

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS

JEAN ANN WEST

**CV09- 4434-13**

PLAINTIFF

v.

CASE NO. \_\_\_\_\_

FILED 6/23/2009 16:21:44 *AB*  
Pat O'Brien Pulaski Circuit Clerk  
CR6 By \_\_\_\_\_

ARKANSAS CHILDREN'S HOSPITAL and  
ROBERT DOUGLAS BENJAMIN JAQUISS, M.D.

DEFENDANTS

COMPLAINT

COMES NOW the Plaintiff, by and through counsel, Harrill & Sutter, P.L.L.C., and for her Complaint, states and alleges as follows:

PARTIES AND JURISDICTION

1. Plaintiff is a resident and citizen of the State of Arkansas, who worked for Arkansas Children's Hospital until July, 2006. This is an action brought against Dr. Robert Douglas Benjamin Jaquiss, who is a state employee, for intentional interference with a contract, or, alternatively, deprivation of the rights granted to Plaintiff under the Arkansas and Federal Constitution, were he acting under color of state law. Accordingly, Plaintiff brings this action, as allowed under 42 U.S.C. §1983 and under the non-employment provisions of the Arkansas Civil Rights Act of 1993. This action is brought against both Defendants for conspiracy to deny Plaintiff her civil rights as allowed under the Federal and Arkansas Constitution. This action is also brought against Arkansas Children's Hospital for termination in breach of public policy. Dr. Jaquiss is a physician who is not an agent of Arkansas Children's Hospital, who improperly interfered with Plaintiff's employment with Arkansas Children's Hospital. Dr. Jaquiss currently practices medicine in Pulaski County, Arkansas. Arkansas Children's Hospital is a county hospital, supported by State and Federal funds, and, as such, is a governmental entity.

GENERAL ALLEGATIONS OF FACT

2. Plaintiff was terminated or constructively discharged by the ACH because she refused to start an operation without a patient's informed consent. Such conduct would have been a felony.

3. Surgical cases began under the direction of Dr. Jaquiss in early 2006.

4. On several occasions, nursing staff would report to work at 6:00 a.m. to start cases. Sometimes there were delays up to 2-3 hours starting cases because of waiting on the surgeon, which lead to late nights working. Plaintiff reported her concern of this matter to her superior, M. McDaniel, RN-VP, without resolution.

5. On several occasions, patients would come to the OR suite for their case, only to lay on the OR bed waiting on the surgeon at times for over an hour, or more. Plaintiff reported her concern regarding this to her superior without resolve.

6. In early 2006, there was an incident where Dr. Jaquiss insisted a child be brought into the OR suite without an operative consent. Dr. Jaquiss stated that he would get the consent when he got to the hospital. Plaintiff refused to do as Dr. Jaquiss directed, and told her staff that if anyone brought the child to the OR suite, she would write them up.

7. When Dr. Jaquiss arrived, he was extremely upset. Dr. Jaquiss gave Plaintiff a severe tongue lashing, pointing his finger at her, stating that she was stupid, and that operative consents were not worth the paper they are printed on. Plaintiff reported her concerns regarding this matter to her supervisor without resolution.

8. In an incident involving a child brought to the OR, staff went to pick up the child. The consent was on the chart. However, the family was very upset and crying, and stated they did not understand the surgery to be done. The family requested to speak with Dr. Jaquiss. Dr. Jaquiss was notified. Dr. Jaquiss refused to speak with the parents, stating that he had previously spent over an hour with them and that they were dumb. He stated Plaintiff should get one of the cardiologists to speak with them.

#### COUNT I

9. Plaintiff re-alleges the foregoing as if fully set out herein.

10. By virtue of the facts alleged herein, Defendants have deprived Plaintiff of her right to equal protection on the basis of her gender in violation of the Arkansas and Federal

Constitution. Defendant treated males more favorably than females. Plaintiff was also terminated in violation of the public policy of the state of Arkansas.

11. As a direct and proximate cause of Defendants' acts and omissions alleged herein, Plaintiff has suffered severe mental and emotional distress, and incurred other special damages in an amount to be proven at trial.

