



FILED  
13 JUN 21 AM 9:48

CIRCUIT COURT  
FOR MULTNOMAH COUNTY

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

08874

PATRICIA MOORE and JOSEPH MOORE,  
husband and wife,

Plaintiffs,

v.

NORTHWEST PERMANENTE, P.C., an  
Oregon professional corporation, KAISER  
FOUNDATION HOSPITALS, a California  
corporation; KAISER FOUNDATION  
HEALTHPLAN OF THE NORTHWEST, an  
Oregon corporation, dba KAISER  
PERMANENTE,

Defendants.

Case No. **1306-08874**

COMPLAINT FOR PERSONAL  
INJURIES BASED UPON MEDICAL  
NEGLIGENCE AND LOSS OF  
CONSORTIUM

NOT SUBJECT TO MANDATORY  
ARBITRATION

DEMAND FOR JURY TRIAL

(Claim for \$9,350,000.00 –  
ORS 21.160(1)(d))

Plaintiffs allege:

1.

At all material times, plaintiff Patricia Moore was a member of the Kaiser Foundation Healthplan of the Northwest, dba Kaiser Permanente, and received medical care and treatment from defendants.

2.

At all material times, Northwest Permanente, P.C., was an Oregon professional corporation, engaged in the practice of medicine in Portland, Oregon, and employed physicians, who provided medical care and treatment to Kaiser Foundation Healthplan of the Northwest members, including Patricia Moore.

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3.

At all material times, Kaiser Foundation Hospitals was a California corporation, which owns and operates clinics and hospitals in Portland, Oregon and Washington.

4.

At all material times, Kaiser Foundation Healthplan of the Northwest, dba Kaiser Permanente, was a health maintenance organization that contracted to provide its members, including Patricia Moore, with medical services through Northwest Permanente, P.C., Kaiser Foundation Hospitals, and its associated physicians and healthcare providers. The Kaiser defendants will hereinafter collectively be referenced as "Kaiser."

5.

Defendants, at all material times, provided health care and health services to plaintiff Patricia Moore.

6.

Kaiser conducts regular and sustained business activity in Multnomah County, Oregon.

7.

At all material times, Kaiser, by and through its authorized agents and employees, acted within the course and scope of their employment and/or agency on behalf of Kaiser in the care and treatment of Patricia Moore.

8.

Defendants diagnosed Patricia Moore with a 9 cm left renal angiomyolipoma. On November 14, 2011, at approximately 1300 hours, defendants performed an elective embolization of this renal mass. This procedure was complicated by defendants' need to

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1 reposition the catheter numerous times. This procedure caused Patricia Moore to begin bleeding  
2 internally.

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5 At 1441 hours, it was noted Patricia Moore's abdomen was distended. At 1730 hours, she  
6 was pale, diaphoretic, her blood pressure was dropping and she was experiencing sinus  
7 tachycardia. She developed nausea, and by 1926 her blood pressure was 88/63 and trending  
8 downward. She was cool to the touch and lethargic.

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10 10.

11 At 2115 hours, plaintiff was pale, diaphoretic, tachycardic, and her body temperature was  
12 95.4. Her I/O was measured at 6100/360, and her blood pressure 65/44. A CT scan was  
13 ordered documenting an extensive perinephric and retroperitoneal collection centered around the  
14 left kidney, consistent with acute hemorrhage.

15  
16 11.

17 Shortly after midnight on November 15, 2011, defendants initiated their rapid transfusion  
18 protocol. Patricia Moore's bladder pressures were documented 18, eventually arising to between  
19 20-30. By 314 hours, she was experiencing severe metabolic acidosis. At 615 hours, plaintiff's  
20 I/O was documented as 12,030/1040, her abdominal distention was increasing her blood pressure  
21 continuing a downward trend, and her hematocrit level decreased from 45 to 13. At 1658 hours,  
22 Kaiser medical personnel concluded Patricia Moore was experiencing significant nephritic  
23 bleeding, significant abdominal distention, significant abdominal pain, and a decreasing mental  
24 state. At this time it was becoming increasingly difficult for defendants to obtain O2 saturation  
25 levels.  
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12.

