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**IN THE DISTRICT COURT FOR LARAMIE COUNTY, WYOMING,
FIRST JUDICIAL DISTRICT**

PATRICK CAMPBELL, as the Wrongful
Death Representative of Diane Marie
Campbell, deceased,

Plaintiff,

vs.

MEMORIAL HOSPITAL OF LARAMIE
COUNTY d/b/a CHEYENNE REGIONAL
MEDICAL CENTER and/or CHEYENNE
REGIONAL MEDICAL CENTER
LABORATORY; UNIVERSITY OF
WYOMING d/b/a UNIVERSITY OF
WYOMING FAMILY MEDICINE;
CHRISTOPHER BOYD, PA-C, individually;
KIMBERLY R. BROOMFIELD, M.D.,
individually; RONALD L. MALM, D.O.,
individually; DOUGLAS S. PARKS, M.D.,
individually; and JOHN DOE, individually,

Defendants.

Civil No. 186-435

COMPLAINT

FILED

AUG 18 2016 

DIANE SANCHEZ
CLERK OF THE DISTRICT COURT

Plaintiff, by and through counsel, R. Daniel Fleck and Noah W. Drew of The Spence Law
Firm, LLC, for his claims for relief against the Defendants, states and alleges as follows:

7/A

I. PARTIES

1. Diane Marie Campbell died on May 2, 2014. At all times relevant to this Complaint, she resided in Laramie County, Wyoming.

2. Patrick Campbell is the widower of Diane Marie Campbell, the deceased. Patrick Campbell resides in Pittsburgh, Pennsylvania.

3. The First Judicial District in and for Laramie County, Wyoming, appointed Patrick Campbell as the Wrongful Death Representative of Diane Marie Campbell, deceased, in its October 23, 2015, Order Appointing Wrongful Death Representative (Civil Action No. 184-921).

4. Patrick Campbell brings this lawsuit in his capacity as wrongful death representative under the Wyoming Wrongful Death Act, Wyo. Stat. Ann. § 1-38-101 et seq. He is also a wrongful death beneficiary.

5. Upon information and belief, Defendant Memorial Hospital of Laramie County d/b/a Cheyenne Regional Medical Center and/or Cheyenne Regional Medical Center Laboratory (hereinafter: "CRMC") is a hospital with its principal place of business located at 214 East 23rd Street, Cheyenne, WY, 82001-3748.

6. Defendant CRMC, as a governmental and/or corporate entity, can only act through its officers, directors, employees, managers, supervisors and agents.

7. CRMC is vicariously responsible for the acts and/or omissions by their officers, directors, employees, managers, supervisors, agents and employees (including but not limited to, Director of Laboratory Services, Teresa Jarvis, and Laboratory Technicians, Jo Bolton, Danielle Lindsay, Taylor Stewart and David Hammond).

8. This Complaint is brought against all employees, officers, directors, managers, agents, supervisors, and all others within Defendant CRMC that were responsible for Diane Marie Campbell's health care, and against the officers, directors, managerial agents, supervisors, and personnel for CRMC who set policy or who engaged in an active or passive role in making policy and/or are responsible for the hiring, training, and supervision of any employee or agent of Defendant CRMC.

9. Upon information and belief, Defendant University of Wyoming d/b/a University of Wyoming Family Medicine (hereinafter: "UWFM") is a medical clinic with its principal place of business located at 820 East 17th Street, Cheyenne, WY 82001.

10. Defendant UWFM, as a governmental and/or corporate entity, can only act through their officers, directors, employees, managers, supervisors and agents.

11. UWFM is vicariously responsible for the acts and/or omissions by their officers, directors, employees, managers, supervisors, agents and employees (including but not limited to Christopher Boyd, PA-C, Kimberly Broomfield, M.D., Ronald Malm, D.O., Douglas Parks, M.D., and all post graduate medical residents participating in UWFM Residency Program at Cheyenne).

