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

ROYA RENEE GHORBANI-ELIZEH,

Plaintiff,

vs.

KAISER FOUNDATION HOSPITAL,  
NORTHWEST PERMANENTE, P.C.,  
KAISER FOUNDATION HEALTH PLAN OF  
THE NORTHWEST,

Defendants.

) Case No.

) **COMPLAINT FOR MEDICAL  
NEGLIGENCE**

) (Not Subject to Mandatory Arbitration)

) (Request for Jury Trial)

) (Claim for \$4,791,000; ORS  
21-160(1)(d))

Plaintiff alleges:

1.

Plaintiff is a resident of the State of Oregon, County of Multnomah.

2.

At all times mentioned herein, Kaiser Foundation Hospital is and was a California corporation authorized to transact business within the state of Oregon. Northwest Permanente, P.C., was and is an Oregon corporation authorized to transact business within the state of Oregon. Kaiser Foundation Health Plan of the Northwest is and was an Oregon corporation. Defendants Kaiser Foundation Hospital, Northwest Permanente, P.C., and Kaiser Foundation Health Plan of the Northwest (hereinafter referred to as

1 “Defendant”) provided hospitals, doctors, medical staff and medical facilities to the  
2 general public and to the Plaintiff.

3 3.

4 On February 3, 2017, Plaintiff presented to Defendant with a complaint of 2-3  
5 days of left ankle pain. There was no known injury, plaintiff was in a sedentary job and  
6 there had been no change in activity. The examination demonstrated soft tissue swelling  
7 anterior to the medial malleolus. There was discomfort in the swollen area. The  
8 diagnosis was suspected contusion even though there was no history of injury. Plaintiff  
9 was discharged and told to elevate, ice, and rest the foot. No imaging studies were  
10 undertaken to rule out deep vein thrombosis.  
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14 On February 6, 2017, the pain and swelling continued. Plaintiff notified  
15 Defendant in writing of the swelling and pain and sent Defendant pictures of the area of  
16 pain and swelling. No advice was given and no imaging studies were undertaken or  
17 recommended, such as an ultrasound, to rule out deep vein thrombosis.  
18

19 5.

20 Plaintiff called the Defendant the next day, on February 7, 2017, with similar  
21 problems, including pain of 3/10, tender, sensitive to touch, a new complaint of tightness  
22 around the shins above the ankle in the extremity, swelling and inflammation for 4 days.  
23 All of this information was given to the Defendant in the phone call. Plaintiff was advised  
24 to continue rest and ice with elevation. No imaging studies were undertaken, such as an  
25 ultrasound, to rule out deep vein thrombosis. Plaintiff was advised to use crutches.

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6.

Plaintiff returned to the care of Defendant three days later on February 10, 2017 with continued problems. The swelling was greater, the pain was greater, and the pain was now midfoot with some radiation into the ankle. The pain also was moving up the leg into the calf area, which was new. Even though the pain was now moving up the leg to the calf, Plaintiff was advised to immobilize the foot with a post on walking boot, ice as needed, use aspirin or Aleve, and an x-ray was recommended to rule out a stress fracture. Plaintiff was sent home with a walking boot. It was also recommended that Plaintiff massage the painful areas, and continue ice and elevation. No imaging studies were undertaken, such as an ultrasound, to rule out deep vein thrombosis.

7.

On February 12, 2017, two days later, Plaintiff was at home with her husband, became unconscious and was urgently taken by ambulance to Emanuel Hospital in Portland Oregon. Plaintiff's breathing stopped during transport and on four occasions in the emergency room her heart stopped. Upon admission, Plaintiff was diagnosed with a massive bilateral/saddle pulmonary embolus, was urgently admitted to ICU for critical care, and remained hospitalized at Emanuel Hospital until discharge to the Rehabilitation Institute of Oregon for rehabilitation care.

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8.

The conduct of the Defendant was negligent and fell below the standard of care of reasonable and prudent physicians, nurses and medical providers in the following particulars:

1. In failing to recognize that Plaintiff could be suffering from a deep vein thrombosis.
2. In failing to order any studies to rule out a deep vein thrombosis in the leg such as an ultrasound, blood test for D-dimer, venography, CT or MRI. Such studies, on a more likely than not basis, would have been diagnostic.
3. In negligently diagnosing Plaintiff with a contusion, when the signs and symptoms were more consistent with deep vein thrombosis, given that there was no history of any injury.
4. In failing to warn Plaintiff that a deep vein thrombosis was a differential diagnosis and offer an ultrasound or other studies, if Plaintiff chose to do so, as an alternative to ice, elevation and crutches.

9.

As a result of the negligence of the Defendant, Plaintiff's heart stopped on four occasions, Plaintiff was hospitalized, has suffered damage to her heart, has suffered disability, as well as pain, suffering, fear, depression, post-traumatic stress disorder, anxiety, a reduction in the quality of her life, and interference with her daily and family life, all to Plaintiff's non-economic damages in the amount of \$4,000,000. The injuries to Plaintiff are permanent.

Plaintiff has further incurred reasonable and necessary medical expenses in the amount of \$785,000. These expenses are continuing with the additional amount to be proven at the time of trial. Plaintiff will be required to be on prescribed blood thinners for the remainder of her life. Plaintiff has lost income and sustained a loss of earning capacity in the amount of \$6,000.

WHEREFORE, Plaintiff prays for judgment against the Defendant as follows:

- 1. Economic Damages in the amount of \$791,000.
- 2. Non-economic damages in the amount of \$4,000,000
- 4. Plaintiff's costs and disbursements incurred herein.

Dated this 26<sup>th</sup> day of May, 2017.

HUEGLI FRASER, PC

By: 

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Trial Attorney for Plaintiff