



FILED
13 APR 30 PM 3:56
CIRCUIT COURT
FOR MULTNOMAH COUNTY

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

06045

JEANNE BRUUN, Personal Representative
of the Estate of CORRIE BRUUN,
Deceased,

Plaintiff,

v.

KAISER FOUNDATION HEALTH PLAN
OF THE NORTHWEST, NORTHWEST
PERMANENTE, P.C., and KAISER
FOUNDATION HOSPITALS,

Defendants.

Case No. **130406045**

COMPLAINT FOR MEDICAL
MALPRACTICE/ WRONGFUL DEATH

Claim Not Subject to Mandatory Arbitration

Jury Trial Requested

Prayer: \$7,000,000.00

Filing Fee: \$755

Fee Authority: ORS 21.160(1)(d)

Plaintiff alleges:

1.

Jeanne Bruun is the duly appointed personal representative of the Estate of Corrie Bruun.

2.

At all times material hereto:

- (a) Defendant Kaiser Foundation Hospitals is and was a California corporation;
- (b) Defendant Northwest Permanente, P.C. is and was an Oregon corporation;
- (c) Defendant Kaiser Foundation Health Plan of the Northwest is and was an Oregon corporation; and
- (d) Defendants have offices for the transaction of business and conduct regular sustained business activity in Multnomah County.

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3.

On or about January 19, 2012, Corrie Bruun came under defendants' care for bariatric surgery. Corrie Bruun remained under defendants' care continuously from January 19, 2012, until her death on January 24, 2012.

4.

Defendants were negligent in one or more of the following respects:

- (a) In attempting to anesthetize Corrie Bruun for surgery when the surgery was not indicated;
- (b) In attempting to anesthetize Corrie Bruun when it was not safe to do so;
- (c) In attempting to perform a rapid sequence induction and intubation upon Corrie Bruun when it was not safe to do so and that procedure was not indicated;
- (d) In allowing non-physician nurse anesthetists to attempt to anesthetize Corrie Bruun when Corrie Bruun was at high risk of fatal aspiration;
- (e) In allowing non-physician nurse anesthetists to attempt to anesthetize Corrie Bruun when the nurses did not have adequate education and training to administer the anesthesia properly and safely;
- (f) In allowing non-physician nurse anesthetists to attempt to anesthetize patients at high risk of fatal aspiration;
- (g) In failing to provide adequate education and training to defendants' nurse anesthetists in proper and safe administration of anesthesia; and
- (h) In failing to implement and require physician and nursing compliance with adequate policies and procedures for proper and safe administration of anesthesia.

5.

Defendants did not obtain Corrie Bruun's informed consent to their treatment in that defendants did not explain to Corrie Bruun the procedures, alternatives and risks of the surgery and anesthesia which defendants undertook on January 22, 2012.

6.

As a result of defendants' negligence and their failure to obtain Corrie Bruun's informed consent, as defendants attempted to anesthetize Corrie Bruun on or about January 22, 2012, she suffered aspiration of gastric contents, resulting in respiratory distress, infection, shock, multi-organ failure, conscious and prolonged pain and suffering, coma and cardiac arrest, resulting further in Corrie Bruun's death on January 24, 2012, to plaintiff's non-economic damage in the sum of \$5,000,000.

7.

As a further result of defendants' negligence and failure to obtain Corrie Bruun's informed consent, plaintiff incurred medical, hospital and funeral expenses and has suffered loss of income, future earnings, future earning capacity, support, household services and other benefits, to plaintiff's economic damage in the sum of \$2,000,000.

8.

Plaintiff gives notice to defendants that plaintiff intends to amend this Complaint to add a claim for punitive damages.

WHEREFORE, plaintiff prays for judgment against defendants and each of them as follows:

1. For non-economic damages in the sum of \$5,000,000;
2. For economic damages in the sum of \$2,000,000; and,
3. For plaintiff's costs and disbursements.

DATED: April 25, 2013.

RICHARD M. ROGERS, P.C.

By:

Richard M. Rogers, OSB #753199
Trial Attorney for Plaintiff