12. This Complaint is brought against all employees, officers, directors, managers, agents, supervisors, and all others within Defendant UWFM that were responsible for Diane Marie Campbell's health care, and against the officers, directors, managerial agents, supervisors, and personnel for UWFM who set policy or who engaged in an active or passive role in making policy and/or are responsible for the hiring, training, and supervision of any employee or agent of Defendant UWFM.

13. Upon information and belief, Defendant Christopher Boyd is a resident of the State of Georgia.

14. Upon information and belief, at all times relevant, Christopher Boyd was a Physician's Assistant at UWFM.

15. Upon information and belief, at all time relevant, Christopher Boyd carried a private insurance policy that may provide coverage in excess of the presumptive statutory damage limits set by the Wyoming Governmental Claims Act.

16. Upon information and belief, Defendant Kimberly R. Broomfield, M.D., is a resident of the State of the State of Wyoming.

17. Upon information and belief, at all times relevant, Kimberly R. Broomfield, M.D., was the Faculty Medical Director at UWFM.

18. Upon information and belief, at all time relevant, Kimberly R. Broomfield, M.D., carried a private insurance policy that may provide coverage in excess of the presumptive statutory damage limits set by the Wyoming Governmental Claims Act.

19. Upon information and belief, Defendant Ronald L. Malm, D.O., is a resident of the State of Wyoming.

20. Upon information and belief, at all times relevant, Ronald L. Malm, D.O., was a Faculty Program Director at UWFM.

21. Upon information and belief, at all time relevant, Ronald L. Malm, D. O. carried a private insurance policy that may provide coverage in excess of the presumptive statutory damage limits set by the Wyoming Governmental Claims Act.

22. Upon information and belief, Defendant Douglas S. Parks, M.D., is a resident of the State of Wyoming.

23. Upon information and belief, at all times relevant, Douglas S. Parks, M.D., was a Physician Faculty Member at UWFM.

24. Upon information and belief, at all time relevant, Douglas S. Parks, M.D. carried a private insurance policy that may provide coverage in excess of the presumptive statutory damage limits set by the Wyoming Governmental Claims Act.

25. The true name and nature of John Doe is presently unknown to Plaintiff, and despite Plaintiff's best efforts, he has been unable to discover the true identity of John Doe.

26. Upon information and belief, John Doe is or was at all relevant times the night call doctor and/or medical resident at UWFM on the night of May 1, 2014 and the early morning hours of May 2, 2014, and to some extent caused detriment, damage, and injury to Plaintiff as alleged throughout this Complaint.

27. It is further believed that only the Defendants, CRMC, UWFM and/or Dr. Kimberly Broomfield, M.D., Dr. Ronald Malm, D.O., and Dr. Douglas S. Parks, M.D., as a medical clinic and/or individuals, know or have reason to know the true identity, capacity, and involvement of John Doe in the events leading up to the death of Diane Marie Campbell. Leave of this Court will be sought to amend this Complaint to include the true name of the John Doe if or when Plaintiff learns of or discovers such information.

II. JURISDICTION AND VENUE

28. This Court has subject matter jurisdiction pursuant to Article 5, Section 10 of the Constitution of the State of Wyoming.

29. Plaintiff Patrick Campbell complied with the requirements of the Wyoming Medical Review Panel Act, Wyo. Stat. Ann. § 9-2-1513, et. seq. as to defendants named herein.

30. Prior to commencement of this action, Plaintiff timely filed an application for claim with the Wyoming Medical Review Panel pursuant to the Wyoming Medical Review Panel Act, Wyo. Stat. Ann. § 9-2-1513 et. seq. and the Medical Review Panel Rules, adopted November 21, 2005.

31. Plaintiff complied with the requirements of the Wyoming Governmental Claims Act, Wyo. Stat. Ann. § 1-39-101 et. seq., including specifically, but not limited to the Notice of Claim provisions of Wyo. Stat. Ann. § 1-39-113 and the requirements of the Constitution of the State of Wyoming Article 16, section 7. (See attached Exhibit 1, Notice of Claim).

