ENDORSED FILED
SUPERIOR COURT
AUG 10 2026
COWLITZ COUNTY
STACI MYKLEBUST, Clerk

SUPERIOR COURT OF WASHINGTON FOR COWLITZ COUNTY

SHERI LYNN KING, as Personal Representative of the Estate of Bradley Kyle Covington and as Personal Representative of the Estate of Tyler Scott Covington,

Plaintiff,

v.

NIPPON DYNAWAVE PACKAGING COMPANY LLC and NIPPON PAPER INDUSTRIES USA CO., LTD.,

Defendants.

NO. 26 2 00831 08

COMPLAINT FOR WRONGFUL DEATH AND SURVIVAL

Plaintiff, Sheri Lynn King, as Personal Representative of the Estate of Bradley Kyle Covington and as Personal Representative of the Estate of Tyler Scott Covington and on behalf of all wrongful death and survival beneficiaries, brings this action complaining of Defendants, Nippon Dynawave Packaging Company LLC and Nippon Paper Industries USA Co., Ltd., and will respectfully show the Court the following:

I. PLAINTIFF

1.1 At the time of the incident, Plaintiff Sheri Lynn King was a resident of Cowlitz County, Washington. The decedents, Tyler Covington and Bradley Covington, were likewise residents of Cowlitz County, Washington. As Personal Representative of the Estates of Tyler

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COPY

Covington and Bradley Covington, Plaintiff brings this action on behalf of the Estates and all wrongful death and survival beneficiaries, including herself as the mother of the decedents, Robert Scott Covington, the father of the decedents, and F.L.C., the minor child of Tyler Covington.

II. DEFENDANTS

2.1 Defendant Nippon Dynawave Packaging Company LLC is a company based in Cowlitz County, Washington, whose member, upon information and belief is a Washington corporation. Nippon Dynawave Packaging Company LLC is therefore a citizen of Washington. This defendant may be served with process through its registered agent: Cogency Global Inc., 1780 Barnes Blvd SW, Tumwater, WA, 98512-0410, United States.

2.2 Defendant Nippon Paper Industries USA Co., Ltd. is a domestic corporation with its principal place of business in Cowlitz County, Washington. Nippon Paper Industries USA Co., Ltd. is therefore a citizen of Washington. This defendant may be served through its registered agent: Fairchild Record Search, Ltd., 3400 Blvd SE Ste 101, Tumwater, WA, 98501-3351, United States.

III. JURISDICTION AND VENUE

3.1 This Court has subject matter jurisdiction as the claims asserted arise under Washington law. This case is not removable because complete diversity does not exist. *See* 28 U.S.C. § 1332(c). Plaintiff and Defendants are citizens of Washington.

3.2 The Court has personal jurisdiction over all Defendants as they are citizens of Washington, and the torts complained of herein occurred in Washington.

3.3 Venue is proper in Cowlitz County, Washington, under RCW 4.12.020(3) as the cause of action arose in this county. Furthermore, at least one defendant resides in this county.

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IV. NATURE OF THE ACTION

4.1 On or about May 26, 2026, Tyler and Bradley Covington had just arrived in the parking lot of the Nippon Dynawave mill in Longview, Washington, when a storage tank catastrophically collapsed, emitting caustic white liquor and debris. Tyler and Bradley Covington were burned and crushed and ultimately died due to the fatal injuries that they sustained.

4.2 At all times mentioned, Defendants were negligent for the following reasons:

a. Failing to maintain equipment;

b. Failing to inspect equipment;

c. Failing to properly shut-down and/or start-up equipment;

d. Failing to properly isolate and/or vent equipment;

e. Failing to properly train employees and agents;

f. Failing to properly supervise employees and agents;

g. Failing to properly communicate and warn of hazards;

h. Failing to implement adequate safety policies and procedures;

i. Failing to warn about unreasonably dangerous conditions;

j. Failing to make safe unreasonably dangerous conditions;

k. Failing to implement adequate emergency response procedures;

l. Failing to comply with applicable regulations and standards;

m. Vicarious liability for the conduct of their employees and agents;

n. Other acts and omissions deemed negligent.

V. DAMAGES

5.1 As a direct and proximate result of said occurrence as described, Decedents sustained fatal injuries and died. Plaintiff, and all survival beneficiaries, are entitled to the

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following damages incurred as a direct and proximate result of the occurrence described herein and Decedents' fatal injuries and deaths:

a. Economic damages, including health care and funeral expenses;

b. Noneconomic damages, including the pain, suffering, anxiety, emotional distress, humiliation, and fear experienced by Decedents prior to their deaths as a result of the occurrence described herein.

5.2 Plaintiff, and all wrongful death beneficiaries, are entitled to the following damages incurred as a direct and proximate result of the occurrence described herein and Decedents' fatal injuries and deaths:

c. Economic damages, including past and future money, goods, and services that Plaintiff and all wrongful death beneficiaries would have received from Decedents had they lived.

d. Noneconomic damages, including Decedents' contributions of emotional support, love, care, companionship, guidance, affection, services, and assistance.

5.3 As a proximate result of Defendants' tortious conduct, Plaintiff and all beneficiaries are entitled to all special and general damages allowed under the laws of the State of Washington.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

A. For judgment in favor of Plaintiff and against Defendants;

B. For special damages in an amount to be proved at the time of trial;

C. For general damages in an amount to be proven at the time of trial;

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D. For costs and disbursements, including reasonable attorney fees incurred in bringing this action;

E. For prejudgment interest; and

F. For such other and further relief as this Court deems just and equitable.

Dated this 10th day of August, 2026

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