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17 DEC 18 PM 1:51  
CIRCUIT COURT COUNTY  
FOR MULTNOMAH COUNTY

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

17CV54517

R.J., an individual; G.M., an individual; A.R. an individual; and W.D., an individual,

Plaintiffs,

vs.

KAISER FOUNDATION HEALTH PLAN OF THE NORTHWEST, an Oregon corporation; and NORTHWEST PERMANENTE, P.C., an Oregon corporation,

Defendants

Case No.:

COMPLAINT FOR NEGLIGENCE/SEXUAL ABUSE

(NOT SUBJECT TO MANDATORY ARBITRATION)

JURY TRIAL DEMANDED

PRAYER: \$5,750,000

ORS 21.160(1)(d)  
Filing Fee \$834

Plaintiffs demand a jury trial and allege:

1.

Kaiser Foundation Health Plan of the Northwest (hereinafter, "Kaiser NW") is and at all times mentioned herein has been a health plan providing medical services throughout the State of Oregon, and Multnomah County.

2.

Northwest Permanente, P.C., (hereinafter, "Permanente") is and at all times mentioned herein has been an Oregon corporation, and is an organization of doctors providing medical services in the State of Oregon.

3.

Plaintiffs were at all times mentioned herein patients of defendants at the Kaiser Beaverton Clinic, which is owned and operated by defendants Northwest and Permanente.

4.

At all times mentioned herein, defendants Northwest and Permanente knew or had reason to know that Alex Woolner, a nurse in their employ, had a propensity to be sexually aggressive toward patients, and to use his position, status, and employment to exploit female patients for his own sexual gratification. Alex Woolner was at all times mentioned herein an employee, agent, or apparent agent of defendants, and was acting within the course and scope of such employment, agency, or apparent agency.

5.

Woolner knew that plaintiff trusted him because of his training, status, employment, and agency, and he exploited that trust in order to touch plaintiff in ways and in places in which she would not ordinarily allow a stranger to touch her, and part of the motivation for his actions toward plaintiff was to be in service of his employment/agency and professional responsibilities, and part of the motivation was to gain plaintiff's trust and control over her in order that he might violate her sexually.

6.

All acts of sexual violation and improper touching described herein were an outgrowth of and the result of acts of the kind that Woolner was hired to

1 perform, and all such acts prior to the sexual violations were motivated, at  
2 least partly, by a desire to serve the corporate defendants.

3 FOR A FIRST CLAIM FOR RELIEF FOR NEGLIGENCE AGAINST BOTH  
4 DEFENDANTS, PLAINTIFF R.J. ALLEGES:

5 7.

6 Plaintiff R.J. realleges and incorporates by reference paragraphs 1 - 4,  
7 above.

8 8.

9 On or about January 15, 2016, plaintiff R.J. went to the above-described  
10 clinic for a strep throat swab. Her attending nurse was Alex Woolner.

11 9.

12 At the above medical appointment, Alex Woolner, in the course of  
13 providing necessary medical treatment, examined plaintiff R.J., made sexually  
14 suggestive comments, questioned her about sexual matters, and pried for  
15 sexual information that had no medical purpose; Wooler also repeatedly used  
16 the word "sexy" in the course of his examination, and imitated experiencing  
17 sexual pleasure by making sexually suggestive faces and sounds during what  
18 he called an "eargasm" by using an imaginary Q-tip in his own ear; Woolner  
19 also put his hand on plaintiff R.J. in an intimate manner by holding her upper  
20 arm. During the throat swab, plaintiff was in a reclined position, and Woolner,  
21 without medical purpose and to gratify himself by conducting a mock sexual  
22 act, said to plaintiff, "Do you want me to hold you down?"  
23

10.

The above-described touching and conduct was improper and exploitative, was done without medical purpose, and for Woolner's own sexual gratification.

11.

All damages alleged herein were caused by the negligence of the corporate defendants in one or more of the following particulars:

- (a) In allowing Alex Woolner to perform medical services upon patients, including plaintiff, when defendants knew or had reason to know that he was likely to exploit his position to violate patients sexually.
- (b) In failing to adequately investigate claims of sexual exploitation made by patients against Alex Woolner.
- (c) In failing to report to authorities evidence of sexual abuse and misconduct by Alex Woolner.

