

DISTRICT COURT, COUNTY OF BOULDER, STATE OF COLORADO	DATE FILED: December 17, 2015 1:08 PM FILING ID: 6F5CB2BD84DBE CASE NUMBER: 2015CV31462
Address: 1777 6 <sup>th</sup> Street Boulder, CO 80302	
Plaintiff: JUDY LEONARD, and Thomas Leonard III, and Lisa Lamb, children of Thomas Leonard, deceased	
Defendant: JOSEPH E. CASSARA, M.D. And COLORADO PERMANENTE GROUP, P.C. and KAISER FOUNDATION HEALTH PLAN OF COLORADO	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> Case Number:
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COMPLAINT AND JURY DEMAND	

COMES NOW the Plaintiffs, through undersigned counsel, and complain against the Defendant as follows:

A. PARTIES

1. At all times pertinent Judy Leonard, was the wife of Thomas Leonard.
2. Her husband, Thomas Leonard, was born on November 20, 1940 and died on November 14, 2014.
3. Plaintiff Judy Leonard brings this claim as the widow of her husband, Thomas Leonard, II.
4. Plaintiff Thomas Leonard III was and is the natural child of the Plaintiff and Thomas Leonard, II. At all times pertinent his address was 10170 Brentwood Circle, Highlands Ranch,

Colorado 80126.

5. At all times pertinent Lisa Lamb was and is the daughter of Plaintiff Judy Leonard and her father, Thomas Leonard II. Her address is 19584 E. Ithica Place, Aurora, CO 80013. She and her brother join their mother as Plaintiffs herein.

6. At all times pertinent Judy Leonard resided at 15343 Heritage Circle in the City of Thornton, County of Adams, State of Colorado.

7. At all times pertinent Joseph E. Cassara, M.D. hereinafter referred to as Defendant Cassara, was and is a physician specializing in the field gastroenterology. At all times pertinent Defendant's principal place of medical practice was located at 280 Exempla Circle, in the City of Lafayette, County of Boulder, State of Colorado. At all times Pertinent Defendants Colorado Permanent Medical Group, LLC and Kaiser Foundation Health Plan employed Defendant Cassara.

#### B. JURISDICTION

8. The acts and actions complained of herein occurred at the Rock Creek Kaiser facility located at 280 Exempla Circle, in the City of Lafayette, County of Boulder, State of Colorado. Further, Defendant Cassara has his principal place of practice at this facility.

9. On or about December 18, 2014, Thomas Leonard, otherwise healthy, had procedures performed under the direction, control, and auspices of Defendant Cassara.

10. Mr. Leonard underwent two rather routine diagnostic tests, an esophagogasroduodenoscopy (EGD) and a colonoscopy. These procedures were performed in the early afternoon hours of December 18, 2013 by Defendant Cassara or under his direction and control.

11. Following these procedures the decedent, Thomas Leonard II, upon returning home became increasingly ill. The Plaintiff, Judy Leonard, called the offices of Defendant was told to take her husband to the Good Samaritan Medical Center located at 200 Exempla Circle, in Lafayette, Colorado.

12. Thomas Leonard presented to that facility during the early morning hours of December 19, 2013.

13. At that time he presented with complaints of lower bowel pain, nausea, and vomiting.

14. According to the emergency room note, his abdomen was very tender and rigid in the right upper quadrant. A CT scan performed of the abdomen and pelvis revealed a perforation with retro peritoneal fluid and retroperitoneal fluid and air.

15. On December 19, 2013, Mr. Leonard underwent an exploratory laparotomy and a right colectomy and repair of a duodenal perforation.

16. Following this complicated surgical procedure performed on December 19, 2013, Mr. Leonard embarked upon a brutally protracted medical odyssey that did not end until he passed away on November 14, 2014, almost 11 months subsequent to the original procedures performed by the Defendant.

17. During the interim Mr. Leonard had to undergo multiple surgeries pertaining to colon resections, laparotomies, repairs of duodenal leaks, colon resection procedures, multiple surgical revisions and procedures. During this period of time he was in and out of the ICU, hospitals, rehab centers and sadly, never returned home following his presentation to Good Samaritan Hospital on the 19<sup>th</sup> of December, 2013, the day after the procedures performed by the Defendant.