32. The Notice of Claim, in proper form, signed and certified under penalty of the false swearing statute, by Patrick Campbell was timely filed on April 12, 2016, setting forth claims against the defendants and served on the proper persons.

33. Pursuant to Wyoming Statute § 1-5-109 the proper venue for this cause of action is the First Judicial District Court in and for Laramie County, Wyoming, because the cause of action arose in this judicial district.

34. The amount in controversy herein exceeds that required for filing in the district courts of Wyoming.

III. FACTS

35. At approximately 10:00, the morning of May 1, 2014, Diane Marie Campbell presented at University of Wyoming Family Medicine complaining of difficulty urinating and shaking and uncontrollable jerking motions of her upper extremities/body for the prior three days.

36. Diane Marie Campbell was hypoxic upon walking into the exam room, and was started on nasal cannula oxygen.

37. Michelle Turpin, MA, entered Diane Marie Campbell's vital signs which were as follows: 54 year old female; height 65 inches; weight 302 pounds; BMI 50.44; O2 Sat 90%; Temperature 98.7 degrees F tympanic; pulse rate 106/minute; respiration 18/minute; blood pressure sitting 175/87.

38. Christopher Boyd, PA-C (hereinafter: "Christopher Boyd") was a physician assistant on May 1, 2014 and an employee of Defendant UWFM.

39. Upon information and belief, and based upon the representations of Defendants, at all times relevant, Kimberly Broomfield, MD; Ronald Malm, DO; Douglas Parks, MD; (collectively referred to hereinafter as: "supervising physicians") were the supervising physicians to Christopher Boyd pursuant to Wyoming Law and Regulations.

40. At all times relevant, as supervising physicians to Christopher Boyd, one, multiple, or all of the supervising physicians were responsible for the direct supervision of Christopher Boyd, on May 1 and 2, 2014 and for the care of Diane Marie Campbell on those same dates.

41. On the evening of May 1, 2014, and the early morning hours of May 2, 2014, Defendant Douglas Parks, M.D., was the on call physician at UWFM.

42. On the evening of May 1, 2014, and the early morning hours of May 2, 2014, Defendant John Doe was an on call physician or a post-graduate medical resident at UWFM.

43. Christopher Boyd examined and provided medical care to Diane Marie Campbell on May 1, 2014.

44. Christopher Boyd, observed Diane Marie Campbell and noted that she displayed jerking motions in both arms every 20-30 seconds, as well as some jerking of her head.

45. Christopher Boyd also noted Diane Marie Campbell was using a walker for ambulation, though no SOB and no distress were observed.

46. After observing Diane Marie Campbell, Christopher Boyd diagnosed her with new onset muscle spasms of unknown etiology.

47. Christopher Boyd subsequently ordered screening for metabolic issues with a notation to "check labs today."

48. Christopher Boyd further discussed the need for Diane Marie Campbell to obtain a neurology consult and probable EEG study to see if her jerking motions were seizures or a result of other brain activity.

49. The specific orders for the screen ordered by Christopher Boyd were: CBC with Auto Differential; Comp Metabolic Panel (CMP) HbA1C (GHGB); TSH (TSH); and UA w/Micro.

50. Christopher Boyd also referred Diane Marie Campbell for a neurology consult the following week.

51. Before Diane Marie Campbell left the clinic, blood was drawn at UWFM and sent to CRMC.

52. Diane Marie Campbell was also asked to provide a urine sample, but was unable to pass any urine for the 20 minutes she tried.

