

0300
GEGHÁJ ÔVÁFGÁJKE ÁCF
S@ ÔÁUWÞVÝ
ÙWÚÛÜÜÁÛUWÜVÁÛSÛS
ÒÈZSÖÖ
ÔËJÒÁKÉĚJĚ Ě Ě ÁÛÖE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

SEAN COSTELLO, individually and as
Personal Representative for and on
behalf of the ESTATE OF CHEYENNA
COSTELLO,

Plaintiffs,

vs.

PROVIDENCE HEALTH &
SERVICES—WESTERN
WASHINGTON, a Washington
corporation dba PROVIDENCE
REGIONAL MEDICAL CENTER –
EVERETT, a Washington
Corporation, and ABC
CORPORATIONS, AND JOHN/JANE
DOES,

Defendants.

NO:

COMPLAINT FOR MEDICAL
NEGLIGENCE AND WRONGFUL
DEATH

(Clerk’s Action Requested)

COMES NOW the above-named Plaintiffs, by and through their attorney of
record, Marlena Grundy of PNW Strategic Legal Solutions, PLLC, and alleges as
follows:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I. IDENTIFICATION OF PLAINTIFF

1.1 Plaintiff Sean Costello is the Personal Representative of the Estate of decedent Cheyenna M. Costello and is fully authorized to represent her estate and beneficiaries pursuant to RCW 4.20 *et seq.* in this action against the Defendants for wrongful death and professional negligence. Plaintiff declines arbitration in this matter. Mr. Costello's Declaration to that effect accompanies this Complaint.

1.2 The Decedent left three surviving children, Rayne S. Miller, Keinen W. LaRose, and A.R.C. (a minor). Their claims are being brought by and through the Personal Representative of the Estate of Cheyenna M. Costello.

II. IDENTIFICATION OF DEFENDANTS

2.1 Upon information and belief, Defendant Providence Regional Medical Center – Everett ("PRMCE") is a Washington corporation doing business in King County and Snohomish County, Washington. Defendant PRMCE advertises its service in King County and has treated patients who are residents of King County. At all times material hereto, Defendant PRMCE was a medical care provider supplying medical care and treatment to its patients in the State of Washington, comprised of physicians and other health care individuals, nurses, employees, and agents for purposes of

1 providing medical care and treatment. The acts and omissions of these
2 physicians, nurses, health care providers, and other employees and/or
3 agents were their individual acts as well as the acts and omissions of
4 Defendant PRMCE.
5

6
7 2.2 Defendants ABC CORPORATIONS included in this action are
8 entities currently unknown to Plaintiffs who may be liable for damages to
9 Plaintiffs as herein alleged. Plaintiffs reserve the right to amend their
10 Summons and Complaint, if necessary, to designate the names of said
11 unknown defendants and intend that said amendment(s) relate back to the
12 filing of the Complaint.
13

14 2.3 Defendants JOHN/JANE DOES 1 through 10 included in this
15 action are individuals currently unknown to Plaintiffs who may be liable for
16 damages to Plaintiffs as herein alleged. Plaintiffs reserve the right to amend
17 their Summons and Complaint, if necessary, to designate the names of said
18 unknown defendants and intend that said amendment(s) relate back to the
19 filing of the Complaint.
20

21
22 2.4 Jurisdiction and venue properly lie in King County Superior Court
23 since one or more of the Defendants transacted business in King County,
24 Washington, and the Court has jurisdiction over the subject matter.
25

1 **III. NATURE OF THE CASE**

2

3 3.1 Cheyenna Costella was a vibrant, much-loved, 41-year-old mother
4 of three who was transported, via the Snohomish County Fire Department,
5 to PRMCE's emergency department with stomach pains. Upon arrival, she
6 was told to wait in the waiting room where she was left for about four-and-
7 one-half hours without ever being placed in a room or examined by a doctor
8 until she started having seizures and ultimately died. Ms. Costello through
9 her Personal Representative, Sean Costello, asserts wrongful death and
10 survival actions.
11
12



