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

LESLIE WILLIAMS, personal)	Case No.:
representative of the Estate of)	
MARILYN WILLIAMS, deceased,)	COMPLAINT FOR WRONGFUL
)	DEATH; NEGLIGENCE
Plaintiff,)	
)	NOT SUBJECT TO MANDATORY
vs.)	ARBITRATION
)	
PROVIDENCE HEALTH & SERVICES -)	PRAYER: \$1,075,000
OREGON, an Oregon domestic non-)	
profit corporation,)	JURY TRIAL DEMANDED
)	ORS: 21.160(1)(d)
Defendants)	Fee: \$884
)	

Plaintiff Leslie Williams, as Personal Representative of the Estate of Marilyn Williams, demands a jury trial and alleges:

FIRST CLAIM FOR RELIEF against Defendants, plaintiff alleges:

1.

Plaintiff Leslie Williams is the qualified and duly court-appointed Personal Representative of the Estate of Marilyn William, deceased, and brings this action for the benefit of Marilyn Williams’s Estate.

2.

Defendant Providence Health & Services-Oregon (hereinafter, “Providence”) is and at all times mentioned herein has been an Oregon

1 domestic non-profit corporation, and has owned and operated Providence
2 Portland Medical Center in Portland, Oregon.

3 3.

4 All agents and employees of Providence mentioned herein were at all
5 times mentioned herein acting within the course and scope of such agency and
6 employment.

7 4.

8 Marilyn Williams was admitted to the cardiac telemetry unit at
9 Providence Portland Medical Center for the management of atrial fibrillation
10 with rapid ventricular response and congestive heart failure, and was under
11 the care of employees of defendant who were there and then acting within the
12 course and scope of their employment during April 9, 2017 and April 12, 2017.

13 5.

14 Upon admission to the cardiac telemetry unit, Ms. Williams was assessed
15 by a physician and found to be capable of making sound medical decisions for
16 one's self.

17 6.

18 On April 12, 2017, at 12:03 a.m., Dr. Jeff Campbell evaluated the patient
19 and was concerned regarding her declining respiratory condition. He ordered a
20 chest xray, "STAT" repeat labs (blood), BiPap, Lasix and Ativan. The results of
21 the chest xray indicated that pulmonary edema and pleural effusions looked
22 worse. It is unclear whether Dr. Campbell was notified of this xray result. Ms.
23 Williams had threatened to leave against medical advice ("AMA") multiple times

1 throughout her stay. At 2:00 a.m., the nurse who checked on the patient,
2 noted the patient was anxious and her breathing was deteriorating. A Rapid
3 Response Team evaluation was requested, and they found the patient was
4 declining BiPap, but Lasix and Ativan had been ordered. Ms. Williams was
5 displaying signs of increased confusion (i.e., threatening to call 9-1-1) and was
6 given medications, such as Ativan, that could impair her ability to make safe
7 decisions regarding her care.

8 7.

9 On April 12, 2017, at 3:30 a.m., an employee who came to draw her labs
10 per physician's orders and noted the patient was not in her room, nor her
11 bathroom, nor on the unit floor. The charge nurse called security to notify
12 them that Marilyn Williams was missing. Marilyn Williams was discovered at
13 4:45 a.m., in the hospital basement, near an elevator, by a member of patient
14 transport. She had no pulse, no respirations.

15 8.

16 The above-described death was caused by the negligence of defendant's
17 agents and employees acting within the course and scope of their employment,
18 in one or more of the following particulars:

19 A. In the staff's failure to notify the on-call physician of Marilyn
20 Williams declining respiratory status and non-compliance with supportive
21 respiratory devices of cardiac monitor.

22 B. In failing to monitor Ms. Williams' oxygen level and cardiac rhythm
23 during events of questionable respiratory status and stability.

1 C. In failing to prevent Marilyn Williams from eloping and sustaining
2 injury and death.

3 D. In failing to implement and provide continuous observation or
4 place the patient on a medical hold when her condition deteriorated.

5 E. In failing to have written policies and procedures related to patient
6 elopement.

7 F. In failing to recognize, specify, and maintain appropriate staff
8 responsibility for the whereabouts of patients, and specifically Ms. Williams.

9 G. In failing to assess the risk potential of patients who may wander
10 or become missing from the cardiac floor.

11 H. In failing to notify relatives or other responsible persons of the
12 decedent that she had gone missing.

13 I. In failing to alert all staff that decedent was at high risk for
14 elopement or wandering and implement preventative measures.

15 9.

16 As a direct result of the above-described conduct of defendant, Marilyn
17 Williams suffered conscious pain and suffering, all to her noneconomic damage
18 in the amount of \$200,000.

19 10.

20 As a result of the above-described conduct, Marilyn Williams's family
21 suffered a loss of society and companionship of decedent in the amount of
22 \$875,000.

1 WHEREFORE, plaintiff prays for judgment against defendants for her
2 FIRST CLAIM FOR RELIEF in the amount of \$1,075,000 in noneconomic
3 damages, plus plaintiff's attorney fees and costs and disbursements necessarily
4 incurred herein.

5 Dated: October 31, 2019.

6 /s/ Jason Kafoury

7 _____
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14 Attorneys for Plaintiff

15 Plaintiff hereby provides notice of her intent to amend to include a claim
16 for punitive damages.
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