53. Due to her inability to pass urine, Diane Marie Campbell's urine test was discontinued.

54. Despite Diane Marie Campbell not being able to pass urine for the UA:

- a. No catheterization was ordered to obtain a urine sample and/or drain Diane Marie Campbell's bladder;

- b. No referral was given for Diane Marie Campbell to see an emergency department for catheterization, ultrasound of bladder or kidneys, or further treatment;
 - c. No attempt was made by anyone associated with UWFM to follow up with the laboratory results; and/or
 - d. No vitals were taken before she left the clinic.
55. Collection of Diane Marie Campbell's blood specimen was taken at 11:10 on May 1, 2014.
56. Thereafter, Diane Marie Campbell was sent home.
57. CRMC received Diane Marie Campbell's blood sample from UWFM for testing on May 1, 2014 at 11:42.
58. On May 1, 2014, CRMC performed testing of Diane Marie Campbell's blood.
59. The Comprehensive Metabolic Panel (CMP) test was started at 16:59 on May 1, 2014.
60. The CMP test was completed and the results were obtained at 18:40 on May 1, 2014.
61. The CMP test results came back as extremely abnormal critical values.
62. The CMP results indicated that Diane Marie Campbell's Sodium was [L] at 127 mmol/L; Potassium level was [HH] at 7.4 mmol/L; BUN [H] at 56 mg/dL; and Creatinine, Serum [HH] at 8.19 mg/dL.
63. At all times relevant, Teresa Jarvis, as Laboratory Director, was responsible for the management and oversight, including the implementation and following of policy and procedure, at CRMC Laboratory.
64. Upon information and belief, on May 1, 2014, CRMC knew or had reason to know that the results of the CMP test indicated critical values and that Diane Marie Campbell's

Sodium was [L] at 127 mmol/L; Potassium level was [HH] at 7.4 mmol/L; BUN [H] at 56 mg/dL; and Creatinine, Serum [HH] at 8.19 mg/dL.

65. Upon information and belief, on May 1, 2014, CRMC and/or its employees signed off on and/or checked test results of Diane Marie Campbell's blood.

66. CRMC and/or its employees were required to call and/or warn UWFM and/or its employees and/or Diane Marie Campbell of her CMP results.

67. CRMC and/or its employees were required to call Diane Marie Campbell and warn her of her critical value CMP results.

68. Upon information and belief, no call was placed by anyone on behalf of CRMC on the night of May 1, 2014 to Christopher Boyd and/or any health care provider on call at UWFM alerting him and/or them of Diane Marie Campbell's critical value CMP results.

69. Upon information and belief, no call was placed by anyone on behalf of CRMC on the night of May 1, 2014 to Diane Marie Campbell alerting her of the critical value CMP results and instructing her to seek emergent care.

70. In the alternative, CRMC placed a call to Defendant Christopher Boyd alerting him to the critical value CMP results.

71. In the alternative, CRMC placed a call to Defendant Kimberly Broomfield, M.D. alerting him to the critical value CMP results.

72. In the alternative, CRMC placed a call to Defendant Ronald Malm, D.O. alerting him to the critical value CMP results.

73. In the alternative, CRMC placed a call to Defendant Douglas Parks, M.D. alerting him to the critical value CMP results.

74. In the alternative, CRMC placed a call to Defendant John Doe alerting him or her to the critical value CMP results.

75. Upon information and belief, Defendant Christopher Boyd knew or should have known that Diane Marie Campbell's lab results, including the CMP, were due before the end of the business day on May 1, 2014.

76. Upon information and belief, Defendant Christopher Boyd did not call CRMC to check the status of Diane Marie Campbell's lab test results, including the CMP.

77. Upon information and belief, Defendant Douglas Parks, M.D. knew or should have known that Diane Marie Campbell's lab results, including the CMP, were due before the end of the business day on May 1, 2014.

78. Upon information and belief, Defendant Douglas Parks, M.D. did not call CRMC to check the status of Diane Marie Campbell's lab test results, including the CMP.

79. Upon information and belief, Defendant Kimberly Broomfield, M.D. knew or should have known that Diane Marie Campbell's lab results, including the CMP, were due before the end of the business day on May 1, 2014.

