

The Honorable Maureen McKee

SUPERIOR COURT OF WASHINGTON KING COUNTY

JEREMY MORTON-MAXSON, an individual,  
Plaintiff.

NO. 23-2-11780-8 SEA

**DEFENDANT’S ANSWER AND  
AFFIRMATIVE DEFENSES**

vs.

UNIVERSITY OF WASHINGTON; STATE OF  
WASHINGTON; JOHN DOES 1-10; JANE DOES  
1-10,  
Defendants.

COMES NOW Defendant University of Washington (“Defendant”) and answers Plaintiff’s  
Complaint for Medical Negligence Damages as follows:

**I. PARTIES**

1.1 Answering paragraph 1.1, defendant admits the allegations except those regarding  
employment or agency. As to those allegations, defendant cannot admit or deny such a broad  
allegation regarding unknown providers and therefore denies the same.

1.2. Answering paragraph 1.2, defendant is without knowledge or information sufficient  
to form a belief as to the truth of the allegations regarding Doe defendants and therefore denies the  
same.

1.3. Answering paragraph 1.3, defendant is without knowledge or information sufficient  
to form a belief as to the truth of the allegations regarding Doe defendants and therefore denies the  
same.

1 1.4. Answering paragraph 1.4, defendant admits the same based upon information and  
2 belief.

## 3 II. COMPLIANCE

4 2.1 Answering paragraph 2.1, defendant admits the same. As plaintiff has elected not  
5 to submit this matter to voluntary arbitration, any such election on defendant's part is moot.

## 6 III. JURISDICTION AND VENUE

7 3.1 Answering paragraph 3.1, defendant admits that jurisdiction and venue are proper  
8 but denies each and every other allegation contained in this paragraph.

## 9 IV. FACTS

10 4.1 Answering paragraph 4.1, defendant admits that on August 17, 2022, plaintiff had  
11 a papillary lesion surgically removed at Northwest Hospital. Plaintiff had been referred to urology  
12 by his primary care provider after report of hematuria. Except as specifically admitted herein,  
13 defendant denies each and every other allegation contained in this paragraph.

14 4.2 Answering paragraph 4.2, defendant denies as worded. Defendant admits that the  
15 papillary lesion removed at surgery was intended to be sent for pathology review. Except as  
16 specifically admitted herein, defendant denies each and every other allegation contained in this  
17 paragraph.

18 4.3. Answering paragraph 4.3, defendant admits that the papillary lesion removed on  
19 August 17, 2022, was not reviewed by pathology and that, to date, defendant has been unable to  
20 locate this specimen. Except as specifically admitted herein, defendant denies each and every  
21 other allegation contained in this paragraph.

22 4.4 Answering paragraph 4.4, defendant admits that the pathology specimen should  
23 have been reviewed by pathology as intended and that the failure to preserve the specimen for  
24 pathology review was a violation of the standard of care. Except as specifically admitted herein,  
25 defendant denies each and every other allegation contained in this paragraph.

26 4.5 Answering paragraph 4.5, defendant denies each and every allegation contained in  
this paragraph.

1 **V. NEGLIGENCE AND LIABILITY**

2 5.1 Answering paragraph 5.1, defendant denies that the University of Washington is a  
3 health care provider. Defendant admits that certain employees are health care providers. Except  
4 as admitted herein, defendant denies the broad allegations as to unnamed “employees”.

5 5.2 Answering paragraph 5.2, defendant cannot admit or deny broad allegations against  
6 unnamed employees or agents and therefore denies the same.

7 5.3 Answering paragraph 5.3, defendant admits that it was a violation of the standard  
8 of care not to have the papillary lesion removed at surgery undergo pathologic evaluation.  
9 Defendant specifically denies that this violation of the standard of care proximately caused  
10 plaintiff’s claimed damages. Except as specifically admitted herein, defendant denies each and  
11 every other allegation contained in this paragraph.

12 5.4 Answering paragraph 5.4, defendant is without knowledge or information sufficient  
13 to form a belief as to the truth of the allegations against Doe defendants and therefore denies the  
14 same.

15 **VI. DAMAGES**

16 6.1 Answering paragraph 6.1, defendant denies each and every allegation contained in  
17 this paragraph.

18 **VII. PRAYER FOR RELIEF**

19 As to the portion of plaintiff’s Complaint making a prayer for relief, defendant denies that  
20 plaintiff is entitled to any requested relief, including those contained in subsections a), b), c), and  
21 d).

22 **OMNIBUS DENIAL**

23 In the event a specific allegation was not admitted or denied, it is denied.

24 **AFFIRMATIVE DEFENSES**


25 By way of further answer, defendant asserts the following affirmative defenses:

26 1. Any alleged injuries and damages may have been proximately caused by causes  
other than those for which defendant is responsible.



1 DATED this 14th day of August, 2023.

2 BENNETT BIGELOW & LEEDOM, P.S.

3  
4 By:   
5 Elizabeth A. Leedom, WSBA #14335  
6 Lauren Martin, WSBA #49026  
7 Attorneys for Defendant

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1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies under penalty of perjury under the laws of the state of  
3 Washington, that I am now, and at all times material hereto, a citizen of the United States, a resident  
4 of the state of Washington, over the age of 18 years, not a party to, nor interested in the above  
entitled action, and competent to be a witness herein. I caused to be served, pursuant to CR5(b)(7),  
on this date the foregoing in the manner indicated to the parties listed below:

5 ***Counsel for Plaintiff***  
6 Simeon J. Osborn  
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- Legal Messenger
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- 1<sup>st</sup> Class mail
- Federal Express

10 DATED this 14th day of August, 2023.

11   
12 \_\_\_\_\_  
13 Karen L. Calkins  
14 Legal Assistant