

1
2
3
4
5
6 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
7 IN AND FOR THE COUNTY OF KING

8 JENNIFER ALBINO, JESSICA BERTA,
9 CHRISTINE GOLD, BELINDA HUNT,
10 KIMBERLY KNUTSON, KATHLEEN
11 McKEE, KAREN WHEELER, **JANICE**
DANEK, GENNET REICHEL, JUDY
MCKINNEY, DEBRA CAMACHO,
TINA WILLIS, LINDA JAMES

12 Plaintiffs,

13 v.

14 COURT REPORTING INSTITUTE, INC.
15 MICHAEL GIRGUS, Individual,
ALEN JANISCH, Individual

16 Defendants.

NO. 05-2-42208-4 SEA

COMPLAINT FOR DAMAGES
(AMENDED)

17
18 COME NOW Plaintiffs, Jennifer Albino, Jessica Berta, Christine Gold, Belinda Hunt,
19 Kimberly Knutson, Kathleen McKee, Karen Wheeler, **Janice Denek, Gennet Reichel, Debra**
20 **Camacho, Tina Willis, Linda James and Judy McKinney** by and through their Attorney of
21 Record, John David Terry, II, Law Offices of John David Terry, II, P.C., and make claim against
22 the Defendants, Court Reporting Institute, ~~and~~ Michael Girgus, **and Alen Janisch** alleging the
23 following:
24
25

1 **PART I – PARTIES**

2 1.1 Plaintiff, Jennifer A.P. Albino, formerly known as Jennifer Ann Patterson, is a
3 resident of Snohomish County, residing at 12529 22nd Avenue Southeast, Everett, Washington
4 98208.

5 1.2 Plaintiff, Jessica M. Berta, is a resident of Snohomish County, residing at 14811
6 54th Place West, Edmonds, Washington 98026.

7 1.3 Plaintiff, Christine Gold, is a resident of Arizona, residing at 12579 West
8 Mulberry Drive, Avondale, Arizona, Maricopa County.

9 1.4 Plaintiff, Belinda Hunt, is a resident of King County, residing at 12611 SE 299th
10 Place, Auburn, Washington 98092.

11 1.5 Plaintiff, Kimberly Knutson, is a resident of King or Snohomish County, residing
12 at 23718 23rd Avenue West, Bothell, Washington 98021.

13 1.6 Plaintiff, Kathleen McKee, is a resident of King County, residing at 8810 32nd
14 Avenue Southwest, Seattle, Washington 98126.

15 1.7 Plaintiff, Karen Wheeler, is a resident of King County, residing at 341 Northwest
16 89th Street, Seattle, Washington 98117.

17 **1.8 Plaintiff Janice Danek is a resident of Snohomish County residing at 18016**
18 **36th Ave. W. T9, Lynnwood, WA 98037.**

19 **1.9 Plaintiff Gennet Reichel is a resident of Snohomish County residing at 6928**
20 **Jefferson Avenue, Everett, Washington 98203.**

21 **1.10 Plaintiff Judy McKinney is a resident of King County residing at 12250**
22 **Greenwood Ave N #316 Seattle, WA 98133.**

1
2 **1.11 Plaintiff Debra Camacho is a resident of Grayson County residing at 1324**
3 **Kiper Drive, Leitchfield, Kentucky 42754.**

4 **1.12 Plaintiff Tina Willis is a resident of Snohomish County residing at 2323**
5 **Oakes Avenue, Everett, Washington 98201**

6 **1.13 Plaintiff Linda James is a resident of Snohomish County residing at 914 164th**
7 **Street S.E. #367, Millcreek, Washington 98012**

8
9 1.14 Defendant, Court Reporting Institute, Inc. (hereafter referred to as “CRI”), is a
10 for-profit corporation, organized and licensed to do business under the laws of the State of
11 Washington. CRI operates as a trade school with its primary location in King County, at 929
12 North 130th Street, Suite 2, Seattle, Washington 98133. Alen H. Janisch is listed as Defendant’s
13 registered agent for service of process.
14

15 1.15 Defendant, Michael Girgus, upon information and belief, is a single individual
16 residing in King County, Washington.