12.

As a result of the above-described sexual exploitation, plaintiff R.J. has suffered, continued to suffer, and may permanently suffer from feelings of personal violation, humiliation, embarrassment, disgust, resentment, anger, a sense of vulnerability and loss of trust, all to her noneconomic damages in an amount to be determined at trial by the jury, not to exceed \$1.25 million. This number may change, depending on whether plaintiff R.J.'s condition resolves, persists, or worsens.

1 FOR A SECOND CLAIM FOR RELIEF FOR BATTERY AGAINST ALL  
2 DEFENDANTS, PLAINTIFF R.J. ALLEGES:

3 13.

4 Plaintiff R.J. realleges and incorporates by reference paragraphs 1 – 6, 8  
5 – 10, above.

6 14.

7 The above-described touching was intended to be in violation of plaintiff  
8 R.J.'s right to be free from unlawful touching, was intended to be offensive and  
9 was recognized by plaintiff R.J. as being offensive, improper, and exploitative.

10 15.

11 As a result of the above-described battery, plaintiff R.J. has suffered,  
12 continued to suffer, and may permanently suffer from feelings of personal  
13 violation, humiliation, embarrassment, disgust, resentment, anger, a sense of  
14 vulnerability and loss of trust, all to her noneconomic damages in an amount  
15 to be determined at trial by the jury, not to exceed \$1.25 million. This number  
16 may change, depending on whether plaintiff R.J.'s condition resolves, persists,  
17 or worsens.

18 FOR A THIRD CLAIM FOR RELIEF FOR NEGLIGENCE AGAINST ALL  
19 DEFENDANTS, PLAINTIFF G.M. ALLEGES:

20 16.

21 Plaintiff G.M. realleges and incorporates by reference paragraphs 1 – 4,  
22 and 11, above.

17.

On or about February 22, 2016, plaintiff G.M. went to the Kaiser Beaverton Clinic for treatment for migraines, including an injection, normally received near the patient's hip bone, on the side of her body, which requires the patient only to pull her underwear down a short distance to expose the area appropriate for the injection.

18.

During the course of Woolner's preparation for the injection, Woolner suggested the plaintiff pull the top of her dress down, which would completely expose plaintiff's upper body, rather than simply raising the hem of her dress up, which would only expose a limited area of plaintiff's leg and waist, and when plaintiff resisted his suggestion and instead merely raised the hem of her dress, Woolner, while holding the needle in his hand, grabbed the waistband of plaintiff's underwear and aggressively pulled it down much lower than was necessary, exposing far more of plaintiff's bare skin than he needed for the injection. Woolner gave the injection in the correct place, which was just below the hip bone, put on a Band-Aid, and lifted the plaintiff's panties up and over her rear, then lingered in the area, staring at a tattoo on plaintiff's upper thigh, and then commented on the tattoo.

19.

Much of the above-described conduct on the part of Alex Woolner was done without medical purpose, and was done for his own sexual gratification,

1 and it was intended to be offensive and was perceived by plaintiff G.M. as  
2 offensive.

3 20.

4 As a result of the above-described conduct, plaintiff G.M. suffered,  
5 continues to suffer, and may permanently suffer from feelings of sexual  
6 exploitation, outrage, embarrassment, disgust, anger, frustration, betrayal,  
7 humiliation, sleeplessness, intrusive thoughts, avoidance of medical facilities  
8 and treatment, lack of trust, anxiety, and a heightened sense of personal  
9 vulnerability, all to her noneconomic damages not to exceed \$2 million. This  
10 number may change, depending on whether plaintiff G.M.'s condition resolves,  
11 persists, or worsens.

12 FOR A FOURTH CLAIM FOR RELIEF AGAINST ALL DEFENDANTS FOR  
13 BATTERY, PLAINTIFF G.M. ALLEGES:

14 21.

