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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

CONFIDENTIAL, individually,

Plaintiff,

vs.

CONFIDENTIAL, M.D., F.A.C.S., d/b/a LA
CONFIDENTIAL CLINIQUE & MEDICAL
SPA,

Defendant.

NO.

COMPLAINT FOR DAMAGES
[MEDICAL NEGLIGENCE]

COMES NOW Plaintiff against the above-named Defendant, and states and alleges as follows:

I. PARTIES, JURISDICTION & VENUE

1.1 At all times material hereto, the plaintiff, <Plaintiff>, was a single woman and resided in <City>, Skagit County, Washington. At all times material hereto, <Plaintiff> received health care services from <Plastic Surgeon>, M.D., F.A.C.S., d/b/a La <Plastic Surgery Center>Clinique & Medical spa, and their partners, employees, agents and/or ostensible agents, and there existed a fiduciary health care provider-patient relationship between <Plaintiff> and these defendants. <Plaintiff> brings her claims individually.

1 3.2 <Plastic Surgeon> performed the surgery at his business known as La <Plastic
2 Surgery Center>Clinique & Medical Spa, located at <Address>, Suite 1, Kirkland, WA
3 98033.

4 3.3 Approximately one week after the surgery, <Plaintiff> developed a fever with
5 a temperature up to 103 degrees. Ms. <Plaintiff> went to an urgent care center on <Date>,
6 due to her fever and pain in her left side. Ms. <Plaintiff> had redness in her left lower
7 abdomen accompanied by swelling and some purulent drainage.

8 3.4 On June 8, 2011, <Plaintiff> presented to <Plastic Surgeon>. <Plastic
9 Surgeon> told Ms. <Plaintiff> that she did not have an infection. <Plastic Surgeon> further
10 instructed Ms. <Plaintiff> not to see any other doctors.

11 3.5 On June 9, 2011, because <Plaintiff> was still feeling poorly with pain and
12 fevers, she went to the emergency room at Skagit Valley Hospital where she was diagnosed
13 with an infection, ultimately proving to be MRSA. Ms. <Plaintiff> was started on an IV of
14 Vancomycin. The Emergency Department also contacted <Plastic Surgeon>, M.D., a plastic
15 surgeon, to provide medical care to Ms. <Plaintiff>. Around this time, Ms. <Plaintiff>
16 developed small open areas in the incision from the surgery performed by <Plastic Surgeon>,
17 which opened up such that most of the entire incision dehiscd (i.e. ruptured or broke open),
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19 3.6 On <Date>, <Plaintiff> presented to <Doctor>, M.D., who noted in part as
20 follows:

21 <Plantiff> is a 33-year-old woman who on <Date>, had an abdominoplasty
22 performed by <Plastic Surgery>. Surgery was performed in office. In
23 addition to the abdominoplasty, she had liposuction of the flank area. Drains
24 were placed at the time of surgery. Approximately 1 week after surgery she
25 developed a fever with a temperature up to 103. She went to an urgent care
center on June 7th complaining of fever and pain in the left side. She was
given a dose of IV antibiotics. She said that at that time she had redness in her

1 left lower quadrant area with swelling and some purulent drainage. At this
2 time, she still had drains in place. . . . She has been treated with wound care.
3 He concerns now are continuing pain, particularly in the left lower quadrant;
4 she has numbness on the right anterior thigh; she has an open wound
5 extending nearly the length of the abdominoplasty incision; and she is
6 concerned about contour of the flank areas.

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EXAMINATION: She is postop abdominoplasty. The umbilical closure is
intact. The abdominoplasty wound is nearly 100% dehisced with granulation
tissue forming and evidence of closure occurring. She does have decreased
sensation at the right anterior thigh. She does not have current evidence of
active infection.

3.7 Since the time of her “Mercator Abdominoplasty” by <Plastic Surgeon> on
<Date>, <Plaintiff> has experienced continuous pain and suffering, depression, emotional
anguish, disfigurement, deconditioning and a substantial loss of enjoyment of life.

3.8 As a direct and proximate result of defendant’s failure to provide reasonably
prudent medical care, <Plaintiff> has suffered significant injury and damages.