80. Upon information and belief, Defendant Kimberly Broomfield, M.D. did not call CRMC to check the status of Diane Marie Campbell's lab results, including the CMP.

81. Upon information and belief, Defendant Ronald Malm, D.O. knew or should have known that Diane Marie Campbell's lab results, including the CMP, were due before the end of the business day on May 1, 2014.

82. Upon information and belief, Defendant Ronald Malm, D.O. did not call CRMC to check the status of Diane Marie Campbell's lab results, including the CMP.

83. Upon information and belief, Defendant John Doe knew or should have known that Diane Marie Campbell's lab results, including the CMP, were due before the end of the business day on May 1, 2014.

84. Upon information and belief, Defendant John Doe did not call CRMC to check the status of Diane Marie Campbell's lab test results, including the CMP.

85. On May 2, 2014 at approximately 06:00, Patrick Campbell found his wife, Diane Marie Campbell dead in her rocking chair at their residence.

86. On May 2, 2014 at 08:05, Christopher Boyd reviewed and signed off on Diane Marie Campbell's CRMC pathology reports.

87. Neither Christopher Boyd, Dr. Broomfield, Dr. Malm, Dr. Parks, John Doe, nor any other employee, agent, or physician of and/or working for UWFM called Diane Marie Campbell to alert her to the results of the pathology reports or to inform her to seek emergent medical care upon receiving her pathology reports on May 2, 2014.

88. Diane Marie Campbell's cause of death was the direct and proximate cause of Defendants' actions and/or inactions.

89. Fifteen hundred (1500) milliliters of urine were found in Diane Marie Campbell's bladder at the time of the autopsy.

90. As a direct and proximate result of Defendants' negligent acts and omissions, Patrick Campbell, along with the other wrongful death beneficiaries, suffered damages as more particularly set forth below in the section of this Complaint entitled "Damages."

IV. FIRST CLAIM FOR RELIEF- CHEYENNE REGIONAL MEDICAL CENTER: NEGLIGENCE

91. Plaintiff re-alleges and incorporates the paragraphs set forth above.

92. CRMC individually or acting through its employees, agents, and/or agents hold themselves out to the public as offering medical laboratory testing services for medical care including urgent and/or emergent medical care.

93. Having held themselves out as providing medical laboratory testing services, CRMC individually or acting through its employees and/or agents has an obligation to ensure that those services are performed in a reasonable manner. This obligation includes an obligation to provide qualified, competent and trained staff and technicians available to provide such care including on an emergent basis.

94. In addition to the foregoing, CRMC and its employees owe duties of reasonable care to persons, including Diane Marie Campbell. Such duties include, but are not limited to, duties to fully and properly test, examine, consult, and properly notify patients of their testing results, or in the alternative, to properly refer and secure qualified and competent medical specialists to investigate, examine, fully and properly test, examine, consult, and properly notify patients.

95. CRMC and its employees breached the duties of care they owed to Diane Marie Campbell.

96. CRMC and its employees negligently failed to comply, or assure compliance, with the standard of care required under the circumstances as such standard of care existed at the time of the treatment of Diane Marie Campbell. Such acts and omissions include, but are not limited to, the following:

- a. Failure to properly examine, test, evaluate and treat, or in the alternative, to properly refer and secure qualified and competent medical specialists to examine, test, evaluate and/or treat Diane Marie Campbell;
- b. Failure to ensure that the patient received appropriate and timely medical care and treatment;

