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**FIFTH JUDICIAL DISTRICT COURT
IRON COUNTY, STATE OF UTAH**

<p>DAVID HINSON, Plaintiff, vs. DARRELL L. WILSON, M.D.; JARED C. COX, D.O.; KIMBERLY D. HAYCOCK, P.A.; IHC HEALTH SERVICES, INC.; IHC HEALTH SERVICES, INC. dba VALLEY VIEW MEDICAL CENTER; IHC HEALTH SERVICES, INC. dba CEDAR CITY HOSPITAL; JEFFERY L. BLEAZARD, M.D.; and DOE INDIVIDUALS 1 through 10; and ROE ENTITIES 1 through 10, inclusive. Defendants.</p>	<p>AMENDED COMPLAINT</p> <p>Case No. 170500085</p> <p>Judge Keith C. Barnes</p> <p>Tier 3</p>
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David Hinson (“Plaintiff”) by and through his attorney, Norman J. Younker, and the law

offices of Younker Hyde Macfarlane, PLLC, allege and complain as follows:

IDENTIFICATION OF PARTIES

1. Plaintiff is a resident of Collin County, State of Texas.
2. Defendant Darrell L. Wilson, M.D., is a physician licensed under the laws of the State of Utah and engaged in the practice of medicine in Iron County, State of Utah.
3. Defendant Jared C. Cox, D.O., is a physician licensed under the laws of the State of Utah and engaged in the practice of medicine in Iron County, State of Utah.
4. Defendant Kimberly D. Haycock, P.A., is a physician assistant licensed under the laws of the State of Utah and engaged in the practice of medicine in Iron County, State of Utah.
5. Defendant IHC Health Services, Inc., acting by and through its agents and employees, at all times mentioned herein, is a Utah corporation with its principal place of business in Salt Lake County, State of Utah.
6. Defendant IHC Health Services, Inc. dba Valley View Medical Center, acting by and through its agents and employees, at all times mentioned herein, is a Utah corporation with its principal place of business in Iron County, State of Utah.
7. Defendant IHC Health Services, Inc. dba Cedar City Hospital, acting by and through its agents and employees, at all times mentioned herein, is a Utah corporation with its principal place of business in Iron County, State of Utah.
8. Defendant Jeffrey L. Bleazard, M.D., is a physician licensed under the laws of the State of Utah and engaged in the practice of medicine in Iron County, State of Utah.
9. Defendant Doe Individuals 1 through 10 and Roe Entities 1 through 10 are set forth herein as all unknown persons or business entities currently unknown to Plaintiff who have

a claim to any interest in the subject matter of this action, whose true name(s) is (are) unknown to Plaintiff, and who are believed to be responsible for the events and happenings referred to in this Complaint, causing injuries and damages to Plaintiff, or who are otherwise interested in the subject matter of this Complaint. At such time when the names of said Doe Individuals and Roe Entities have been ascertained, Plaintiff will request leave from the court to insert their true names and capacities and adjoin them in this action so that the Complaint will be amended to include the appropriate names of said Doe Individuals and Roe Entities.

JURISDICTION AND VENUE

5. All conditions precedent to the right to bring and maintain this action have been performed or have occurred as required by the Utah Healthcare Malpractice Act pursuant to Utah Code Ann. §78B-3-401, et seq.

6. This Court has jurisdiction pursuant to Utah Code Ann. §78A-5-102.

7. Venue is proper in that the cause of action arose in Iron County, State of Utah, pursuant to Utah Code Ann. §78b-3-307.

8. The damages claimed are such as qualify under tier 3.

GENERAL ALLEGATIONS

9. On or about July 9, 2015, then 46-year-old David Hinson presented to the IHC Health Services, Inc. DBA Valley View Medical Center Emergency Room AKA IHC Health Services, Inc., DBA Cedar City Hospital and emergency room physician Jeffery L. Bleazard claiming that he may have dislocated his shoulder while lifting his daughter. The patient reported that he was taking Coumadin for a heart-valve condition. He also reported 8/10 pain, pain with

movement and decreased movement. Shoulder X-Rays were reported as normal and the patient was discharged with a diagnosis of “acute shoulder pain, acute bruise.”

