

IN THE CIRCUIT COURT OF THE STATE OF OREGON
COUNTY OF MARION

TANYA CHUPROV,

Plaintiff,

v.

KAISER FOUNDATION HEALTH PLAN
OF THE NORTHWEST, KAISER
FOUNDATION HOSPITALS, and
NORTHWEST PERMANENTE, P.C.,

Defendants.

Case No. 19CV08592

COMPLAINT

Medical Negligence

Amount of Prayer: \$15.5 Million
ORS 21.160(1)(e)

(Not Subject to Mandatory Arbitration)

Jury Trial Requested

19CV08592

Plaintiff alleges, at all times material herein:

JURISDICTION AND VENUE

1.

Plaintiff, Tanya Chuprov, ("Ms. Chuprov") is an individual residing in Marion County,
Oregon.

2.

Defendant Kaiser Foundation Health Plan of the Northwest is an Oregon non-profit
corporation authorized and/or licensed to do business and doing business in Marion County,
Oregon.

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1 3.

2 Defendant Kaiser Foundation Hospitals is a California corporation authorized and/or
3 licensed to do business and doing business in Marion County, Oregon by operating health care
4 facilities.

5 4.

6 Defendant Northwest Permanente, P.C. is a professional corporation, organized and/or
7 licensed to do business and doing business in Marion County, Oregon. Defendant Northwest
8 Permanente, P.C., employs physicians, surgeons and medical staff who provide patient care.
9

10 5.

11 Defendants Kaiser Foundation Health Plan of the Northwest, Kaiser Foundation Hospitals
12 and Northwest Permanente, P.C. are collectively referred to as “Defendants” herein.
13

14 6.

15 The doctors and other medical personnel employed by Defendants who treated Ms.
16 Chuprov as described in this Complaint were acting within the course and scope of their
17 employment for Defendants.

18 7.

19 Jurisdiction and venue is appropriate because the parties are in Marion County and certain
20 treatment described in this Complaint giving rise to this action occurred in Marion County.

21 **FACTUAL ALLEGATIONS**

22 8.

23 Ms. Chuprov suffers from an aggressive form of cancer, first discovered in and/or on her
24 left ovary; subsequently spread to her uterus; and now at risk of spreading elsewhere in her body,
25
26

1 such that she is advised to undergo chemotherapy. The delayed detection and spread of Ms.
2 Chuprov's cancer is the consequence of Defendants' negligence.

3 9.

4 On or about February 23, 2017, Ms. Chuprov underwent laparoscopic left-salpingo-
5 oophorectomy. Ms. Chuprov had a left ovarian granulosa cell tumor. The procedure was
6 performed by Rachel G. Algenio, M.D. During the procedure and removal of the ovary, Dr.
7 Algenio caused a rupture, and fluid leaked from the ovary. Dr. Algenio failed to use a plastic bag,
8 to reduce the possibility of spread of cancerous cells in the event of such rupture.
9

10 10.

11 Following the February 23, 2017, procedure, Ms. Chuprov received a brief telephone
12 message from Dr. Algenio. In the message, Dr. Algenio disclosed that Ms. Chuprov had an
13 "aggressive" form of cancer, but provided no additional detail. Dr. Algenio failed to state that she
14 had caused a rupture or that fluid had leaked as a result of the rupture. Over the following six
15 days, Ms. Chuprov attempted several times to contact Dr. Algenio and/or obtain an appointment,
16 desperate for more information. However, she was not scheduled in for approximately a week.
17 Defendants were aware of the nature and degree of Ms. Chuprov's concerns.
18

19 11.

20 On or about March 10, 2017, Ms. Chuprov met with Norma Pham Steiner, M.D. who
21 reviewed Ms. Chuprov's case with her; disclosed that pathology showed a left ovarian granulosa
22 tumor; and disclosed that fluid had leaked from the ovary, but indicated there was not evidence of
23 metastasis or spread of the cancer. In fact, cancerous cells had spread from the leak.
24

25 ///

26 ///

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12.

