

IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

THE ESTATE OF KATHLEEN HAZEN,)	
by STEVEN J. HAZEN, Administrator,)	
and STEVEN J. HAZEN, individually,)	Law No. LACE130055
)	
Plaintiffs,)	
)	
vs.)	
)	DEFENDANT GENESIS HEALTH
GENESIS HEALTH SYSTEM d/b/a)	SYSTEM d/b/a GENESIS MEDICAL
GENESIS MEDICAL CENTER and)	CENTER'S TRIAL BRIEF
WILLIAM E. OLSON, M.D.,)	
)	
Defendants.)	
)	
)	
)	

Defendant Genesis Health System d/b/a Genesis Medical Center (Genesis), by their attorneys, Lane & Waterman LLP, submit the following Trial Brief:

I. FACTUAL BACKGROUND

This is a medical malpractice case arising out of complications following a laparoscopic cholecystectomy performed on Plaintiff Steven Hazen's now-deceased wife, 61-year-old Kathleen Hazen, by Defendant William Olson, M.D., on February 8, 2016, at Mercy Medical Center in Clinton, Iowa. Five days after the procedure, on February 13, 2016, Mrs. Hazen went to Mercy's emergency room complaining of abdominal pain, and physicians diagnosed her with a bile leak, which is a known risk that can occur because of a cholecystectomy.

Early the following morning, Mrs. Hazen was transferred to Genesis East Medical Center in Davenport, Iowa, where she underwent an endoscopic retrograde cholangiopancreatography ("ERCP") and stent placement performed

by Sreenivas Chintalapani, M.D. More than a week later, on February 22, 2016, Hazen continued to experience worsening abdominal pain and hypotension. Hazen underwent an exploratory laparotomy, which was performed by Dr. Olson, and he discovered hemoperitoneum of unclear etiology and no active bleeding.

After the surgery, on February 23, 2016, Mrs. Hazen reported feeling significantly better. But, the next day, Mrs. Hazen experienced seizure-like activity and suffered a left-sided stroke. Mrs. Hazen remained at Genesis until February 29, 2016, at which time she was transferred to the University of Iowa Hospitals and Clinics in Iowa City, Iowa, where her condition did not improve, and she passed away on March 12, 2016.

II. LEGAL ISSUES

Defendants have filed their joint proposed jury instructions, which contain the legal standards applicable to the issues in this case. Plaintiffs' claims against Genesis in this case are based upon apparent or ostensible agency of non-party hospitalists Prerak Patel, M.D. and Kerline Ductan, M.D. Genesis denies that it has any agency liability for these physicians. Genesis further denies the hospitalists were negligent or that any alleged negligence caused Mrs. Hazen's damages.

III. EVIDENTIARY ISSUES

Defendants have filed their Motions in Limine, which raise several anticipated evidentiary issues. Genesis incorporates by reference its Motions in Limine and Dr. Olson's Motions in Limine, including the arguments and legal authorities cited therein.

LANE & WATERMAN LLP

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GENESIS MEDICAL CENTER

CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2023, I electronically filed the foregoing with the Scott County Clerk of Court using the Iowa Courts E-Filing system which will provide notification of such filing to all counsel of record.

By: /s/ Benjamin J. Patterson