

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF JACKSON

Patti L. Wilson for the ESTATE OF HORACE
EARL WILSON,

Plaintiff,

v.

ASANTE, an Oregon corporation; DANI
MARIE SCHOFIELD, R.N.

Defendant.

Case No. 24CV09759

**DEFENDANT DANI MARIE
SCHOFIELD, R.N.'S ANSWER AND
AFFIRMATIVE DEFENSES TO
PLAINTIFF'S COMPLAINT**

Not Subject to Mandatory Arbitration
Jury Trial Demanded

Prayer: \$11,475,000
Filing Fee: \$1,178.00
Filing Fee Authority: ORS 21.160(1)(d)

In answer to Plaintiff's Complaint, Defendant Dani Marie Schofield, R.N. (hereinafter
"Defendant Schofield") admits, denies and alleges as follows:

1.

Defendant Schofield lacks information to admit or deny the allegations contained in
Paragraph 1 of Plaintiff's Complaint.

2.

Plaintiff's allegations in Paragraph 2 appear directed toward Co-Defendant Asante, and
accordingly, no answer is required on behalf of Defendant Schofield.

3.

Defendant Schofield admits that, at all material times, she was an employee of Defendant
Asante. Beyond this, Plaintiff's allegations regarding agency appear directed toward Co-
Defendant Asante, and accordingly, no answer is required on behalf of Defendant Schofield.

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Plaintiff’s allegations in Paragraph 4 appear directed toward Co-Defendant Asante, and accordingly, no answer is required on behalf of Defendant Schofield.

On information and belief, Defendant Schofield admits that Horace Wilson presented to RPMC for care on January 27, 2022. Except as expressly admitted herein, Defendant Schofield lacks knowledge to admit or deny each and every remaining allegation contained in Paragraph 5.

Plaintiff’s allegations in Paragraph 6 appear directed toward Co-Defendant Asante, and accordingly, no answer is required on behalf of Defendant Schofield.

Plaintiff’s allegations in Paragraph 7 appear directed toward Co-Defendant Asante, and accordingly, no answer is required on behalf of Defendant Schofield.

Plaintiff’s allegations in Paragraph 8 appear directed toward Co-Defendant Asante, and accordingly, no answer is required on behalf of Defendant Schofield.

Plaintiff’s allegations in Paragraph 9 appear directed toward Co-Defendant Asante, and accordingly, no answer is required on behalf of Defendant Schofield.

Plaintiff’s allegations in Paragraph 10 appear directed toward Co-Defendant Asante, and accordingly, no answer is required on behalf of Defendant Schofield.

On information and belief, Defendant Schofield admits that she may have provided care to Plaintiff. Except as admitted expressly herein, Defendant Schofield denies each and every remaining allegation contained in Paragraph 11.

1 12.

2 On information and belief, Defendant Schofield admits that she may have provided care
3 to Plaintiff. Except as admitted expressly herein, Defendant denies each and every remaining
4 allegation contained in Paragraph 12.

5 13.

6 Defendant Schofield denies each and every allegation contained in Paragraph 13.

7 14.

8 Defendant Schofield lacks information to admit or deny the allegations contained in
9 Paragraph 14 of Plaintiff's Complaint.

10 15.

11 Plaintiff's allegations in Paragraph 15 appear directed toward Co-Defendant Asante, and
12 accordingly, no answer is required on behalf of Defendant Schofield.

13 16.

14 Defendant Schofield lacks information to admit or deny the allegations contained in
15 Paragraph 16 of Plaintiff's Complaint.

16 17.

17 Defendant Schofield lacks information to admit or deny the allegations contained in
18 Paragraph 17 of Plaintiff's Complaint.

19 18.

20 Plaintiff's allegations in Paragraph 18 appear directed toward Co-Defendant Asante, and
21 accordingly, no answer is required on behalf of Defendant Schofield.

22 19.

23 Plaintiff's allegations in Paragraph 19 appear directed toward Co-Defendant Asante, and
24 accordingly, no answer is required on behalf of Defendant Schofield.

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1 20.

2 Defendant Schofield admits that she voluntarily agreed to refrain from practice or to
3 suspend her nursing license pending completion of an investigation.

4 21.

5 Plaintiff's allegations in Paragraph 21 appear directed toward Co-Defendant Asante, and
6 accordingly, no answer is required on behalf of Defendant Schofield.

7 22.

8 Plaintiff's allegations in Paragraph 22 appear directed toward Co-Defendant Asante, and
9 accordingly, no answer is required on behalf of Defendant Schofield.

10 23.

11 Plaintiff's allegations in Paragraph 23 appear directed toward Co-Defendant Asante, and
12 accordingly, no answer is required on behalf of Defendant Schofield.

13 24.

14 Plaintiff's allegations in Paragraph 24 appear directed toward Co-Defendant Asante, and
15 accordingly, no answer is required on behalf of Defendant Schofield.

16 25.

17 Plaintiff's allegations in Paragraph 25 appear directed toward Co-Defendant Asante, and
18 accordingly, no answer is required on behalf of Defendant Schofield.