On or about December 11, 2018, Ms. Chuprov's right ovary and uterus were removed. It was disclosed to Ms. Chuprov that cancer cells were detected. These cancer cells were of the same origin (same DNA) as the cancer detected pursuant to the February 23, 2017 procedure.

13.

On several occasions, prior to and following the February 23, 2017 procedure, Defendants identified the wrong ovary affected and to be treated. These errors are reflected in Ms. Chuprov's medical records and resulted in confusion and improper care of Ms. Chuprov by Defendants.

14.

As of the date of this Complaint, Ms. Chuprov is advised that she should undergo the highest form of platinum-based chemotherapy to eradicate any potentially remaining cancerous cells.

15.

The effect of Defendants' negligence as alleged herein has been catastrophic for Ms. Chuprov. At age 35, she is no longer able to have children, which is what she hoped to do. She will suffer from the affects of cancer for the remainder of her life in innumerable ways. She has a young child who is deprived of a healthy mother. She has an older child who seriously affected by her concerns and fears about her mother's health. Ms. Chuprov's daily activities have and will continue to be substantially affected as a consequence of Defendants' negligence. In addition to the physical harm experienced by Ms. Chuprov, her quality of life has been severely affected. She suffers significant emotional distress and anxiety, and she is constantly reminded of the effects of cancer – at present and in the future. Ms. Chuprov has lost income and income opportunity as well as out-of-pocket expenses also as a consequence of Defendants' negligence.

1 **FIRST CLAIM FOR RELIEF**
2 **(Medical Negligence)**

3 16.

4 Ms. Chuprov re-alleges and incorporates paragraphs 1 through 15 of this Complaint.

5 17.

6 Defendants, by and through their employees acting in the scope of their work providing
7 medical care to Ms. Chuprov owed her a duty to appropriately administer to and treat her medical
8 conditions without causing harm to her and inform Ms. Chuprov of all material facts concerning
9 her medical treatment.

10 18.

11 Defendants, by and through their employees acting in the scope of their work providing
12 medical care to Chuprov were negligent in one or more of the following particulars:
13

- 14 a. Failing to accurately identify the correct (affected) ovary to be treated and analyzed
15 (before and after removal);
- 16 b. Failing to accurately note in medical records the correct (affected) ovary to be
17 treated and analyzed (before and after removal);
- 18 c. Rupturing the capsule during the February 23, 2017 surgical procedure;
- 19 d. Failing to prevent the spread of cancerous cells pursuant to the rupture;
- 20 e. Failing to disclose to Ms. Chuprov of the rupture and fluid leak caused by Dr.
21 Algenio on March 1, 2017;
- 22 f. Failing to meet with Ms. Chuprov for a week after disclosing to her that she
23 suffered from an “aggressive” form of cancer; and
- 24 g. Failing to identify the spread of cancerous cells after February 23, 2017 and before
25 December of 2018.
26

19.

As the result of the negligence of Defendants, Ms. Chuprov has suffered economic damages in the form of lost income, out-of-pocket expenses and future costs in the amount of \$500,000, to be proved with particularity at trial. Additionally, Defendants should be responsible for the costs of Ms. Chuprov's medical treatment for the remainder of her life. As a further result of the negligence of Defendants, Ms. Chuprov has suffered noneconomic damages of \$15,000,000.

WHEREFORE, Plaintiff prays for judgement against Defendants as follows:

For her First Claim for Relief;

- a. Economic damages of \$500,000, to be proved with particularity at trial;
- b. Noneconomic damages of \$15,000,000;
- c. Reasonable costs incurred herein; and
- d. Any other relief determined just and equitable under the circumstances.

DATED this 23rd day of February, 2019

s/ R. Grant Cook

R. Grant Cook, OSB#062064

gcook@lafky.com

LAFKY & LAFKY

Attorneys for Plaintiff