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SUPERIOR COURT OF WASHINGTON  
IN AND FOR PIERCE COUNTY

M.N, individually and on behalf of all others  
similarly situated,

Plaintiff,

v.

MULTICARE HEALTH SYSTEM, INC., a  
Washington corporation,

Defendant.

No.

**CLASS ACTION COMPLAINT**

**I. INTRODUCTION**

Plaintiff M.N. ("Plaintiff") hereby files this class action complaint on behalf of herself and all others similarly situated, by and through the undersigned attorneys, against Defendant MultiCare Health System, Inc. ("Defendant" or "MultiCare") and alleges as follows based upon personal knowledge as to herself and her own acts and experiences and, as to all other matters, upon information and belief based upon, *inter alia*, investigation conducted by their attorneys.

**II. NATURE OF THE CASE**

1. This is a class action lawsuit brought by Plaintiff on behalf of a class of all similarly situated individuals ("Class Members") who were subject to both actual and potential Hepatitis C exposure at Defendant MultiCare's Good Samaritan Hospital located in Puyallup,

1 Washington (“the Hospital”), between approximately August 4, 2017 and March 23, 2018 (the  
2 “Hepatitis C Exposure Incidents”).

3 2. The Defendant has stated that the Hepatitis C Exposure Incidents were the result  
4 of injections of narcotics performed by a nurse employed by Defendant, Cora Weberg  
5 (hereinafter, “Nurse Weberg”), who had “remov[ed] higher-than-normal amounts of narcotics”  
6 and “diverted medications intended for patients” for her own use and administered the  
7 remainder to her patients using shared needles.<sup>1</sup>

8 3. As a result of Plaintiff’s and the Class Members’ receiving injections of narcotics  
9 at the Hospital, and as is set forth below with greater particularity, they were exposed to blood-  
10 borne pathogens and placed at an increased risk of contracting Hepatitis C. As a result, Plaintiff  
11 and the Class Members have been and will continue to be tested for this potentially deadly virus.

12 4. Plaintiff and Class Members must now undergo medical treatment for their  
13 injuries which would not have been necessary in the absence of Defendant’s violations alleged  
14 herein, and have to live with severe emotional and mental anguish due to the negligence of  
15 Good Samaritan Hospital.

16 5. This class action seeks damages, injunctive relief, declaratory judgments, costs,  
17 attorneys’ fees, and other relief as a result of Defendant’s conduct described herein.

### 18 **III. PARTIES**

19 6. Plaintiff M.N. (“Plaintiff”) is a resident and citizen of the state of Washington.

20 7. Defendant MultiCare Health System, Inc. is a Washington nonprofit corporation  
21 whose principal place of business is in Washington and has offices located in Pierce County,  
22 Washington, and includes Good Samaritan Hospital in Puyallup, Washington.

### 23 **IV. JURISDICTION AND VENUE**

24 8. This Court has original subject matter jurisdiction pursuant to the Constitution of  
25 the State of Washington, Art. 4, § 6.

26 <sup>1</sup> <https://www.multicare.org/news/multicare-good-samaritan-hospital-notifying/> (last visited May 11, 2018).



1 Hepatitis C. Those damages and similar damages that other Class Members have suffered and  
2 will reasonably suffer in the future, in addition to the Class-wide damages of the emotional  
3 disruption of their life, the physical invasion and other effects of the testing process, and the  
4 months of dread suffered by every class member.

5 19. The fact that Plaintiff M.N. has been subject to the Hepatitis C Exposure Incident  
6 has caused her lost wages, pain, suffering, humiliation, loss of enjoyment of life, and other  
7 general and special damages in an amount to be proven at trial.

8 **B. Defendant's knowledge of the Hepatitis C Exposure Incidents**

9 20. Defendant is undeniably aware of the both potential and actual Hepatitis C  
10 Exposure Incidents endured by its patients, including Plaintiff and Class Members, because it  
11 informed them directly of the Hepatitis C Exposure Incidents.

12 21. Nurse Weberg worked in the Emergency Department at the Hospital from  
13 August 2017 through March 2018.

14 22. On information and belief, in August 2017, at least one complaint was lodged  
15 with the Hospital indicating that Nurse Weberg had forced injectable pain medications on a  
16 female patient in the emergency department who refused pain medications. Despite this, Good  
17 Samaritan did nothing to investigate a potential issue of drug misuse on the part of Nurse  
18 Weberg.