12. Dr. Jaquiss is sued in his individual capacity only. Consequently, both Defendants are sued for punitive damages on account of their willful and wanton actions.

### COUNT II

13. Plaintiff re-alleges the foregoing as if fully set out herein.

14. As alleged herein, the Defendants have combined to accomplish a purpose that is unlawful or oppressive or to accomplish some purpose, not in itself unlawful, oppressive or immoral, but by unlawful, oppressive, or immoral means, to the injury of the Plaintiff. Namely, Defendants have conspired to deprive Plaintiff her right to free speech, life and liberty.

15. Defendants had an agreement to accomplish this purpose, as well as a specific intent to accomplish this purpose.

16. As a part of this conspiracy, Defendants intentionally interfered with Plaintiff's, employment, contract or expectancy by inducing or causing a breach or termination of the relationship or expectancy, as well as deprived Plaintiff of her constitutional rights to Free Speech, Life, Liberty, and Due Process.

17. As a result, Plaintiff has lost income and fringe benefits.

18. Defendants' actions were so egregious so as to justify the imposition of punitive damages.

### COUNT III

19. Plaintiff re-alleges the foregoing against Dr. Jaquiss in his individual capacity.

20. Dr. Jaquiss was acting outside the scope in performance of his official duties in engaging in the conduct alleged above.

21. Plaintiff had a reasonable expectation of continued employment with Arkansas Children's Hospital.

22. Dr. Jaquiss improperly interfered with Plaintiff's contract or business expectancy by virtue of the facts alleged above.

23. As a direct and proximate cause of Defendant's acts and omissions alleged herein, Plaintiff has suffered severe mental and emotional distress, and incurred other special damages in an amount to be proven at trial.

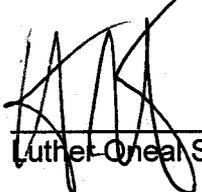
24. Dr. Jaquiss' actions have been so egregious so as to warrant the imposition of punitive damages.

WHEREFORE, the Plaintiff prays for compensatory damages exceeding \$75,000.00, for punitive damages against Dr. Jaquiss and Arkansas Children's Hospital under the Arkansas Civil Rights Act of 1993, and, or applicable, Federal Law, for reinstatement or front pay, for a reasonable attorney's fee, for a trial by jury, and for all other proper relief.

Respectfully submitted,

HARRILL & SUTTER, PLLC  
Attorneys at Law  
Post Office Box 26321  
Little Rock, Arkansas 72221-6321  
501/315-1910

By:

  
Luther Oneal Sutter, Ark. Bar No. 95031

g:\doc\west, jeanne\cptf.doc

Multiple claims. If a complaint asserts multiple claims which involve different subject matter divisions of the circuit court, the cover sheet for that division which is most definitive of the nature of the case should be selected and completed.

COVER SHEET  
STATE OF ARKANSAS  
CIRCUIT COURT: CIVIL

To Save a copy of this form to your computer, please click the disk icon on the toolbar above.

The civil reporting form and the information contained herein shall not be admissible as evidence in any court proceeding or replace or supplement the filing and service of pleadings, orders, or other papers as required by law or Supreme Court Rule. This form is required pursuant to Administrative Order Number 8. Instructions are located on the back of the form.

County: Pulaski FILING INFORMATION District: CV09 Docket Number: 4434-13

Judge: \_\_\_\_\_ Division: \_\_\_\_\_ Filing Date: \_\_\_\_\_

Plaintiff: Jean Ann West Defendant: Arkansas Children's Hospital and Robert Douglas Benjamin Jaquiss, MD

Attorney Providing Information: Luther Oneal Sutter P. O. Box 2012, Benton, AR 72018, 501-315-1910  
 Plaintiff  Defendant  Intervenor Address

Litigant, if Pro Se: \_\_\_\_\_ Address \_\_\_\_\_

Related Case(s): Judge \_\_\_\_\_ Case Number(s) \_\_\_\_\_

Type of Case:

- |                                                         |                                           |                                                            |
|---------------------------------------------------------|-------------------------------------------|------------------------------------------------------------|
| <b>Torts</b>                                            | <b>Equity</b>                             | <b>Miscellaneous</b>                                       |
| <input type="checkbox"/> (NM) Negligence: Motor Vehicle | <input type="checkbox"/> (FC) Foreclosure | <input type="checkbox"/> (CD) Condemnation                 |
| <input type="checkbox"/> (NO) Negligence: Other         | <input type="checkbox"/> (QT) Quiet Title | <input type="checkbox"/> (RE) Replevin                     |
| <input type="checkbox"/> (BF) Bad Faith                 | <input type="checkbox"/> (IJ) Injunction  | <input type="checkbox"/> (DJ) Declaratory Judgment         |
| <input type="checkbox"/> (FR) Fraud                     | <input type="checkbox"/> (PT) Partition   | <input type="checkbox"/> (UD) Unlawful Detainer            |
| <input type="checkbox"/> (MP) Malpractice               | <input type="checkbox"/> (OT) Other _____ | <input type="checkbox"/> (IN) Incorporation                |
| <input type="checkbox"/> (PL) Product Liability         |                                           | <input type="checkbox"/> (EL) Election                     |
| <input type="checkbox"/> (OD) Other _____               |                                           | <input type="checkbox"/> (FJ) Foreign Judgment             |
| <b>Contracts</b>                                        |                                           | <input type="checkbox"/> (WT) Writs _____                  |
| <input type="checkbox"/> (IS) Insurance                 |                                           | <input type="checkbox"/> (AA) Administrative Appeal        |
| <input type="checkbox"/> (DO) Debt: Open Account        |                                           | <input type="checkbox"/> (CF) Property Forfeiture          |
| <input type="checkbox"/> (PN) Debt: Promissory Note     |                                           | <input type="checkbox"/> (RD) Remove Disabilities          |
| <input type="checkbox"/> (EM) Employment                |                                           | <input type="checkbox"/> (NC) Name Change                  |
| <input type="checkbox"/> (OC) Other _____               |                                           | <input checked="" type="checkbox"/> (OM) Other <u>ACRA</u> |

Jury Trial Requested:  Yes  No Manner of Filing:  Original  Re-open  Transfer  
 Return from Federal/Bankruptcy Court

DISPOSITION INFORMATION

Disposition Date: \_\_\_\_\_  Bench Trial  Non-Trial  Jury Trial

- |                                                     |                                                           |                                                                   |
|-----------------------------------------------------|-----------------------------------------------------------|-------------------------------------------------------------------|
| <b>Judgment Type:</b>                               | <b>Dismissal Type:</b>                                    | <b>Other:</b>                                                     |
| <input type="checkbox"/> (DJ) Default Judgment      | <input type="checkbox"/> (DW) Dismissed with Prejudice    | <input type="checkbox"/> (TR) Transferred to Another Jurisdiction |
| <input type="checkbox"/> (SJ) Summary Judgment      | <input type="checkbox"/> (DN) Dismissed without Prejudice | <input type="checkbox"/> (RB) Removed to Bankruptcy Court         |
| <input type="checkbox"/> (CJ) Consent Judgment      |                                                           | <input type="checkbox"/> (RF) Removed to Federal Court            |
| <input type="checkbox"/> (TJ) Trial Judgment        |                                                           | <input type="checkbox"/> (AR) Arbitration                         |
| <input type="checkbox"/> (OJ) Other Judgment        |                                                           |                                                                   |
| <input type="checkbox"/> (PG) Petition Granted      |                                                           |                                                                   |
| <input type="checkbox"/> (PD) Petition Denied       |                                                           |                                                                   |
| <input type="checkbox"/> (DF) Decree of Foreclosure |                                                           |                                                                   |

Judgment For:  Plaintiff  Defendant  Both Judgment Amount: \$ \_\_\_\_\_

Clerk's Signature  
AOC 23 10-01  
625 Marshall Street  
Little Rock, AR 72201

Date

Send 1 paper or electronic copy to AOC upon filing.  
Send 1 paper or electronic copy to AOC upon disposition.  
Keep original in court file.

Effective 1-1-2002