17 **1.16 Defendant, Alen Janisch was a partial owner, President and Director of CRI**
18 **in Seattle.**

19
20 **PART II – FACTS**

21
22 2.1 Plaintiffs, Jennifer Albino, Jessica Berta, Christine Gold, Belinda Hunt, Kimberly
23 Knutson, Kathleen McKee, and Karen Wheeler enrolled in courses at CRI in order become
24 licensed court reporters with all the rights and privileges appertaining to persons holding such
25

1 certification. At the present, contrary to the claims and assertions made by CRI, none of the
2 plaintiffs have become state certified through their study at CRI.

3 2.2 Each Plaintiff individually inquired about the court reporting program at CRI in
4 response to advertisements and assertions made by the organization or its representatives.
5 Jennifer Albino discovered the existence of CRI in a newsletter entitled "Today's Careers,"
6 which she read in early 1999, suggesting that court reporting was a career offering unlimited
7 freelance opportunities for employment and excellent pay.
8

9 2.3 Plaintiffs, Berta, Gold, Hunt, Knutson, McKee, and Wheeler were likewise drawn
10 to CRI based on their claims that court reporters enjoyed successful careers, accompanied with
11 the freedoms of self-employment opportunities and great monetary benefits. Plaintiffs requested
12 information from CRI regarding their programs and were further deceived into believing that not
13 only was the career lucrative, but also easy to learn and enter. One paragraph from the formal
14 promotional materials stated the following:
15

16 Shorthand reporting is taught at more than 300 schools across the U.S. All you
17 need is a high school diploma or GED and basic typing skills. Most programs
18 take only one to three years to complete.

19 2.4 Those who were interested in the program would soon meet with Michael Girgus,
20 the Assistant Director of Admissions. While Girgus was serving as liaison between CRI and
21 potential students, he would inform them of the details of the program. Included in his
22 assurances to the Plaintiffs were the facts that: 1) the program would be completed in 2 to 2 ½
23 years; 2) there were numerous, if not unlimited, opportunities for freelance employment; and, 3)
24 night course availability. Each promise was of particular importance considering that the
25 Plaintiff's took great faith in the information provided, both written and oral, making fragile

1 arrangements to enroll in the program. Moreover, preying on the Plaintiffs' desire for affordable
2 and attainable education, Mr. Girgus promised that financial assistance was readily available and
3 that student loan repayment would cost only \$50 per month upon completion of the program.

4 **The Defendant Janisch made the similar representation to the students and the Plaintiffs'.**
5 **Janisch also gave specific direction and guidance to CRI recruiters, agents and instructors**
6 **on ways to get and keep students in the court reporting program.**
7

8 2.5 Based on the court reporting information detailed in the advertisement flyer, the
9 materials provided by CRI to prospective applicants, and the assurances of admissions director
10 Michael Girgus **and Owner, President, Director Janisch**, Jennifer Albino, Jessica Berta,
11 Christine Gold, Belinda Hunt, Kimberly Knutson, Kathleen McKee, Karen Wheeler, **Janice**
12 **Denek, Gennet Reichel, Debra Camacho, Tina Willis, Linda James and Judy McKinney**
13 agreed to participate in the court reporting program.
14

15 2.6 Plaintiffs, as well as all other students enrolled at CRI, were promised instruction
16 by qualified instructors, adequate facilities for instruction, study, and practice, and state of the art
17 equipment with which to work, study, and train. None of the foregoing promises were kept.
18 More importantly, the training and skills that the Plaintiffs' contracted and paid for were not
19 provided
20

21 2.7 CRI attempted to staff some courses with instructors that were familiar with
22 neither the new technologies being used in the trade, nor the current jargon used in the industry.
23 Jan Bates, a "low speed" course instructor, was not familiar with commonly used terminology or
24 the latest theories of court reporting. Her attempts to clarify student questions and
25 misunderstandings were to refer them to "upper-class students" that had a better understanding

1 of court reporting than herself. Other classes were taught by former CRI students that had yet to
2 pass the state certification themselves. It seems apparent that non-certified court reporters would
3 not be qualified to instruct others as to the proper methods of learning a technique that they have
4 failed to master; yet, CRI used them to instruct the Plaintiffs.

5 2.8 Some Plaintiffs raised their concerns about the program and the quality of
6 instruction, only to feel threatened by Sandra Metz, Program Director, Michael Girgus,
7 Admissions Coordinator, **Alen Janisch, President and Director**, and others for raising their
8 discontent. Furthermore, CRI never took any action to alleviate the concerns of the Plaintiffs in
9 the court reporting program, particularly relating to the purported availability of “state of the art”
10 equipment.

