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SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

LIN PECH, as Personal Representative of the Estate of CHHOEUM RAM,

Plaintiff,

v.

KAISER FOUNDATION HEALTH PLAN OF THE NORTHWEST d/b/a KAISER PERMANENTE; PEACEHEALTH d/b/a PEACEHEALTH ST. JOHN MEDICAL CENTER; PEACEHEALTH ST. JOHN MEDICAL CENTER FOUNDATION d/b/a PEACEHEALTH ST. JOHN MEDICAL CENTER; CASCADE EMERGENCY PHYSICIANS, INC., P.S. d/b/a CASCADE EMERGENCY ASSOCIATES; MELISSA CAMPBELL, M.D., and PAT DOE CAMPBELL and the marital community thereof; FRANCISCO CHAN, JR., M.D. and PAT DOE CHAN, and the marital community thereof; PO-SHEN CHANG, M.D. and PAT DOE CHANG, and the marital community thereof; JONATHAN EBBING, M.D., AND PAT DOE EBBING, and the marital community thereof; SARAH H. HARMON, P.A., and PAT DOE HARMON and the marital community thereof; ANN HORSTMAN, Ph.D., and PAT DOE HORTSMAN, and the marital community thereof; EVE MARIE HYATT, N.P. and PAT DOE HYATT, and the marital community thereof; ASMARAWORK T. MEASHO, C.R N.P. and PAT DOE MEASHO, and the marital community thereof; TIMOTHY JESSICK, M.D. and PAT DOE JESSICK, and the marital community thereof; GRACE KAW, M.D., and PAT DOE KAW, and the marital community thereof; CATHARINE MAHON, P.A. and PAT DOE MAHON and the marital community thereof ; CHRISTOPER MANZONE, P.A., and PAT DOE MANZONE, and the marital community thereof; JOSEPH McKENZIE, P.A., and PAT DOE McKENZIE, and the marital community thereof; RICHARD ROSENFELD, M.D. and PAT DOE ROSENFELD and the marital community thereof; JOSEF M. TURNER, M.D. and PAT DOE TURNER, and the marital community thereof; MARY VARGHESE, M.D., and PAT DOE VARGHESE, and the marital community thereof; PAT and JOHN DOES 1-20 and the marital communities thereof, and ABC CORPORATIONS 1-10,

Defendants.

No. 18-2-03379-34

**COMPLAINT
FOR WRONGFUL
DEATH,
SURVIVAL
ACTIONS, AND
MEDICAL
NEGLIGENCE**

1 COMES NOW the plaintiff LIN PECH, as Personal Representative of the Estate of
2 CHHOEUM RAM, and for causes of action against defendants pleads and alleges as follows:

3 **I. PARTIES, JURISDICTION, AND VENUE**

4 **1.1** LIN PECH is the son of CHHOEUM RAM. On or about December 27, 2017,
5 the King County Superior Court appointed LIN PECH as Personal Representative of the Estate
6 of CHHOEUM RAM, who died on or about August 30, 2015, in Cowlitz County, Washington.

7 **1.2** CHHOEUM RAM was survived by her husband, Luch Koeth, by her
8 children Lin Pech, La Luch, and Lada Koeth, and by her step children Kris Pech and Sam
9 Pech.
10

11 **1.3** At all times material hereto, Defendant KAISER FOUNDATION HEALTH
12 PLAN OF THE NORTHWEST d/b/a KAISER PERMANENTE (hereafter “KAISER
13 PERMANENTE”), was a corporation available for service of process in Thurston County,
14 Washington. The Washington Superior Courts have jurisdiction over the subject matter of
15 this lawsuit, and personal jurisdiction over the parties herein. Venue is proper herein pursuant
16 to, among other laws, RCW 4.12.025(1)(d) and 4.12.025(3).
17

18 **1.4** At all times material hereto, Defendant KAISER PERMANENTE employed
19 and/or contracted with healthcare providers to provide medical care, treatment, and diagnostic
20 services to patients, including to CHHOEUM RAM.
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22 **1.5** The individual defendants identified in ¶¶ 1.13 - 1.42 were at all relevant
23 times herein employees of and/or actual and/or apparent agents and/or acting with apparent
24 authority for the corporate defendant KAISER PERMANENTE. All actions of the individual
25 defendants named below were performed on behalf of themselves, of their marital
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1 communities, and of Defendant KAISER PERMANENTE while acting within the course and
2 scope of their employment and/or agency therefore. Defendant KAISER PERMANENTE is
3 jointly and severally liable for the actions of the individual defendants named below, via the
4 doctrines of corporate negligence, respondeat superior, agency, apparent agency, apparent
5 authority, and estoppel, among other reasons.
6

7 **1.6** At all times material hereto, Defendant PEACEHEALTH d/b/a PEACE
8 HEALTH ST. JOHN MEDICAL CENTER was a corporation doing business in the State of
9 Washington.

