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CASE NUMBER: 17-2-12512-1 SEA

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

JUDITH WANGEN, as Personal
Representative of the ESTATE OF
LAWRENCE E. WANGEN,

Plaintiff,

v.

KAISER FOUNDATION HEALTH PLAN
OF WASHINGTON, OVERLAKE
HOSPITAL MEDICAL CENTER, and
JOHN SCOTT EMERY, MD,

Defendants.

No.

COMPLAINT FOR MEDICAL
NEGLIGENCE, WRONGFUL DEATH,
AND SURVIVAL ACTION

I. PARTIES, JURISDICTION AND VENUE

1.1. Judith Wangen was the spouse of decedent Lawrence Edward Wangen until the time of his death, and is the Personal Representative of the Estate of Lawrence Edward Wangen. She has at all times pertinent hereto been a resident of Edmonds, Washington.

1.2. Defendant Kaiser Foundation Health Plan of Washington ("Kaiser") is an active corporation organized under the laws of the State of Washington and doing business in the State of Washington. Group Health Cooperative was acquired and is now a part of Kaiser

1 Foundation Health Plan of Washington as of February 1, 2017, and Kaiser is liable for the
2 acts and injuries alleged herein as the successor in interest to Group Health Cooperative.

3 1.3. Defendant Overlake Hospital Medical Center (“Overlake”) is an active
4 nonprofit corporation organized under the laws of the State of Washington and doing
5 business in the State of Washington.

6
7 1.4. Defendant John Scott Emery, M.D., is a physician licensed to practice
8 medicine in the State of Washington. At all relevant times, Dr. Emery was an employee or
9 agent of Group Health Cooperative, a part of Kaiser Foundation Health Plan of Washington
10 since February 1, 2017.

11 1.5. King County is the appropriate venue for this action because the events giving
12 rise to this cause of action took place in King County and defendants Kaiser and Overlake are
13 located therein.

14
15 1.6. Plaintiff elects not to submit this matter to arbitration. Please see attached
16 declaration of Judith Wangen.

17 II. FACTS

18 2.1. On June 8, 2015, decedent Lawrence Wangen was hospitalized at Overlake
19 Hospital under the care of Dr. Emery for a laparoscopic hiatal hernia repair and Nissen
20 fundoplication.

21
22 2.2. Following the surgery and during his hospitalization at Overlake Hospital
23 from June 8 through June 10, 2015, Mr. Wangen did not do well. His pain level was greater
24 than expected for the surgery he had, he needed increasing levels of oxygen support, his heart
25 rate and respiratory rate were elevated, and he had low urine output relative to his fluid
26 intake.

1 C. The statutory beneficiaries of a wrongful death claim, namely plaintiff
2 and those provided by law, have suffered damages on account of the suffering and death of
3 the decedent, for the loss of love, care, affection, companionship, guidance and society, of
4 the decedent. Claims for loss of consortium on behalf of the decedent's adult children,
5 Richard Wangen and Rachel Wangen-Hoch, are specifically included within the damages
6 claimed.
7

8 D. The Estate of Lawrence Wangen has suffered the loss of future
9 earnings and other economic losses.

10 E. All other rights and remedies arising from decedent's injuries.

11 F. All of the above damages are in an amount which will be proved at
12 trial.
13

14 **V. PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff prays for damages as set forth above, and for such other
16 relief as the Court deems just and reasonable.

17 DATED this 17th day of May, 2017.
18

19 SCHROETER, GOLDMARK & BENDER

20 *Kristin Houser*

21 KRISTIN HOUSER, WSBA # 7286
22 ADAM J. BERGER, WSBA #20714
23 THOMAS J. BREEN, WSBA #34574
24 Counsel for Plaintiff
25
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DECLARATION OF CLIENT REGARDING VOLUNTARY ARBITRATION

I, Judith Wangen, am plaintiff in a lawsuit against Kaiser Foundation Health Plan of Washington, Overlake Hospital Medical Center, and John Scott Emery, MD. I make this declaration based upon personal knowledge. I am over the age of 18 and competent to testify to the matters set forth herein.

1. My attorney of record, Kristin Houser, presented me with a copy of the provisions of RCW Chapter 7.70A and answered my questions before commencing this lawsuit.
2. I have elected not to submit the dispute in this matter to arbitration under that chapter.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED at Seattle, Washington, this 16 day of May, 2017.


Judith Wangen