- c. Failure to properly evaluate and diagnose the condition of Diane Marie Campbell and take the appropriate steps based thereon;
- d. Failure to notify Diane Marie Campbell of the results of her blood screen and specifically the CMP;
- e. Failure of Defendants to follow up and confer with the referring medical provider on the results of the Diane Marie Campbell's blood screen and specifically the CMP;
- f. Failure to exercise reasonable care under all of the circumstances;
- g. Failure to appropriately intervene to protect the health and welfare of Diane Marie Campbell;
- h. Failure to provide adequate supervision for employees, agents and/or agents providing health care to Diane Marie Campbell;
- i. Failure to provide proper personnel to properly assess, manage and care for Diane Marie Campbell;
- j. Failure to appropriately respond to Diane Marie Campbell's condition and take appropriate steps to protect Diane Marie Campbell's health and welfare;
- k. Failure to provide and/or arrange for prompt, timely, and effective medical procedures in the face of conditions and/or clinical testing results presented by Diane Marie Campbell;
- l. Failure to staff the necessary, competent team to manage and care for the medical needs of Diane Marie Campbell;
- m. Failure to adopt and/or enforce bylaws, policies and procedures sufficient for providing quality and safe health care to patients;
- n. Failure to exercise or apply the degree of care, skill and learning ordinarily exercised or possessed by a laboratory director or laboratory technician under the same or similar circumstances; and/or
- o. Failure to otherwise meet the standards of care and practice requisite in the field.

97. In addition to that set forth above, Defendant CRMC is vicariously responsible and liable for any negligent acts and omissions of its employees (including but not limited to,

Director of Laboratory Services, Teresa Jarvis, and Laboratory Technicians, Jo Bolton, Danielle Lindsay, Taylor Stewart and David Hammond) and is independently responsible and liable for any failure to properly hire, train and supervise said employees.

98. As a direct and proximate result of Defendants' negligent acts and omissions, Patrick Campbell, along with the other wrongful death beneficiaries, suffered damages as more particularly set forth below in the section of this Complaint entitled "Damages."

V. SECOND CLAIM FOR RELIEF- UNIVERSITY OF WYOMING FAMILY MEDICINE, CHRISTOPHER BOYD, AND JOHN DOE: NEGLIGENCE

99. Plaintiff re-alleges and incorporates the paragraphs set forth above.

100. UWFM individually or acting through its employees and/or agents, holds itself out to the public as offering medical services, including diagnosis of medical conditions and, if necessary, referral of patients, like Diane Marie Campbell, to qualified and competent medical specialists.

101. By rendering medical care to Diane Marie Campbell, Christopher Boyd, his supervising physicians, and UWFM John Doe had a duty to exercise the skill, care, and training normally possessed and exercised by members of the profession in good standing and in the same line of practice and by applying means and methods which would reasonably be exercised and applied under similar circumstances.

102. The care Christopher Boyd, his supervising physicians, and John Doe provided Diane Marie Campbell fell below the acceptable level of medical skill, knowledge, care and diligence as practiced under the same or similar conditions and circumstances by physicians, or other health care providers of ordinary care, skill and diligence.

103. Defendants Christopher Boyd, his supervising physicians, and John Doe owed a duty of reasonable care to Diane Marie Campbell to fully investigate, examine, diagnose, and

interpret, or in the alternative, to properly refer and secure qualified and competent medical specialists to examine, diagnose, and interpret her medical condition.

104. Christopher Boyd, his supervising physicians, and John Doe were negligent in the care and treatment provided to Diane Marie Campbell.

105. Christopher Boyd, his supervising physicians, and John Doe breached duties of care they owed to Diane Marie Campbell.

106. Defendants, Christopher Boyd, his supervising physicians, and John Doe, conduct, individually or acting through their employees and/or agents, constitutes malpractice, including but not limited to the following:

- a. Failure to properly examine, test, evaluate and treat, or in the alternative, to properly refer and secure a qualified and competent medical specialists to examine, test, evaluate and/or treat Diane Marie Campbell;
- b. Failure to ensure that the patient received appropriate and timely medical care and treatment;
- c. Failure to monitor and assess the condition of Diane Marie Campbell;
- d. Failure to properly evaluate and diagnose the condition of Diane Marie Campbell and take the appropriate steps based thereon;
- e. Failure to notify Diane Marie Campbell of the results of her blood screen and specifically the CMP;
- f. Failure of Christopher Boyd and his supervising physicians to follow up and confer with one another on the results of Diane Marie Campbell's blood screen and specifically the CMP;
- g. Failure to obtain a urine sample from Diane Marie Campbell prior to discharging her from care;
- h. Failure to exercise reasonable care under all of the circumstances;
- i. Failure to appropriately intervene to protect the health and welfare of Diane Marie Campbell;

