



FILED
13 DEC 11 PM 3:17
CIRCUIT COURT
FOR MULTNOMAH COUNTY

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

7 NAI SAECHAO and DAVID NGUYEN,

8 Plaintiffs,

9 vs.

10 NW PERMANENTE P.C. and KAISER
11 FOUNDATION HOSPITAL;

12 Defendants.

Case No.

16839
131216839

COMPLAINT AND DEMAND FOR
JURY TRIAL – Medical Negligence and
Loss of Consortium

(Case Not Subject to Mandatory Arbitration;
Prayer: \$12Million)
ORS 21.160(1)(e)

13 Plaintiffs alleges:

14 **(First Claim for Relief – Medical Negligence)**

15 1.

16 At all times mentioned, defendant, NW Permanente P.C. was and is now an Oregon
17 corporation and a professional corporation of physicians, surgeons and healthcare providers licensed
18 by the state of Oregon and employed by the Kaiser Foundation Health Plan of Oregon to provide
19 medical care to their members including Nai Saechao, and at all times mentioned was performing
20 regular and sustained business activity within Multnomah County, Oregon.

21 2.

22 At all times mentioned, Kaiser Foundation Hospital was a California corporation engaged in
23 the operation and maintenance of hospitals and clinics in the State of Oregon, and at all times
24 mentioned was performing regular and sustained business activity within Multnomah County,
25

1 Oregon (hereinafter both NW Permanente PC and Kaiser Foundation Hospital referred to as
2 “defendant Kaiser”).

3 3.

4 At all times mentioned, the physicians and medical staff providing treatment and care to Nai
5 Saechao during the periods in question, including Stephen Mickel, MD, were working in the course
6 and scope of their employment for the defendants and were acting as the actual and/or the apparent
7 agents of defendants.

8 4.

9 On or about May 11, 2013, at approximately 12:40pm, Nai Saechao was taken to the
10 defendants’ hospital and presented with a history of severe neck pain with numbness and tingling in
11 her arms and legs with no known trauma. She was diagnosed with a cervical strain and discharged
12 home with a prescription for Vicodin.

13 5.

14 After learning that the Vicodin was not relieving her pain, Ms. Saechao contacted Kaiser’s
15 advice nurse by telephone at approximately 5:00pm advising that her neck pain and numbness were
16 worsening.

17 6.

18 At approximately 5:19pm Ms. Saechao spoke with Cecelia Riley, RN, advising that she was
19 unable to use her arms and legs. An ambulance was called and Nai Saechao was taken back to
20 defendants’ hospital at which time she was diagnosed with quadriplegia as a result of an epidural
21 hematoma which previously went undiagnosed and treated causing the quadriplegia.

22 7.

23 At all times mentioned, the defendants were negligent in one or more of the following
24 particulars:

- 25 (a) In failing to perform imaging studies to determine the source and cause of Ms.
26 Saechao’s neck pain at the time of her initial visit;

- 1 (b) In failing to perform an adequate neurological exam and adequately document
2 Ms. Saechao's symptoms in light of the lack of any traumatic history that
3 would explain the onset of neck pain and related symptoms;
- 4 (c) In failing to adequately rule out the cause of Ms. Saechao's neck pain,
5 numbness and/or tingling prior to diagnosing a cervical strain and discharging
6 her home with Vicodin; and
- 7 (d) In failing to perform an adequate differential diagnosis and rule out the worst
8 potential cause of Ms. Saechao's neck pain prior to discharging her home
9 during the initial visit.

10 8.

11 As a result of the negligence and violations of the defendants as alleged above, Nai Saechao
12 is permanently paralyzed and has suffered economic damages in the form of past and future medical
13 bills and expenses; lost wages and impaired earnings; substitute domestic services; assistive medical
14 devices and alterations to her home and vehicles; all of which injuries and the consequences of them
15 have caused Nai Saechao to suffer economic damages in a reasonable amount to be determined by a
16 jury at trial but not expected to exceed \$5Million.

17 9.

18 As a further result of the negligence and violations of the defendants, Nai Saechao has also
19 suffered non economic damages in the form of past and future pain and suffering, as well as loss of
20 enjoyment of life and inability to engage in activities apart from gainful employment. To date, Nai
21 Saechao's non economic damages are in a reasonable amount to be determined by a jury at trial but
22 not expected to exceed \$5Million.

23 **(Second Claim for Relief – Loss of Consortium)**

24 10.

25 Plaintiff re alleges paragraphs 1-9 above.

26 ///

Plaintiff, David Nguyen has lost the usual affection, society, assistance and companionship of his wife, Nai Saechao as the result of her injuries and disabilities all to his non economic damage in the sum of \$2Million.

WHEREFORE, plaintiff Nai Saechao prays for judgment against the defendants in a reasonable amount to be determined by a jury at trial, but not expected to exceed \$5Million economic damages and \$5Million non economic damages; and plaintiff David Nguyen prays for judgment against the defendant in a reasonable amount to be determined by a jury at trial, but not expected to exceed \$2Million.

DATED: December 11, 2013.

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Of attorneys for plaintiffs

Plaintiffs request trial by jury.

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