19 23. On or about April 30, 2018, Defendant notified approximately 2,600 Hospital  
20 patients of the Hepatitis C Exposure Incident by letter and also issued a press release with the  
21 same information.

22 24. The letter stated in part:

23 We are contacting you to share some very concerning information.  
24 According to our records, your received care in the Emergency  
25 Department at MultiCare Good Samaritan Hospital in Puyallup,  
26 Washington between August 4, 2017 and March 23, 2018.  
Recently we discovered that during this eight-month period, an  
employee in the Emergency Department may have exposed at least  
two patients to Hepatitis C virus, causing them to become infected.

1 We sincerely apologize for the anxiety that this situation may  
2 cause you. This is something that should never happen in any  
3 health facility and we are committed to providing you with  
support.

4 25. According to the Hospital, at least two patients who were treated by Defendant  
5 during approximately December 2017 likely contracted Hepatitis C while in the Hospital  
6 Emergency Department.

7 26. On May 8, 2018 the Tacoma-Pierce County Health Department reported that  
8 there were twelve positive Hepatitis C cases under investigation, seven probable cases of  
9 positive Hepatitis C cases awaiting Center for Disease Control (“CDC”) lab testing, and two  
10 Hepatitis C cases confirmed by the CDC.

11 27. The Washington State Department of Health determined through genetic tests  
12 that the two patients who contracted Hepatitis C derived the disease from a common source,  
13 which it identified was Nurse Weberg as the “common denominator.”

14 28. Defendant has admitted publicly that the cause of the Hepatitis C Exposure  
15 Incident was the result of theft by Nurse Weberg of excessive levels of pain medication  
16 (including narcotics, antihistamines, and sedatives) from the Hospital dispensary.

17 29. Defendant Safety Alert posted on its website states in part:

18 MultiCare Good Samaritan Hospital in Puyallup is notifying  
19 certain patients who were treated in the Emergency Department  
20 during a nearly eight-month period in 2017 and 2018 that they  
21 should be tested for Hepatitis C. The alert follows the confirmation  
that two patients who were treated in December likely contracted  
the disease while in the Emergency Department.

22 Good Samaritan and local and state health department officials  
23 have conducted a thorough investigation and determined that one  
24 of our nurses was removing higher-than-normal amounts of  
25 narcotics from our dispensing system and admitted to diverting  
26 medications intended for patients. She tested positive for Hepatitis  
C and had treated both of the patients we know are infected.  
Hepatitis C is most commonly transmitted by exposure to an

1 infected person's blood through shared needles. The nurse no  
2 longer works for MultiCare.<sup>2</sup>

3 30. Nurse Weberg administered the medication to patients using needles that she  
4 shared among them and herself.

5 31. The narcotics diverted by Nurse Weberg included fentanyl and hydromorphone.

6 32. According to information published by Defendant, Nurse Weberg has tested  
7 positive for Hepatitis C.

8 33. Nurse Weberg was arrested by the Puyallup Police Department on two counts of  
9 second-degree assault due to the Hepatitis C Exposure Incidents.

10 34. On or about May 7, 2018, the Washington Nursing Care Quality Assurance  
11 Commission announced the suspension of Nurse Weberg's nursing license, citing  
12 "unprofessional conduct."

13 35. Defendant has publicized the work schedule of Nurse Weberg between August 4,  
14 2017 and March 23, 2018 so that patients can determine whether they are potentially affected.<sup>3</sup>

15 36. Defendant has admitted publicly that it has experienced issues "around reporting  
16 of narcotic use."<sup>4</sup>

17 37. Hepatitis C is a blood-borne viral infection of the liver that is usually spread  
18 when blood from a person infected with the Hepatitis C virus enters the body of someone who is  
19 not infected. Hepatitis C is most commonly transmitted by exposure to an infected person's  
20 blood through shared needles.

21 38. If left untreated, Hepatitis C can cause serious long-term health problems.  
22 Symptoms of Hepatitis C may include stomach pain, vomiting or yellow eyes or skin.

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25 <sup>2</sup> <https://www.multicare.org/safety-alert/> (last visited May 11, 2018).