At 2045 hours on November 15, 2011, a second CT scan was taken demonstrating an increasingly large amount of fluid within the abdomen, with evidence of ongoing active bleeding. Following numerous transfusions, Patricia Moore sustained respiratory failure and was intubated. During the intubation she aspirated abdominal contents into her airway.

13.

Shortly after midnight on November 16, 2011, a second interventional radiology procedure was performed, followed by transfusion of four units of PRBC. Plaintiff remained critically ill and acidotic. By 900 hours Patricia Moore was diagnosed with acute renal failure secondary to abdominal compartment syndrome. It was documented that Plaintiff had no urine output in the previous 12 hours.

14.

At 1459 hours on November 16, 2011, an exploratory laparotomy, left nephrectomy, and small bowel resection were performed. Patricia Moore went on to experience numerous additional complications remaining on a ventilator until February of 2012. She was discharged to a care facility on February 23, 2012.

15.

Kaiser was negligent in the care and treatment of plaintiff Patricia Moore in one or more of the following particulars:

- A. In failing to timely diagnose that Patricia Moore was bleeding internally;
- B. In failing to timely obtain a surgical consultation to stop the bleeding;
- C. In failing to timely perform surgery to stop the bleeding;

1 D. In failing to timely perform surgery to evacuate blood and fluid from her abdomen;

2 E. In failing to prevent Patricia Moore from sustaining compartment syndrome.

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4 16.

5 As a result of the negligence of defendants, plaintiff suffered hemorrhagic shock,  
6 multisystem organ failure, acute respiratory failure, abdominal compartment syndrome, left  
7 lower extremity compartment syndrome, acute renal failure, gangrene of her left leg and foot,  
8 anoxic brain injury, prolonged ventilator dependence, loss of her left kidney, resection of bowel,  
9 resection of small intestine, bilateral pneumothoraces, acute respiratory distress syndrome,  
10 rhabdomyolysis, transaminitis, and acute tubular necrosis. Patricia Moore underwent numerous  
11 surgical procedures which included: laparotomy, nephrectomy, ileostomy, bowel resection,  
12 fasciotomy, repeat embolization, all of which will result in permanent injury to the nerves,  
13 muscles, and soft tissues of her body, irreversible pain, suffering, disability, anxiety, depression,  
14 permanent and irreversible interference with her daily life and family life, all to her non-  
15 economic damages in the sum of \$7,500,000.  
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18 17.

19 Plaintiff has further incurred reasonable and necessary medical expenses in the sum of  
20 \$500,000. Plaintiff will incur future economic damages in the form of long-term medical care in  
21 the amount of \$250,000. Plaintiff has further sustained a loss of past and future earning capacity  
22 over her lifetime in the amount of \$750,000.  
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1 SECOND CLAIM FOR RELIEF

2 (Loss of Consortium)

3 For his claim for relief, Plaintiff Joseph Moore alleges:

4 18.

5 Plaintiff Joseph Moore realleges paragraphs 1 through 17 of this Complaint.

6 19.

7 As a result of the injury to his wife, Joseph Moore has lost the comfort, love, society and  
8 companionship of his wife Patti Moore, all to his non-economic damage in some of \$350,000.  
9

10 WHEREFORE, plaintiffs pray for judgment against the defendants as follows:

11 1. For plaintiff Patricia Moore for non-economic damages in the amount of \$7,500,000,  
12 together with her economic damages in the amount of \$1,500,000, together with plaintiffs' costs  
13 and disbursements incurred herein.  
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15 2. For plaintiff Joseph Moore, non-economic damage in the amount of \$350,000, together  
16 with economic damages in the amount of \$150,000, together with plaintiffs' costs and  
17 disbursements incurred herein.  
18

19 Dated this 20th day of June, 2013.

20 JONES AMMANN LLC

21  
22 Timothy J. Jones, OSB No. 89065

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26 Of Attorneys for Plaintiffs

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