- j. Failure to provide adequate supervision for employees, agents and/or agents providing health care to Diane Marie Campbell;
- k. Failure to provide proper personnel to properly assess, manage and care for Diane Marie Campbell;
- l. Failure to appropriately respond to Diane Marie Campbell's condition and take appropriate steps to protect Diane Marie Campbell's health and welfare;
- m. Failure to provide and/or arrange for prompt, timely, and effective medical procedures in the face of conditions and/or clinical testing results presented by Diane Marie Campbell;
- n. Failure to staff the necessary, competent team to manage and care for the medical needs of Diane Marie Campbell;
- o. Failure to adopt and/or enforce bylaws, policies and procedures sufficient for providing quality and safe health care to patients;
- p. Failure to exercise or apply the degree of care, skill and learning ordinarily exercised or possessed by a physician/physician's assistant/nurse/technician/hospital under the same or similar circumstances; and/or
- q. Failure to otherwise meet the standards of care and practice requisite in the field.

107. In addition to that set forth above, Defendant, UWFM is vicariously responsible and liable for any negligent acts and omissions of Christopher Boyd, his supervising physicians, and John Doe and is independently responsible and liable for any failure to properly hire, train and supervise said employees.

108. As a direct and proximate result of Defendants' negligent acts and omissions, Patrick Campbell, along with the other wrongful death beneficiaries, suffered damages as more particularly set forth below in the section of this Complaint entitled "Damages."

VI. THIRD CLAIM FOR RELIEF- SUPERVISING PHYSICIANS: NEGLIGENCE

109. Plaintiff re-alleges and incorporates the paragraphs set forth above.

110. Defendants Broomfield, Malm and Parks hold themselves out to the public as offering medical services, including direct supervision of its physician assistants and/or residents consistent with Wyoming Law and Regulations.

111. Christopher Boyd's supervising physicians (Kimberly Broomfield, MD; Ronald Malm, DO; Douglas Parks, MD; John Healy, MD; and Lisa Brandes, MD) were responsible for the direct supervision of Christopher Boyd, on May 1 and 2, 2014 and for the care of Diane Marie Campbell on those same dates.

112. By supervising the medical care provided to Diane Marie Campbell, the supervising physicians had a duty to exercise the skill, care, and training normally possessed and exercised by members of the profession in good standing and in the same line of practice and by applying means and methods which would reasonably be exercised and applied under similar circumstances.

113. The care provided by the supervising physicians to Diane Marie Campbell fell below the acceptable level of medical skill, knowledge, care and diligence as practiced under the same or similar conditions and circumstances by physicians, or other health care providers of ordinary care, skill and diligence.

114. The supervising physicians owed a duty of reasonable care to Diane Marie Campbell to ensure that her case was fully investigated, examined, diagnosed, and interpreted, or in the alternative, ensure that Diane Marie Campbell was properly referred and secured qualified and competent medical specialists to examine, diagnose, and interpret her medical condition.

