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CIRCUIT COURT  
FOR MULTNOMAH COUNTY

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

KEYSHA L. SANDERS,	)	Case No.	1401-00307
	)		
Plaintiffs,	)	COMPLAINT AND	
	)	DEMAND FOR JURY TRIAL	
v.	)	Medical Negligence	
	)		
NORTHWEST PERMANENTE, P.C., an	)	PRAYER: \$495,000.00	
Oregon corporation; KAISER	)	FILING FEE \$531 PER	
FOUNDATION HOSPITALS, INC., a	)	ORS 21.160(1)(c)	
California corporation	)		
	)	NOT SUBJECT TO MANDATORY	
Defendants.	)	ARBITRATION	

Comes now plaintiff and for her Complaint against defendants, hereby alleges as follows:

1.

At all times material herein, Defendant Northwest Permanente, PC was an Oregon professional corporation made up of shareholder physicians who practiced medicine at various hospital facilities and medical clinics in the Portland, Multnomah County area, and surrounding areas, which are collectively known and doing business as "Kaiser Permanente."

2.

At all times material herein, Defendant Kaiser Foundation Hospitals was a California corporation doing business in the state of Oregon and engaged in the ownership of hospital and medical facilities and employing medical personnel engaged in the treatment of patients.

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1 3.

2 At all times material herein, Defendants Northwest Permanente, PC and Kaiser  
3 Foundation Hospitals (hereinafter collectively referred to as "Defendant Kaiser") were  
4 engaged in the joint venture of providing medical care and treatment to Defendant  
5 Kaiser's patients.

6 4.

7 At all times material herein, Rachel G. Algenio was a physician licensed to  
8 practice medicine in the State of Oregon and practicing the medical specialty of  
9 obstetrics and gynecology.

10 5.

11 At all times material herein, David Rice was a physician licensed to practice  
12 medicine in the State of Oregon and practicing the medical specialty of obstetrics and  
13 gynecology.

14 6.

15 At all times material herein, Algenio and/or Rice were either employed by or  
16 acting as the real or ostensible agents of Defendants Kaiser and/or Northwest  
17 Permanente P.C. and were acting within the course and scope of their employment or  
18 agency. One or both defendants are vicariously liable for their negligence alleged below.

19 7.

20 On or about January 12, 2012, Plaintiff underwent a surgical procedure (a total  
21 laparoscopic hysterectomy and cystoscopy) at a Defendant Kaiser facility and performed  
22 by Algenio and Rice. During the course of the surgery, either Algenio or Rice, or both,  
23 severed or divided or otherwise injured Plaintiff's ureter on the left side and injured  
24 nerves adjacent to the ureter. As a result, Plaintiff has suffered the permanent injuries  
25 and damages alleged below.

26

8.

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

- A. In cauterizing, cutting or otherwise completely severing Plaintiff's left distal ureter;
- B. In failing to diagnose the severed distal ureter at the time of the laparoscopic hysterectomy procedure;
- C. In failing to surgically repair the severed distal ureter at the time of the laparoscopic hysterectomy procedure;
- D. In failing to consult with urologic specialists to assure the severed distal ureter was timely and properly repaired;
- E. In injuring the nerves within Plaintiff's left pelvic wall and/or lumbar spine; and
- F. In failing to protect the nerves within Plaintiff's pelvis and lumbar spine from intraoperative surgical, stretching, or tension injury.

9.

As a direct result of Defendants' negligence, Plaintiff's left distal ureter, left kidney, left collecting system, and nerves to Plaintiff's left leg were permanently injured. Plaintiff was required to seek emergency medical care for urine leaking into her vagina, extreme left flank pain and injuries to her left urinary collection system. Plaintiff was required to undergo additional surgeries in an effort to repair her injuries. Plaintiff experienced physical and emotional pain and suffering as a result of her permanent injuries and is left with permanent neurologic and anatomic injuries which will cause her pain and suffering and the disruption of her ordinary life activities in the future, all to Plaintiff's non-economic damage in the amount of \$400,000.00.

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10.

Plaintiff's injuries have caused her to forego work and employment opportunities and impaired her earning capacity in the future, all to Plaintiff's economic damage in the amount of \$95,000.00.

Wherefore, Plaintiff prays for judgment against Defendants, and each of them, as follows:

- A. For Non-Economic damages in the amount of \$400,000.00;
- B. For Economic damages in the amount of \$95,000.00; and
- C. For Plaintiff's costs and disbursements incurred herein.

DATED this 10<sup>th</sup> day of January, 2014.

MILLER & WAGNER, LLP

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PLAINTIFFS HEREBY DEMAND  
A JURY TRIAL

David K. Miller, OSB #823370  
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