10 **1.7** At all times material hereto, Defendant PEACEHEALTH employed and/or
11 contracted with healthcare providers, including but not limited to JOSEF M. TURNER, M.D.,
12 to provide medical care, treatment, and diagnostic services to patients, including to
13 CHHOEUM RAM.
14

15 **1.8** At all times material hereto, Defendant PEACEHEALTH ST. JOHN
16 MEDICAL CENTER FOUNDATION d/b/a PEACEHEALTH ST. JOHN MEDICAL
17 CENTER, was a corporation doing business in the State of Washington.

18 **1.9** At all times material hereto, Defendant PEACEHEALTH ST. JOHN
19 MEDICAL CENTER FOUNDATION employed and/or contracted with healthcare providers,
20 including but not limited to, JOSEF M. TURNER, M.D., to provide medical care, treatment,
21 and diagnostic services to patients, including to CHHOEUM RAM.
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23 **1.10** At all times material hereto, Defendant CASCADE EMERGENCY
24 PHYSICIANS, INC., P.S. d/b/a CASCADE EMERGENCY ASSOCIATES (hereafter
25 “CASCADE EMERGENCY ASSOCIATES”) was a corporation doing business in the State
26

1 of Washington.

2 **1.11** At all times material hereto, Defendant CASCADE EMERGENCY
3 ASSOCIATES employed and/or contracted with health care providers, including but not
4 limited to JOSEF M. TURNER, M.D., to provide medical care, treatment, and diagnostic
5 services to patients, including to CHHOEUM RAM.

6 **1.12** At all times material hereto, JOSEF M. TURNER, M.D., the individual
7 defendant identified in ¶¶ 1.43-1.44, was an employee of and/or actual and/or apparent agent
8 and/or acting with apparent authority for one or more of the following corporate defendants:
9 PEACEHEALTH, PEACEHEALTH MEDICAL CENTER FOUNDATION,
10 PEACEHEALTH ST. JOHN MEDICAL CENTER FOUNDATION, and/or CASCADE
11 EMERGENCY ASSOCIATES. All actions of JOSEF M. TURNER, M.D., were performed
12 on behalf of himself, of his marital community, and of one or more of the following
13 defendants: PEACEHEALTH, PEACEHEALTH MEDICAL CENTER FOUNDATION,
14 and/or CASCADE EMERGENCY ASSOCIATES while acting within the course and scope
15 of his employment and/or agency. Defendant PEACEHEALTH and/or Defendant
16 PEACEHEALTH ST. JOHN MEDICAL CENTER FOUNDATION, and/or Defendant
17 CASCADE EMERGENCY ASSOCIATES are jointly and severally liable for the actions of
18 its healthcare providers, including JOSEF M. TURNER, M.D., via the doctrines of corporate
19 negligence, respondeat superior, agency, apparent agency, apparent authority, and estoppel,
20 among other reasons.
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24 **1.13** At all times material hereto Defendant MELISSA CAMPBELL, M.D. was a
25 physician licensed to practice medicine and was practicing medicine in the State of
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1 Washington. At all times material hereto, Defendant CAMPBELL, M.D. provided health care
2 to Plaintiff's Decedent, CHHOEUM RAM, and had a healthcare provider-patient relationship
3 with her.

