

FILED  
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CIRCUIT COURT  
FOR MULTNOMAH COUNTY

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

14CV16890

YVONNE NORMAN,

Plaintiff,

v.

KAISER FOUNDATION HOSPITALS, a  
California nonprofit corporation;  
NORTHWEST PERMANENTE, P.C.,  
an Oregon professional corporation;  
and KAISER FOUNDATION HEALTH  
PLAN OF THE NORTHWEST doing  
business as KAISER PERMANENTE,  
an Oregon corporation,

Defendants.

NO.

**COMPLAINT**

(Negligence)

Claim for \$256,500

ORS 21.160(1)(c)

CLAIM NOT SUBJECT TO  
MANDATORY ARBITRATION

Plaintiff alleges:

1.

At all times material defendant Kaiser Foundation Hospitals was an active foreign nonprofit corporation authorized to and doing business within the State of Oregon operating Kaiser facilities in and around Portland, Multnomah County, Oregon. At all times material, defendant Northwest Permanente, P.C. was an active

1 Oregon professional corporation with a principal place of business in Multnomah  
2 County, Oregon. At all times material, defendant Kaiser Foundation Health Plan of  
3 the Northwest, doing business as Kaiser Permanente ("Health Plan"), was an active  
4 Oregon corporation. At all times material, Plaintiff was a member of defendant Health  
5 Plan. Hereafter, these entities are collectively referred to as Defendant.

6 2.

7 On July 25, 2014 Plaintiff was a visitor and patient at Kaiser  
8 Permanente Westside Medical Center ("Kaiser Westside"), operated by Defendant.  
9 As Plaintiff entered an elevator, the door to the elevator abruptly closed as Plaintiff  
10 passed through the doorway. The elevator door shut onto Plaintiff's right side,  
11 causing Plaintiff to suffer head, shoulder and neck injuries and cognitive impairment  
12 as outlined below.

13 3.

14 Prior to this incident, Defendant was aware that the elevator which  
15 injured Plaintiff had a history of closing abruptly, even on elevator passengers while  
16 they were standing in the elevator doorway.

17 4.

18 The conduct of Defendant was unreasonable in one or more of the  
19 following ways:

- 20 (a) In failing and/or neglecting to properly maintain the elevators at  
21 Kaiser Westside when Defendant knew or reasonably should  
22 have known that failure to properly maintain the elevators could  
23 lead to injury to passengers;
- 24 (b) In allowing persons to ride the elevator at Kaiser Westside which  
25 Defendant knew had a history of closing on passengers when  
26 Defendant knew or reasonably should have known that allowing

1 persons to use an improperly functioning elevator could lead to  
2 injury to passengers;

3 (c) In failing and/or neglecting to warn persons using the  
4 malfunctioning elevator at Kaiser Westside that the elevator had  
5 a recent history of closing while passengers were still in the  
6 entryway of the elevator when Defendant knew or reasonably  
7 should have known that failure to warn passengers could lead to  
8 injury;

9 (d) In failing and/or neglecting to repair the improperly functioning  
10 elevator at Kaiser Westside once Defendant knew that the  
11 elevator was functioning improperly, when Defendant knew or  
12 reasonably should have known that failure repair the elevator  
13 could lead to injury to passengers;

14 (e) In failing and neglecting to shut down the improperly functioning  
15 elevator at Kaiser Westside until it was determined to be safe,  
16 when Defendant knew or reasonably should have known that  
17 failure to shut down the elevator could lead to injury to  
18 passengers; and

19 (f) In failing and neglecting to routinely inspect the elevators at  
20 Kaiser Westside when Defendant knew or reasonably should  
21 have known that failure to routinely inspect the elevator could  
22 result in elevator defects or other problems going unnoticed,  
23 thereby resulting in injuries to passengers.

24 5.

25 As a result of the unreasonable conduct of the Defendant as alleged,  
26 Plaintiff sustained a closed head injury as well as a contusion to the right side of

1 Plaintiff's face and head, right shoulder, and right arm. Plaintiff sustained a cervical  
2 sprain/strain injury with resultant cervical radiculopathy into the left arm and shoulder.  
3 Plaintiff's closed head injury has impaired her cognition and caused dizziness,  
4 photophobia, hyperacusis, memory loss, fatigue, nausea, headaches, sleeplessness  
5 and an exacerbation of preexisting tinnitus. Plaintiff has also suffered an  
6 exacerbation of her preexisting left sided facial neuralgia. Plaintiff's injuries have  
7 limited her ability to enjoy her usual and customary activities, and she has been  
8 rendered sore, frustrated and upset, and has sustained pain and loss of range of  
9 motion, all to her noneconomic damages in an amount the jury determines to be fair,  
10 but not to exceed \$250,000.

11 6.

12 In an effort to treat her injuries, Plaintiff has incurred medically related  
13 expenses in the amount of \$1,500 to date, and will incur future medical expenses in  
14 the amount of \$5,000.

15 7.

16 Plaintiff intends to move to amend the complaint to add a claim for  
17 punitive damages pursuant to ORS 31.725.

18 WHEREFORE, Plaintiff requests judgment against the Defendant for  
19 her economic and noneconomic damages, her costs and disbursements, and such  
20 other relief as the court deems equitable and just under the circumstances.

21 DATED this 6<sup>th</sup> day of November, 2014.

22 SOKOL & FOSTER, P.C.

23  
24 By 

25 DAVID S. FOSTER (OSB #03316)  
26 of Attorneys for Plaintiff  
and Trial Attorney  
Federal ID #93-1132983