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CIRCUIT COURT
FOR MULTNOMAH COUNTY

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

ESTATE OF CARYL E. LYNCH, by and
through its Personal Representative Stephanie
Young,

Plaintiffs,

vs.

NW PERMANENTE P.C.; KAISER
FOUNDATION HOSPITAL; OREGON
HEALTH AND SCIENCE UNIVERSITY;
OREGON HEALTH AND SCIENCE
UNIVERSITY MEDICAL GROUP,
DOERNBECHER CHILDREN'S HOSPITAL,
and THOMAS DAVID LAMKIN, MD;

Defendants.

Case No. 140100067

COMPLAINT AND DEMAND FOR
JURY TRIAL - Civil Action for Wrongful
Death

(Case Not Subject to Mandatory Arbitration;
Prayer: \$3.5 Million)
ORS 21.160(1)(d)

Plaintiffs alleges:

1.

At all times mentioned, Stephanie Young is the duly appointed Personal Representative for the Estate of her deceased daughter, Caryl Lynch, who died at the age of 17.

2.

At all times mentioned, defendant NW Permanente P.C. was and is now an Oregon corporation and a professional corporation of physicians, surgeons and healthcare providers licensed by the state of Oregon and employed by the Kaiser Foundation Health Plan of Oregon to provide medical care to their members including Caryl Lynch, and at all times mentioned was performing regular and sustained business activity within Multnomah County, Oregon.

1 3.

2 At all times mentioned, Kaiser Foundation Hospital was a California corporation engaged in
3 the operation and maintenance of hospitals and clinics in the State of Oregon, and at all times
4 mentioned was performing regular and sustained business activity within Multnomah County,
5 Oregon (hereinafter both NW Permanente PC and Kaiser Foundation Hospital referred to as
6 “defendant Kaiser”).

7 4.

8 At all times mentioned, defendant Oregon Health Sciences University and Oregon Health
9 Sciences University Medical Group conducts regular and sustained business activity within
10 Multnomah County, in the State of Oregon and owns and operates hospitals and medical clinics,
11 including defendant Doernbecher Children’s Hospital. (Hereinafter referred to collectively as
12 “defendant OHSU”).

13 5.

14 At all times mentioned, the defendants’ employees, including the doctors and nurses at the
15 defendants’ facilities who provided medical care and treatment to Caryl Lynch were working in the
16 course and scope of their employment for the defendants and were acting as the actual or apparent
17 agents of the defendants.

18 6.

19 At all times mentioned, defendant Thomas David Lamkin, MD was Caryl Lynch’s treating
20 physician and was responsible for her care and treatment. At all times mentioned, defendant Lamkin
21 he was working in the course and scope of his employment for the defendants and was an actual or
22 apparent agent of the defendants.

23 7.

24 At all times mentioned, Caryl Lynch was being treated by the defendants, and each of them,
25 for a bleeding disorder known as idiopathic thrombocytopenic purpura (ITP), which, when properly
26 treated, is non-life threatening.

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8.

At all times mentioned, defendant Lamkin, was responsible for managing and directing Ms. Lynch's treatment and care as it related to her ITP.

9.

At all times mentioned, the defendants' were placed upon notice of this claim in a timely manner.

10.

Beginning on October 22, 2012 and extending through the date of her death on December 5, 2012, the defendants, and each of them, were responsible for the treatment and care of Caryl Lynch upon her initial presentation with ITP.

11.

On numerous occasions between October 22, 2012 up until the time of her death, Caryl Lynch presented with extremely low platelet counts and excessive bleeding indicating an increased risk of cerebral hemorrhage in the event the bleeding was not adequately controlled.

12.

At all times mentioned, the defendants advised Caryl Lynch and her family, that neither her bleeding nor her platelet counts were alarming and that her condition rarely presented life threatening bleeding.

13.

At all times mentioned, the defendants recommended observation rather than active treatment of Caryl Lynch's condition. Caryl Lynch and her family reasonably relied upon the defendants' advice and expertise, particularly in light of defendants advice that ITP was rarely life threatening and would resolve on its own.

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14.