4 **1.14** At all times material hereto, Defendant CAMPBELL, M.D. and her spouse
5 PAT DOE CAMPBELL, whose true name is unknown, were married and constituted a marital
6 community under the laws of the State of Washington and resided in the State of Washington.
7 All actions performed by Defendant CAMPBELL, M.D. in the course of practicing medicine
8 were done on behalf of herself, the marital community, and Defendant KAISER
9 PERMANENTE.
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11 **1.15** At all times material hereto, Defendant FRANCISCO CHAN, JR., M.D. was
12 a physician licensed to practice medicine and was practicing in the State of Washington. At
13 all times material hereto, Defendant CHAN, JR., M.D., provided health care to Plaintiff's
14 Decedent, CHHOEUM RAM, and had a healthcare provider-patient relationship with her.
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16 **1.16** At all times material hereto, Defendant CHAN, JR., M.D. and his spouse PAT
17 DOE CHAN, whose true name is unknown, were married and constituted a marital community
18 under the laws of the State of Washington and resided in the State of Washington. All actions
19 performed by Defendant CHAN, JR., M.D. in the course of practicing medicine were done on
20 behalf of himself, the marital community, and Defendant KAISER PERMANENTE.
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22 **1.17** At all times material hereto, Defendant PO-SHEN CHANG, M.D. was a
23 physician licensed to practice medicine in the State of Washington and was practicing
24 medicine in the State of Washington. At all times material hereto, Defendant CHANG, M.D.
25 provided health care to Plaintiff's Decedent, CHHOEUM RAM, and had a healthcare
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1 provider-patient relationship with her.

2 **1.18** At all times material hereto, Defendant CHANG, M.D. and his spouse PAT
3 DOE CHANG, whose true name is unknown, were married and constituted a marital
4 community under the laws of the State of Washington and resided in the State of Washington.
5 All actions performed by Defendant CHANG, M.D. in the course of practicing medicine were
6 done on behalf of himself, the marital community, and Defendant KAISER PERMANENTE.
7

8 **1.19** At all times material hereto, Defendant JONATHAN EBBING, M.D. was a
9 physician licensed to practice medicine in the State of Washington and was practicing
10 medicine in the State of Washington. At all times material hereto, Defendant EBBING, M.D.
11 provided health care to Plaintiff's Decedent, CHHOEUM RAM, and had a healthcare
12 provider-patient relationship with her.
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14 **1.20** At all times material hereto, Defendant EBBING, M.D., and his spouse PAT
15 DOE EBBING, whose true name is unknown, were married and constituted a marital
16 community under the laws of the State of Washington and resided in the State of Washington.
17 All actions performed by Defendant EBBING, M.D., in the course of practicing medicine were
18 done on behalf of himself, the marital community, and Defendant KAISER PERMANENTE.
19

20 **1.21** At all times material hereto, Defendant SARAH H. HARMON, P.A. was a
21 physician's assistant licensed to practice in the State of Washington and was practicing
22 medicine in the State of Washington. At all times material hereto, Defendant HARMON, P.A.
23 provided health care to Plaintiff's Decedent, CHHOEUM RAM, and had a healthcare
24 provider-patient relationship with her.

25 **1.22** At all times material hereto, Defendant HARMON, P.A. and her spouse PAT
26

1 DOE HARMON, whose true name is unknown, were married and constituted a marital
2 community under the laws of the State of Washington and resided in the State of Washington.
3 All actions performed by Defendant HARMON, P.A. in the course of her practice were done
4 on behalf of herself, the marital community, and Defendant KAISER PERMANENTE.

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6 **1.23** At all times material hereto, Defendant EVE MARIE HYATT, C.R.N.P. was
7 a nurse practitioner licensed to practice in the State of Washington and was practicing in the
8 State of Washington. At all times material hereto, Defendant HYATT, C.R.N.P. provided
9 health care to Plaintiff's Decedent, CHHOEUM RAM, and had a healthcare provider-patient
10 relationship with her.

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12 **1.24** At all times material hereto, Defendant HYATT, C.R.N.P. and her spouse PAT
13 DOE HYATT, whose true name is unknown, were married and constituted a marital
14 community under the laws of the State of Washington and resided in the State of Washington.
15 All actions performed by Defendant HYATT, C.R.N.P., in the course of her health care
16 practice were done on behalf of herself, the marital community, and Defendant KAISER
17 PERMANENTE.

18
19 **1.25** At all times material hereto, Defendant ANN HORSTMAN, PH.D. was a
20 clinical psychologist licensed to practice in the State of Washington and was practicing
21 psychology in the State of Washington. At all times material hereto, Defendant HORST-
22 MAN., PH.D. provided services to Plaintiff's Decedent, CHHOEUM RAM, and had a
23 healthcare provider-patient relationship with her.

24
25 **1.26** At all times material hereto, Defendant HORSTMAN., PH.D. and her spouse
26 PAT DOE HORSTMAN, whose true name is unknown, were married and constituted a marital

1 community under the laws of the State of Washington and resided in the State of Washington.
2 All actions performed by Defendant HORSTMAN., PH.D., in the course of her health care
3 practice were done on behalf of herself, the marital community, and Defendant KAISER
4 PERMANENTE.