18. The Plaintiff, Judy Leonard, married her husband Thomas on July 7, 1961.

19. Thomas and Judy had two children. Thomas Leonard, III, born on March 6, 1966 And Lisa Lamb, a daughter, born on February 1, 1963. They are also Plaintiffs herein.

20. After enduring multiple surgical procedures, multiple hospitalizations, multiple studies, placement of stents, procedure after procedure, finally, after months and months of hospitalizations and medical interventions Mr. Leonard developed additional complications such as acute pneumonia, acute renal failure, malnutrition, and respiratory failure. Finally, on November 14, 2014, Mr. Leonard died. According to the Forensic Pathologist at the office of the Boulder County Coroner, the cause of death was listed as follows: Complications of esophagogasroduodenoscopy and colonoscopy, the very two procedures performed by the Defendant Cassara on December 18, 2013.

21. As a result of the death of Thomas Leonard, II, the Plaintiffs have suffered emotional and economic consequences including but not limited to expenses, pain, suffering, grief, and sadness as a result of the loss of their spouse and father.

#### D. CLAIM OF NEGLIGENCE (Dr. Cassara)

22. At all times pertinent, Defendant Cassara had a duty to perform diagnostic gastroenterology procedures in a reasonable and careful fashion.

23. On December 18, 2013, Defendant Cassara performed two procedures upon the decedent, an upper endoscopy and a colonoscopy.

24. It would appear from the subsequent medical records that during each procedure a perforation was encountered, the duodenum was perforated by virtue of the upper endoscopy procedure and the cecum (bowel) was perforated by the colonoscopy.

25. The Defendant Cassara was negligent in one or more of the following respects:

- a. In performing these procedures in an overly aggressive fashion;
- b. In failing to perform these procedures in a careful and prudent fashion;
- c. In failing to observe and pay heed to important anatomical structures and landmarks;
- d. In prematurely discharging the patient following these procedures on December 18<sup>th</sup> without taking an adequate assessment of the patient following the procedures;
- e. In failing to respond immediately to the calls from the patient's wife, upon going home from the procedures that the patient was doing poorly;
- f. In causing horrific damage to vital structures such as the duodenum, cecum, and other important anatomical structures of the patient due to these perforations caused by his technique;
- g. In being otherwise negligent and careless in the performing of these procedures.

26. That as a proximate result of the negligent acts and actions of Defendant Cassara, the patient developed enormous complications which required almost a full eleven (11) months of medical care, multiple abdominal and bowel surgeries, painful and horrific procedures, was required to suffer enormously, and ultimately became so deconditioned and ill that he was unable to survive.

27. As stated in the Coroner's report the cause of death was due to the two (2) procedures performed by Defendant Cassara.

28. As a direct and proximate result of the negligent acts and actions of Defendant, Thomas Lennard, II passed away and the Plaintiffs and each of them have been damaged.

#### D. CLAIM OF NEGLIGENCE/RESPONDEAT SUPERIOR AS TO

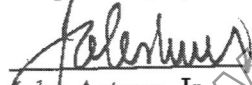
DEFENDANTS COLORADO PERMANENTE MEDICAL GROUP LLC AND  
KAISER FOUNDER HEALTH PLAN OF COLORADO

29. The negligent acts and omissions of Defendant Cassaras described above occurred while he was an employee or agent of these defendants and were within the course and scope of his employment.

WHEREFORE, Plaintiffs, and each of them, pray for judgment against the Defendants, and each of them, in a sum reasonable, costs of this action, interest at the legal rate, expert witness fees and for such other and further relief as this Honorable Court deems just and proper in the premises.

PLAINTIFFS REQUEST THAT THIS MATTER BE HEARD BY A JURY OF SIX (6) PERSONS

Respectfully submitted,

  
John Astuno, Jr.

Address of Plaintiffs:  
15343 Heritage Circle  
Thornton, CO 80602