

DISTRICT COURT CITY AND COUNTY OF DENVER 1437 Bannock Street Denver, Colorado 80202		DATE FILED: May 9, 2016 3:55 PM FILING ID: 7803FD6822BDF CASE NUMBER: 2016CV31658
Plaintiffs: FREDIA MOONEY-PETERSEN; and, GARY PETERSEN		▲ COURT USE ONLY ▲
Defendants: DEBORAH SHAW; YVONNE HUNTER; and, COLORADO PERMANENTE MEDICAL GROUP, P.C. d/b/a KAISER PERMANENTE COLORADO		
Paul Gordon #21860 Gordon & Melun LLC 5500 East Yale Avenue, Suite 300 Denver, Colorado 80222 303-756-0800 pgordon@gorlaw.com		
COMPLAINT AND JURY DEMAND		

Plaintiffs, Fredia Mooney-Petersen and Gary Petersen, by and through their attorney,
Paul Gordon, brings this complaint against the Defendants, Deborah Shaw, Yvonne Hunter, and
Colorado Permanente Medical Group, P.C. doing business as Kaiser Permanente Colorado, and
in support of the same respectfully states the following:

PARTIES

- Plaintiffs are residents of the State of Colorado.
- Defendant Deborah Shaw is a physician practicing medicine in the State of Colorado.
- Defendant Yvonne Hunter is a resident of the State of Colorado.
- Defendant Colorado Permanente Medical Group, P.C., d/b/a Kaiser Permanente Colorado, is a health maintenance organization doing business in the State of Colorado.

5. At all times pertinent, Defendant Hunter was acting within the course and scope of her employment with Defendant Colorado Permanente Medical Group, P.C., which is vicariously liable for the acts and omissions of Defendant Hunter.

BACKGROUND

6. On May 9, 2014, 05/09/2014, Defendant Shaw and Defendant Hunter performed a biopsy on Plaintiff Mooney-Pettersen's right breast.

7. During the biopsy, one or more Defendants burned Plaintiff Mooney-Pettersen's right breast, but did not tell Plaintiff, who could not feel the burn because of an anesthetic administered for the biopsy.

8. The burn is consistent with one or more of the following causes:

- (a) Leaving the breast exposed to lamp heat for too long; and,
- (b) Allowing the breast to contact the edge of a rectangular opening in a compression plate.

9. Plaintiff Fredia Mooney-Pettersen had general and special damages, including by way of illustration and without limitation, disfigurement, medical expenses, loss of wages, loss of time, pain, suffering, and severe emotion distress.

10. Plaintiff Gary Pettersen had general and special damages, including loss of consortium.

FIRST CLAIM FOR RELIEF
(Medical Malpractice)

11. A reasonably careful physician, having and using that degree of knowledge and skill of physicians practicing medicine in the State of Colorado in 2014, would have done the following:

- (a) Performed the biopsy with sufficient speed necessary to prevent the burning of Plaintiff Mooney-Pettersen's skin;
 - (b) Prevented the use of lamp light from overheating parts on the stereotactic unit; and,
 - (c) Prevented overheated parts of the stereotactic unit from contacting Plaintiff Mooney-Pettersen's skin.
12. Defendant Shaw was negligent, having failed to meet the standards of care set forth above.
13. Defendant Shaw's negligence was a cause of Plaintiffs' damages.

SECOND CLAIM FOR RELIEF
(Negligence)

14. Upon information and belief, Defendant Colorado Permanente Medical Group, P.C. doing business as Kaiser Permanente Colorado, failed to maintain the stereotactic unit in a manner preventing the types of burns Plaintiff Mooney-Pettersen sustained.

15. Defendants failed to prevent Plaintiff Mooney-Pettersen's skin from coming in contact with an overheated part of the stereotactic unit.

- 16. Defendants were negligent.
- 17. Defendants' negligence was a cause of Plaintiffs' damages.

FOR THESE REASONS, Plaintiffs request this Court to enter judgment in favor of Plaintiffs and against Defendants for actual damages in an amount to be determined at trial and for interest, costs, and attorney fees allowed by law.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.
RESPECTFULLY submitted this 9th day of May, 2016.

GORDON & MELUN LLC

The undersigned maintains a printed copy of this document with the original signature below.

By: /s/ Paul Gordon
Paul Gordon

Plaintiffs' Address:
11070 East Jewell Avenue
Aurora, Colorado 80012