5 **1.27** At all times material hereto, Defendant TIMOTHY JESSICK, M.D. was a
6 physician licensed to practice medicine in the State of Washington and was practicing
7 medicine in the State of Washington. At all times material hereto, Defendant JESSICK, M.D.
8 provided health care to Plaintiff's Decedent, CHHOEUM RAM, and had a healthcare
9 provider-patient relationship with her.
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11 **1.28** At all times material hereto, Defendant JESSICK, M.D. and his spouse PAT
12 DOE JESSICK, whose true name is unknown, were married and constituted a marital
13 community under the laws of the State of Washington and resided in the State of Washington.
14 All actions performed by Defendant JESSICK, M.D., in the course of practicing medicine were
15 done on behalf of himself, the marital community, and Defendant KAISER PERMANENTE.
16

17 **1.29** At all times material hereto Defendant GRACE KAW, M.D. was a physician
18 licensed to practice medicine in the State of Washington and was practicing medicine in the
19 State of Washington. At all times material hereto, Defendant KAW, M.D. provided health care
20 to Plaintiff's Decedent, CHHOEUM RAM, and had a healthcare provider-patient relationship
21 with her.
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23 **1.30** At all times material hereto, Defendant KAW, M.D. and her spouse PAT DOE
24 KAW, whose true name is unknown, were married and constituted a marital community under
25 the laws of Washington and resided in the State of Washington. All actions performed by
26

1 Defendant KAW, M.D., in the course of practicing medicine were done on behalf of herself,
2 the marital community, and Defendant KAISER PERMANENTE.

3 **1.31** At all times material hereto, Defendant ASMARAWORK MEASHO,
4 C.R.N.P. was a Certified Nurse Practitioner licensed to practice in the State of Washington
5 and was practicing in the State of Washington. At all times material hereto, Defendant
6 MEASHO, C.R.N.P. provided health care to Plaintiff's Decedent, CHHOEUM RAM, and
7 had a healthcare provider-patient relationship with her.
8

9 **1.32** At all times material hereto, Defendant MEASHO, C.R.N.P. and her spouse
10 PAT DOE MEASHO, whose true name is unknown, were married and constituted a marital
11 community under the laws of the State of Washington and resided in the State of Washington.
12 All actions performed by Defendant MEASHO, C.R.N.P. in the course of her health care
13 practice were done on behalf of herself, the marital community, and Defendant KAISER
14 PERMANENTE.
15

16 **1.33** At all times material hereto, Defendant CATHERINE MAHON, P.A. was a
17 physician's assistant licensed to practice in the State of Washington and was practicing in the
18 State of Washington. At all times material hereto, Defendant MAHON, P.A. provided health
19 care to Plaintiff's Decedent, CHHOEUM RAM, and had a healthcare provider-patient
20 relationship with her.
21

22 **1.34** At all times material hereto, Defendant MAHON, P.A. and her spouse PAT
23 DOE MAHON, whose true name is unknown, were married and constituted a marital
24 community under the laws of the State of Washington and resided in the State of Washington.
25 All actions performed by Defendant MAHON, P.A., in the course of her health care practice
26

1 were done on behalf of herself, the marital community, and Defendant KAISER
2 PERMANENTE.

3 **1.35** At all times material hereto, Defendant CHRISTOPHER MANZONE, P.A.
4 was a physician's assistant licensed to practice health care in the State of Washington and was
5 practicing in the State of Washington. At all times material hereto, Defendant MANZONE,
6 P.A. provided health care to Plaintiff's Decedent, CHHOEUM RAM, and had a healthcare
7 provider-patient relationship with her.
8

9 **1.36** At all times material hereto, Defendant MANZONE, P.A., and his spouse PAT
10 DOE MANZONE, whose true name is unknown, were married and constituted a marital
11 community under the laws of the State of Washington and resided in the State of Washington.
12 All actions performed by Defendant MANZONE, P.A. in the course of his health care practice
13 were done on behalf of himself, the marital community, and Defendant KAISER
14 PERMANENTE.
15