26 <sup>3</sup> [https://www.multicare.org/file\\_viewer.php?id=17395&title=Emergency+Department+Shifts](https://www.multicare.org/file_viewer.php?id=17395&title=Emergency+Department+Shifts) (last  
visited May 10, 2018).

<sup>4</sup> <https://www.multicare.org/news/multicare-good-samaritan-hospital-notifying/> (last visited May 10,  
2018).



1           44.     Excluded from the Class are Defendant and its employees, officers and directors,  
2 and the Judge(s) assigned to this case. Plaintiff reserves the right to modify, change or expand  
3 the Class definition after conducting discovery.

4           45.     The requirements of Washington's class action rule, CR 23, are met in this case.  
5 Class treatment is appropriate if the four threshold requirements of CR 23(a), and one of the  
6 three requirements of CR 23(b), are met.

7           46.     There are four CR 23(a) requirements for class actions: numerosity;  
8 commonality; typicality; and adequacy. All are met in this case.

9           47.     Numerosity. The exact number of Class Members is unknown to Plaintiff, but  
10 can be readily determined from records maintained by Defendants. According to Defendant, it  
11 notified at least 2,600 individuals that they were possibly exposed to a bloodborne pathogen  
12 during their treatment and should immediately have their blood tested for HIV and Hepatitis B  
13 and C. Thus, the number of persons who are members of the proposed Class is so numerous that  
14 joinder of all members is impracticable.

15           48.     Commonality. There are numerous questions of fact and/or law that are common  
16 to Plaintiff and all members of the Class, with answers that are common to all members of the  
17 Class, including, but not limited to:

- 18           a.     Whether Defendant failed to conduct a proper employment  
19                 background check of Nurse Weberg or otherwise negligently hired  
20                 her;  
21           b.     Whether Plaintiff's and Class Members' increased risk of exposure  
22                 to a bloodborne pathogens was caused by Defendant's negligence;  
23           c.     Whether reasonable pre-employment review of Nurse Weberg's  
24                 available background made her an unsuitable candidate for direct  
25                 patient care at Defendant's Hospital;  
26           d.     Whether Defendant used appropriate and standard-of-care  
                  practices to screen persons hired at the Hospital and intended to  
                  have direct patient contact;



- 1 e. Whether Defendant used appropriate and standard-of-care  
2 practices to monitor the distribution of prescription drugs within  
3 the Hospital;
- 4 f. Whether Defendant used appropriate and standard-of-care  
5 practices to monitor the use of needles, and to prevent the  
6 dangerous sharing of needles, by Hospital staff;
- 7 g. Whether Defendant timely detected the misconduct of Nurse  
8 Weberg and the obvious danger she posed to persons at  
9 Defendant's Hospital;
- 10 h. The adequacy and appropriateness of Defendant's post-exposure  
11 testing administered to Plaintiff and Class Members.
- 12 i. The nature and extent of the legal claims available to Plaintiff and  
13 Class Members as a result of zone of danger into which  
14 Defendant's conduct has placed them;
- 15 j. The recoverable damages of the Plaintiff and Class Members  
16 associated with the necessary testing, re-testing, and  
17 inconvenience, disruption, and fear naturally appertaining thereto.

18 49. Typicality. Plaintiff's claims are typical of those of the absent Class Members  
19 because their claims arise from the same event, practice and/or policies, namely Defendant's  
20 hiring of Nurse Weberg and neglect to adequately monitor the danger she posed to Class  
21 Members. Defendant defined the Class members by their own determination that they had been  
22 put at risk. The typicality of the financial and emotional impact of being told that one is at risk  
23 for serious diseases and must be tested is self-evident. The impact may vary slightly in degree  
24 from person to person, but Plaintiff remain typical of the Class because each member of the  
25 Class members were similarly affected by Defendant's negligence.

26 50. Adequacy. Adequate representation has two components: (1) the representative's  
interests must not be antagonistic to those of other class members; and (2) class counsel must be  
qualified, experienced, and generally able to conduct the litigation. Both requirements are  
plainly met here.

51. Plaintiff will fairly and adequately represent and protect the interests of all

1 members of the Class.

2 52. Plaintiff does not have any interests antagonistic to or in conflict with the  
3 interests of the Class; she shared in what each of them went through.

4 53. Defendant has no unique defenses against Plaintiff that would interfere with  
5 Plaintiff's representation of the Class. Defendant conducted an internal analysis regarding who  
6 was exposed and sent them the letters informing them of the Hepatitis C Exposure Incidents.  
7 Defendant's defenses against Plaintiff are no different than those against any of the Class  
8 members.

