

JULY 2013

KING COUNTY

KATHRYN COX; BEVERLY HAWLEY AND RICHARD HAWLEY; WILLIAM MARK SMITH AND NADINE SMITH; CHERYL GRANT; JILL ORTIZ; THOMAS PRIGMORE AND SATOKO PRIGMORE; ROBERT WALLA AND KRISTINE WALLA; DARYL STUART AND LAUREL STUART; DOUGLAS SUNDBY AND SYNDI SUNDBY; CHRIS STUART; MEGAN WALLA; THOMAS HUBER; DAVID HUBER; DANIEL O'NEAL AND PATRICIA O'NEAL; DALE HOLLINGSWORTH AND RUTH HOLLINGSWORTH; SARAH HOLLINGSWORTH; NICOLE TIEDEMAN AND DERRY TIEDEMAN; TRACY ZICKUHR AND SANDY ZICKUHR; AND ZOE ZICKUHR v. HENRI DUYZEND, D.D.S. AND SHARON DUYZEND

Number: 11-2-31164-3SEA

Trial Date: 7/1/13 (6-day private trial)

Plff Atty: Michael Wampold, Mallory Allen & Ann Rosato of Peterson Wampold Rosato Luna Knopp (Seattle)

Def. Atty: John Versnel of Lawrence & Versnel (Seattle); John Hart of Hart & Wagner (Portland OR)

Insurance Co.: CNA

Plff Exp.: Barton Johnson DDS (Dentist) Seattle; Nestor Cohenca DDS (Endodontist) Seattle; Tim Proctor CPA (Accountant) Bellevue; Michael Freeman Ph.D. (Epidemiologist) Portland OR

Def. Exp.: none

Trial Judge: Hon. Paris Kallas (Ret.)

DENTAL MALPRACTICE (STANDARD OF CARE/INFORMED CONSENT); FRAUD; CONSUMER PROTECTION ACT VIOLATION

DENTAL INJURY

Plffs alleged that over the course of decades, Def. Dr. Duyzend performed unnecessary dental procedures including root canals and crowns on their teeth in order to increase his own financial gains. Plffs further alleged that the dental treatments performed by the Def. were below the standard of care and negligent. Plffs pursued claims of negligence, lack of informed consent, fraud and violations of the Consumer Protection Act. All of the Plffs had multiple root canals and crowns, and some had as many as 20 root canals. Because the work was done so poorly by the Def., Plffs were experiencing dental problems including decay, loss of teeth and loss of bone. The Def. claimed that he was not at fault and alleged that other health care providers were responsible for the dental work.

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Injuries: Dental injuries including decay, loss of teeth and loss of bone. Many Plffs were undergoing extensive repair treatment including extractions of teeth and implants.

Specials: Med. - Plffs alleged past medical expenses of approx. \$900,000, collectively, and future medical expenses of approx. \$1,900,000, collectively.

Result: PLAINTIFF AWARD for \$35,000,000. (The case was tried privately to the Honorable Paris Kallas [Retired] at Judicial Dispute Resolution.)