16 **1.37** At all times material hereto, Defendant JOSEPH McKENZIE, P.A. was a
17 physician's assistant licensed to practice health care in the State of Washington and was
18 practicing health care in the State of Washington. At all times material hereto, Defendant
19 McKENZIE, P.A. provided health care to Plaintiff's Decedent, CHHOEUM RAM, and had a
20 healthcare provider-patient relationship with her.
21

22 **1.38** At all times material hereto, Defendant McKENZIE, P.A. and his spouse PAT
23 DOE McKENZIE, whose true name is unknown, were married and constituted a marital
24 community under the laws of the State of Washington and resided in the State of Washington.
25 All actions performed by Defendant McKENZIE, P.A. in the course of his health care practice
26

1 were done on behalf of himself, the marital community, and Defendant KAISER
2 PERMANENTE.

3 **1.39** At all times material hereto, Defendant RICHARD ROSENFELD, M.D. was
4 a physician licensed to practice medicine in the State of Washington and was practicing
5 medicine in the State of Washington. At all times material hereto, Defendant ROSENFELD,
6 M.D. provided health care to Plaintiff's Decedent, CHHOEUM RAM, and had a healthcare
7 provider-patient relationship with her.
8

9 **1.40** At all times material hereto, Defendant ROSENFELD, M.D. and his spouse
10 PAT DOE ROSENFELD, whose true name is unknown, were married and constituted a marital
11 community under the laws of the State of Washington and resided in the State of Washington.
12 All actions performed by Defendant ROSENFELD, M.D. in the course of practicing medicine
13 were done on behalf of himself, the marital community, and Defendant KAISER
14 PERMANENTE.
15

16 **1.41** At all times material hereto Defendant MARY VARGHESE, M.D. was a
17 physician licensed to practice medicine in the State of Washington and was practicing medicine
18 in the State of Washington. At all times material hereto, Defendant VARGHESE, M.D.
19 provided health care to Plaintiff's Decedent, CHHOEUM RAM, and had a healthcare provider-
20 patient relationship with her.
21

22 **1.42** At all times material hereto, Defendant VARGHESE, M.D. and her spouse
23 PAT DOE VARGHESE, whose true name is unknown, were married and constituted a marital
24 community under the laws of the State of Washington and resided in the State of Washington.
25 All actions performed by Defendant VARGHESE, M.D. in the course of practicing medicine
26

1 were done on behalf of herself, the marital community, and Defendant KAISER
2 PERMANENTE.

3 **1.43** At all times material hereto, Defendant JOSEF M. TURNER, M.D. was a
4 physician licensed to practice medicine in the State of Washington and was practicing
5 medicine in the State of Washington. At all times material hereto, Defendant TURNER,
6 M.D., provided health care to Plaintiff's Decedent, CHHOEUM RAM, and had a healthcare
7 provider-patient relationship with her.
8

9 **1.44** At all times material hereto, Defendant TURNER, M.D. and his spouse PAT
10 DOE TURNER, whose true name is unknown, were married and constituted a marital
11 community under the laws of Washington and resided in the State of Washington. All actions
12 performed by Defendant TURNER., M.D. in the course of practicing medicine were done on
13 behalf of himself, the marital community, and Defendants PEACEHEALTH, Defendant
14 PEACEHEALTH ST. JOHN MEDICAL CENTER FOUNDATION, and/or CASCADE
15 EMERGENCY ASSOCIATES.
16

17 **1.45** Each of the above-named individual defendants were aware of or should have
18 been aware of CHHOEUM RAM's health problems and suicide risk. Each had a duty to
19 provide adequate medical care and diagnostic services to treat CHHOEUM RAM's health
20 problems and suicidality. The individual defendants, and each of them, were negligent, grossly
21 negligent and/or acted with deliberate indifference in providing health care to CHHOEUM
22 RAM, which proximately caused her physical and emotional injuries, damages and death, and
23 which caused injuries and damages to her estate, her family, her heirs, and her survivors.
24

25 **1.46** Upon information and belief, at all times material hereto, Defendants JOHN
26

1 and PAT DOES 1-10 were individual heretofore unidentified healthcare providers in the
2 business of providing health care services and were employees and/or actual or apparent agents
3 of Defendant KAISER PERMANENTE, Defendant PEACEHEALTH, Defendant
4 PEACEHEALTH ST. JOHN MEDICAL CENTER FOUNDATION, and/or defendant
5 CASCADE EMERGENCY SERVICES and/or of one or more corporate entities identified as
6 “ABC Corporation 1-10”, and were acting within the scope and/or course of their employment
7 and/or agency.
8

