

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

NANCY L. TAVANO; and JEFFREY
TAVANO;

Plaintiffs,

vs.

KAISER FOUNDATION HOSPITALS;
NORTHWEST PERMANENTE, P.C.;
SOAMES F. BOYLE, MD; VALENTINA
ANTONOVA, MD; LOREN E. JENKINS, MD;
LUIS R. MANRIQUEZ, MD; PRITI P.
KHANIJOU, MD; BRADY W. WAGNER, MD;
DANIEL L. PLATTER, MD; MARC C.
ROTHGERY; and SASKIA VAN DER WAL,
MD;

Defendants.

Case No.

COMPLAINT AND DEMAND FOR
JURY TRIAL – Civil Action for
Medical Negligence; and Loss of
Consortium

DAMAGES: \$28 Million
Filing Fee: \$1,111.00

Fee Authority: ORS 21.160(1)(e)
CLAIM NOT SUBJECT TO
MANDATORY ARBITRATION

FIRST CLAIM FOR RELIEF

(Negligence)

1.

At all times mentioned, defendants Kaiser Foundation Hospitals and Northwest Permanente, P.C. (hereinafter defendant Kaiser), were corporations conducting regular and sustained business activity within the state of Oregon and Multnomah County, and owned and operated medical centers and clinics, including the medical centers, urgent care centers and clinics where Nancy Tavano received the medical care and treatment which is the subject matter of this lawsuit.

2.

At all times mentioned, defendant Kaiser employed the physicians, nurses and medical staff who provided the medical care, treatment and advice to Nancy Tavano which forms the subject matter of this lawsuit.

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1 3.

2 At all times mentioned, defendant Kaiser's physicians, nurses and medical staff were acting
3 within the course and scope of their employment and as the actual and/or apparent agents of defendant
4 Kaiser.

5 4.

6 At all times mentioned, defendant Soames F. Boyle, MD (hereinafter Boyle) was a licensed
7 physician within the state of Oregon, was employed by defendant Kaiser and was acting within the
8 course and scope of her employment for defendant Kaiser and as the actual and/or apparent agent for
9 defendant Kaiser when providing the medical care, treatment and advice to Nancy Tavano which
10 forms the subject matter of this lawsuit.

11 5.

12 At all times mentioned, defendant Valentina Antonova, MD (hereinafter Antonova) was a
13 licensed physician within the state of Oregon, was employed by defendant Kaiser and was acting
14 within the course and scope of her employment for defendant Kaiser and as the actual and/or apparent
15 agent for defendant Kaiser when providing the medical care, treatment and advice to Nancy Tavano
16 which forms the subject matter of this lawsuit.

17 6.

18 At all times mentioned, defendant Loren E. Jenkins, MD (hereinafter Jenkins) was a licensed
19 physician within the state of Oregon, was employed by defendant Kaiser and was acting within the
20 course and scope of his employment for defendant Kaiser and as the actual and/or apparent agent for
21 defendant Kaiser when providing the medical care, treatment and advice to Nancy Tavano which
22 forms the subject matter of this lawsuit.

23 7.

24 At all times mentioned, defendant Luis R. Manriquez, MD (hereinafter Manriquez) was a
25 licensed physician within the state of Oregon, was employed by defendant Kaiser and was acting
26 within the course and scope of his employment for defendant Kaiser and as the actual and/or apparent

1 agent for defendant Kaiser when the providing medical care, treatment and advice to Nancy Tavano
2 which forms the subject matter of this lawsuit.

3 8.

4 At all times mentioned, defendant Priti P. Khanijou, MD (hereinafter Khanijou) was a licensed
5 physician within the state of Oregon, was employed by defendant Kaiser and was acting within the
6 course and scope of her employment for defendant Kaiser and as the actual and apparent agent for
7 defendant Kaiser when providing the medical care, treatment and advice to Nancy Tavano which
8 forms the subject matter of this lawsuit.

9 9.

10 At all times mentioned, defendant Brady W. Wagner, MD (hereinafter Wagner) was a licensed
11 physician within the state of Oregon, was employed by defendant Kaiser and was acting within the
12 course and scope of his employment for defendant Kaiser and as the actual and/or apparent agent for
13 defendant Kaiser when providing the medical care, treatment and advice to Nancy Tavano which
14 forms the subject matter of this lawsuit.

15 10.

16 At all times mentioned, defendant Daniel L. Platter, MD (hereinafter Platter) was a licensed
17 physician within the state of Oregon, was employed by defendant Kaiser and was acting within the
18 course and scope of his employment for defendant Kaiser and as the actual and/or apparent agent for
19 defendant Kaiser when providing the medical care, treatment and advice to Nancy Tavano which
20 forms the subject matter of this lawsuit.

21 11.

22 At all times mentioned, defendant Marc C. Rothgery, MD (hereinafter Rothgery) was a
23 licensed physician within the state of Oregon, was employed by defendant Kaiser and was acting
24 within the course and scope of his employment for defendant Kaiser and as the actual and/or apparent
25 agent for defendant Kaiser when providing the medical care, treatment and advice to Nancy Tavano
26 which forms the subject matter of this lawsuit.

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12.

At all times mentioned, defendant Saskia Van Der Wal, MD (hereinafter van der Wal) was a licensed physician within the state of Oregon, was employed by defendant Kaiser and was acting within the course and scope of her employment for defendant Kaiser and as the actual and/or apparent agent for defendant Kaiser when providing the medical care, treatment and advice to Nancy Tavano which forms the subject matter of this lawsuit.