On or about December 4, 2012, Caryl Lynch was taken to defendant OHSU with a history of severe headache and bleeding, she was pale, sick appearing with cold feet, a slow capillary refill, multiple petechiae and purpura over her entire body with multiple areas of skin abrasion.

15.

At all times mentioned, while under the defendants treatment and care, after being admitted to OSHU, Caryl Lynch's condition continued to decline without appropriate treatment resulting in a cerebral hemorrhage which eventually led to her death on December 5, 2012, after she was removed from life support following a pronouncement of brain death.

16.

At all times mentioned, defendant Kaiser was negligent in one or more of the following particulars:

- (a) In failing to actively treat as opposed to merely observe Caryl Lynch's ITP, given her history of bleeding;
- (b) In failing to recognize and warn Carly Lynch that her history of active bleeding indicated an increased risk of cerebral hemorrhage;
- (c) In failing to recommend hospital admission and treatment with IVIG or other appropriate treatment during the one week period prior to her death given her history of bleeding;
- (d) In failing to emergently provide Caryl Lynch with IVIG or other appropriate treatment to stop her bleeding given her clinical examination and history on December 4, 2012;
- (e) In failing to recommend a splenectomy prior to December 4, 2012;
- (f) In failing to recommend and/or perform an emergent splenectomy given her symptoms on December 4, 2102;

1 (g) In failing to treat the cause of Caryl Lynch's bleeding on December 4, 2012,
2 in a timely manner so as to prevent and/or limit the extent of brain damage;
3 and

4 (h) In violating the 2011 Clinical Practice Guidelines for the evaluation and
5 management of ITP as recommended by the American Society of
6 Hematologists by treating Caryl Lynch, with her history of excessive
7 bleeding, on an observation basis alone.

8 17.

9 At all times mentioned, defendant OHSU was negligent in one or more of the following
10 particulars:

11 (a) In failing to actively treat as opposed to merely observe Caryl Lynch's ITP,
12 given her history of bleeding;

13 (b) In failing to recognize and warn Carly Lynch that her history of active
14 bleeding indicated an increased risk of cerebral hemorrhage;

15 (c) In failing to recommend hospital admission and treatment with IVIG or other
16 appropriate treatment during the one week period prior to her death given her
17 history of bleeding;

18 (d) In failing to emergently provide Caryl Lynch with IVIG or other appropriate
19 treatment to stop her bleeding given her clinical examination and history on
20 December 4, 2012;

21 (e) In failing to recommend a splenectomy prior to December 4, 2012;

22 (f) In failing to recommend and/or perform an emergent splenectomy given her
23 symptoms on December 4, 2102;

24 (g) In failing to treat the cause of Caryl Lynch's bleeding on December 4, 2012,
25 in a timely manner so as to prevent and/or limit the extent of brain damage;
26 and

1 (h) In violating the 2011 Clinical Practice Guidelines for the evaluation and
2 management of ITP as recommended by the American Society of
3 Hematologists by treating Caryl Lynch, with her history of excessive
4 bleeding, on an observation basis alone.

5 18.

6 As a result of the defendants' negligence, and each of them, as described above, prior to her
7 death Caryl Lynch experienced conscious pain and suffering and her Estate has been caused to suffer
8 the loss of her society, companionship, support and services, and has suffered economic damages in
9 a reasonable amount to be determined by a jury at trial but not expected to exceed \$2.5Million and
10 noneconomic damages in a reasonable amount to be determined by a jury at trial but not expected to
11 exceed \$1Million.

12 19.

13 Stephanie Young, hereby consent to the joining of the claim, if any, as the parent for medical
14 expenses in an amount to be determined at trial. See the attached Consent to Include Medical Bills.

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1 WHEREFORE, plaintiff prays for judgment against the defendants, and each of them, in a
2 reasonable amount to be determined by a jury at trial, but not expected to exceed \$2.5 Million in
3 economic damages and \$1 Million in noneconomic damages.

4 DATED: December 19, 2013.

5 PAULSON COLETTI
6 Trial Attorneys PC

7 By

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Of attorneys for plaintiffs

10 Plaintiffs request trial by jury.

11 PAULSON COLETTI
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13 By

14 John M. Coletti, OSB No. 942740
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16 Of Attorneys for Plaintiffs
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