9 **1.47** Upon information and belief, at all times material hereto, JOHN and PAT
10 DOES 1-10 had a healthcare provider-patient relationship with Plaintiff’s Decedent
11 CHHOEUM RAM. JOHN and PAT DOES 1-10 were aware or should have been aware of
12 CHHOEUM RAM’s health problems and suicide risk. JOHN and PAT DOES 1-10 had a duty
13 to provide adequate medical care and diagnostic services to treat CHHOEUM RAM’s health
14 problems and suicidality. JOHN and PAT DOES 1-10 were negligent, grossly negligent and/or
15 acted with deliberate indifference in providing health care to CHHOEUM RAM, which
16 proximately caused her physical and emotional injuries, damages and death, and which caused
17 injuries and damages to her estate, her family, her heirs, and her survivors.
18

19 **1.48** The identities of JOHN and PAT DOES 1-10 are not yet fully ascertainable,
20 and discovery will be required to determine whether additional parties should be or will be
21 named. Plaintiff reserves the right to amend his complaint to more specifically identify JOHN
22 and PAT DOES 1-10 when such identities are discovered, and such amendment shall relate
23 back to the time this complaint is filed.
24

25 **1.49** Upon information and belief, at all times material hereto, ABC
26

1 CORPORATIONS 1-10 were unidentified healthcare entities in the business of providing
2 health care services. Upon information and belief, at all times material hereto, Defendants ABC
3 CORPORATIONS 1-10 had a healthcare provider relationship with CHHOEUM RAM, which
4 may have been or may be alleged to have been at fault for the injuries and damages alleged
5 herein.

6
7 **1.50** The identities of ABC CORPORATIONS 1-10 are not yet fully ascertainable,
8 and discovery will be required to determine whether additional parties should be or will be
9 named. Plaintiff reserves the right to amend this complaint to more specifically identify ABC
10 CORPORATIONS 1-10, when such identities are discovered, and such amendment shall relate
11 back to the time this Complaint is filed.

12
13 **1.51** Upon information and belief, at all times material hereto, every individual
14 defendant identified herein by name or by “John Doe” were employees and/or agents of
15 Defendants KAISER PERMANENTE, PEACEHEALTH, PEACEHEALTH ST. JOHN
16 FOUNDATION, and/or CASCADE EMERGENCY ASSOCIATES.

17
18 **1.52** All health care provided by the individual defendants to CHHOEUM RAM at
19 KAISER PERMANENTE was performed in the course of their employment and/or actual or
20 apparent agency and were performed on behalf of defendants KAISER PERMANENTE,
21 PEACEHEALTH, PEACEHEALTH ST. JOHN FOUNDATION, and/or CASCADE
22 EMERGENCY ASSOCIATES.

23
24 **1.53** All health care provided to CHHOEUM RAM by JOSEF F. TURNER, M.D.
25 or by “John Doe” was performed in the course of their employment and/or actual or apparent
26 agency and were performed on behalf of defendants PEACEHEALTH, PEACEHEALTH ST.

1 JOHN MEDICAL CENTER FOUNDATION and/or CASCADE EMERGENCY
2 ASSOCIATES. Said defendants are jointly and severally liable for the actions of the said
3 individual defendant, via the doctrines of corporate negligence, respondeat superior, agency,
4 apparent agency, apparent authority, and estoppel, among other reasons.
5

6 II. FACTS

7 2.1 Plaintiffs re-allege and incorporate by reference each and every allegation set
8 forth in all paragraphs above

9 2.2 CHHOEUM RAM was born in Cambodia and immigrated to the United States.
10 She lived with her family in Longview, Washington.

11 2.3 From April 2004 until the time of her death on August 30, 2015, CHHOEUM
12 RAM received continuous medical care at KAISER PERMANENTE including care for both
13 physical and mental or emotional problems.