13.

At all times mentioned, Nancy Tavano received medical treatment, care and advice at defendant Kaiser following her diagnosis in 2011 of breast cancer and left breast mastectomy in 2012.

14.

At all times mentioned, Nancy Tavano received oncological care from defendant Boyle and primary care by defendant Antonova. On or about April 28, 2016, Nancy Tavano reported to defendant Kaiser a history of new onset bilateral back pain with no history of trauma.

15.

Following her initial report of back pain, Nancy Tavano reported similar complaints of pain to defendant Kaiser and to defendants Antonova, Boyle, and Rothgery. None of the defendants ordered or performed a bone scan, MRI, or CT scan to diagnose and/or rule out bone metastasis.

16.

On or about December 27, 2016, Nancy Tavano was seen by defendants Kaiser and Van Der Wal with continued backpain which was not relieved by morphine. Defendant Van Der Wal ordered a CT scan which demonstrated new metastasis at C4.

17.

On or about January 4, 2017, Nancy Tavano was seen by defendants Kaiser and Platter for chest and back pain which was described as “clearly spastic.” Mrs. Tavano was discharged without a neurological, neurosurgical or radiation oncologist consult.

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18.

On January 6, 2017, Nancy Tavano was examined by defendants Kaiser and Wagner for back pain and was noted by MRI to have a destructive lesion extending into the canal with signal change and worsening, radiating thoracic spine pain along with weakness walking stairs. Defendant Jenkins was consulted by phone, without examination, who recommended a Jewitt brace. Due to her pain levels and inability to walk, Nancy Tavano was admitted by defendant Khanijou. No examination was performed by a neurologist or neurosurgeon, nor was a consult obtained from a radiation oncologist.

19.

While at the Kaiser Westside Medical Center, Nancy Tavano's symptoms continued to increase and her neurologic function and sensation decreased.

20.

On or about January 8, 2017, due to the decline in her neurologic condition, Nancy Tavano was transferred to Kaiser Sunnyside Medical Center where she was admitted by defendant Manriquez and examined by defendant Jenkins. By the time of her examination, Ms. Tavano had paraplegia, was unable to move her legs and lost control of her bowels. After evaluating Ms. Tavano for potential surgical decompression, defendant Jenkins concluded that her paraplegia was due to epidural spinal cord compression caused by the metastatic lesion and it was too late for surgery.

21.

At all times mentioned, the defendants, and each of them, were negligent in one or more of the following particulars:

- 1) In failing to order and perform a bone scan, MRI and/or CT scan in a timely manner to rule out bone metastasis in light of Mrs. Tavano's history of breast cancer;
- 2) In failing to request a neurological, neurosurgical or radiation oncologist examination and consultation in a timely manner;
- 3) In failing to conduct regular neurological checks upon admission to the Kaiser Westside Medical Center so as to properly evaluate Mrs. Tavano's neurological status;

4) In ruling out the need for emergent surgical decompression by conducting a telephone consult without performing an examination;

5) In failing to warn or advise Mrs. Tavano that the source of her back pain could be metastasis from her breast cancer;

6) In failing to transfer Mrs. Tavano to a facility where she could receive definitive medical care, including neurosurgical decompression and/or radiation oncology upon learning that the lesion in her spine was causing compression and edema of the spinal cord.

22.

As a result of the negligence of the defendants, and each of them, Nancy Tavano is a paraplegic and her condition is permanent. To date she has suffered economic damage in the form of past and future medical care and expenses, substitute domestic services and lost wages and impaired earnings in a reasonable amount to be determined by a jury at trial but not expected to exceed \$5 Million.

23.

As a further result of the negligence of the defendants, Nancy Tavano was caused to suffer noneconomic damages in the form of past and future pain and suffering as well as loss of enjoyment of life and inability to engage in activities apart from employment. To date, Nancy Tavano's noneconomic damages are in a reasonable amount to be determined by a jury at trial but not to exceed \$20 Million.

SECOND CLAIM FOR RELIEF

(Loss of Consortium – Against All Defendants)

24.

Plaintiffs reallege paragraphs 1 through 23.

25.

At all times mentioned, Jeffrey Tavano was and continues to be married to his wife, Nancy Tavano. As a direct, foreseeable and proximate result of Nancy Tavano's injuries caused by the

1 defendants' negligence, Jeffrey Tavano has suffered her loss of society, companionship, consortium,
2 services, and support all to his non-economic damage in the amount of \$3 Million.

3 WHEREFORE, plaintiff Nancy Tavano prays for judgment against the defendants, and each
4 of them, in a reasonable amount to be determined by a jury at trial, but not expected to exceed \$5
5 Million in economic damages and \$20 Million in noneconomic damages; and Jeffrey Tavano prays
6 for judgment against the defendants, and each of them, in a reasonable amount to be determined by a
7 jury at trial, but not expected to exceed \$3 Million.

8 DATED: December 27, 2018

9 PAULSON COLETTI
Trial Attorneys PC

10 By s/ John M. Coletti
11 John M. Coletti, OSB No.942740
12 E-mail: john@paulsoncoletti.com

13 Plaintiff requests trial by jury.

14 PAULSON COLETTI
15 Trial Attorneys PC

16 By s/ John M. Coletti
17 John M. Coletti, OSB No.942740
18 E-mail: john@paulsoncoletti.com
19 Of Attorneys for Plaintiff
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