

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

SCOTT MCADOO, an individual,)	Case No.:
)	
Plaintiff,)	COMPLAINT FOR PREMISES
)	LIABILITY AND PERSONAL INJURIES
vs.)	
)	(NOT SUBJECT TO MANDATORY
KAISER FOUNDATION HEALTH)	ARBITRATION)
PLAN OF THE NORTHWEST, an)	
Oregon corporation; and)	JURY TRIAL DEMANDED
NORTHWEST PERMANENTE, P.C.,)	
an Oregon corporation,)	PRAYER: \$925,000
)	Fee: \$560
Defendants)	
)	ORS 21.160(1)(C)

Plaintiffs demand a jury trial and allege:

**FOR A FIRST CLAIM FOR RELIEF for negligence against Defendant
KAISER FOUNDATION HEALTH PLAN OF THE NORTHWEST; AND
NORTHWEST PERMANENTE, plaintiff alleges:**

1.

Kaiser Foundation Health Plan of the Northwest is a health plan
providing medical services in the State of Oregon, and Multnomah County.

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1 2.

2 Northwest Permanente, P.C., is an organization of doctors, nurses, and
3 non-medical staff, including housekeeping, providing services to patients in the
4 State of Oregon.

5 3.

6 Plaintiff was at all times mentioned herein visiting his mother, who was
7 terminal and a patient of defendants at Kaiser Permanente Westside Medical
8 Center, which is owned and operated by defendants.

9 4.

10 At all times mentioned herein, the defendants employed maintenance
11 staff to clean patient rooms, and while cleaning these maintenance employees
12 are an employee, agent, or apparent agent of defendants, and was acting within
13 the course and scope of such employment, agency, or apparent agency.

14 5.

15 On or about October 20, 2016, at about 1:30 p.m., the plaintiff was at
16 his mother's bedside in room 324. Kaiser housekeeping arrived and asked the
17 plaintiff to move away so they could clean. As he got up from sitting and
18 stepped to the left, his left foot slipped on wet floor and he fell onto the ground,
19 causing injury.

20 6.

21 One or more of the agents and employees of defendant who were then
22 and there acting in the course and scope of their employment were aware that
23

1 a slippery liquid had been applied to mop the floor, but did not warn plaintiff of
2 the wet floor or mark it in any way.

3 7.

4 The above described fall and injury were caused by the negligence of the
5 defendant, acting by and through its agents and employees who were then and
6 there acting within the course and scope of their agency and employment, in
7 one or more of the following particulars:

- 8 (a) In failing to warn plaintiff of the risk,
9 (b) In requesting the plaintiff to move about the room, when they knew
10 or should have known the floor was wet from mop water;
11 (c) In applying soapy water to patient's room floors during visiting
12 hours when they knew a guest was present and might walk on the
13 soapy water or floor;
14 (d) In asking plaintiff to move into an area of floor that had been
15 mopped but had not yet dried.

16 8.

17 As a result of the above-described slip and fall and injury, plaintiff
18 suffered an anterior cruciate ligament tear and lateral meniscal tear of his right
19 knee which was surgically repaired. Following that, plaintiff underwent a
20 debridement surgery for the development of large areas of scar tissue on the
21 injured knee, which has caused, continues to cause, and will permanently
22 cause plaintiff to suffer from an unstable knee, traumatic arthritis which may
23 eventually lead to a knee replacement, knee joint mobility dysfunction, motor

1 control and dysfunction of the right hip associated with gluteal inhibition, pain,
2 discomfort, disability, and interference with ordinary activities, all to his non-
3 economic damage in the amount of \$750,000. This number may change,
4 depending on whether plaintiff's condition resolves, persists, or worsens.

5 9.

6 As a further result of the above described fall and injury, plaintiff has
7 incurred medical expenses in the amount of \$75,000, and will require future
8 medical care in the approximate amount of \$100,000.

9
10 WHEREFORE, plaintiff prays for judgment against all defendants for
11 noneconomic damages in the amount of \$750,000, for the amount of \$175,000
12 for economic damages; and for his costs and disbursements necessarily
13 incurred herein.

14 Dated: July 24, 2018.

15 /s/ Mark McDougal

16 Gregory Kafoury, OSB #741663
17 Kafoury@kafourymcdougal.com
18 Mark McDougal, OSB #890869
19 mcdougal@kafourymcdougal.com
20 Jason Kafoury, OSB #091200
21 jkafoury@kafourymcdougal.com
22 Attorneys for Plaintiff
23

21 Plaintiff hereby provides notice of his intent to amend to include claims
22 for punitive damages.