14 2.4 Before and up to the time of her death, CHHOEUM RAM also received
15 medical care at Defendant PEACEHEALTH, Defendant PEACEHEALTH ST. JOHN
16 MEDICAL CENTER FOUNDATION, and/or Defendant CASCADE EMERGENCY
17 ASSOCIATES, including care for both physical and mental or emotional problems.
18

19 2.5 From April 2004 until the time of the death of CHHOEUM RAM, the indivi-
20 dual defendant medical providers, and each of them, as identified *supra* knew or should have
21 known that CHHOEUM RAM suffered from medical and psychiatric problems, including
22 suicidality and suicidal risk, which, among other things, caused her pain, disability, lost
23 ability to enjoy life, lost wages, medical expenses, wrongful death and other injuries, costs,
24 and damages.
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1 **2.6** From April 2004 until the time of the death of CHHOEUM RAM, Defendant
2 KAISER PERMANENTE, by and through its own records and its individual defendant
3 medical providers, knew or should have known that CHHOEUM RAM suffered from
4 medical and psychiatric problems, including suicidality and suicidal risk, which, among other
5 things, caused her pain, disability, lost ability to enjoy life, lost wages, medical expenses,
6 wrongful death, and other injuries, costs, and damages.
7

8 **2.7** Before and up to the time of the death of CHHOEUM RAM Defendants
9 PEACEHEALTH, PEACEHEALTH ST. JOHN MEDICAL CENTER FOUNDATION,
10 and/or CASCADE EMERGENCY ASSOCIATES, by and through their own records and
11 their individual defendant medical providers, including JOSEF M. TURNER, M.D., knew or
12 should have known that CHHOEUM RAM suffered from medical and psychiatric problems,
13 including suicidality and suicidal risk, which, among other things, caused her pain, disability,
14 lost ability to enjoy life, lost wages, medical expenses, wrongful death and other injuries,
15 costs, and damages.
16

17 **2.8** Defendants and each of them knew or should have known that CHHOEUM
18 RAM was not conversant in American English.
19

20 **2.9** Defendants and each of them knew or should have known that CHHOEUM
21 RAM's close family members were not aware of the significance of her symptoms and the
22 risks associated with such symptoms.

23 **2.10** Defendant KAISER PERMANENTE was negligent and grossly negligent by
24 failing to maintain adequate systems, including policies, procedures, protocols, guidelines,
25
26

1 and algorithms, to adequately identify, treat, and protect patients, including patients at risk
2 for suicide, including CHHOEUM RAM.

3 **2.11** Defendants PEACEHEALTH, PEACEHEALTH ST. JOHN FOUNDATION,
4 and/or CASCADE EMERGENCY ASSOCIATES, were negligent and grossly negligent by
5 failing to maintain adequate systems, including policies, procedures, protocols, guidelines,
6 and algorithms, to adequately identify, treat, and protect patients, including patients at risk
7 for suicide, including CHHOEUM RAM.
8

9 **2.12** The individual defendant health care providers identified in Section I, *supra*,
10 and each of them, were negligent and grossly negligent in evaluating and treating
11 CHHOEUM RAM's psychiatric symptomatology and suicidality. The individual providers
12 failed to perform adequate suicide assessments, failed to provide continuity of psychiatric
13 care, failed to assess Ms. Ram's psychiatric treatment needs, failed to provide adequate
14 psychiatric treatment, and failed to assess pursuant to RCW 71.05 whether her psychiatric
15 illness could be managed on an outpatient basis and, if not, whether she was amenable to
16 voluntary hospitalization or whether involuntary commitment was necessary.
17

18 **2.13** Defendant KAISER PERMANENTE was negligent and grossly negligent in
19 supervising its individual health care provider employees and/or agents, including heretofore
20 unknown employees and/or agents, and by virtue of the actions and inactions of their
21 individual health care provider employees and/or agents, as described in ¶¶ 2.3-2.10, *supra*,
22 were negligent and grossly negligent in evaluating and treating CHHOEUM RAM's
23 symptomatology and suicidality.
24
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1 **2.14** Defendants PEACEHEALTH, PEACEHEALTH ST. JOHN MEDICAL
2 CENTER FOUNDATION, and/or CASCADE EMERGENCY ASSOCIATES, were negli-
3 gent and grossly negligent in supervising their individual health care provider employees
4 and/or agents, including those identified above and heretofore unknown employees and/or
5 agents, and by virtue of the actions and inactions of their individual health care provider
6 employees and/or agents, were negligent and grossly negligent in evaluating and treating
7 CHHOEUM RAM's symptomatology and suicidality.
8

9 **2.15** The negligence and gross negligence of the individual defendants and of
10 Defendants KAISER PERMANENTE, PEACEHEALTH, PEACEHEALTH ST. JOHN
11 MEDICAL CENTER FOUNDATION, and/or CASCADE EMERGENCY ASSOCIATES
12 constituted a continuing course of medical malpractice that ended at the time of CHHOEUM
13 RAM's death on August 30, 2015.
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15 **2.16** As a proximate result of the negligence and gross negligence of the
16 defendants, and each of them, and their deliberate indifference to CHHOEUM RAM's health
17 and survival, CHHOEUM RAM experienced severe physical and emotional pain and
18 suffering and wrongful death.