IV. CAUSE OF ACTION--NEGLIGENCE

3.1 Plaintiff re-alleges the allegations contained in paragraphs 1.1 through 3.8, and
incorporates them as though fully set forth herein.

3.2 This is an action for professional negligence and malpractice against the
defendant, <Plastic Surgeon>, M.D., F.A.C.S., d/b/a La <Plastic Surgery Center>Clinique &
Medical Spa, and his partners, employees, agents, and/or ostensible agents, brought pursuant
to the laws of the State of Washington, including RCW 4.70 *et seq.*, and ordinary negligence.
Plaintiff hereby notifies defendant that she is pleading all theories of recovery and bases for
liability available pursuant to law to include negligence; lack of informed consent; corporate
negligence; negligent failure to monitor, manage, diagnose, consult, refer, inform and treat

1 and manage <Plaintiff>'s preoperative, operative and postoperative abdominoplasty courses;
2 and negligent failure to otherwise render the necessary care <Plaintiff> required.

3 3.3 As a direct and proximate result of the fiduciary health care provider/patient
4 relationship that existed between the defendant and <Plaintiff>, the defendant owed duties to
5 provide reasonably prudent medical care, including but not limited to, properly, adequately
6 and timely monitoring, managing, diagnosing, referring, consulting, informing and treating
7 <Plaintiff>'s preoperative, operative and postoperative abdominoplasty courses; informing
8 <Plaintiff> of the material risks to the defendant's approach to medical treatment; properly
9 obtaining <Plaintiff>'s informed consent to medical treatment; and, otherwise rendering the
10 necessary medical care <Plaintiff> required.
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12 3.4 During the course of their relationship, the defendant breached duties owed to
13 <Plaintiff>, including, but not limited to, failing to properly, adequately or timely monitor,
14 manage, diagnose, refer, consult, inform and treatment <Plaintiff>'s preoperative, operative
15 and postoperative abdominoplasty courses; failing to inform <Plaintiff> of the material risks
16 to the defendant's approach to medical treatment; failing to properly obtain <Plaintiff>'s
17 informed consent to medical treatment; and, otherwise failing to render the necessary
18 medical care <Plaintiff> required.

19 3.5 As a direct and proximate result of defendant's failure to provide reasonably
20 prudent medical care, <Plaintiff> has been permanently injured and damaged.
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24 V. DAMAGES 25

1 WHEREFORE, Plaintiff <Plaintiff> prays for judgment against the defendant as
2 follows:

3 1. For all damages sustained by Plaintiff in an amount proven at trial, including
4 past and future medical expenses and other health care expenses, pain and suffering, both
5 mental and physical, past and future permanent partial disability and disfigurement, loss of
6 enjoyment of life, damages to property, past and future special damages and exemplary
7 damages;

8 2. Interest calculated at the maximum amount allowable by law, including pre-
9 and post-judgment interest;

10 3. A reasonable attorney's fee as allowed by law;

11 4. Costs and disbursements pursuant to statute; and

12 5. Other and further relief as this Court may deem just and equitable.

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14 **VI. LIMITED WAIVER OF PHYSICIAN/PATIENT PRIVILEGE**

15 6.1 Pursuant to RCW 5.60.060(4)(b), the plaintiff hereby waives the
16 physican/patient privilege only insofar as necessary to place any and all alleged damages at
17 issue at the time of trial, as might be required by statute or amended statute or case law
18 interpreting the statutes of the State of Washington. It should be understood that the plaintiff's
19 actions do not constitute a waiver of any of her constitutional rights and that the defendant is not
20 to contact any treating physicians without first notifying counsel for the plaintiff so that they
21 might bring the matter to the attention of the Court and seek appropriate relief, including
22 imposing limitations and restrictions upon any desire or intent by the defendant to contact past
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1 or subsequent treating physicians *ex parte* pursuant to the rule announced in Loudon v. Mhyre,
2 110 Wn.2d 675 (1988).

3
4 Dated this <Date>.

5 **DAVIS LAW GROUP, P.S.**

6 /s/ _____

7 By: Christopher M. Davis, WSBA No. 23234

8 By: [Gregory S. Colburn](#), WSBA No. 41236

9 Attorneys for Plaintiff

10 Davis Law Group, P.S.

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12 Seattle, WA 98121

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