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DEC 30 2021

Circuit Court For Lane County, Oregon
BY _____



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

XXXXXXXXXXXXXXXXXXXX

Plaintiff,

v.

EDWARD AUGUSTUS BLAKE; EUGENE-
SPRINGFIELD FIRE DEPARTMENT, an
Oregon municipal corporation;
PEACEHEALTH, a Washington non-profit
organization; and SACRED HEART
MEDICAL CENTER AT RIVERBEND, the
assumed business name for PEACEHEALTH, a
Washington non-profit organization,

Defendants.

Case No. _____

COMPLAINT

(BATTERY, INTENTIONAL
INFLECTION OF EMOTIONAL
DISTRESS, PHYSICAL ABUSE OF A
VULNERABLE PERSON,
NEGLIGENCE, RESPONDEAT
SUPERIOR)

**NOT SUBJECT TO MANDATORY
ARBITRATION**

PRAYER: AN AMOUNT MORE
THAN \$50,000.00 AND LESS THAN
\$1,000,000.00, TO BE PROVEN AT
TRIAL
FILING FEE: \$594.00
FEE AUTHORITY: ORS 21.160(1)(C)

Plaintiff alleges:

PARTIES

1.

Plaintiff is an individual who at all times material herein, was a resident of the State of Oregon.

2.

Defendant PeaceHealth is a Washington non-profit organization which owns and operates hospitals and provides health care services in the State of Oregon (hereinafter "PeaceHealth").
Defendant Sacred Heart Medical Center at Riverbend is the assumed business name for PeaceHealth, which owns and operates Sacred Heart Medical Center at Riverbend in Springfield,

1 Lane County, Oregon (hereinafter “Sacred Heart Medical Center”). PeaceHealth and Sacred Heart
2 Medical Center are sometimes referred to herein collectively as PeaceHealth.

3 3.

4 Defendant Eugene-Springfield Fire Department (hereinafter “Eugene-Springfield FD”)
5 is an intergovernmental agency/department of the City of Eugene and the City of Springfield,
6 which are Oregon municipal corporations. Eugene-Springfield FD provides fire suppression
7 services and emergency medical services in Lane County, Oregon.

8 4.

9 Defendant Edward Augustus Blake (hereinafter “Blake”) is an individual who resides in
10 the State of Oregon and at all material times herein was employed by Eugene-Springfield FD as
11 a paramedic, acting in his official capacity as an employee of Eugene-Springfield FD.

12 **ALLEGATIONS RE: TORT CLAIM NOTICE**

13 5.

14 **Commencement of Action.** Plaintiff has satisfied the tort claim notice requirements of
15 ORS 30.275(3)(c) because Plaintiff has commenced her action on her claims within the
16 applicable, extended period of time to provide notice of her claims to Eugene-Springfield FD, as
17 provided by Oregon House Bill 4212, § 7. The expiration of the time to give notice of plaintiff’s
18 claim fell within the time in which Oregon’s first declaration of a state of emergency related to
19 COVID-19 was in effect, and that state of emergency has been extended by Oregon’s governor
20 and is currently still in effect.

21 6.

22 **Actual Notice.** Plaintiff has satisfied the tort claim notice requirements of ORS
23 30.275(3)(b) because Eugene-Springfield FD acquired actual knowledge of the time, place and
24 circumstances giving rise to plaintiff’s claims within 180 days of plaintiff’s injuries, where
25 communications to persons responsible for administering tort claims on behalf of
26 Eugene-Springfield FD, including but not limited to JoAnna Kamppi, EMS Chief for

1 Eugene-Springfield FD, were such that a reasonable person would conclude that plaintiff intended
2 to assert claims against Eugene-Springfield FD and Blake.

3 **COMMON ALLEGATIONS**

4 7.

5 At all times material herein, Eugene-Springfield FD provided its paramedics with
6 controlled substances for use in the course of their duties providing emergency medical services
7 to the public.

8 8.

9 At all times material herein, Eugene-Springfield FD had a contractual relationship with
10 Sacred Heart Medical Center through which Eugene-Springfield FD obtained controlled
11 substances for its paramedics for use in the course of their duties.

12 9.

13 At all times material herein, PeaceHealth owned and operated its hospital known as
14 Sacred Heart Medical Center in Springfield, Oregon.

15 10.

16 Eugene-Springfield FD paramedics obtained controlled substances from Sacred Heart
17 Medical Center by logging the controlled substances out through a secure electronic dispensing
18 system known as Pyxis.

19 11.