10. The following day, on or about July 10, 2015, Mr. Hinson returned to the Valley View Medical Center Emergency Room, where he was seen by emergency room physician Darrell L. Wilson, M.D. The patient reported he had been seen at the emergency department the day before where he had been told he had a hematoma and had been prescribed Norco for pain. The patient reported he was returning for worsening pain, discoloration, and swelling of his arm. The patient reported his pain was not controlled by Norco 5mg; that the pain was severe, sharp, constant, and unrelenting. Dr. Wilson noted that the patient was taking Coumadin for an aortic valve replacement and had traveled to Cedar City from his home in Texas.

11. Upon physical examination, the patient was noted to have tenderness at the proximal upper arm and “a hematoma extending from the axilla most of the way down the upper arm towards the elbow on the medial side.” Dr. Wilson specifically noted that the patient’s “hematoma is likely contributed to by the fact that the patient is on Coumadin therapy.” In spite of this, it appears that Dr. Wilson did not obtain any clotting time tests.

12. Dr. Wilson concluded that “the source of the patient’s pain is obvious and I suspect that the numbness and tingling the patient is having distal to the hematoma is due to some nerve compression, compromised due to the expanding hematoma.” Dr. Wilson gave an intramuscular dose of Dilaudid and a prescription of Percocet. Bandages were placed around the hematoma to provide a small amount of compression and the patient was discharged with a diagnoses of “left-arm hematoma.” He was instructed to “follow up with his primary care doctor when he returns home.”

13. On or about July 12, the patient returned again to the emergency department at the Valley View Medical Center where he was seen by Kimberly D. Haycock, P.A. acting on behalf of emergency room physician Jared C. Cox, D.O. Ms. Haycock noted the prior history of emergency room visits and the diagnosis of a hematoma secondary to Coumadin. The patient also reported increasing pain and numbness and tingling. On physical examination, a large hematoma was noted with “ecchymosis that is traveling down from shoulder to elbow, it is tender to the patient at this point.”

14. An INR was obtained which showed a blood-clotting time of 7.1. The patient was advised he should discontinue his Coumadin and call his cardiologist when he arrived in Texas for further instructions. Discharge assessment was “acute hematoma, high INR.”

15. Upon discharge the patient began his return trip to Texas. Upon arrival, he was seen at the Baylor Regional Medical Center in Plano on July 15, 2015. He was noted to have a hematoma of the left shoulder and possible nerve compression and an INR of 1.9. The patient was found to have a severe upper extremity brachial plexial neuropathy due to nerve compression and was taken into the operating room for decompression surgery.

CAUSE OF ACTION
(Medical Malpractice)

16. Plaintiff incorporates by this reference the allegations of paragraphs 1 through 15 as though fully set forth herein.

17. As of this time, Plaintiff complains and alleges that the care and treatment provided to her by Defendants was wrongful, careless and negligent, including, but not limited to, the following particulars:

A. Failure to timely and appropriately diagnose and treat bleeding and

hematoma formation.

- B. Failure to obtain a complete history and physical examination.
- C. Failure to obtain appropriate laboratory and other testing.
- D. Failure of informed consent.
- E. Failure to arrange for appropriate specialty consultations and treatment.
- F. Failure to communicate with members of the health care team.

18. As a direct and proximate result of the foregoing wrongful, careless and negligent acts and/or omissions of Defendants, Plaintiff has sustained a loss of use of vision which has and will result in significant economic and non-economic injuries, including but not limited to:

- A. Past, present and future medical and attendant care expenses,
- B. Lost wage and lost wage-earning capacity,
- C. Physical, mental and emotional pain and suffering;
- D. Loss of use and enjoyment of life; and
- E. Out of pocket costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against Defendants in an amount to be proven at trial together with pre and post judgment interest and costs as follows:

- 1. Judgment in favor of Plaintiff and against Defendants for general damages in an amount to be proved at trial;
 - 2. Judgment in favor of Plaintiff and against Defendants for special damages in an amount to be proved at trial including interest as provided by Utah Code Ann. §78B-5-824;
- and

3. Plaintiff's costs incurred herein together with such other and further relief as the Court may deem appropriate under the circumstances.

DATED this 14th day of July, 2017.

/s/ Norman J. Younker _____
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