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

NANCY L. TAVANO; and JEFFREY TAVANO;  
  
Plaintiffs,  
  
vs.  
  
KAISER FOUNDATION HOSPITALS; NORTHWEST PERMANENTE, P.C.; SOAMES F. BOYLE, MD; VALENTINA ANTONOVA, MD; LOREN E. JENKINS, MD; LUIS R. MANRIQUEZ, MD; PRITI P. KHANIJOU, MD; BRADY W. WAGNER, MD; DANIEL L. PLATTER, MD; MARC C. ROTHGERY; and SASKIA VAN DER WAL, MD;  
  
Defendants.

Case No.  
  
COMPLAINT AND DEMAND FOR JURY TRIAL – Civil Action for Medical Negligence; and Loss of Consortium  
  
DAMAGES: \$28 Million  
Filing Fee: \$1,111.00  
  
Fee Authority: ORS 21.160(1)(e)  
CLAIM NOT SUBJECT TO MANDATORY ARBITRATION

**FIRST CLAIM FOR RELIEF**

(Negligence)

1.

At all times mentioned, defendants Kaiser Foundation Hospitals and Northwest Permanente, P.C. (hereinafter defendant Kaiser), were corporations conducting regular and sustained business activity within the state of Oregon and Multnomah County, and owned and operated medical centers and clinics, including the medical centers, urgent care centers and clinics where Nancy Tavano received the medical care and treatment which is the subject matter of this lawsuit.

2.

At all times mentioned, defendant Kaiser employed the physicians, nurses and medical staff who provided the medical care, treatment and advice to Nancy Tavano which forms the subject matter of this lawsuit.

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3.

At all times mentioned, defendant Kaiser’s physicians, nurses and medical staff were acting within the course and scope of their employment and as the actual and/or apparent agents of defendant Kaiser.

4.

At all times mentioned, defendant Soames F. Boyle, MD (hereinafter Boyle) was a licensed physician within the state of Oregon, was employed by defendant Kaiser and was acting within the course and scope of her employment for defendant Kaiser and as the actual and/or apparent agent for defendant Kaiser when providing the medical care, treatment and advice to Nancy Tavano which forms the subject matter of this lawsuit.

5.

At all times mentioned, defendant Valentina Antonova, MD (hereinafter Antonova) was a licensed physician within the state of Oregon, was employed by defendant Kaiser and was acting within the course and scope of her employment for defendant Kaiser and as the actual and/or apparent agent for defendant Kaiser when providing the medical care, treatment and advice to Nancy Tavano which forms the subject matter of this lawsuit.

6.

At all times mentioned, defendant Loren E. Jenkins, MD (hereinafter Jenkins) was a licensed physician within the state of Oregon, was employed by defendant Kaiser and was acting within the course and scope of his employment for defendant Kaiser and as the actual and/or apparent agent for defendant Kaiser when providing the medical care, treatment and advice to Nancy Tavano which forms the subject matter of this lawsuit.

7.

At all times mentioned, defendant Luis R. Manriquez, MD (hereinafter Manriquez) was a licensed physician within the state of Oregon, was employed by defendant Kaiser and was acting within the course and scope of his employment for defendant Kaiser and as the actual and/or apparent

1 agent for defendant Kaiser when the providing medical care, treatment and advice to Nancy Tavano  
2 which forms the subject matter of this lawsuit.

3 8.

4 At all times mentioned, defendant Priti P. Khanijou, MD (hereinafter Khanijou) was a licensed  
5 physician within the state of Oregon, was employed by defendant Kaiser and was acting within the  
6 course and scope of her employment for defendant Kaiser and as the actual and apparent agent for  
7 defendant Kaiser when providing the medical care, treatment and advice to Nancy Tavano which  
8 forms the subject matter of this lawsuit.

9 9.

10 At all times mentioned, defendant Brady W. Wagner, MD (hereinafter Wagner) was a licensed  
11 physician within the state of Oregon, was employed by defendant Kaiser and was acting within the  
12 course and scope of his employment for defendant Kaiser and as the actual and/or apparent agent for  
13 defendant Kaiser when providing the medical care, treatment and advice to Nancy Tavano which  
14 forms the subject matter of this lawsuit.

15 10.

16 At all times mentioned, defendant Daniel L. Platter, MD (hereinafter Platter) was a licensed  
17 physician within the state of Oregon, was employed by defendant Kaiser and was acting within the  
18 course and scope of his employment for defendant Kaiser and as the actual and/or apparent agent for  
19 defendant Kaiser when providing the medical care, treatment and advice to Nancy Tavano which  
20 forms the subject matter of this lawsuit.

21 11.

22 At all times mentioned, defendant Marc C. Rothgery, MD (hereinafter Rothgery) was a  
23 licensed physician within the state of Oregon, was employed by defendant Kaiser and was acting  
24 within the course and scope of his employment for defendant Kaiser and as the actual and/or apparent  
25 agent for defendant Kaiser when providing the medical care, treatment and advice to Nancy Tavano  
26 which forms the subject matter of this lawsuit.

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12.

At all times mentioned, defendant Saskia Van Der Wal, MD (hereinafter van der Wal) was a licensed physician within the state of Oregon, was employed by defendant Kaiser and was acting within the course and scope of her employment for defendant Kaiser and as the actual and/or apparent agent for defendant Kaiser when providing the medical care, treatment and advice to Nancy Tavano which forms the subject matter of this lawsuit.

13.

At all times mentioned, Nancy Tavano received medical treatment, care and advice at defendant Kaiser following her diagnosis in 2011 of breast cancer and left breast mastectomy in 2012.

