

1 Ryan M. Best, WSBA 33672
2 Michael R. Merkelbach, WSBA 55389
3 Jacob A. Mark, WSBA 54280
4 Best Law PLLC
5 905 W. Riverside, Suite 409
6 Spokane, WA 99201
7 Phone: (509) 624-4422
8 Fax: (509) 703-7957
9 Email: ryan.best@bestlawspokane.com
10 Attorney for Plaintiffs

11 **IN UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF WASHINGTON**

13 RUSSELL JONES,

14 Plaintiff,

15 vs.

16 GRANT COUNTY HOSPITAL DIST.
17 NO. 1 d/b/a SAMARITAN
18 HOSPITAL, a Washington
19 Municipality, JULIE WEISENBURG,
20 individually and as an agent of
21 GRANT COUNTY HOSPITAL DIST.
22 NO. 1 d/b/a SAMARITAN
23 HOSPITAL, and JULIE
24 WEISENBURG and JOHN DOE
25 WEISENBURG, the marital
26 community thereof.

27 Defendants.

28 **COMPLAINT FOR DAMAGES**
AND JURY DEMAND

Plaintiff Russell Jones, by and through his attorneys, Ryan Best, Jacob Mark,
and Michael Merkelbach, of Best Law, PLLC, and for causes of action against the
above-named Defendants, complains and alleges as follows:

COMPLAINT FOR DAMAGES

1 **I. PARTIES, JURISDICTION, AND VENUE**

2 1.1 Russell Jones is a resident of Grant County, which is within the
3 Eastern District of Washington.
4

5 1.2 Russell Jones (hereinafter “Mr. Jones”) is an Advanced Registered
6 Nurse Practitioner and worked for Defendant Grant County Public Hospital
7 District No. 1 d/b/a Samaritan Healthcare (“Samaritan”) from July 24, 2017 until
8 Samaritan simultaneously terminated his employment and revoked his clinical
9 privileges on April 5, 2019 – ten days before Mr. Jones was to start his new
10 position with Sound Physicians Emergency Medicine of Washington, PLLC using
11 his clinical privileges at Samaritan Hospital.
12
13

14 1.3 Samaritan is a Washington Municipality conducting business within
15 the Eastern District of Washington and previously employing Russell Jones.
16

17 1.4 Julie Weisenburg and John Doe Weisenburg are married residents of
18 Grant County.
19

20 1.5 Julie Weisenburg is an employee and agent of Defendant Samaritan.

21 1.6 Plaintiff brings this action against Julie Weisenburg as an
22 employee/agent of Samaritan and in her individual capacity.
23

24 1.7 The Defendants’ alleged unlawful acts and omissions were committed
25 within the jurisdiction of the United States District Court for the Eastern District
26 of Washington.
27

28 COMPLAINT FOR DAMAGES

1 emergency department seeking treatment (a second time) for rectal bleeding that
2 had worsened since his first treatment at Samaritan Hospital.

3
4 2.5 On March 7, 2019, Samaritan first treated Mr. Doe for rectal bleeding.

5 2.6 At 5:04 p.m. on March 18, 2019, Mr. Doe returned to the Samaritan
6 Hospital Emergency Department because the bleeding had worsened.

7
8 2.7 Dr. Frank was the doctor assigned to Mr. Doe's treatment.

9 2.8 Samaritan, through Dr. Frank and Mr. Jones, performed several tests,
10 including a mandatory digital rectal examination, to diagnose and treat Mr. Doe's
11 rectal bleeding.

12
13 2.9 At 6:14 p.m., Mr. Jones ordered the following tests:

14 2.9.1 CBC, PLT, & Auto Diff;

15 2.9.2 Comprehensive Metabolic Panel;

16 2.9.3 Partial Thromboplastin Time; and

17 2.9.4 Prothrombin Time.

18
19
20 2.10 At 7:05 p.m. on March 18, 2019, Mr. Jones discussed the test results
21 with Mr. and Mrs. Doe in the Doe's hospital room.

22 2.11 Between 7:13 p.m. and 7:14 p.m. on March 18, 2019, Samaritan
23 discharged Mr. Doe, provided Mr. Doe with his discharge paperwork, and took
24 vitals for Mr. Doe at discharge.

25
26 2.12 Mr. Doe was in the emergency department for over two hours.

27
28
COMPLAINT FOR DAMAGES

1 2.13 In the two hours that Mr. Doe was present, no Samaritan employee
2 heard or saw anything suggesting that Mr. Jones assaulted, or in any way
3 mistreated, Mr. Doe – as verified by two separate investigations; one performed
4 by Samaritan and one performed by the Nursing Care Quality Assurance
5 Commission (“NCQAC”).
6

7
8 2.14 At approximately 8:45 p.m. on May 18, 2019, Mrs. Doe sent a
9 complaint, through Facebook Messenger, alleging that Mr. Jones sexually
10 assaulted Mr. Doe.
11

12 2.15 After learning of the allegation against Mr. Jones, Defendants
13 Weisenburg and Samaritan suspended Mr. Jones’s employment, pending the result
14 of Samaritan’s investigation of the allegations.
15

16 2.16 Defendants Samaritan and Weisenburg chose to handle the March 18,
17 2019 allegation “via employment versus on the medical side of things.”
18

19 2.17 Despite allegedly finding the Mrs. Doe sexual assault allegations to be
20 credible, Samaritan did not report Mr. Jones to the police, did not report Mr. Jones
21 to the NCQAC for sexual misconduct, nor did Samaritan revoke Mr. Jones’s
22 clinical privileges in order to protect the public.
23

24 2.18 On April 4, 2019, Samaritan informed Mr. Jones that it planned on
25 terminating his employment at Samaritan, and Samaritan invited Mr. Jones to
26 defend his employment the next day at a hearing on April 5, 2019.
27
28

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