1 **IV. FACTS**

2

3 4.1 On the evening of November 2, 2022, Cheyenna Costello
4 experienced worsening of the stomach pains, vomiting, and diarrhea that had
5 started earlier that evening. Her husband, Sean, called 911. Snohomish
6 County Fire District #21 arrived to find her on the couch, breathing heavily,
7 with abdominal pain that was worse with palpation and which radiated to
8 her back. The EMS crew assessed her as a Code Emergent Yellow.
9

10

11 4.2 Cheyenna Costello was transported via the fire department to
12 PRMCE’s emergency room at around 7:19 p.m. on November 2, 2022. After
13 taking some time getting her details entered into PRMCE’s charting system,
14 hospital staff told the EMS crew to take her to the emergency department
15 lobby and place her there until she could be seen. She was placed in a
16 wheelchair in the lobby because there were no open seats, and she was
17 provided blankets to stay warm.
18

19

20 4.3 Upon arrival at the PRMCE emergency department, a registered
21 nurse assigned her an Emergency Severity Index (“ESI”) score of 3. The ESI
22 is a five-level emergency department triage algorithm that provides clinically
23 relevant stratification of patients in five groups from 1 (most urgent) to 5
24 (least urgent). An ESI 3 is considered “urgent.”
25

1 4.4 Upon arrival at the PRMCE emergency department, a registered
2 nurse assigned her a Modified Early Warning System (“MEWS”) score of 4.
3 The MEWS is a scoring index that evaluates a patient’s physiological state
4 based on six vital parameters (heart rate, blood pressure, respiratory rate,
5 core body temperature, mental statue, and urine output) to identify those
6 patients at risk of clinical deterioration). A score of 3 is considered critical
7 and requires the patient to receive extra attention.
8

9
10 4.5 A medical doctor documented Ms. Costello as critically ill with
11 significant risk to decompensate and even death, requiring prompt bedside
12 evaluation and intervention.
13

14 4.6 A triage nurse entered standing orders, and these orders were
15 signed by a physician. The orders included a Comprehensive Metabolic Panel
16 which outlines the patient’s electrolyte levels. Despite being ordered upon her
17 arrival, this test was not completed until approximately five hours later,
18 apparently after she had died. The doctor noted that the test showed Ms.
19 Costello was severely hypokalemic (low potassium electrolyte). The Coroner’s
20 report noted that Ms. Costello had acute and chronic pancreatitis with
21 pseudocyst resulting in probable cardiac dysrhythmia.
22
23
24
25

1 4.7 All the above signify a patient as being in critical condition and
2 requiring immediate rooming and assessment by a physician. Had the
3 metabolic tests been timely performed, staff would have had enough time to
4 diagnose her pancreatitis and correct the potassium imbalance. Yet, despite
5 these scores and her abnormal vital signs, she was left to languish in the
6 emergency department lobby for about four-and-one-half hours, without
7 proper monitoring and/or assessment, until she started seizing and died
8 from an easily treatable condition.
9

10
11 **V. LIABILITY AND DAMAGES**
12

13 5.1 Plaintiffs adopt and incorporate the paragraphs above as though
14 set forth in full herein.
15

16 5.2 Defendants violated RCW 7.70 *et seq.* and were negligent in their
17 care and treatment of Cheyenna Costello. Defendants are liable for their
18 tortious conduct under the laws of the State of Washington. Defendants had
19 a duty to exercise the degree of skill, care and learning expected of a
20 reasonably prudent physician or healthcare provider in the class to which
21 each belongs, acting under the same or similar circumstances in the State
22 of Washington at the time of the occurrences alleged herein.
23
24
25

1 5.3 Defendants were negligent in their failure to timely room, examine,
2 test, warn, monitor, intervene, and otherwise render the necessary care to
3 their patient, Cheyenna Costello, including but not limited to the following
4 acts and omissions:
5

6 5.3.1 PRMCE failed to ensure that their staff was trained,
7 competently, and/or given the essential resources to recognize and
8 assess a critically ill patient and take the proper interventions and/or
9 provide the requested needs to mitigate a serious patient safety risk.
10