15 Plaintiff G.M. reincorporates by references paragraphs 1 - 6, and 17 - 20,  
16 above.

17 FOR A FIFTH CLAIM FOR RELIEF FOR NEGLIGENCE AGAINST ALL  
18 DEFENDANTS, PLAINTIFF A.R. ALLEGES:

19 22.

20 Plaintiff A.R. realleges and incorporates by reference paragraphs 1 - 4  
21 and 11, above.

22  
23 //

23.

On or about January 26, 2016, plaintiff A.R. went to the above-described clinic for immunizations. Her attending nurse was Alex Woolner. In the course of providing necessary medical treatment, including the injection, Woolner questioned plaintiff about her clothing, including her bra, and upon learning that plaintiff was not wearing a shirt underneath her hooded sweatshirt, Woolner informed plaintiff that he was unable to locate any gowns that would fit her, and ordered plaintiff to take off her hooded sweatshirt, exposing her down to her bra. Woolner then pushed his wheeled seat close to the plaintiff, took her left arm, and placed it in his lap, and then commented, "It's not like I mind." The above-described conduct of Woolner was medically unnecessary, was exploitative, and was done for his own sexual gratification. Further, the placing of the plaintiff's left arm in his lap was intended to be sexually offensive and was offensive to plaintiff.

24.

Woolner continued to make suggestive and inappropriate comments to plaintiff, including the following:

a. Woolner told plaintiff she had "nothing to be ashamed about" and noted that she was "much larger than an average woman," referring to her breasts;

b. Woolner asked plaintiff if she had "expected to be naked in front of a stranger";



1 c. Woolner asked the plaintiff if she was married, and whether her  
2 husband commented on her breasts;

3 d. Woolner asked plaintiff if she experienced any back pain due to the  
4 size of her breasts;

5 e. Woolner told plaintiff he was “surprised” that she had decided to  
6 wear a “fun bra,” stating that “most girls who have large breasts tend to wear  
7 sports bras”;

8 f. Woolner told plaintiff that he paid his way through nursing school  
9 by being a nude model, and told plaintiff she would be a “good candidate” for  
10 that;

11 g. At one point during the injection, Woolner exposed a part of  
12 plaintiff’s areola and Woolner stared at plaintiff’s exposed breast, commenting,  
13 “You’re falling out.”

14 25.

15 Woolner then asked plaintiff to give him her email address, her  
16 password, and her phone number, and then remarked to plaintiff that if she  
17 was interested, she should “have someone take pictures of you naked and send  
18 them to [his] email” in order to get her work as a nude model.

19 26.

20 After the injection Woolner interrogated plaintiff further as to her  
21 personal contact information, including Facebook, Snapchat, and email, and  
22 Woolner also persuaded plaintiff to give him her cell phone number, which  
23 Woolner used to send her a text message in the exam room.

27.

1  
2 Shortly after the encounter, Woolner again texted plaintiff and told her  
3 that he had made contact with his "friend," and his friend was interested in  
4 meeting her, in relation to suggestion that she pursue nude modeling. Plaintiff  
5 did not respond, but Woolner later texted her again to pressure her about her  
6 "availability." The plaintiff responded that she was not interested, and Woolner  
7 replied that she should not worry about it, and that he would do it himself, but  
8 they did not need male models.

9 28.

10 As a result of the above-described conduct, including the sexually  
11 suggestive remarks, plaintiff A.R. suffered, continues to suffer, and may  
12 permanently suffer from feelings of fear, humiliation, disgust, lack of trust,  
13 intrusive thoughts, and feelings of vulnerability, all to her noneconomic  
14 damage in an amount not to exceed \$1.5 million. This number may change,  
15 depending on whether plaintiff A.R.'s condition resolves, persists, or worsens.

16 FOR A SEVENTH CLAIM FOR RELIEF FOR BATTERY AGAINST ALL  
17 DEFENDANTS, PLAINTIFF A.R. ALLEGES:

18 29.

