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FILED

14 JUL 30 PM 3: 56

CIRCUIT COURT  
FOR MULTNOMAH COUNTY

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH 14CV10122

JESSICA McGLASSON, Personal  
Representative of the Estate of DEE ANN  
DESIMINI,

Plaintiff,

v.

KAISER PERMANENTE, and GEORGE  
RICHARD OH, M.D.,

Defendants.

) Case No.  
)  
) **COMPLAINT FOR PERSONAL**  
) **INJURIES**  
) **(Wrongful Death/Medical Negligence)**  
)  
) **Not Subject to Mandatory Arbitration**  
)  
) **Jury Trial Requested**  
)  
) **Prayer: \$50,000 - \$1,000,000.00**  
) **ORS Laws 2012, Ch. 48, Sec. 2**  
) **ORS 21.160 (1)(c)**

For her complaint against the defendants, and each of them, plaintiff alleges as follows:

1.

Plaintiff is the duly appointed personal representative for the estate of Dee Ann Desimini.

2.

On July 27, 2011, Dee Ann Desimini was admitted to Kaiser Sunyside Hospital  
(hereafter "Kaiser") for surgery to remove her gall bladder. George R. Oh, M.D. performed a  
laparoscopic cholecystectomy and an incidental appendectomy. At all times relevant hereto,  
George R Oh, M.D. was an employee, agent or ostensible agent of Kaiser Permanente. Dee Ann  
Desimini was discharged from Kaiser Sunnyside in the last evening hours of July 27, 2011.

**COMPLAINT FOR PERSONAL INJURIES**

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3.

Early in the morning of July 30, 2011, Dee Ann Desimini was admitted to the emergency room of Providence St. Vincent Hospital with increasing difficulty breathing, low blood pressure, evidence of bowel obstruction, elevated white blood cell count with bandemia, elevated procalcitonin and bilirubin, and renal insufficiency. She appeared critically ill and was admitted to the intensive care unit.

4.

Over the course of the day of July 30, 2011, Dee Ann Desimini underwent numerous procedures to determine the cause or causes of her critical illness. In the early morning hours of July 31, 2011 Dee Ann Desimini passed away. The cause of her death was septic shock with multi-organ system failure secondary to intra-abdominal infection and necrotizing fasciitis in the right flank, along with a bile leak from the cystic duct stump. The sepsis consisted of a multiple organism infection suggestive of an enteric injury or from the necrotizing fasciitis.

5.

Dee Ann Desimini's death was caused by the negligence of defendants in one or more of the following particulars:

a) In failing to perform an intra-operative cholangiogram to insure that there was no bile leak after the removal of the gall bladder;

b) In failing to properly secure the surgical clips to the cystic duct stump in order to seal the cystic duct and prevent leakage of bile;

c) Based on a reasonable belief that further investigation and discovery will support that defendants caused an intraoperative injury to the intestine resulting in sepsis; and

1 d) Based on a reasonable belief that further investigation and discovery will support  
2 that defendants caused the development of necrotizing fasciitis in the right flank with the  
3 resultant complication of sepsis in the abdominal cavity.

4 6.

5 As a result of defendants' negligence, the personal representative requests the following  
6 damages pursuant to Oregon's wrongful death statute, ORS 30.020, as follows:

7 a) Reasonable charges for burial and memorial services rendered for the decedent in  
8 an amount to be proven at the time of trial;

9 b) Reasonable charges for the medical care rendered for the decedent in an amount  
10 to be proven at the time of trial:

11 c) Just, fair and reasonable compensation for the loss of financial support to her  
12 child which a jury determines to be fail, but not to exceed the sum of \$150,000;

13 d) Just, fair and reasonable compensation for the pain and suffering after 12 am on  
14 July 27, 2011 until the time of her death, which a jury determines to be fair but not to exceed the  
15 sum of \$100,000.00; and

16 3) Just, fair and reasonable compensation fo the loss of care, comfort,  
17 companionship, and society with her daughter, which a jury determines to be fair but not to  
18 exceed the sum of \$500,000.00.

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1 WHEREFORE, plaintiff prays for judgment against defendants, and each of them, for  
2 sums which a jury determines to be fair, but not to exceed the sum of \$750,000.00 plus medical  
3 and burial charges to be determined at trial, along with plaintiff's reasonable costs and  
4 disbursements incurred herein.

5 DATED this 30<sup>th</sup> day of July 2014.

6 JESS M. GLAESER, P.C.  
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10 Jess M. Glaeser, OSB No. 790497  
11 Of Attorneys for Plaintiff  
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