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8 Attorneys for Plaintiff

9 **SUPERIOR COURT OF ARIZONA**

10 **MARICOPA COUNTY**

11 PAMELA CHAPMAN, surviving spouse  
12 of RALPH CHAPMAN, deceased, for  
13 herself and on behalf of all statutory  
beneficiaries under A.R.S. § 12-612(A),

14 Plaintiff,

Case No.: **CV2021-008063**

**COMPLAINT**

(Medical Malpractice)

(Wrongful Death)

16 AZ PERIO, PLLC, an Arizona  
17 professional limited liability company;  
18 TORY RICHMOND, CRNA and JANE  
19 DOE RICHMOND; BRUCE E. HOUSER,  
20 DDS and JANE DOE HOUSER,  
21 LIFEGUARD ANESTHESIA, LLC, an  
Arizona limited liability company, JOHN  
DOES 1-10; JANE DOES 1-10; BLACK  
AND WHITE COMPANIES 1-10; ABC  
CORPORATIONS 1-10 and XYZ  
LIMITED LIABILITY COMPANIES,

22 Defendants.

23  
24 Plaintiff Pamela Chapman, decedent's surviving spouse, acting for herself and  
25 on behalf of all statutory wrongful death beneficiaries of Ralph Chapman, for her  
26 Complaint against Defendants alleges as follows:

1 **PARTIES, JURISDICTION AND VENUE**

2 1. Plaintiff Pamela Chapman is a resident of Maricopa County, Arizona.

3 2. Plaintiff Pamela Chapman is the surviving spouse of Ralph Chapman  
4 and brings this action for herself and all statutory wrongful death beneficiaries under  
5 A.R.S. § 12-612(A), including Clinton and Mitchell Chapman, the decedent’s  
6 biological surviving sons, and Ali Chapman, the decedent’s surviving biological  
7 daughter.

8 3. Defendant AZ Perio, PLLC (“AZ Perio”) is an Arizona professional  
9 limited liability company qualified to do business and doing business in Maricopa  
10 County, Arizona.

11 4. Defendant Lifeguard Anesthesia, LLC (“Lifeguard Anesthesia”) is an  
12 Arizona limited liability company qualified to do business and doing business in  
13 Maricopa County, Arizona.

14 5. Defendants Tory Richmond, CRNA (“CRNA Richmond”) and Jane Doe  
15 Richmond, a married couple, were at all times pertinent herein, residents of Maricopa  
16 County, Arizona and at all times relevant, acted on behalf of the marital community.

17 6. Defendants Bruce Houser, DDS (“Dr. Houser”) and Jane Doe Houser, a  
18 married couple, were at all times pertinent herein, residents of Maricopa County,  
19 Arizona and at all times relevant, acted on behalf of the marital community.

20 7. Dr. Houser and CRNA Richmond, individually and/or acting through  
21 employees in the course and scope of their employment, at all relevant times, were  
22 healthcare providers as that term is used in the Arizona Medical Act, A.R.S. § 12-561  
23 *et seq.*

24 8. All relevant events occurred in Maricopa County, Arizona.

25 9. Jurisdiction and venue are proper in this Court.

26

1 10. Plaintiff asserts that this case qualifies for Tier 3 as defined by Rule 26.2  
2 (c)(3), Arizona Rules of Civil Procedure.

3 11. At all relevant times, Dr. Houser was an employee and/or agent of AZ  
4 Perio and was acting within the course and scope of his employment and/or agency.

5 12. At all relevant times, CRNA Richmond was an employee and/or agent of  
6 Lifeguard Anesthesia and was acting within the course and scope of his employment  
7 and/or agency.

8 13. At all times mentioned herein, each of the individually named  
9 Defendants acted as the agent, ostensible agent, and/or or servant of every other  
10 named Defendant.