19 26.

20 Defendant Schofield denies each and every allegation contained in Paragraph 26.
21 Defendant Schofield specifically denies allegations that she was negligent or caused injury to
22 Horace Wilson.

23 27.

24 Defendant Schofield refers Plaintiff to her answers to Paragraphs 1-26 of the Complaint,
25 as if set forth in full herein again.

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1 28.

2 Defendant Schofield denies Plaintiff suffered damages or that Horace Wilson suffered
3 harm as a result of any conduct she engaged in. Defendant Schofield specifically denies
4 allegations that she was negligent or caused injury to Horace Wilson.

5 29.

6 Defendant Schofield denies Plaintiff suffered damages or that Horace Wilson suffered
7 harm as a result of any conduct she engaged in. Defendant Schofield specifically denies
8 allegations that she was negligent or caused injury to Horace Wilson.

9 30.

10 Paragraph 30 states conclusions of law to which no responsive pleading is required. To
11 the extent a responsive pleading is required, Defendant Schofield denies Plaintiff suffered
12 damages or that Horace Wilson suffered harm as a result of any conduct she engaged in and thus
13 denies that his estate is entitled to attorney fees under ORS 30.075(2).

14 31.

15 Defendant Schofield refers Plaintiff to her answers to Paragraphs 1-30 of the Complaint,
16 as if set forth in full herein again.

17 32.

18 Defendant Schofield denies each and every allegation contained in Paragraph 32.
19 Defendant Schofield specifically denies that she was negligent or caused injury to Horace
20 Wilson

21 33.

22 Except as expressly admitted herein, defendant denies each and every allegation
23 contained in plaintiff's Complaint and the whole thereof.

24 34.

25 Defendant Schofield has not yet had a full opportunity to conduct a complete inquiry into
26 the facts underlying this action. Upon request and after having conducted the necessary

1 discovery and investigation, Defendant Schofield will withdraw an affirmative defense that may
2 be unsupported by the facts as revealed in pretrial discovery and investigation. At this time,
3 however, and by way of further answer, Defendant Schofield asserts the following affirmative
4 defenses:

5 **FIRST AFFIRMATIVE DEFENSE**

6 (Failure to State a Claim)

7 35.

8 Plaintiff fails to state a claim upon which relief can be granted.

9 **SECOND AFFIRMATIVE DEFENSE**

10 (Causation)

11 36.

12 Defendant Schofield did not cause some or all of Plaintiff's claimed damages.

13 **THIRD AFFIRMATIVE DEFENSE**

14 (Noneconomic Damages Cap – Wrongful Death)

15 37.

16 Plaintiff's noneconomic damages for wrongful death are limited by ORS 31.710 to
17 \$500,000.

18 **FOURTH AFFIRMATIVE DEFENSE**

19 (Fault of Others)

20 38.

21 Plaintiff's alleged injuries or damages may have been caused and/or contributed to by the
22 actions of third party persons or agents of non-parties, negligent or otherwise, over whom
23 Defendant had no control and for whose conduct she is not liable.

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1 **FIFTH AFFIRMATIVE DEFENSE**

2 (Reservation)

3 39.

4 Defendant Schofield reserves the right to rely on any evidence produced by Plaintiff during
5 discovery and reserves the right to amend these affirmative defenses or add new affirmative
6 defenses, counterclaims and/or third party claims, as well as the right to assert additional claims or
7 actions against other parties, as the facts develop and become known during the course of
8 investigation or discovery.

9 WHEREFORE, having fully answered Plaintiff's Complaint, Defendant Schofield prays for
10 judgment in her favor, including an award of costs and disbursements incurred herein and any and
11 all other relief the Court may deem just and proper.

12 Defendant Schofield hereby demands a trial by jury of the above-entitled action.

13
14 DATED this 6th day of June, 2024.

15 HART WAGNER LLP

16
17 By: /s/ Clark R. Horner
18 Clark R. Horner, OSB 012937
19 crh@hartwagner.com
20 Sheryl A. Odems, OSB No. 07687
21 sao@hartwagner.com
22 Of Attorneys for Defendant Dani Marie
23 Schofield, R.N.

24
25 Trial Attorney: Clark R. Horner, OSB 012937
26

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 6th day of June, 2024, I served the foregoing **DEFENDANT**
3 **DANI MARIE SCHOFIELD, R.N.’S ANSWER AND AFFIRMATIVE DEFENSES TO**
4 **PLAINTIFF’S COMPLAINT** on the following parties at the following addresses:

5
6 Justin Idiart
7 The Idiart Law Group LLC
8 PO Box 3700
9 Central Point, OR 97502
10 justin@idiartlaw.com
11 *Attorney for Plaintiff*

Jeff Young
Lindsay Hart LLP
1300 SW 5th Avenue, Suite 3400
Portland, OR 97201
jyoung@lindsayhart.com
Attorney for Defendant Asante

12 [X] by emailing and mailing to them true and correct copies thereof.

13 /s/ Clark R. Horner

14 Clark R. Horner, OSB 012937