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MONTANA ELEVENTH JUDICIAL DISTRICT, FLATHEAD COUNTY

FILED
JUL 27 2014
CLERK OF DISTRICT COURT
FLATHEAD COUNTY MONTANA

ROB QUIST, and BONNI QUIST,)
wife,)
)
Plaintiffs,)
)
v.)
)
ROCH R. BOYER, M.D.,)
)
Defendant.)
_____)

Cause No. DV-94526A
**COMPLAINT AND REQUEST
FOR JURY TRIAL**

TED O. LYMPUS

Plaintiffs Rob Quist and Bonni Quist complain and allege as follows:

FIRST CLAIM FOR RELIEF

1. At all times relevant hereto, Plaintiff Rob Quist was a resident of Kalispell, Flathead County, Montana. Plaintiff Bonni Quist is the wife of Plaintiff Rob Quist and at all times relevant hereto was a resident of Kalispell, Flathead County, Montana.

2. At all times relevant hereto, Defendant Roch R. Boyer, M.D., the Plaintiff's treating and attending physician, was a resident of Kalispell, Flathead County, Montana.

3. The events complained of occurred at the Kalispell Regional Hospital in Kalispell, Flathead County, Montana.

4. This Court has jurisdiction over the subject matter and

the parties to this action. Venue properly lies in Flathead County.

5. On April 21, 1992, Plaintiff Rob Quist was admitted to the Kalispell Regional Hospital for an elective laparoscopic cholecystectomy because of Plaintiff's complaint of attacks of acute right upper quadrant pain and epigastric pain.

6. Defendant Dr. Roch Boyer performed a laparoscopic cholecystectomy, in which he erred by dissecting the common bile duct instead of the cystic duct, as required by appropriate medical care standards for like or similar operations.

7. Upon Dr. Boyer's discovery that he had cut the wrong duct, the Defendant converted to an open cholecystectomy.

8. Dr. Boyer attempted an immediate repair of the severed bile duct during the open cholecystectomy procedure. This attempted repair was unsuccessful. Predictably, the duct became severely strictured and the Plaintiff was further hospitalized.

9. On September 30, 1992, Plaintiff Rob Quist was admitted to the Swedish Hospital Medical Center for a second operation due to a common bile duct stricture secondary to Dr. Boyer's initial surgery.

10. Plaintiff Rob Quist underwent a Hepaticojejunostomy with Roux-en-Y limb because of the bile duct stricture caused by Defendant Dr. Boyer's inappropriate repair of the severed common bile duct.

11. Defendant Dr. Boyer breached the applicable standard of medical care, including but not limited to:

- (a) Failing to properly visualize and identify the gallbladder anatomy, and in particular, the gallbladder cystic duct junction.
- (b) Negligently clipping and then severing the common bile duct during the laparoscopic cholecystectomy.
- (c) Failing to use open cholecystectomy at an earlier time when the patient's condition so warranted.
- (d) Failing to perform routine cholangiography.
- (e) Failing to adequately repair the dissection of the common bile duct.
- (f) Failing to immediately refer and transfer patient to a specialist to enable proper repair of the severed common bile duct.

12. The injuries would not have occurred if ordinary care had been exercised by Defendant Dr. Boyer.

13. As a direct and proximate result of the negligent actions of the Defendant as specified above, Plaintiff Rob Quist sustained severe and permanent injuries. The Plaintiff has incurred the following damages and can expect to incur the same in the future:

- (a) Medical and Hospital Expenses.
- (b) Lost earnings and lost earning capacity.
- (c) Physical and emotional pain and suffering.
- (d) Loss of services.
- (e) Loss of enjoyment of an established lifestyle.

WHEREFORE, Plaintiff Rob Quist prays for judgment as provided below.

SECOND CLAIM OF WIFE - CONSORTIUM

14. These Plaintiffs reallege those parts of the first claim as are applicable and herewith incorporate the same by reference as though fully set forth.

15. Plaintiffs Rob Quist and Bonni Quist have been married and enjoyed a close conjugal relationship for 15 years. During that time, Plaintiff Bonni Quist has constantly enjoyed the services, society, and companionship of Rob Quist.

16. As a result of the negligence of the Defendant as described above, Plaintiff Bonni Quist has suffered the loss of Rob Quist's services, society, and companionship, and will suffer further such losses in the future.

17. As a further direct result of the occurrence, Plaintiff Bonni Quist has suffered and will continue to suffer damage to the marital relationship and consortium between the spouses, in an amount now unknown but which will be proved at trial.

18. Plaintiff Bonni Quist has provided nursing care, attention and services and has otherwise attended to the medical needs of her husband. As a direct result thereof, she has lost wages, incurred expenses, and has otherwise been damaged.

WHEREFORE PLAINTIFFS ROB QUIST AND BONNI QUIST pray for judgment against Defendant Boyer, including:

1. For the Plaintiffs' past and future special damages in amounts as will be proven at trial and to be determined by the jury.


2. For Plaintiffs' general damages in amounts as will be proven at trial and determined by the jury.
3. For costs incurred in bringing this action.
4. For such other relief as the Court deems just and proper under the circumstances.

REQUEST FOR JURY TRIAL

The Plaintiffs request that all issues of fact be determined by a twelve person jury.

DATED this 25th day of October, 1994.

BECK LAW OFFICES



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