

FILED

2016 FEB -2 PM 12:47

SCOTT G. WEBER, CLERK
CLARK COUNTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK

JUSTIN MARTIN, Individually and as
Administor of the Estate of WANDA
MARTIN, deceased,

Plaintiff,

vs.

PEACEHEALTH, a Washington
corporation doing business as
SOUTHWEST WASHINGTON MEDICAL
CENTER, and KAISER FOUNDATION
HOSPITALS, a California non-profit
corporation,

Defendants.

Case No.: 16-2 00289-1

COMPLAINT
(Medical Malpractice; Negligence)

Jury Trial Requested

Plaintiff, for statement of a claim against Defendants, alleges as follows:

INTRODUCTION

In April of 2013, Wanda Martin was a member of Kaiser Permanente health plan. Kaiser Foundation Hospitals was associated with Peacehealth, doing business as Southwest Washington Medical Center, to provide healthcare to members and patients. On April 7, 2013, Ms. Martin sought medical diagnosis and treatment at Peacehealth where she was evaluated and admitted to Southwest Washington Medical Center hospital and treated by Defendants. Ms. Martin was

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1 sent home on April 9, 2013. Later that evening, Ms. Martin had a reoccurrence of
2 her symptoms and attempted to return to the hospital but died en route.
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4 JURISDICTON AND VENUE

5 1. Jurisdiction of this court is invoked under the Constitution and Statutes
6 of the State of Washington.

7 2. This lawsuit arises out of a medical malpractice/negligence that
8 occurred in Clark County, Washington while Plaintiff was in Defendants' care.

9 3. All of the acts and omissions alleged herein occurred in Clark County,
10 Washington.

11 PARTIES

12 4. Justin Martin has been duly appointed by the Clark County Superior
13 Court as administrator and authorized to administer the estate of Wanda Martin
14 according to law.

15 5. At all material times, Defendant Peacehealth, doing business as
16 Southwest Washington Medical Center was a corporation organized under the laws
17 of the State of Washington providing medical care and treatment to its patients in
18 the community.

19 6. At all material times, Defendant Kaiser Foundation Hospitals was a
20 non-profit corporation organized under the laws of the State of California and
21 registered to do and doing business in the State of Washington. Defendant Kaiser
22 was associated with Defendant Peacehealth to provide medical care and treatment
23 to its members and patients in the community.

24 7. At all material times, the Defendants' agents and/or employees were
25 acting within the course and scope of their employment or agency and with the
26 authority of the Defendants.

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FACTS OF CLAIM

8. On the morning of April 7, 2013, Wanda Martin was experiencing medical problems and presented herself to the Southwest Washington Medical Center Emergency Room Department with complaints, including left hand weakness and dizziness.

9. The Defendants undertook to diagnose and treat Ms. Martin and admitted her to the Southwest Washington Medical Center facility in Vancouver, Washington. Defendants worked in conjunction with each other in providing diagnosis, treatment and health services for Ms. Martin.

10. Defendants were negligent in one or more of the particulars alleged below and, as a direct result of that negligence, Ms. Martin suffered personal injury and death as hereinafter alleged.

FAULT OF DEFENDANTS

11. Defendants, and each of them separately, were negligent in one or more of the following particulars:

a. In failing to obtain an adequate history of Ms. Martin's previous cardiopulmonary condition;

b. In failing to review Ms. Martin's prior medical records, including the recent ECG completed April 4, 2013;

c. In failing to perform an adequate medical diagnostic examination of Ms. Martin;

d. In failing to include an adequate history and review of prior records into the initial emergency room evaluation;

e. In failing to diagnose the new onset of life threatening cardiopulmonary disorder that existed while under observation;

1 f. In failing to administer appropriate life saving intervention
2 treatment and processes that would have prevented the death of Ms. Martin;

3 g. By allowing Ms. Martin to be discharged before completing an
4 appropriate diagnostic evaluation;

5 h. In failing to perform an adequate evaluation of the etiology of
6 Ms. Martin's elevated troponin blood levels despite a normal cardiac stress
7 test;

8 i. In failing to further evaluate and conduct further diagnostic
9 procedures when presented with Ms. Martin's complaints of "chest pain";

10 j. In failing to interpret Ms. Martin's last electrocardiographic
11 report in a timely manner, that is before she was discharged on April 9, 2013;

12 k. In failing to obtain additional consultation or evaluation
13 considering the signs of ischemic changes on her electrocardiograms,
14 elevated troponin levels, chest pain, syncope, unstable blood pressure and
15 risk factors for pulmonary thromboembolism;

16 l. In failing to obtain sufficient information to be related to the
17 consulting cardiologists resulting in a lack of full and adequate evaluation of
18 Ms. Martin's condition;

19 m. In relying on student physician assistant evaluation and
20 conclusions which were incorrect; and

21 n. In failing to consider or disregarding the recommendation for
22 "inpatient status" made by the doctor that performed an "outside review" on
23 April 8, 2013.
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INJURIES AND DAMAGES

12. As a direct and proximate result of the negligent acts and omissions of Defendants as set forth above, Ms. Martin was discharged from the hospital on April 9, 2013 and returned to her home. Ms. Martin later that evening suffered a catastrophic event related to her undiagnosed cardiopulmonary condition that resulted in Ms. Martin becoming sick, sore, nervous, distressed and eventually causing her death on April 9, 2013.

13. As a direct and proximate result of the negligent acts and omissions of the Defendants as set forth above, Ms. Martin and Plaintiff have suffered and incurred injuries and damages, both economic and non-economic, in an amount according to the proof thereof as follows:

- a) For pain, suffering, anxiety and emotional distress by Ms. Martin prior to her death;
- b) The loss to Ms. Martin's estate considering her earning capacity and the amounts of the benefits including money, goods and services Ms. Martin would have contributed to her children;
- c) For healthcare and funeral expenses that were reasonably and necessarily incurred; and
- d) The loss that Ms. Martin would have been expected to contribute to her children in the way of love, care, companionship and guidance.

DEMAND FOR JURY TRIAL

14. Plaintiff respectfully demands and requests a jury trial on all issues so triable.

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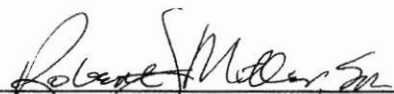
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PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants for economic and non-economic damages in an amount according to the proof thereof as follows:

- a) For pain, suffering, anxiety and emotional distress by Ms. Martin prior to her death;
- b) The loss to Ms. Martin's estate considering her earning capacity and the amounts of the benefits Ms. Martin would have contributed to her children;
- c) For healthcare and funeral expenses that were reasonably and necessarily incurred;
- d) The loss that Ms. Martin would have been expected to contribute to her children in the way of love, care, companionship and guidance;
- e) For costs and disbursements herein to be taxed; and
- f) For such other and further relief as the court deems just and equitable.

RESPECTFULLY SUBMITTED this 1st day of February, 2016.


Robert J. Miller, Sr., (WSB #32196)
Of Attorneys for Plaintiff