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10 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
11 IN AND FOR THE COUNTY OF CLARK  
12

13 RICHRD B. SCHNEIDER,

14 Plaintiff,

Case No. 20-2-01088-06

15 v.  
16

17 KAISER FOUNDATION HEALTH PLAN OF  
18 THE NORTHWEST, a corporation; KAISER  
19 FOUNDATION HEALTH PLAN OF  
20 WASHINGTON, a corporation; KAISER  
21 FOUNDATION HEALTH PLAN OF  
22 WASHINGTON OPTIONS, INC., a  
23 corporation; KAISER FOUNDATION HEALTH  
24 PLAN, INC. DBA KAISER FOUNDATION  
HEALTH PLAN, a corporation;  
PERMANENTE DENTAL ASSOCIATES,  
P.C. a corporation,

Defendants.

COMPLAINT FOR DAMAGES  
(Medical Negligence)

25 COMES NOW, Plaintiff Richard B. Schneider, and by and through his attorneys  
26

27 COMPLAINT FOR DAMAGES (Medical  
28 Negligence) - 1

**I. WILLIAM SAVAGE, P.C.**  
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1 of record, J. William Savage and J. William Savage, P.C., and for cause of action  
2 against the above-captioned Defendants alleges as follows:

3 **I. STATUS OF THE PLAINTIFF**

4 1.1 Plaintiff is an individual human being.  
5

6 **II. STATUS OF THE DEFENDANTS**

7 2.1 *KAISER FOUNDATION HEALTH PLAN OF THE NORTHWEST*. That the  
8 Kaiser Foundation Health Plan of the Northwest ("Kaiser Plan NW") is believed to be or  
9 has been a foreign corporation authorized under the laws of Oregon and/or Washington,  
10 whose members and/or stockholders and/or employees are engaged in providing health  
11 care and the practice of medicine, dentistry, periodontics, and other healthcare services  
12 doing business as one or more business entities or corporations for a profit, or not for  
13 profit, and/or are public benefit corporations, and/or providing health care and  
14 medical/dental care services to the public and their members, including the plaintiff, Mr.  
15 Schneider, herein. Kaiser Plan NW is responsible for the negligent acts and omissions  
16 of the partners, agents, employees and/or independent contractors under the doctrine of  
17 *respondeat superior*. All acts or omissions of Kaiser Plan NW were performed within  
18 the jurisdiction of this court and were done in furtherance of the company's interests.  
19

20 2.2 *KAISER FOUNDATION HEALTH PLAN OF WASHINGTON*. That the  
21 Kaiser Foundation Health Plan of Washington ("Kaiser Plan Washington") is believed to  
22 be or has been a corporation authorized under the laws of Washington, whose  
23 members and/or stockholders and/or employees are engaged in providing health care  
24 and the practice of medicine, dentistry, periodontics, and other healthcare services  
25

26  
27 COMPLAINT FOR DAMAGES (Medical  
28 Negligence) - 2

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1 doing business as one or more business entities or corporations for a profit, or not for  
2 profit, and/or are public benefit corporations, and/or providing health care and  
3 medical/dental care services to the public and their members, including the plaintiff, Mr.  
4 Schneider, herein. Kaiser Plan Washington is responsible for the negligent acts and  
5 omissions of the partners, agents, employees and/or independent contractors under the  
6 doctrine of *respondeat superior*. All acts or omissions of Kaiser Plan Washington were  
7 performed within the jurisdiction of this court and were done in furtherance of the  
8 company's interests.

