

07-May-21

REGISTRY

NO. PRG-S-S-2159104
PRINCE GEORGE REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

ROCHELLE TURNER

PLAINTIFF

AND

DR. TAMMY CHERYL WILLIAMS and NORTHERN HEALTH AUTHORITY
doing business as LAKES DISTRICT HOSPITAL AND HEALTH CENTRE

DEFENDANTS

RESPONSE TO CIVIL CLAIM

**Filed by: NORTHERN HEALTH AUTHORITY doing business as LAKES DISTRICT
HOSPITAL AND HEALTH CENTRE (the "hospital defendant")**

Part 1: RESPONSE TO NOTICE OF CIVIL CLAIM FACTS

Division 1 – Defendant's Response to Facts

1. The facts alleged in none of Part 1 of the Notice of Civil Claim are admitted.
2. The facts alleged in paragraphs 3, 4, 5, 6, and 8 to 16 of Part 1 of the Notice of Civil Claim are denied.
3. The facts alleged in paragraphs 1, 2 and 7 of Part 1 of the Notice of Civil Claim are outside the knowledge of the hospital defendant.

Division 2 – Defendant's Version of Facts

4. In answer to paragraph 3 of Part 1 of the Notice of Civil Claim, the hospital defendant says that the Northern Health Authority is a health authority pursuant to the *Health Authorities Act*, R.S.B.C. 1996, c. 180 and the Regulations thereto, and in that capacity operates Lakes District Hospital and Health Centre in Burns Lake, B.C. as well as the University Hospital of Northern British Columbia in Prince George, B.C. ("UHNBC"), which are hospitals pursuant to the *Hospital Act*, R.S.B.C. 1996, c. 200.
5. At or about 1030 hours on June 28, 2019, the plaintiff presented to Emergency at Lakes District Hospital and Health Centre. Reason for visit indicated was inability to use her right arm since the day before. Vital signs were taken. An ECG was run and urinalysis was done. The plaintiff was assessed by a physician and then discharged at 1210 hours. The diagnosis noted by the physician was "R/O carpal tunnel".

6. At or about 1020 hours on June 30, 2019, the plaintiff attended via ambulance to Emergency at Lakes District Hospital and Health Centre due to right sided weakness. A physician assessed the plaintiff and noted a diagnosis of "R/O stroke". At 1230 hours, the plaintiff was transferred to UHNBC for a CT scan and CT angiogram.
7. Results of the head CT scan and CT angiogram done at UHNBC on June 30, 2019 indicated a large left MCA (middle cerebral artery) territory acute cortical infarct, suspected thromboembolic disease or dissection involving the left ICA (internal carotid artery) and suspected abrupt cut off of the left M1 MCA artery.
8. In answer to the whole of the Notice of Civil Claim, the hospital defendant denies that it or any of its employees, officers or agents were negligent or in breach of any duty, as alleged or at all.
9. The hospital defendant says that at all material times, it and its employees, officers or agents acted fully in accordance with the standard accepted practice and, in particular, that all care, treatment, and procedures they provided to the plaintiff were appropriate, in accordance with a reasonable standard of practice and procedure, and rendered competently with reasonable care, skill, and diligence.
10. In further answer to the whole of the Notice of Civil Claim, the hospital defendant says that nothing it or its employees, officers or agents did or failed to do caused or contributed in any way to the injuries, loss, damage or expense suffered by the plaintiff, as alleged, or at all.
11. In further answer to the whole of the Notice of Civil Claim and in particular, paragraphs 9 to 15 of Part 1 of the Notice of Civil Claim, the hospital defendant denies that the plaintiff suffered or will suffer in the future the injuries, loss, damage or expense as alleged, or at all, and puts the plaintiff to the strict proof thereof.
12. In answer to paragraph 16 of Part 1 of the Notice of Civil Claim, the hospital defendant denies that it was a wrongdoer as defined within section 1 of the *Health Care Costs Recovery Act*, S.B.C. 2008, c. 27 and denies any entitlement or requirement of the plaintiff to claim against the hospital defendant for the cost of any alleged healthcare services as defined under the *Health Care Costs Recovery Act*.

Division 3 – Additional Facts

1. Nil.

Part 2: RESPONSE TO RELIEF SOUGHT

1. The hospital defendant opposes the granting of all relief sought in Part 2 of the Notice of Civil Claim; and
2. The hospital defendant seeks a dismissal of the plaintiff's claim against it with costs payable to the hospital defendant.