115. The supervising physicians were negligent in the care and treatment provided to Diane Marie Campbell.

116. The supervising physicians breached duties of care they owed to Diane Marie Campbell.

117. The supervising physicians', conduct, individually or acting through their employees and/or agents constitutes malpractice, including but not limited to the following:

- a. Failure to adequately supervise Christopher Boyd pursuant to Wyoming Law and Regulations;
- b. Failure to ensure that Diane Marie Campbell was properly examined, tested, evaluated and treated, or in the alternative, properly referred and secured a qualified and competent medical specialists to examine, test, evaluate and/or treat Diane Marie Campbell;
- c. Failure to ensure that the Diane Marie Campbell received appropriate and timely medical care and treatment;
- d. Failure monitor and assess the condition of Diane Marie Campbell;
- c. Failure to ensure that Diane Marie Campbell's condition was properly evaluated and diagnosed, and failure to take the appropriate steps based thereon;
- f. Failure to ensure that Diane Marie Campbell was notified of the results of her blood screen and specifically the CMP;
- g. Failure to follow up and confer with one another on the results of Diane Marie Campbell's blood screen and specifically the CMP;
- h. Failure to obtain a urine sample from Diane Marie Campbell prior to discharging her from care;
- i. Failure to exercise reasonable care under all of the circumstances;
- j. Failure to appropriately intervene in her care to protect the health and welfare of Diane Marie Campbell;
- k. Failure to provide adequate supervision for employees, agents and/or agents providing health care to Diane Marie Campbell;
- l. Failure to provide proper personnel to properly assess, manage and care for Diane Marie Campbell;

- m. Failure to ensure that Christopher Boyd appropriately responded to Diane Marie Campbell's condition and took appropriate steps to protect Diane Marie Campbell's health and welfare;
- n. Failure to provide and/or arrange for prompt, timely, and effective medical procedures in the face of conditions and/or clinical testing results presented by Diane Marie Campbell;
- o. Failure to staff the necessary, competent team to manage and care for the medical needs of Diane Marie Campbell;
- p. Failure to adopt and/or enforce bylaws, policies and procedures sufficient for providing quality and safe health care to patients;
- q. Failure to exercise, apply, and/or provide the degree of care, skill and learning ordinarily exercised or possessed by a physician/physician's assistant/nurse/technician/hospital under the same or similar circumstances; and/or
- r. Failure to otherwise meet the standards of care and practice requisite in the field.

118. In addition to that set forth above, Defendants Broomfield, Malm, and Parks are vicariously responsible and liable for any negligent acts and omissions of the Christopher Boyd and John Doe and are independently responsible and liable for any failure to properly hire, train and supervise said employees.

119. As a direct and proximate result of Defendants' negligent acts and omissions, Diane Marie Campbell, along with the other wrongful death beneficiaries, suffered damages as more particularly set forth below in the section of this Complaint entitled "Damages."

VII. DAMAGES

120. Plaintiff re-alleges and incorporates the paragraphs set forth above.

121. As a direct and proximate result of Defendant's negligent acts and omissions, Diane Marie Campbell died, and the wrongful death beneficiaries have suffered the following damages in an amount to be proven at trial:

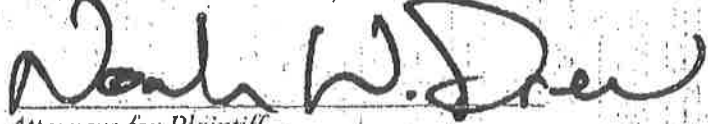
- a. Past loss of income;
- b. Future loss of income;
- c. Other economic loss;
- d. Loss of past and future companionship, society and comfort;
- e. Funeral expenses;
- f. All damages, not specifically enumerated herein, allowed by the laws of the State of Wyoming for the wrongful death of Diane Marie Campbell; and
- g. All allowable costs, expenses and fees associated with this litigation.

WHEREFORE, Plaintiff, PATRICK CAMPBELL requests this Honorable Court to grant judgment as follows:

- I. Judgment against Defendant for economic damages in an amount consistent with the allegations contained herein and to be proven at trial;
- II. Judgment against Defendant for non-economic damages in an amount consistent with the allegations contained herein and to be proven at trial;
- III. Judgment for costs, interest, and such other and further relief as the Court deems just and equitable.

DATED this 18th day of August 2016.

THE SPENCE LAW FIRM, LLC



Attorneys for Plaintiff

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