11 14. Defendants John Does 1-10, Jane Does 1-10, Black and White Companies  
12 1-10, ABC Corporations 1-10 and XYZ Limited Liability Companies are fictitious  
13 Defendants whose true names, identities and capacities are unknown to the Plaintiff  
14 at this time. Plaintiff will seek leave of this Court to amend her Complaint when the  
15 true names, identities and capacities of such Defendants become known. Plaintiff  
16 alleges that Jane and John Does 1-10 are individuals or non-corporate business entities  
17 who are residents of, and/or doing business within, Maricopa County Arizona and  
18 who acted negligently, causing the Plaintiff to be damaged; and that Defendant ABC  
19 Corporations 1-10, Black and White Companies 1-10 and XYZ Limited Liability  
20 Companies are domestic or foreign entities authorized to do business within  
21 Maricopa County, Arizona, and whose negligent actions caused Plaintiff to be  
22 damaged.

23 **GENERAL ALLEGATIONS**

24 15. Plaintiff hereby incorporates paragraphs 1 through 14 above as though  
25 fully set forth herein.

1  
2 16. On August 28, 2020, Ralph Chapman presented to AZ Perio for  
3 periodontal surgery under IV sedation that included Laser-Assisted Osseous Surgery,  
4 Gingivectomy and tooth certain tooth extractions (Laser Surgery).

5 17. Defendants recommended to Ralph Chapman that supplemental oxygen  
6 be used with IV sedation for the Laser Surgery.

7 18. Dr. Houser was the periodontist who performed the Laser Surgery and  
8 was responsible for the use of the laser during the Laser Surgery.

9 19. CRNA Richmond was the nurse anesthetist who was responsible for  
10 administering and monitoring the IV sedation and supplemental oxygen given to  
11 Ralph Chapman during the Laser Surgery.

12 20. Prior to the Laser Surgery, gauze throat packs and a bite-block were  
13 placed in Ralph Chapman intraorally on orders of Dr. Houser.

14 21. Throughout the Laser Surgery, CRNA Richmond administered  
15 supplemental oxygen to Ralph Chapman by nasal cannula at 6 liters, per minute.

16 22. During the Laser Surgery, Dr. Houser's operation of the laser started a  
17 fire in Ralph Chapman intraorally, which resulted in severe thermal and inhalation  
18 injuries.

19 23. Ralph Chapman was not properly advised of the risks of the use of a  
20 laser in this type of Laser Surgery.

21 24. On August 28, 2020, Ralph Chapman was transported by ambulance to  
22 the Arizona Burn Center at Valleywise Medical Center where he remained until he  
23 died on September 9, 2020 from complications resulting from the thermal and  
24 inhalation injuries sustained during the dental procedures while under the care of  
25 Defendants.  
26

1 COUNT I

2 MEDICAL NEGLIGENCE OF DR. HOUSER AND CRNA RICHMOND  
3 AND VICARIOUS LIABILITY OF DEFENDANTS AZ PERIO AND  
4 LIFEGUARD ANESTHESIA

5 25. Plaintiff hereby incorporates by reference paragraphs 1 through 24 above  
6 as fully set forth herein.

7 26. Dr. Houser and CRNA Richmond owed a duty to Ralph Chapman to  
8 exercise that degree of care, skill and learning expected of a reasonable, prudent  
9 health care provider acting in the same profession or class to which they belong and  
10 under similar circumstances.

11 27. Dr. Houser and CRNA Richmond failed to exercise that degree of care,  
12 skill and learning expected of a reasonable prudent health care provider acting within  
13 the same profession or class to which they belong under similar circumstances.

14 28. Dr. Houser breached that duty and the standard of care when, among  
15 other things, he fired the laser during the Laser Surgery at a time when it was unsafe  
16 to do so under the circumstances.

17 29. Defendant CRNA Richmond breached that duty and the standard of care  
18 by, among other things, administering to Ralph Chapman, an amount of  
19 supplemental oxygen during the Laser Surgery which was unsafe under the  
20 circumstances.