20 After Eugene-Springfield FD paramedics logged out the controlled substances from Pyxis,
21 they would record the controlled substances they obtained in physical log books located on the
22 Eugene-Springfield FD ambulances as they restocked the ambulances' medical supplies.

23 12.

24 Peace Health did not routinely cross-check the electronic logs maintained by Sacred Heart
25 Medical Center on Pyxis against the physical logs maintained by Eugene-Springfield FD on the
26 ambulances for discrepancies to identify potential drug diversion by paramedics.

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13.

Eugene-Springfield FD did not routinely cross-check the physical logs maintained on Eugene-Springfield FD's ambulances against the electronic logs maintained by Sacred Heart Medical Center on Pyxis for discrepancies to identify potential drug diversion by paramedics.

14.

At all times material herein, Blake had access to controlled substances from Sacred Heart Medical Center's Pyxis electronic dispensing system pursuant to his employment as a Eugene-Springfield FD paramedic including, but not limited to Ketamine, Fentanyl, Midazolam, and Morphine.

15.

Between January 2016 through September 2019, Blake took the following controlled substances from Sacred Heart Medical Center's Pyxis system but did not enter them into Eugene-Springfield FD's ambulance logs: 181 vials of Fentanyl 100mcg/2ml; 24 vials of Morphine 10mg/1ml; 10 vials of Ketamine 500mg/5ml; and 128 vials of Midazolam 5mg/5ml.

16.

In at least 2016, 2017, and 2018, Blake victimized women with controlled substances and medical supplies that he had taken from Sacred Heart Medical Center and from Eugene Springfield FD.

17.

On or before September 10, 2019, Blake posted a Craigslist ad online seeking a female companion. On or just prior to September 10, 2019, plaintiff replied to Blake's Craigslist ad. Blake and plaintiff agreed to meet.

18.

On the evening of September 10, 2019, plaintiff met Blake at Room #103 at the Regency Inn, 1152 Main Street, Springfield, Lane County, Oregon.

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19.

Soon after her arrival, Blake began to choke plaintiff from behind with his arms to the point she could not breathe. Plaintiff became unconscious. When plaintiff regained consciousness, she found an intravenous needle had been inserted into her arm while she was unconscious.

20.

From the evening of September 10, 2019 through the morning of September 11, 2019, Blake administered controlled substances obtained from Sacred Heart Medical Center intravenously to plaintiff without her consent.

21.

The controlled substances caused plaintiff to be incapacitated to the point that she could not consent to sexual contact with Blake.

22.

After incapacitating plaintiff, Blake then raped, sodomized, molested, and assaulted plaintiff.

23.

As a direct and proximate result of defendants' conduct, actions, and omissions set forth above, plaintiff:

(a) has suffered serious, painful bodily injuries, great physical pain and mental anguish, severe emotional distress, and loss of the capacity for the enjoyment of life;

(b) was, is and will be required to undergo extensive medical treatment and to incur reasonable medical costs and expenses to alleviate her injuries, pain and suffering; and

(c) and was otherwise hurt, injured and caused to sustain losses, economic damages, and noneconomic damages in an amount more than \$50,000.00, to be proven at trial.

24.

Plaintiff reserves the right to amend her complaint to include a claim for punitive

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damages, as allowed by Oregon law.

**FIRST CLAIM FOR RELIEF
AGAINST BLAKE
(BATTERY)**

25.

Plaintiff realleges and incorporates paragraphs 1 through 24 above.

26.

Blake intended to cause harmful and offensive physical contact to plaintiff.

27.

Blake intentionally caused harmful and offensive physical contact to plaintiff.

28.

Plaintiff has suffered economic and non-economic damages as a direct and proximate result of Blake's conduct as alleged herein.

**SECOND CLAIM FOR RELIEF
AGAINST BLAKE
(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)**

29.

Plaintiff realleges and incorporates paragraphs 1 through 28 above.

30.

Blake intended to inflict severe mental or emotional distress upon plaintiff, and in the alternative, plaintiff's severe mental and emotional distress was certain or substantially certain to result from the Blake's conduct.

31.

Blake's actions in fact caused plaintiff severe mental or emotional distress.

32.

Blake's actions constitute extraordinary transgressions of the bounds of socially tolerable conduct.

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Plaintiff has suffered economic and non-economic damages as a direct and proximate result of Blake's conduct as alleged herein.

**THIRD CLAIM FOR RELIEF
AGAINST ALL DEFENDANTS
(PHYSICAL ABUSE OF A VULNERABLE PERSON)**

34.

