



FILED
13 MAY - 1 PM 4:33
CIRCUIT COURT
FOR MULTNOMAH COUNTY

10 IN THE CIRCUIT COURT OF THE STATE OF OREGON

11 FOR THE COUNTY OF MULTNOMAH

06093

12 Linda Raab,

13 Plaintiff,

14 v.

15 KAISER FOUNDATION HEALTH
16 PLAN OF THE NORTHWEST, a
17 Corporation; NORTHWEST
18 PERMANENTE, P.C., a corporation;
19 KAISER FOUNDATION HOSPITALS,
a corporation; KAISER FOUNDATION
HEALTH PLAN, INC., a corporation; and
ANNIE LINKS, MD

20 Defendants.

21 Plaintiff alleges:

22 1.

23 At all times material hereto:

- 24 (a) Defendants KAISER FOUNDATION HEALTH PLAN OF THE NORTHWEST, a
25 Corporation; NORTHWEST PERMANENTE, P.C., a corporation; KAISER
26 FOUNDATION HOSPITALS, a corporation; KAISER FOUNDATION HEALTH
PLAN, INC., a corporation, ("Kaiser") were corporations licensed to and doing
business by providing hospital services to the general public in the city of Portland,
county of Multnomah, state of Oregon;

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3 (b) Annie Links, M.D. ("Dr. Links") was a duly licensed Oregon physician,
4 authorized to practice medicine in the state of Oregon, providing surgical services
5 to patients at Kaiser Hospitals and medical facilities, was an employee, partner,
6 and/or agent of defendants Kaiser, and was acting within the course and scope of
7 her employment, partnership, and/or agency relationship;
8
9 (c) Various doctors, nurses, and other medical personnel who treated plaintiff during
10 the procedures hereinafter described in this complaint, were employees, partners,
11 and/or agents of defendants Kaiser, and were acting within the course and scope
12 of their employment, partnership, and/or agency relationships;
13
14 (d) Plaintiff was a patient of defendants Kaiser and Dr. Links, and resided in the State
15 of Oregon.

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17 2.

18 On or about May 2, 2011, plaintiff underwent surgery at a Kaiser Hospital facility in the
19 form of right carpal tunnel release. Dr. Links, acting within the course and scope of her
20 employment, and/or agency relationships with defendants Kaiser, cut plaintiff's median nerve
21 during the surgery. Postoperatively, plaintiff developed loss of median nerve function in her
22 right thumb, wrist, palm, index finger and middle finger as a result of the damage to her right
23 median nerve.

24 3.

25 On or about July 23, 2011, Dr. Sam Weirich, assisted by Dr. Links, acting within the
26 course and scope of their employment, and/or agency relationships with defendants, Kaiser,
performed a second surgery, to attempt to repair the damage to plaintiff's right median nerve.

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3 4.

4 Dr. Links, acting with the course and scope of her employment, and/or agency
5 relationships with defendants Kaiser, was negligent in her care and treatment of plaintiff during
6 the surgery on or about May 2, 2011, in one or more of the following respects:

- 7 (a) In failing to correctly and accurately perform a carpal tunnel release on
8 plaintiff's right wrist;
- 9 (b) In cutting into plaintiff's right median nerve resulting in permanent
10 damage to the nerve;
- 11 (c) In failing to properly use diagnostic imaging devices and other available
12 equipment to locate and visualize plaintiff's median nerve, so as to avoid
13 hitting the plaintiff's median nerve when performing the release
14 procedure;
- 15 (d) In failing to take necessary or reasonable precautions to prevent surgical
16 equipment from damaging plaintiff's median nerve during the surgery.

16 5.

17 Defendants Kaiser, are vicariously liable for the acts and omissions of Dr. Links, their
18 employee, and/or agent, in one or more of the particulars set forth in ¶4 above.

19 6.

20 Defendants Kaiser and Dr. Links were independently negligent for the actions of their
21 doctors, nurses, and other medical personnel, in one or more of the following particulars:

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- 23 a. In failing to correctly and accurately perform a carpal tunnel release on
24 plaintiff's right wrist;
- 25 b. In cutting into plaintiff's right median nerve resulting in permanent
26 damage to the nerve;

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- 3 c. In failing to properly use diagnostic imaging devices and other available
- 4 equipment to locate and visualize plaintiff's median nerve, so as to avoid
- 5 hitting the plaintiff's median nerve when performing the release procedure;
- 6 d. In failing to take necessary or reasonable precautions to prevent surgical
- 7 equipment from damaging plaintiff's median nerve during the surgery.

8 7.

9 The aforementioned negligence of defendants, and each of them, in one or more of the

10 respects set forth above, was a substantial factor in causing, contributing to and/or exacerbating

11 injuries to plaintiff as set forth below, some of which are permanent:

- 12 a. Median nerve lesion;
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- 14 b. Severe pain in the right thumb, palm, wrist, index finger and middle
- 15 finger;
- 16 c. Loss of function of the median nerve;
- 17 d. Numbness and diminished sensation in the right thumb, palm,
- 18 wrist, index finger and middle finger;
- 19 e. Muscle atrophy and weakness in the right thumb, palm, wrist,
- 20 index finger and middle finger;
- 21 f. Loss of strength and function of the right thumb, palm, wrist, index
- 22 finger and middle finger;
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As a result of the aforementioned injuries, plaintiff has been rendered sick, sore, nervous and distressed, has suffered permanent injury and loss of enjoyment of life, will continue to suffer pain and loss of enjoyment of life in the future, all to her noneconomic damage in an amount to be determined by the jury to fully and adequately compensate plaintiff for her damages in accordance with Oregon law, but in an amount not to exceed the sum of \$345,000.

As a result of the aforementioned injuries, plaintiff has incurred out of pocket reasonable and necessary medical, hospital, doctor, therapy, nursing, and rehabilitation expenses to date in the approximate sum of \$2000. Plaintiff will incur reasonable and necessary medical, hospital, doctor, therapy, nursing, and vocational rehabilitation expenses in the future in an amount to be determined by time of trial.

As a further result of the aforementioned injuries, plaintiff has suffered and will continue to suffer past and future wage loss and loss of earning capacity in the approximate sum of \$150,000.

Plaintiff reserves the right to amend this complaint at the time of trial to more completely allege his economic losses and/or to conform to proof offered at trial. Plaintiff is entitled to pre-judgment interest at the legal rate of 9% per annum for her economically verifiable losses from the date of loss to the date of entry of judgment herein.

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WHEREFORE, plaintiff prays for judgment against defendants, and each of them, as set forth above, and for her costs and disbursements incurred herein. Plaintiff is entitled to pre-judgment interest at the legal rate of 9% per annum for her economically verifiable losses from the date of loss to the date of entry of judgment herein.

DATED this 29 day of April, 2013.



Of Attorneys for Plaintiff

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