21 30. As a direct result of Defendants' violations of the standard of care, Ralph  
22 Chapman sustained severe thermal and inhalation injuries that were a proximate  
23 cause of his death.

24 31. At all relevant times, Dr. Houser was an employee and/or agent of  
25 Defendant AZ Perio and was acting within the course and scope of his employment  
26

1 and/or agency. AZ Perio is vicariously liable for all acts and/or oral admissions by  
2 Dr. Houser that fell below the standard of care.

3 32. At all relevant times, CRNA Richmond was an employee and/or agent of  
4 Defendant Lifeguard Anesthesia and was acting within the course and scope of his  
5 employment and/or agency. Lifeguard Anesthesia is vicariously liable for all acts  
6 and/or oral admissions by CRNA Richmond that fell below the standard of care.

7 **COUNT II**

8 **INDEPENDENT NEGLIGENCE OF AZ PERIO**

9 33. Plaintiff hereby incorporates by reference paragraphs 1 through 32 above  
10 as though fully set forth herein.

11 34. AZ Perio owed a duty of reasonable care to Ralph Chapman.

12 35. AZ Perio breached that duty and the standard of care for its failure to  
13 provide and to have in place safety policies and procedures prior to and when  
14 performing surgical procedures involving the use of a laser.

15 36. AZ Perio breached that duty and the standard of care when it failed to  
16 follow safety policies and procedures that are required to be in place prior to and  
17 when performing surgical procedures involving the use of a laser.

18 37. AZ Perio breached that duty and the standard of care for its failure to  
19 create, implement and enforce laser safety policies and procedures, and communicate  
20 those safety policies and procedures to all of the medical staff involved in any laser  
21 surgical procedure.

22 38. AZ Perio breached that duty and the standard of care when they failed to  
23 ensure that any medical staff performing a surgical procedure involving a laser be  
24 familiar with, and comply, with safety policies and procedures during a laser surgical  
25 procedure.

1 39. AZ Perio breached that duty and the standard of care when it failed,  
2 prior to the Laser Surgery, to ensure that proper safety procedures were in place and  
3 followed during the Laser Surgery.

4 40. As a direct result of AZ Perio's violations of the standard of care, Ralph  
5 Chapman sustained severe thermal and inhalation injuries that were a proximate  
6 cause of his death.

7 **DAMAGES**

8 41. Plaintiff incorporates paragraphs 1 through 40 above as though fully set  
9 forth herein.

10 42. As a direct and proximate result of Defendants' negligence, the surviving  
11 statutory wrongful death beneficiaries of Ralph Chapman are entitled to receive, and  
12 hereby seek, compensation for damages related to their emotional damage, shock,  
13 grief, mental anguish, loss of society, companionship and consortium, as well as  
14 economic damages, including lost income, medical bills, funeral and burial expenses,  
15 incurred as a result of the death of Ralph Chapman, in an amount to be proven at  
16 trial.

17 43. As a direct and proximate result of Defendants' conscious and reckless  
18 disregard of the known and substantial risk of harm that would come to Ralph  
19 Chapman by their breaches of the applicable standard of care, Plaintiff is entitled to  
20 receive, and hereby seeks, punitive damages against Defendants under common law  
21 principles generally applicable in civil actions.

22 WHEREFORE, Plaintiff requests judgment against Defendants in an amount  
23 that will reasonably compensate Plaintiff plus costs incurred in this action and for  
24 such other and further relief as the Court deems proper.

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DATED this 17th day of May, 2021.

JENNINGS, HAUG & CUNNINGHAM, L.L.P.

*/s/ Laurence R. Sharlot*

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Blake Whiteman  
Laurence Sharlot  
Joseph Brophy  
Attorneys for Plaintiff

ORIGINAL of the foregoing  
filed this 17th day of May, 2021,  
with:

Clerk of Court  
MARICOPA COUNTY SUPERIOR COURT  
201 W. Jefferson Street  
Phoenix, Arizona 85003

*/s/ Benita Beck*

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