19 **2.17** As a further proximate result of the negligence and gross negligence of the
20 defendants and of each of them, CHHOEUM RAM's estate and beneficiaries also suffered
21 damages as outlined in Section IV, *infra*.
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23 **III. LIABILITY AND CAUSES OF ACTION**

24 Plaintiff re-alleges and incorporates by reference each and every allegation set forth
25 in all paragraphs above.
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1 **3.1** At all times material hereto, a fiduciary health care provider/patient
2 relationship existed between CHHOEUM RAM and each and every defendant herein.

3 **3.2** The acts and omissions set forth herein were committed by Defendants, and
4 each of them, within the scope and course of such fiduciary health care provider/patient
5 relationship.

6 **3.3** At all times pertinent hereto, defendants, and each of them, owed to
7 CHHOEUM RAM a duty to exercise that degree of skill, care, and learning expected from a
8 reasonably prudent health care provider of the class to which they belong, practicing in the
9 State of Washington at that time under the same or similar circumstances.

10 **3.4** Throughout the medical care and treatment of CHHOEUM RAM, defendants,
11 and each of them, failed to exercise that degree of skill, care, and learning expected of a
12 reasonably prudent health care provider acting under the same or similar circumstances at
13 that time in the profession or class to which each defendant belonged. The negligence of
14 defendants, and each of them, includes, but is not limited to, the actions described herein.
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16 **3.5.** The actions and omissions of defendants, and each of them, constituted
17 common-law negligence, negligence per se, and otherwise actionable conduct.
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19 **3.6** As a direct and proximate result of the negligence, gross negligence, and
20 actionable conduct of defendants, and each of them, CHHOEUM RAM suffered severe
21 physical and psychological damages, lost income, medical expenses, and other losses before
22 her death. These damages survive to the benefit of her estate and her heirs. As a further
23 proximate result of defendants' negligence, CHHOEUM RAM's spouse and children
24 suffered injuries and damages as set forth in the common law and in the Survival and the
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1 Wrongful Death Statutes. Plaintiff Personal Representative, on behalf of the Estate of
2 CHHOEUM RAM, and of his family, and of himself, asserts all claims and all causes of
3 action arising out of the death of Plaintiff's Decedent CHHOEUM RAM, which are allowed
4 by the common law and the statutes, as now constituted or as hereafter amended or modified,
5 with damages as outlined in Section IV., *infra*.

7 IV. DAMAGES

8 Plaintiff re-alleges and incorporates by reference each and every allegation set forth
9 in all paragraphs above.

10 **4.1** Plaintiff's claims include but are not limited to the following:

11 **4.1.1** Lost wages and net accumulations of wealth over decedent's remaining
12 expected lifetime;

13 **4.1.2** Medical, funeral, and other expenses;

14 **4.1.3** Pre-death pain, suffering, disability, and lost ability to enjoy life;

15 **4.1.4** Destruction of the spousal relationship and destruction of parent-child
16 relationships, on behalf of each member of CHHOEUM RAM's family;

17 **4.1.5** General and special damages in amounts to be proven at time of trial;

18 **4.1.6** Attorney's fees and litigation costs to the extent permitted by law and/or
19 pursuant to applicable court rules, statutes, and case law as now constituted or as
20 hereafter created, amended, or modified;

21 **4.1.7** All other rights and remedies that flow from the injury and death of
22 Plaintiff's Decedent, CHHOEUM RAM.

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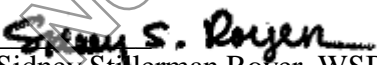
4.1.8 For such other and further relief as the Court may deem just and equitable.

V. PRAYER FOR RELIEF

WHEREFORE, plaintiff prays for judgment against all the defendants and/or each of them, jointly and severally, for damages as set forth in the paragraphs above, for prejudgment interest from the date of decedent's death, and for costs, disbursements and attorney's fees incurred in bringing this action.

DATED this ____ day of July, 2018.

LEEMON + ROYER, P.L.L.C.


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