
slucas@panish.law
Robert B. Reagan, WA Bar No. 63335
breagan@panish.law
Alec M. Clark, WA Bar No. 64895
aclark@panish.law

PANISH | SHEA | RAVIPUDI LLP
1420 5th Ave. Suite 2200
Seattle, Washington 98101
Telephone: 564. 333.0262 Fax: 310.477.1699