

2012 WL 300613 (Or.Cir.) (Trial Pleading)
Circuit Court of Oregon.
Clackamas County

Romy RAMSEY, Plaintiff,
v.
PRINCETON VILLAGE ASSISTED LIVING RESIDENCE, Defendant.

No. CV12010381.
January 18, 2012.

Negligence, Breach of Contract, **Elder Abuse**: ORS 124.110 ET seq.
Jury Trial Demanded Subject to Mandatory Arbitration
Amount Claimed: \$49,999.00

Complaint

David W. Duncan, OSB No. 051799, Of Attorneys for Plaintiff.

Plaintiff alleges as follows:

FACTS COMMON TO ALL CLAIMS

1. PRINCETON VILLAGE ASSISTED LIVING RESIDENCE (hereinafter "Defendant,") is liable for the claims set forth hereafter.
2. At all times material. Defendant was a business entity doing business in Clackamas County, Oregon.
3. At all times material, Plaintiff Romy Ramsey was a resident of Clackamas County, Oregon.
4. Romy Ramsey moved into the Defendant Princeton Village residence in November 2009, after suffering serious medical problems, which left her partially disabled. Plaintiff is unsteady on her feet and requires a cane to walk. Plaintiff contracted with Defendant for her care and living assistance.
5. Shortly after moving in, she became subject to repeated and unwanted harassment from a fellow resident, Robert Farns. Plaintiff made numerous complaints to management about his intimidating and threatening behavior towards her. Mr. Farns repeatedly made inappropriate remarks towards Plaintiff and followed her around the facility. Mr. Farns was known to Princeton staff to suffer from dementia. Defendant took no action to protect Plaintiff from the harassing and threatening behavior of Mr. Farns,
6. On or about February 1, 2010, Ms. Ramsey was exiting the elevator when Mr. Farns was getting on. Unexpectedly and without provocation, Mr. Farns pushed Plaintiff to the back of the elevator and against a wall railing. He grabbed her around the neck and shoved her down, knocking her to the floor of the elevator.
7. As a result of Defendant's failure to protect Plaintiff, Plaintiff suffered physical, emotional and financial damage. Plaintiff suffered a fractured rib, bruising and abrasions as a result of the attack in the elevator.

8. Shortly after the attack, Defendant relocated the Plaintiff, against her will, to another facility. In so doing, Defendant caused some of Plaintiff's personal property to be damaged and destroyed.

FIRST CLAIM FOR RELIEF NEGLIGENCE

9. Plaintiff re-alleges paragraphs I through 8 of Plaintiff's Complaint and incorporates them herein.

10. As a result of Defendant's failure to act upon Plaintiffs warnings and complaints, Defendant created a foreseeable risk of harm, that being suffering harassment and injury at the hands of an uncontrolled resident, when Defendant had a duty to protect Plaintiff. Defendant's failure to act was unreasonable and the cause of the Plaintiffs harm. Therefore, Defendant was negligent in its duty to Plaintiff, and responsible for the injuries inflicted upon her.

SECOND CLAIM FOR RELIEF

Breach of Contract

11. Plaintiff re-alleges paragraphs 1 through 10 of Plaintiff's Complaint and incorporates them here.

12. As a result of Defendant's failure to act upon Plaintiff's warnings and complaints, Defendant failed to adequately provide for Plaintiffs care, living-assistance and safety. Therefore, Defendant is in breach of contract, and responsible for the damages incurred by Plaintiff as a result.

THIRD CLAIM FOR RELIEF

(Elder Abuse-ORS 124.100 et seq.)

13. Plaintiff re-alleges paragraphs 1 through 12 of Plaintiff's Complaint and incorporates them herein.

14. Defendants stood in a position of trust to Plaintiff from the time of her residence at Princeton Village from November 2009 to the time she was moved to another facility in February 2010.

15. While Defendant stood in a position of trust to Plaintiff, the Defendant **abused** its fiduciary relationship by:

- a. permitting another person to engage in physical **abuse** of Plaintiff;
- b. Moving Plaintiff without her consent, and in so doing packing and shipping her belongings against her will and in a manner that caused damage to her personal belongings.

16. As a result of Defendant's actions, Plaintiff has suffered physical injury, inconvenience, mental suffering, emotional distress, humiliation, loss of comfort, and interference with her normal and usual activities.

17. WHEREFORE The Court should award a judgment in favor of plaintiff on behalf of Plaintiff and against Defendant, pursuant to ORS 124.100 and the Tort of Negligence and Breach of Contract, as follows:

- a. Economic damages in an amount to be determined at trial, resulting from the above-described financial **abuse**, or \$500, whichever amount is greater, plus interest at the legal rate from the date of the **abuse**;
- b. Reasonable attorney fees incurred by Plaintiff;

c. \$49,999 in Non-Economic damages incurred by Plaintiff; and

d. Costs and disbursements incurred by Plaintiff herein.

Dated: January 17, 2012

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