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

DIANA RICKS, Personal Representative for
the Estate of STEPHEN A. RICKS,

Plaintiff,

v.

CITY OF HILLSBORO through
HILLSBORO FIRE & RESCUE, METRO
WEST AMBULANCE SERVICE, INC. and
PHYSIO-CONTROL, INC.

Defendants.

No.

COMPLAINT

**Wrongful Death/Malpractice
Medical/Product Liability**

**Not Subject to Mandatory
Arbitration**

Prayer: \$4,217,532.69
Filing Fee: \$793.00
Fee Authority: ORS 21.160(1)(d)

For claim for relief against defendants, plaintiff alleges:

1.

Plaintiff is the duly appointed personal representative for the estate of Stephen
A. Ricks.

2.

The City of Hillsboro is a municipal corporation. Hillsboro Fire & Rescue is a
department of the City of Hillsboro, with several fire and rescue stations, including
Station 3 - Ronler Acres located on 229th Avenue just north of NW Evergreen
Parkway. Hillsboro Fire & Rescue provides emergency care, including care and
treatment for cardiac emergencies.

3.

Metro West Ambulance Service, Inc. is an Oregon corporation which responds
to 911 calls, provides Advanced Cardiac Life Support, and does sustained business

1 in Multnomah County, Oregon.

2 4.

3 Physio-Control, Inc. is a Washington Corporation which manufactures
4 defibrillators, and does sustained business in Multnomah County, Oregon.

5 5.

6 On February 13, 2014, Stephen A. Ricks left Intel (the Ronler Acres campus)
7 driving his car at approximately 8:30 a.m. At 8:35 a.m. Mr. Ricks collapsed over his
8 steering wheel and drove over the curb and onto the grass because of a cardiac
9 emergency. The car was not damaged and the air bags did not deploy. Mr. Ricks was
10 pulled from his car and cardio-pulmonary resuscitation (CPR) was started immediately.
11 A call for a code 99 and defibrillation arrived at defendant Hillsboro Fire & Rescue at
12 8:37 a.m.

13 6.

14 Hillsboro Fire & Rescue arrived at the scene at 8:40 a.m. where six (6) certified
15 Emergency Medical Technicians found Mr. Ricks supine on the sidewalk with CPR in
16 progress. His heart's presenting rhythm was noted to be ventricular fibrillation.

17
18 7.

19 Metro West Ambulance Service, Inc. received a call for a code 99 at 8:38 am and
20 arrived at the scene at 8:41 a.m. where employees found Mr. Ricks supine on the
21 sidewalk with CPR in progress. His heart's presenting rhythm was noted to be
22 ventricular fibrillation.

23 8.

24 To reverse the ventricular fibrillation, employees of Hillsboro Fire & Rescue
25 placed a Lifepak 12 defibrillator, manufactured by defendant Physio-Control, Inc.,
26 and attempted to administer an electrical shock to Mr. Ricks at 8:40 am. The

1 | defibrillator failed to deliver the electrical shock.

2 | 9.

3 | Employees of Hillsboro Fire & Rescue then made six (6) additional attempts to
4 | defibrillate at 8:42 a.m., 8:44 a.m., 8:46 a.m., 8:48 a.m., 8:50 a.m., and 8:52 a.m., all
5 | without delivering energy for a total of seven failed defibrillation attempts.

6 |
7 | 10.

8 | Between 8:42 am and 8:52 am, employees of Metro West Ambulance Service,
9 | Inc. did not place or attempt to deliver an electrical shock from a Metro West owned
10 | defibrillator.

11 | 11.

12 | Defibrillation was successful at 8:54 a.m., 8:56 a.m., and 9:00 a.m., each
13 | delivering 360 joules, and by 9:02 a.m., the successful defibrillation converted Mr. Ricks'
14 | heart to a sinus rhythm, with a good heart rate and blood pressure. He was initially
15 | transported to Tuality Hospital, then emergently transferred to Providence St.
16 | Vincent Hospital because he needed a higher level of care and advanced technique.

17 | 12.

18 | Because of the fourteen (14) minute delay in administering therapeutic
19 | defibrillation, which converted Mr. Rick's ventricular fibrillation to a sinus tachycardia
20 | at 8:54 a.m., Mr. Ricks' heart sustained significant irreversible damage, and he was
21 | unable to survive despite appropriate medical intervention at two local hospitals. Mr.
22 | Ricks died on February 22, 2014.

23 | 13.

24 | As a result of the defendants' negligence, the personal representative
25 | requests the following damages pursuant to Oregon's wrongful death statute, ORS
26 | 30.020, as follows:

- 1 a) Reasonable charges for burial and memorial services rendered for the
2 decedent in the sum of \$4,041.00;
- 3 b) Reasonable charges for medical services rendered for the decedent in
4 the sum of \$453,491.69;
- 5 c) Just, fair and reasonable compensation for pecuniary loss, including
6 the loss of income and support in an amount not to exceed
7 \$600,000.00;
- 8 d) Just, fair and reasonable compensation for loss of services, not to
9 exceed \$60,000.00;
- 10 e) Just, fair and reasonable compensation for pecuniary loss to the Estate
11 of Stephen A. Ricks, not to exceed \$100,000.00; and
- 12 f) Just, fair and reasonable compensation for noneconomic damages,
13 including pain and suffering after February 13, 2014 , until the time of
14 his death, and the loss of care, comfort, companionship, society and
15 consortium from his wife, Diana Ricks, and his children, which a jury
16 determines to be fair but not to exceed the sum of \$3,000,000.

17 (Count 1 - Negligence)

18 14.

19 Stephen A. Ricks' premature death was caused or substantially contributed
20 to by the negligence of defendant Hillsboro Fire and Rescue, acting through its
21 employees, agents or ostensible agents, in one or more of the following particulars:

- 22 a) In failing to charge, or failing to check whether the Lifepak 12
23 defibrillator had been charged; or
- 24 b) In failing to properly use the Lifepak 12 defibrillator, such that it did not
25 discharge the first seven attempts.

26 ///

1 15.

2 Stephen A. Ricks' premature death was caused or substantially contributed
3 to by the negligence of defendant Metro West Ambulance, Inc, acting through its
4 employees, agents or ostensible agents, in one or more of the following particulars:

- 5 a) In failing to intervene and use a Metro West defibrillator after the
6 second failed attempt at 8:42 am and before the successful attempt at
7 8:54 am.

8 (Count 2 - Product Liability)

9 **(Manufacturing Defect)**

10 16.

11 The Lifepak 12 defibrillator failed to conform to defendant Physio-Control's own
12 design specifications, resulting in a dangerously defective product.

13 **(Indeterminate Defect)**

14 17.

15 The Lifepak 12 defibrillator failed under circumstances that reasonably tend to
16 indicate that a defect existed at the time of the sale, and a defect is the only reasonable
17 explanation for the cause of the injuries to Mr. Ricks.

18 WHEREFORE, plaintiff prays for judgment against defendants for sums which
19 a jury determines to be fair, but not to exceed the sum of \$4,217,532.69 together
20 with plaintiff's reasonable costs and disbursements incurred herein.

21 DATED this 15th day of April, 2015

22 HENDRICKS LAW FIRM, P.C.

23 /s/ Stephen C. Hendricks

24 _____
25 Stephen C. Hendricks, OSB No. 79265
26 Attorney for Plaintiff

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