11 2.9 CRI’s court reporting equipment was neither state of the art, nor were there a
12 sufficient number of machines for an entire class of students to use the equipment at once.
13 Consequently, the Plaintiffs were forced to purchase their own computers, at considerable
14 expense, complete assignments before or after scheduled class meetings, or use archaic machines
15 that did not represent current court reporting technology, thereby offering no academic or
16 vocational benefit to the student.

17 2.10 The Plaintiffs made tremendous sacrifices, both personal and professional, to
18 enroll in the court reporting program at CRI. Based on the misrepresentations of Michael
19 Girgus, **and Alen Janisch**, the Plaintiffs arranged their lives, including employment,
20 relationships, and finances, to withstand a 2 – 2 ½ year window of hardship for the opportunity
21 to become a certified court reporter. However, once enrolled in the program and effectively
22 trapped into continuing the courses, CRI, Girgus **and Janisch**, illuminated the Plaintiffs to other
23
24
25

1 necessary expenses in order to participate in, and complete, the program, which included: 1)
2 personal computers; 2) computer-run court reporting software; and, 3) steno-writers – machines
3 that document the shorthand for later transcription. These unanticipated expenses far exceeded
4 the one thousand dollar estimate made by Michael Girgus **and Alen Janisch** for expenses
5 associated with the program other than tuition.
6

7 2.11 Additionally, Plaintiffs and their peers later discovered upon presentation by guest
8 speaker professionals that knowledge and mastery of “Real Time” transcription was absolutely
9 necessary for private practice and for preparation for the State of Washington certification exam.
10 CRI administrators, executives, **Alen Janisch and** specifically Michael Girgus, assured the
11 Plaintiffs that they had been exposed to “Real Time” and that further training was to be provided
12 in the near future. Ultimately, CRI provided “Real Time” for its students, but in such limited
13 quantities, or on such dilapidated equipment that use of computer-aid translation programs was
14 impractical if not impossible for the Plaintiffs and a majority of the students. Moreover,
15 Plaintiffs were discouraged from practicing “Real Time” despite its prevailing and widespread
16 use in modern court reporting.
17

18 2.12 Jessica Berta **and others** filed a complaint against CRI with Workforce Training
19 and Education Coordinating Board, Private Vocational School Licensing Unit, 128 Tenth
20 Avenue Southwest, P.O. Box 43105, Olympia, Washington 98504-3105, stating the following
21 concerns:
22

- 23 1. School failed to comply with the terms of a student enrollment contract or agreement;
- 24 2. School represented falsely, directly or by implication, that an educational program is
25 approved by a particular industry or that successful completion of the program

1 3.1 The Plaintiffs reallege the claims contained above in Parts I and II, paragraphs 1.1
2 through 2.13, as if fully set forth herein.

3 3.2 Contracts for education and training were formed between CRI and Plaintiffs
4 when they enrolled in the court reporting program. Under these contracts, CRI agreed to educate
5 and train Plaintiffs in court reporting in compliance with the standards of the Washington State
6 Board of Court Reporters. CRI further agreed to provide Plaintiffs with sufficient instruction,
7 facilities, and equipment to provide the students with adequate education and training to be
8 competent in the field of court reporting; and, to have a fair and reasonable opportunity to
9 qualify for, and pass, the State of Washington's certification exam for court reporting.
10

11 3.3 CRI's failure to deliver appropriate curriculum for the Program, to adequately
12 plan the Program, to ensure the quality of instruction, and provide sufficient and functional
13 equipment constituted a breach of these contracts.
14

15 3.4 As a proximate result of Defendant's breach of contract, Plaintiffs suffered
16 contract, incidental, and consequential damages in an amount to be proven at trial.
17

18 **COUNT 2 – BREACH OF EXPRESS AND IMPLIED WARRANTIES**

19 3.5 The Plaintiffs reallege the claims contained above in Parts I, II, and III,
20 paragraphs 1.1 through 3.4, as if fully set forth herein.
21

22 3.6 CRI issued course catalogues, promotional materials, and other advertisements
23 expressly setting forth what the program would include, as well as how it would impact the lives
24 of enrollees of the program, and ensuring satisfaction. These warranties were corroborated and
25 confirmed by Defendant, **the owner Janisch** and Program Director, Michael Girgus.