14.

At all times mentioned, Nancy Tavano received oncological care from defendant Boyle and primary care by defendant Antonova. On or about April 28, 2016, Nancy Tavano reported to defendant Kaiser a history of new onset bilateral back pain with no history of trauma.

15.

Following her initial report of back pain, Nancy Tavano reported similar complaints of pain to defendant Kaiser and to defendants Antonova, Boyle, and Rothgery. None of the defendants ordered or performed a bone scan, MRI, or CT scan to diagnose and/or rule out bone metastasis.

16.

On or about December 27, 2016, Nancy Tavano was seen by defendants Kaiser and Van Der Wal with continued backpain which was not relieved by morphine. Defendant Van Der Wal ordered a CT scan which demonstrated new metastasis at C4.

17.

On or about January 4, 2017, Nancy Tavano was seen by defendants Kaiser and Platter for chest and back pain which was described as “clearly spastic.” Mrs. Tavano was discharged without a neurological, neurosurgical or radiation oncologist consult.

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18.

On January 6, 2017, Nancy Tavano was examined by defendants Kaiser and Wagner for back pain and was noted by MRI to have a destructive lesion extending into the canal with signal change and worsening, radiating thoracic spine pain along with weakness walking stairs. Defendant Jenkins was consulted by phone, without examination, who recommended a Jewitt brace. Due to her pain levels and inability to walk, Nancy Tavano was admitted by defendant Khanijou. No examination was performed by a neurologist or neurosurgeon, nor was a consult obtained from a radiation oncologist.

19.

While at the Kaiser Westside Medical Center, Nancy Tavano's symptoms continued to increase and her neurologic function and sensation decreased.

20.

On or about January 8, 2017, due to the decline in her neurologic condition, Nancy Tavano was transferred to Kaiser Sunnyside Medical Center where she was admitted by defendant Manriquez and examined by defendant Jenkins. By the time of her examination, Ms. Tavano had paraplegia, was unable to move her legs and lost control of her bowels. After evaluating Ms. Tavano for potential surgical decompression, defendant Jenkins concluded that her paraplegia was due to epidural spinal cord compression caused by the metastatic lesion and it was too late for surgery.

21.

At all times mentioned, the defendants, and each of them, were negligent in one or more of the following particulars:

- 1) In failing to order and perform a bone scan, MRI and/or CT scan in a timely manner to rule out bone metastasis in light of Mrs. Tavano's history of breast cancer;
- 2) In failing to request a neurological, neurosurgical or radiation oncologist examination and consultation in a timely manner;
- 3) In failing to conduct regular neurological checks upon admission to the Kaiser Westside Medical Center so as to properly evaluate Mrs. Tavano's neurological status;

- 1 4) In ruling out the need for emergent surgical decompression by conducting a telephone  
2 consult without performing an examination;
- 3 5) In failing to warn or advise Mrs. Tavano that the source of her back pain could be metastasis  
4 from her breast cancer;
- 5 6) In failing to transfer Mrs. Tavano to a facility where she could receive definitive medical  
6 care, including neurosurgical decompression and/or radiation oncology upon learning that  
7 the lesion in her spine was causing compression and edema of the spinal cord.

8 22.

9 As a result of the negligence of the defendants, and each of them, Nancy Tavano is a paraplegic  
10 and her condition is permanent. To date she has suffered economic damage in the form of past and  
11 future medical care and expenses, substitute domestic services and lost wages and impaired earnings  
12 in a reasonable amount to be determined by a jury at trial but not expected to exceed \$5 Million.

13 23.

14 As a further result of the negligence of the defendants, Nancy Tavano was caused to suffer  
15 noneconomic damages in the form of past and future pain and suffering as well as loss of enjoyment  
16 of life and inability to engage in activities apart from employment. To date, Nancy Tavano's  
17 noneconomic damages are in a reasonable amount to be determined by a jury at trial but not to exceed  
18 \$20 Million.

19 **SECOND CLAIM FOR RELIEF**  
20 **(Loss of Consortium – Against All Defendants)**

21 24.

22 Plaintiffs reallege paragraphs 1 through 23.

23 25.

24 At all times mentioned, Jeffrey Tavano was and continues to be married to his wife, Nancy  
25 Tavano. As a direct, foreseeable and proximate result of Nancy Tavano's injuries caused by the  
26

1 defendants' negligence, Jeffrey Tavano has suffered her loss of society, companionship, consortium,  
2 services, and support all to his non-economic damage in the amount of \$3 Million.

3 WHEREFORE, plaintiff Nancy Tavano prays for judgment against the defendants, and each  
4 of them, in a reasonable amount to be determined by a jury at trial, but not expected to exceed \$5  
5 Million in economic damages and \$20 Million in noneconomic damages; and Jeffrey Tavano prays  
6 for judgment against the defendants, and each of them, in a reasonable amount to be determined by a  
7 jury at trial, but not expected to exceed \$3 Million.

8 DATED: December 27, 2018

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PAULSON COLETTI  
Trial Attorneys PC

By s/ John M. Coletti  
John M. Coletti, OSB No.942740  
E-mail: [john@paulsoncoletti.com](mailto:john@paulsoncoletti.com)

Plaintiff requests trial by jury.

PAULSON COLETTI  
Trial Attorneys PC

By s/ John M. Coletti  
John M. Coletti, OSB No.942740  
E-mail: [john@paulsoncoletti.com](mailto:john@paulsoncoletti.com)  
Of Attorneys for Plaintiff