10           2.3    **KAISER FOUNDATION HEALTH PLAN OF WASHINGTON OPTIONS,**  
11 **INC.** That the Kaiser Foundation Health Plan of Washington Options, Inc. ("Kaiser  
12 Plan Washington Options Inc.") is believed to be or has been a corporation authorized  
13 under the laws of Washington, whose members and/or stockholders and/or employees  
14 are engaged in providing health care and the practice of medicine, dentistry,  
15 periodontics, and other healthcare services doing business as one or more business  
16 entities or corporations for a profit, or not for profit, and/or are public benefit  
17 corporations, and/or providing health care and medical/dental care services to the  
18 public and their members, including the plaintiff, Mr. Schneider, herein. Kaiser Plan  
19 Washington Options Inc. is responsible for the negligent acts and omissions of the  
20 partners, agents, employees and/or independent contractors under the doctrine of  
21 *respondeat superior*. All acts or omissions of Kaiser Plan Washington Options Inc.  
22 were performed within the jurisdiction of this court and were done in furtherance of the  
23 company's interests.

27 COMPLAINT FOR DAMAGES (Medical  
28 Negligence) - 3

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1           2.4   **KAISER FOUNDATION HEALTH PLAN, INC. DBA KAISER**

2   **FOUNDATION HEALTH PLAN.** That the Kaiser Foundation Health Plan, Inc. dba  
3   Kaiser Foundation Health Plan ("Kaiser Foundation Health Plan, Inc.") is believed to be  
4   or has been a corporation authorized under the laws of Washington, whose members  
5   and/or stockholders and/or employees are engaged in providing health care and the  
6   practice of medicine, dentistry, periodontics, and other healthcare services doing  
7   business as one or more business entities or corporations for a profit, or not for profit,  
8   and/or are public benefit corporations, and/or providing health care and medical/dental  
9   care services to the public and their members, including the plaintiff, Mr. Schneider,  
10   herein. Kaiser Foundation Health Plan, Inc. is responsible for the negligent acts and  
11   omissions of the partners, agents, employees and/or independent contractors under the  
12   doctrine of *respondeat superior*. All acts or omissions of Kaiser Foundation Health  
13   Plan, Inc. were performed within the jurisdiction of this court and were done in  
14   furtherance of the company's interests.  
15

16

17           2.5   **PERMANENTE DENTAL ASSOCIATES, P.C.** That the Permanente  
18   Dental Associates, P.C. ("Permanente Dental Associates") is believed to be or has been  
19   a corporation authorized under the laws of Oregon and/or Washington, whose members  
20   and/or stockholders and/or employees are engaged in providing health care and the  
21   practice of medicine, dentistry, periodontics, and other healthcare services doing  
22   business as one or more business entities or corporations for a profit, or not for profit,  
23   and/or are public benefit corporations, and/or providing health care and medical/dental  
24   care services to the public and their members, including the plaintiff, Mr. Schneider,  
25

26

27   **COMPLAINT FOR DAMAGES (Medical**  
28   **Negligence) - 4**

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1 herein. Permanente Dental Associates is responsible for the negligent acts and  
2 omissions of the partners, agents, employees and/or independent contractors under the  
3 doctrine of *respondeat superior*. All acts or omissions of Permanente Dental Associates  
4 were performed within the jurisdiction of this court and were done in furtherance of the  
5 company's interests.  
6

### 7 III. JURISDICTION AND VENUE

8 3.1 This Court has jurisdiction over the subject matter and the parties herein.  
9 The amount of the controversy exceeds \$100,000.00.

10 3.2 Venue is proper in Clark County, Washington, as one or more of the acts  
11 of negligence set forth herein took place in Clark County, Washington.  
12

### 13 IV. FACTS

14 4.1 At all times material hereto, Defendants, and each of them, were medical  
15 clinics or agents/employees thereof, medical doctors, dentists, periodontists, assistants,  
16 nurses, or health care providers as defined by RCW 7.70.020 and medical practitioners  
17 in the State of Washington, who provided, or failed to provide Plaintiff with  
18 medical/dental diagnoses, care, and treatment.  
19

20 4.2 On May 19, 2017, Mr. Schneider was admitted and underwent oral  
21 surgery at the Kaiser Permanente Salmon Creek Dental Office in Vancouver,  
22 Washington.  
23

24 4.3 After the surgery, Mr. Schneider was driven home. He arrived back home  
25 the same day, May 19, 2017.

