

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

BRANDY L. JONES,

Plaintiff,

v.

KAISER FOUNDATION HOSPITALS;
NORTHWEST PERMANENTE, P.C.,
STEVEN LEVINE, MD and DAVID LEE
MOIEL, MD,

Defendants.

Case No.

COMPLAINT – Action at Law;
Medical Negligence;

PRAYER \$ 11,000,000

Fee Authority: ORS 21.160(1)(d)

CLAIM NOT SUBJECT TO
MANDATORY ARBITRATION

Comes now plaintiff for claim for relief against the above-named defendants, complains
and alleges as follows:

1.

At all material times herein plaintiff, Brandy Jones, was an individual receiving medical
treatment from defendants.

2.

At all material times herein Kaiser Foundation Hospitals and Northwest Permanente,
P.C., (hereinafter “Kaiser”) were doing business in Oregon and were corporations licensed and
operating in the State of Oregon and operated medical clinics and provided medical services to
the public, including Brandy Jones.

3.

At all material times, all employees of defendant Kaiser were working in the course and
scope of their employment for defendant and as agents and/or apparent agents of defendant.

1 4.

2 At all material times, David Lee Moiel, MD (hereinafter "Dr. Moiel") and Steven Levine,
3 MD (hereinafter "Dr. Levine") were employees and/or agents of Kaiser and were acting in the
4 course and scope of that agency and/or employment.

5 5.

6 On or about April 27, 2011, Brandy Jones went to defendant Kaiser and reported a lump
7 in her left breast. Steven Levine, MD ordered and canceled a mammogram and referred Brandy
8 Jones to general surgery.

9 6.

10 On or about May 16, 2011, Brandy Jones went to defendant Kaiser, and presented to their
11 Syb-Surg Department under the care of David Lee Moiel, MD.

12
13 Dr. Moiel noted primary encounter diagnosis of a fibrocystic change and for Ms. Jones to
14 return in 3 months for recheck.

15 8.

16 At all material times, Brandy Jones records with Kaiser noted a family history positive
17 for breast cancer.

18 9.

19 On or about August 2, 2011 Brandy Jones went to defendant Kaiser, and presented to
20 Dr. Moiel for the ordered recheck. Dr. Moiel determined there was no change and diagnostic
21 imaging was canceled.

22 10.

23 From August 2011 to February 2016 she returned to Kaiser for visits.

24 11.

25 On or about August 3, 2015 Brandy Jones went to defendant Kaiser and reported a lump
26 in her left underarm and pain with certain movements.

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12.

On or about February 16, 2016 Brandy Jones was diagnosed with metastatic invasive ductal carcinoma of the left breast.

13.

Plaintiff Brandy Jones is undergoing multiple treatments for the cancer since its detection, including chemotherapy, surgery including scheduled double mastectomy and will need additional treatment.

14.

At all times and places, defendants were negligent by and through their agents and apparent agents in one or more of the following particulars:

- (a) In failing to order a mammogram and/or diagnostic imaging in 2011;
- (b) In cancelling the mammogram in 2011;
- (c) In failing to schedule Brandy Jones for follow up visits given her family history of breast cancer;
- (d) In failing to timely obtain a mammogram and/or diagnostic imaging;
- (e) In failing to timely diagnose Brandy Jones' breast cancer;
- (f) In failing to perform diagnostic breast imaging on Brandy Jones before 2016; and
- (g) In reassuring Brandy Jones in 2011 her condition was a benign fibrocystic breast condition and was not cancer.

15.

As a result of the defendants' negligence, plaintiff Brandy Jones' has been diagnosed with metastatic invasive ductal carcinoma and her life has been shortened from all of which she has sustained permanent injuries all to her non-economic damage in the sum of \$6,000,000.

16.


That as a result of defendants' negligence plaintiff has incurred past medical bills and will incur future medical bills in the amount of \$1,000,000, loss of household services in the

1 amount of \$1,000,000 and has incurred past and will incur future lost income and earnings in the
2 sum of \$3,000,000 all to her economic damage.

3 WHEREFORE, plaintiff prays for judgment in her favor for non-economic damages in
4 the sum of \$6,000,000 and the sum of \$5,000,000 economic damages, or in an amount to be
5 determined, plus her costs and disbursements incurred herein.

6 Dated April 26, 2016

7 PAULSON COLETTI TRIAL ATTORNEYS PC

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13 Attorney for Plaintiff
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