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CIRCUIT COURT  
FOR MULTNOMAH COUNTY

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

**08516**

STEVEN F. COLCORD and TAMMY L. COMBS,

Case No. **1207-08516**

Plaintiffs,

COMPLAINT AND DEMAND FOR JURY TRIAL – Civil Action for Personal Injuries based upon Negligence – Medical and Hospital Negligence

v.

NW PERMANENTE P.C., an Oregon corporation, and KAISER FOUNDATION HOSPITALS, a California corporation,

(Case Not Subject to Mandatory Arbitration; Claim is \$10 Million, Ch. 595, Sec 15(1)(d))

Defendants.

**FIRST CLAIM FOR RELIEF**

**Medical Negligence**

Plaintiffs allege:

1.

At all times mentioned, defendant NW Permanente P.C. was and is now an Oregon corporation and a professional corporation of physicians, surgeons and healthcare providers licensed by the state of Oregon and employed by the Kaiser Foundation Health Plan of Oregon to provide medical and surgical care to their members including Steve Colcord, and at all times mentioned was performing regular and sustained business activity within Multnomah County, Oregon.

2.

At all times mentioned, Kaiser Foundation Hospital was a California corporation engaged in the operation and maintenance of hospitals and clinics in the State of Oregon, and at all times mentioned was performing regular and sustained business activity within Multnomah County, Oregon.

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3.

At all times mentioned, Steve Colcord was a patient of defendants and all individuals who rendered treatment and care to Mr. Colcord, including Charles Joseph Wrobel, MD, and Jason Weinstein, MD, and the nursing staff and providers at Kaiser Sunnyside, were working in the course and scope of their employment for the defendants.

4.

On or about October 24, 2011, Dr. Wrobel performed a cervical fusion on Mr. Colcord at levels C3-4 and C4-5. After the surgery a subluxation and telescoping of the fusion plate used by Dr. Wrobel occurred. Dr. Wrobel suggested a second surgery to stabilize the neck, including a C6-7 decompression with C3 to C6 fusion which Dr. Wrobel performed on or about January 12, 2012. Mr. Colcord was discharged from the defendants' facility on or about January 14, 2012.

5.

On or about January 15, 2012, Mr. Colcord returned to the defendants' emergency department with complaints of right lower extremity numbness and urinary retention. Mr. Colcord was admitted for the purposes of ruling out a hematoma at the surgical site. CT scans demonstrated persistent, severe compression behind C3 and worsened kyphosis of the cervical spine and by 6:47 am on January 16, 2012, Mr. Colcord was unable to move his right lower extremity. At approximately 7:10 am on January 16, 2012, Dr. Wrobel determined that Mr. Colcord was unable to stand and had weakness in his hands. Dr. Wrobel also learned that the post-operative CT revealed possible seroma or blood and rather than perform the surgery, emergently recommended wound exploration. He turned Mr. Colcord's medical care over to Dr. Jason Weinstein.

6.

At approximately 10:00 am on January 16, 2012, Dr. Weinstein performed a complete laminectomy at C3 to C7, as well as a revision of the C6-7 arthrodesis and washout after which it

1 was determined that Mr. Colcord suffered permanent neurologic compromise as the result of  
2 the negligence and delayed decompression described in detailed below.

3 7.

4 At all times mentioned, the defendants, and each of them, were negligent in one or more  
5 of the following particulars and the treatment and care provided to Mr. Colcord was below the  
6 standard of care recognized in the community:

- 7 a. In failing to recognize and communicate the need for emergent surgical  
8 intervention following the surgery of January 12, 2012;
- 9 b. In failing to perform emergent surgical intervention given Mr. Colcord's  
10 symptoms and neurological compromise following the surgery of January  
11 12, 2012;
- 12 c. In failing to notify neurosurgical staff of Mr. Colcord's neurologic  
13 compromise and emergent need for surgical intervention following  
14 surgery of January 12, 2012;
- 15 d. In failing to adequately decompress and stabilize Mr. Colcord's cervical  
16 spine in the surgeries performed on October 24, 2011, and January 12,  
17 2012;
- 18 e. In using a single hole plate during the surgery of October 24, 2011;
- 19 f. In placing the surgical rod in the Kyphotic position during the surgery of  
20 October 24, 2011; and
- 21 g. In placing the C6 lateral mass screw in the C6-7 joint space.

22 8.

23 As a result of the negligence of the defendants and the violations alleged above, Steve  
24 Colcord sustained permanent injuries, including spinal cord injury, numbness, parasthesia,  
25 quadraparesis, fecal incontinence and sphincter dysfunction; erectile dysfunction; myelopathy;  
26 urinary retention; and right sided numbness; all of which injuries, and the consequences of them,

1 have caused Steve Colcord to suffer economic damages in the form of past and future medical  
2 care and expenses; lost wages and impaired future earnings; expenses for related medical  
3 services and devices; in addition to substitute domestic services; all of which injuries, and the  
4 consequences of them, are permanent and have caused Steve Colcord to suffer economic  
5 damages in a reasonable amount to be determined by a jury at trial but not likely to exceed \$3  
6 Million.

7 9.

8 As a further result of the negligence of the defendants and the violations outlined above,  
9 Steve Colcord suffered non economic damages in the form of past and future physical and  
10 mental pain and suffering as well as loss of enjoyment out of life and inability to engage in usual  
11 activities apart from gainful employment, all to his non-economic damages in a reasonable  
12 amount to be determined by a jury at trial but not expected to exceed \$6 Million.

13 **SECOND CLAIM FOR RELIEF**

14 **Loss of Consortium**

15 10.

16 Plaintiffs reallege paragraphs 1 through 9.

17 11.

18 At all times mentioned, Tammy Combs was and continues to be married to her husband,  
19 Steven Colcord. As a result of Steven Colcord's injuries caused by the defendants' negligence  
20 and violations, Tammy Combs has suffered his loss of society, companionship, consortium,  
21 services, and support all to her non-economic damage in the amount of \$1 Million.

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1           WHEREFORE, plaintiff Steven Colcord prays for judgment against the defendants, and  
2 each of them, in a reasonable amount to be determined by a jury at trial, but not expected to  
3 exceed \$3 Million economic and \$6 Million non-economic damages; and plaintiff Tammy  
4 Combs prays for judgment against the defendants, and each of them, in a reasonable amount to  
5 be determined by a jury at trial, but not expected to exceed \$1 Million.

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7           DATED: July 3, 2012

PAULSON COLETTI  
Trial Attorneys PC

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10           By  \_\_\_\_\_

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12           Of Attorneys for Plaintiffs

13           Plaintiffs request trial by jury.

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15           By  \_\_\_\_\_

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17           Of Attorneys for Plaintiffs  
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