Part 3: LEGAL BASIS

1. In answer to the whole of the Notice of Civil Claim, the hospital defendant denies that it or any of its employees, officers or agents were negligent or in breach of any duty owed to the plaintiff, as alleged or at all.
2. The hospital defendant says that all material times, it and its employees, officers or agents acted fully in accordance with the standard accepted practice and, in particular, that all assessments, care, treatment, and procedures they provided to the plaintiff were appropriate, in accordance with a reasonable standard of practice and procedure, and rendered competently with reasonable care, skill, and diligence.
3. The hospital defendant further says that at all material times, the protocols, policies, systems, procedures and standards it had in place were reasonable, proper and in accordance with the applicable standard of care.
4. In further answer to the whole of the Notice of Civil Claim, the hospital defendant denies that the plaintiff suffered or will suffer in the future, the injuries, loss, damage or expense as alleged or at all, and puts the plaintiff to the strict proof thereof.
5. Further, or in the alternative, if the plaintiff suffered any injury, loss, damage, or expense, as alleged or at all, which is denied, then such injury, loss, damage, or expense were not caused or contributed to by any act, omission, negligence, or breach of duty by the hospital defendant or its employees, officers or agents, as alleged or at all.
6. Further, or in the alternative, if the plaintiff suffered any injury, loss, damage, or expense, as alleged or at all, the same were caused or contributed to by the negligence of the plaintiff, particulars of which include but are not limited to the following:
 - (a) Failing to properly report her symptoms to the medical care providers;
 - (b) Failing to seek medical attention in a timely manner;
 - (c) Failing to follow medical advice; and
 - (d) Such further particulars as will be provided.
7. Further, or in the alternative, if the plaintiff suffered any injury, loss, damage, or expense, as alleged or at all, which is denied, then such injury, loss, damage, or expense are attributable to pre-existing or subsequent unrelated health conditions, illnesses, injuries, accidents, trauma, congenital defects or other disease processes or intervening events; and no act, omission, negligence, or breach of duty of the hospital defendant caused, contributed to, exacerbated, aggravated, or were the proximate cause of same.
8. Further, or in the alternative, if the plaintiff suffered or continues to suffer any injury, loss, damage, or expense, as alleged or at all, which is denied, then such injury, loss, damage, or expense was not foreseeable and/or was too remote and the hospital defendant is not liable to the plaintiff.

9. Further, or in the alternative, if the plaintiff suffered or continues to suffer any injury, loss, damage, or expense, as alleged or at all, which is denied, then the plaintiff has failed to take all reasonable steps to mitigate her losses.
10. Further, the hospital defendant denies any entitlement or requirement of the plaintiff to claim against the hospital defendant for the cost of any alleged health care services pursuant to the *Health Care Costs Recovery Act*.
11. In the alternative, the hospital defendant claims apportionment of liability as against the Defendant Doctor for damages and costs and pleads and relies upon the *Negligence Act*, R.S.B.C. 1996, c. 333 and amendments thereto.

The hospital defendant's address for service:

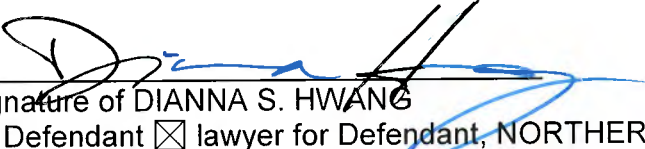
Alexander Holburn Beaudin + Lang LLP
Barristers and Solicitors
2700 - 700 West Georgia Street
Vancouver, BC V7Y 1B8

Attention: Dianna S. Hwang

Fax number address for service (if any): 604.484.9700

E-mail address for service (if any): N/A

Dated: May 7, 2021


Signature of DIANNA S. HWANG
☐ Defendant ☒ lawyer for Defendant, NORTHERN
HEALTH AUTHORITY doing business as LAKES
DISTRICT HOSPITAL AND HEALTH CENTRE

Rule 7-1 (1) of the Supreme Court Civil Rules states:

- (1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
 - (a) prepare a list of documents in Form 22 that lists
 - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
 - (ii) all other documents to which the party intends to refer at trial, and
 - (b) serve the list on all parties of record.