9 54. With respect to counsel, Plaintiff has engaged Keller Rohrback L.L.P. and  
10 Sauder Scheklopf LLC to represent Plaintiff and the Class. Keller Rohrback and Sauder  
11 Schelkopf have extensive experience in class action litigation.

12 55. In addition to meeting the four requirements of CR 23(a), the Class must meet at  
13 least one of the three requirements of CR 23(b):

14 (1) the prosecution of separate actions by or against individual members of the  
15 class would create a risk of (A) inconsistent or varying adjudications with respect  
16 to individual members of the class which would establish incompatible standards  
17 of conduct for the party opposing the class, or (B) adjudications with respect to  
18 individual members of the class which would as a practical matter be dispositive  
of the interests of the other members not parties to the adjudications or  
substantially impair or impede their ability to protect their interests; or

19 (2) the party opposing the class has acted or refused to act on grounds generally  
20 applicable to the class, thereby making appropriate final injunctive relief or  
corresponding declaratory relief with respect to the class as a whole; or

21 (3) the court finds that the questions of law or fact common to the members of  
22 the class predominate over any questions affecting only individual members, and  
23 that a class action is superior to other available methods for the fair and efficient  
24 adjudication of the controversy. The matters pertinent to the findings include: (A)  
25 the interest of members of the class in individually controlling the prosecution or  
26 defense of separate actions; (B) the extent and nature of any litigation concerning  
the controversy already commenced by or against members of the class; (C) the  
desirability or undesirability of concentrating the litigation of the claims in the  
particular forum; (D) the difficulties likely to be encountered in the management  
of a class action.



1           60.     Defendant breached its duty when its agents violated the standard of care and  
2 acted negligently in properly training, investigating and supervising its nursing staff, including  
3 Nurse Weberg.

4           61.     Defendant breached its duty when its agents failed to properly screen Nurse  
5 Weberg for employment in the emergency department at Good Samaritan Hospital.

6           62.     Defendant breached its duty when its agents failed to realize that medication was  
7 being misused in the emergency department, in particular, that Nurse Weberg was stealing  
8 injectable narcotics and endangering patients, for over a period of six months.

9           63.     Defendant breached its duty of care when its employees and agents failed to take  
10 appropriate steps to investigate Nurse Weberg until after she had infected patients with Hepatitis  
11 C or other bloodborne pathogens, particularly in light of a patient complaint against Nurse  
12 Weberg.

13          64.     Defendant breached its duty of care when its employees and agents failed to take  
14 timely steps to discipline or terminate Nurse Weberg.

15          65.     Defendant breached its duty of care when it failed to implement and/or follow  
16 existing policies and procedures with regard to proper management of medication, particular  
17 injectable narcotic pain medication.

18          66.     As a direct and proximate result of the violations of the standard of care and  
19 failures by Defendant, Plaintiff and Class Members have: incurred the need for necessary  
20 medical care, treatment, and services received as of the filing of this action and with reasonable  
21 probability to be required in the future; have incurred inconvenience and loss of time associated  
22 with such medical care, treatment, and services; suffered serious emotional distress, including  
23 but not limited to living with the knowledge that they could have or potential will contract a  
24 bloodborne pathogen disease, such as Hepatitis C. Plaintiff's and Class Members' injuries are  
25 unknown and will require and will continue to require expensive medical care and treatment.  
26 These and other general and special damages are continuing in nature and will be determined by

1 the jury at the time of trial.

2 **VIII. PRAYER FOR RELIEF**

3 WHEREFORE, Plaintiff requests the following relief against the Defendant MultiCare  
4 Health System:

- 5 (a) Certification of this action as a class action pursuant to CR 23;
- 6 (b) General and special damages in an amount to be proven at trial;
- 7 (c) Reasonable attorneys' fees and costs and a service award for Plaintiff;
- 8 (d) Any and all applicable pre-judgment and post-judgment interest on the judgment;
- 9 and
- 10 (e) Such other and further relief as the Court deems just and proper under the  
11 circumstances of this case.

12 DATED this 11th day of May, 2018.

13  
14 **KELLER ROHRBACK L.L.P.**

15  
16 By s/ Ian S. Birk

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