19 Plaintiff A.R. realleges and incorporates by reference paragraphs 1 - 6,  
20 and 23 - 28, above.

21  
22  
23 //

1 FOR AN EIGHTH CLAIM FOR RELIEF FOR NEGLIGENCE AGAINST ALL  
2 DEFENDANTS, PLAINTIFF W.D. ALLEGES:

3 30.

4 Plaintiff W.D. realleges and incorporates by reference paragraphs 1 - 4  
5 and 11, above.

6 31.

7 On or about February 4, 2016, plaintiff W.D. went to the above-described  
8 clinic for a travel vaccine. While plaintiff waited in the waiting room, Alex  
9 Woolner casually walked by her, and when he saw her, he stopped, pointed at  
10 plaintiff, and said he would take her back. Woolner was not been wearing an  
11 ID badge at the time, and did not introduce himself.

12 32.

13 During the course of the encounter, and in the course of providing  
14 necessary medical treatment, Woolner repeatedly acted overly friendly and  
15 flirtatious towards the plaintiff.

16 33.

17 At one point during the treatment, Woolner placed his hand on plaintiff's  
18 thigh under the guise of showing her an appropriate site for an injection; while  
19 Woolner's hand remained on plaintiff's thigh, Woolner made gestures towards  
20 both her inner thighs, and his own, and then using both of his hands, Woolner  
21 gestured to the inner thigh area, moving his hands closer to his groin and  
22 genital area, telling plaintiff that those muscles were "sensitive."

34.

Also during the treatment, Woolner questioned plaintiff about body piercings, and when Woolner discovered that plaintiff had nipple piercings, Woolner had the following conversations with plaintiff:

- a. Woolner told plaintiff that he had had piercings himself, including on his genitals, and described to plaintiff how he received the piercing;
- b. Woolner also described how his glans piercing had become caught with his partner's clitoral piercing during the course of intercourse, and there had been tissue damage as a result;
- c. Woolner also described an erection he had received at another point when the piercing had caught on his clothing and caused tissue damage to his genitals, suggesting to plaintiff that she try flicking her nipples to achieve the same "autonomic response"; and
- d. Woolner also described to plaintiff that he did not experience any scarring of his penis when he removed the piercing.

35.

Woolner conducted the above physical contact and intimate conversation with plaintiff for his own sexual gratification.

36.

As a result of plaintiff's belief in the training, professionalism, and employment status of Woolner, plaintiff W.D. revealed details about herself in a manner she would not otherwise have done with a stranger, and allowed Woolner to provide an intrusive injection into her.

Verified Correct Copy of Original 12/18/2017.

37.

As a result of the above-described conduct, plaintiff W.D. suffered, continues to suffer, and may permanently suffer from feelings of sexual exploitation, outrage, embarrassment, disgust, anger, frustration, betrayal, humiliation, lack of trust, intrusive thoughts, and a heightened sense of personal vulnerability, all to plaintiff W.D.'s noneconomic damages in an amount not to exceed \$1 million. This number may change, depending on whether plaintiff W.D.'s condition resolves, persists, or worsens.

FOR A NINTH CLAIM FOR RELIEF FOR BATTERY AGAINST ALL DEFENDANTS, PLAINTIFF W.D. ALLEGES:

38.

Plaintiff W.D. realleges and incorporates by reference paragraphs 1 - 6 and 31 - 37, above.

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1 WHEREFORE, plaintiff R.J. prays for judgment against all defendants for  
2 noneconomic damages in the amount of \$1,250,000; plaintiff G.M. prays for  
3 judgment against all defendants for noneconomic damages in the amount of  
4 \$2,000,000; plaintiff A.R. prays for judgment against all defendants for  
5 noneconomic damages in the amount of \$1,500,000; and plaintiff W.D. prays  
6 for judgment against all defendants for noneconomic damages in the amount of  
7 \$1,000,000; and each plaintiff prays for her costs and disbursements  
8 necessarily incurred herein

9 Dated: December 10 2017.

11 \_\_\_\_\_  
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18 Attorneys for Plaintiff

19 Plaintiffs hereby provide notice of their intent to amend to include claims  
20 for punitive damages.  
21  
22  
23