26 4.4 In the afternoon of May 19, 2017, Mr. Schneider experienced bleeding  
27

28 COMPLAINT FOR DAMAGES (Medical  
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1 inside his mouth. He spoke on the phone with a dental assistant from the Kaiser  
2 Permanente Salmon Creek Dental Office in Vancouver and told the assistant about the  
3 blood in his mouth. The dental assistant told Mr. Schneider to "just swallow the blood."  
4 Mr. Schneider followed this advice.  
5

6 4.5 After the phone call, Mr. Schneider went to sleep. He awoke early in the  
7 morning of May 20, 2017 and headed to the bathroom. However, Mr. Schneider passed  
8 out on the way to the bathroom due to blood loss. When he passed out, Mr. Schneider  
9 was unaware and not able to protect himself with his hands; he hit the floor with his  
10 chin.  
11

12 4.6 After a period of being unconscious, Mr. Schneider then came to. He  
13 called 911. Paramedics arrived and took Mr. Schneider to the hospital.  
14

15 4.7 At the hospital, Mr. Schneider was diagnosed with syncope and anemia  
16 from massive blood loss. Mr. Schneider was then transferred to a second hospital, and  
17 finally to a rehabilitation facility. Mr. Schneider was diagnosed with massive blood loss  
18 anemia, right foot fractures, multiple left rib fractures, as well as other conditions  
19 including chin laceration and dental trauma.  
20

21 4.8 As a result of the negligence described herein, Mr. Schneider was caused  
22 the injuries set forth in ¶4.7, and including but not limited to mental and physical pain  
23 and suffering, physical disability, vertigo, dizziness, fatigue, lack of stamina,  
24 unconsciousness, a probable closed head injury, a renewed onset of right knee pain,  
25 multiple days in hospitals, multiple days in a skilled nursing facility, the use of assistive  
26 devices such as a wheelchair and walker and crutches for ambulation, the use of grab  
27

28 COMPLAINT FOR DAMAGES (Medical  
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1 bars for toileting and bathing, the use of home care for cooking and cleaning, a  
2 diminished work capacity, and reduced income. One or more of these conditions may  
3 be permanent in nature.

#### 4 5 **V. CLAIM FOR RELIEF**

6 5.1 Defendants, and each of them, owed a duty of care to Richard Schneider  
7 and breached that duty of care. As such, Defendants, and each of them, were  
8 negligent.

9 5.2 The negligence of Defendants, and each of them, was the proximate  
10 cause of damages to the plaintiff, including but not limited to economic and non-  
11 economic damages as allowed under Washington law.

12 5.3 Defendants' breach of their duty of care was the proximate cause of the  
13 injuries, harms and losses to plaintiff as set forth herein. As such, the plaintiff has  
14 sustained economic and non-economic damages, including those allowed by RCW 4.20  
15 *et. Seq.*, and RCW 4.24 *et. Seq.* and which include without limitation, past and future  
16 medical expense(s), past and future lost income or earning(s), emotional distress, grief,  
17 physical disability and incapacity, loss of enjoyment of life, inconvenience, mental  
18 anguish, and pain and suffering in an amount to be proven at trial.

#### 19 20 21 **VII. REQUEST FOR RELIEF**

22 Plaintiff prays for judgment against Defendants, jointly and severally, for:

- 23  
24 A. For judgment and an award of general and special damages against  
25 Defendants, severally and jointly, in an amount to be determined at trial.

- 1 B. For reasonable attorney fees, costs, including prejudgment interest, and  
2 exemplary damages to the maximum extent provided by any applicable  
3 law;  
4  
5 C. For punitive damages as may be allowed; and,  
6  
7 D. For such other and further relief as the court deems just and appropriate.

8 DATED this 17th day of May, 2020.

9 J. WILLIAM SAVAGE, P.C.

10 By: s/ J. William Savage  
11 J. William Savage, WSBA #32148  
12 Of Attorneys for Plaintiff

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28 COMPLAINT FOR DAMAGES (Medical  
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