Plaintiff realleges and incorporates paragraphs 1 through 33 above.

35.

Plaintiff was incapacitated as defined in ORS 125.005(5).

36.

Plaintiff was incapacitated and rendered helpless as a result of Blake's use of chemical restraints without an order from a physician or naturopathic physician licensed in the State of Oregon for purposes not consistent with the purposes authorized by a physician or naturopathic physician.

37.

Blake engaged in acts of physical abuse against plaintiff that would constitute the crimes of forcible drugging, rape, sodomy, and strangulation, amongst others.

38.

Eugene Springfield FD and Sacred Heart Medical Center permitted Blake to engage in the above acts of assault, and failed to act under circumstances in which reasonable persons would have known about Blake's prior history of theft of controlled substance and history of assault against other victims.

39.

Plaintiff has suffered economic and non-economic damages as a direct and proximate result of Blake's conduct as alleged herein.

40.

Plaintiff is entitled to reasonable attorney fees pursuant to ORS 124.100(2)(c).

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**FOURTH CLAIM FOR RELIEF
AGAINST EUGENE-SPRINGFIELD FD
(RESPONDEAT SUPERIOR)**

41.

Plaintiff realleges and incorporates paragraphs 1 through 40 above.

42.

(A) Blake’s conduct occurred when Blake was acting within the course and scope of his employment with Eugene-Springfield FD and caused a foreseeable risk of harm; (B) that risk of harm was to an interest of a kind that the law protects against negligent invasion; (C) Blake’s conduct was unreasonable in light of the risk of harm; (D) Blake’s conduct was a cause of plaintiff’s harm, and (E) plaintiff was within the class of persons and plaintiff’s injury was within the general type of potential incidents and injuries that made defendants’ conduct negligent.

43.

Plaintiff has suffered economic and non-economic damages as a direct and proximate result of Blake’s conduct as alleged herein.

**FIFTH CLAIM FOR RELIEF - COUNT 1
AGAINST PEACEHEALTH AND EUGENE-SPRINGFIELD FD
(NEGLIGENCE)**

Plaintiff realleges and incorporates paragraphs 1 through 43 above.

44.

(A) Defendants’ conduct caused a foreseeable risk of harm; (B) that risk of harm was to an interest of a kind that the law protects against negligent invasion; (C) Defendants’ conduct was unreasonable in light of the risk of harm; (D) Defendants’ conduct was a cause of plaintiff’s harm, and (E) plaintiff was within the class of persons and plaintiff’s injury and damages were within the general type of potential incidents and injuries that made defendants’ conduct negligent.

45.

Plaintiff has suffered economic and non-economic damages as a direct and proximate

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result of Blake’s conduct as alleged herein.

**FIFTH CLAIM FOR RELIEF - COUNT 2
AGAINST EUGENE-SPRINGFIELD FD
(NEGLIGENT SUPERVISION)**

46.

Plaintiff realleges and incorporates paragraphs 1 through 45 above.

47.

Defendant’s employees come into contact with members of the public during their employment.

48.

Defendant has the duty to exercise reasonable care in the selection and supervision of its employees who have access to controlled substances, i.e., narcotics, and medical supplies and come into contact with members of the public during their employment.

49.

Defendant breached its duty to exercise reasonable care in the selection and supervision of its employees and authorized third parties because Defendant either knew of Blake’s ongoing theft of narcotics from defendants, and did not restrain Blake’s activities, or should have discovered Blake’s ongoing theft of narcotics by reasonable investigation, and failed to undertake such investigation.

50.

Defendant placed Blake in a position where it was foreseeable that Blake could come into contact with plaintiff and could harm plaintiff with the aid of narcotics and intravenous needles obtained from defendant during the course of Blake’s employment.

51.

Plaintiff has suffered economic and non-economic damages as a direct and proximate result of Blake’s conduct as alleged herein.

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WHEREFORE, plaintiff prays the court for a judgment against defendants:

- (a) For economic and non-economic damages in an amount more than \$50,000.00, which shall be proved at trial;
- (b) For treble damages, as allowed by ORS 124.100(2);
- (c) For plaintiff's reasonable attorney fees, as allowed by ORS 124.100(2);
- (d) For plaintiff's costs and disbursements, as allowed by law; and
- (e) For any other relief deemed just and equitable by the Court.

Dated this 30th day of December, 2021.

/s/ Benjamin Boyd
 Benjamin Boyd, OSB #105854
 D. Zachary Hostetter, OSB #100541
Designated Trial Attorney
 Of Attorneys for Plaintiff