11
12 5.3.2 PRMCE leadership did not create and/or enforce policies and
13 procedures for accurate and timely interventions based on the needs
14 of the patient.
15

16 5.3.3 PRMCE leadership did not create and/or enforce policies and
17 procedures and/or give the essential resources to ensure the staff
18 could advocate for any patient safety concerns and employ the chain
19 of command to ensure the hospital had proper resources to accept
20 critically ill patients.
21

22
23 5.3.4 Healthcare providers/professionals did not meet the
24 standard of care to keep Ms. Costello safe by mitigating preventable
25 and predictable harm.

1 5.4 The acts and/or omissions of agents of PRMCE resulted in Ms.
2 Costello's injury, death, and damages.
3

4 5.5 Plaintiff hereby notifies the Defendants they are pleading all
5 theories of recovery, including a survival action, and bases for liability
6 available pursuant to the law, including negligent and wrongful death on the
7 part of the Defendants, including actions pursuant to RCW 4.20.010, RCW
8 4.20.046, and RCW 4.20.060.
9

10
11 5.6 As a result of the negligence of the Defendants and/or its agents or
12 ostensible agents, the Decedent suffered personal injuries that led to her
13 death. Her death resulted in financial and other damages allowed under
14 RCW 4.20.010, 4.20.020, 4.20.046, and 4.22.060, including compensation
15 for pecuniary loss and the loss of companionship, love, affection, support,
16 care, society, and guidance, and the destruction of the parent-child
17 relationship. This complaint for damages includes all applicable actions and
18 damages under Washington's wrongful death and survival statutes.
19 Damages will be proven at trial and damage amounts will be deemed
20 reasonable and proper as determined by the trial of fact.
21
22

23 ///

24
25 ///

1
2
3 **VI. PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiffs pray for judgment against the Defendants,
5 and each of them, jointly and severally, as follows:

- 6 A. General damages according to proof at trial;
7 B. Special damages according to proof at trial;
8 C. Costs herein incurred, including reasonable attorney's fees included
9 under RCW 7.70.070;
10 D. Prejudgment interest; and
11 E. Such other and further relief as this Court deems just and proper.
12

13 DATED this 12th day of October 2023.

14 PNW STRATEGIC LEGAL SOLUTIONS, PLLC

15 */s/ Marlena Grundy*
16 Marlena Grundy, WSBA# 47026
17 Attorney for Plaintiff
18 1408 140th Pl. NE, Suite 170
19 Bellevue, WA 98007
20 425-223-5710
21 marlena@pnwsls.com

1
2
3
4
5 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
6 **IN AND FOR KING COUNTY**

7 SEAN COSTELLO, individually and as Personal
8 Representative for and on behalf of the ESTATE
9 OF CHEYENNA COSTELLO,

10 Plaintiffs,

11 vs.

12 PROVIDENCE HEALTH & SERVICES—
13 WESTERN WASHINGTON, a Washington
14 nonprofit corporation dba PROVIDENCE
15 REGIONAL MEDICAL CENTER - EVERETT,
16 a Washington Corporation, and ABC
17 CORPORATIONS, AND JOHN/JANE DOES,

18 Defendants.

19
20
21
22
23
24
25
**DECLARATION OF SEAN
COSTELLO**

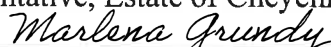
SEAN COSTELLO, individually and as Personal Representative for and on behalf of the ESTATE OF CHEYENNA COSTELLO, declares the following to be true under penalty of perjury, under the laws of the State of Washington:

1. I am over the age of 18 and competent to testify to the matters herein.
2. My attorney has provided me with the provisions of RCW 7.70A *et seq.*
3. I am aware of my right to demand arbitration of this matter, and I decline arbitration.

I declare the foregoing to be true under penalty of perjury.

DATED this 3rd day of October, 2023, at Everett, Washington.


Sean Costello Personal Representative, Estate of Cheyenna Costello


Marlana Grundy, WSBA# 47026