

EXHIBIT B

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KING COUNTY
SUPERIOR COURT CLERK
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CASE NUMBER: 11-2-31164-3 SEA

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

KATHRYN COX; BEVERLY HAWLEY and
RICHARD HAWLEY, husband and wife;
WILLIAM MARK SMITH and NADINE
SMITH, husband and wife; CHERYL
GRANT; JILL ORTIZ; THOMAS
PRIGMORE and SATOKO PRIGMORE,
husband and wife; ROBERT WALLA and
KRISTINE WALLA, husband and wife;
DARYL STUART and LAUREL STUART,
husband and wife; DOUGLAS SUNDBY and
CYNDI SUNDBY, husband and wife; CHRIS
STUART; MEGAN WALLA; THOMAS
HUBER; DAVID HUBER; DANIEL O'NEAL
and PATRICIA O'NEAL, husband and wife,
DALE HOLLINGSWORTH and RUTH
HOLLINGSWORTH, husband and wife;
SARAH HOLLINGSWORTH; NICOLE
TIEDEMAN and DERRY TIEDEMAN,
husband and wife; TRACY ZICKUHR and
SANDY ZICKUHR, husband and wife, and
ZOE ZICKUHR,

Plaintiffs,

v.

HENRI DUYZEND, D.D.S. and SHARON
DUYZEND, husband and wife,

Defendants.

NO.

COMPLAINT FOR INJURIES AND
DAMAGES

1 Plaintiffs allege as follows:

2 I. Parties

3 1.1 Plaintiff Kathryn Cox is a resident of the State of Washington, residing in Seattle.

4 1.2 Plaintiffs Richard Hawley and Beverly Hawley, husband and wife, are residents
5 of the State of Washington, residing in Woodway.

6 1.3 Plaintiffs William Mark Smith and Nadine Smith, husband and wife, are residents
7 of the State of Washington, residing in Lynnwood.

8 1.4 Plaintiff Cheryl Grant is a resident of the State of Washington, residing in Seattle.

9 1.5 Plaintiff Jill Ortiz is a resident of the State of Washington, residing in Edmonds.

10 1.6 Plaintiffs Thomas Prigmore and Satoko Prigmore, husband and wife, are residents
11 of the State of Washington, residing in Lynnwood.

12 1.7 Plaintiffs Robert Walla and Kristine Walla, husband and wife, are residents of the
13 State of Washington, residing in Edmonds.

14 1.8 Plaintiffs Daryl Stuart and Laurel Stuart, husband and wife, are residents of the
15 State of Washington, residing in Shoreline.

16 1.9 Plaintiffs Douglas Sundby and Cyndi Sundby, husband and wife, are residents of
17 the State of Washington, residing in Brier.

18 1.10 Plaintiff Chris Stuart is a resident of the State of Washington, residing in
19 Marysville.

20 1.11 Plaintiff Megan Walla is a resident of the State of Washington, residing in
21 Edmonds.

22 1.12 Plaintiff Thomas Huber is a resident of the State of Washington, residing in
23 Bothell.

24 1.13 Plaintiff David Huber is a resident of the State of California, residing in
25 Riverside.

26 1.14 Plaintiffs Daniel O'Neal and Patricia O'Neal, husband and wife, are residents of

1 the State of Washington, residing in Mill Creek.

2 1.15 Plaintiffs Dale Hollingsworth and Ruth Hollingsworth, husband and wife, are
3 residents of the State of Washington, residing in Shoreline.

4 1.16 Plaintiff Sarah Hollingsworth is a resident of the State of Washington, residing in
5 Seattle.

6 1.17 Plaintiffs Derry Tiedeman and Nicole Tiedeman, husband and wife, are residents
7 of the State of Washington, residing in Edmonds.

8 1.18 Plaintiffs Tracy Zickuhr and Sandra Zickuhr, husband and wife, are residents of
9 the State of Washington, residing in Edmonds.

10 1.19 Plaintiff Zoe Zickuhr is a resident of the State of Arizona, residing in Phoenix.

11 1.20 Defendants Henri F. Duyzend, DDS and Sharon Duyzend, husband and wife, are
12 residents of the State of Washington. Dr. Henri Duyzend was a licensed Dentist who was
13 practicing dentistry in Shoreline, King County, Washington at all times material to this case.

14 II. Jurisdiction and Venue

15 2.1 Jurisdiction. This court has both personal and subject matter jurisdiction.

16 2.2 Venue. Venue is proper in King County, Washington.

17 2.3 Case Assignment Area. This case is properly assigned to the Seattle area, as this
18 case involves events that occurred in Shoreline, King County, Washington.

19 2.4 Tolling of the Statute of Limitations. On March 3, 2011, defendants stipulated
20 and agreed "that the Statute of Limitations will be tolled collectively until January 1, 2012 for all
21 plaintiffs..."

22 2.5 Declaration regarding Arbitration. Plaintiffs have declined to submit this matter
23 to arbitration under Chapter 7.70A RCW *et seq.*, and the declaration required by
24 RCW 7.70A.020(2)(a) is being filed contemporaneously with the filing of this Complaint. A
25 copy of the Declaration of Ann H. Rosato, counsel for plaintiffs, is attached as Exhibit 1.
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1 **III. Facts**

2 3.1 Defendant Henri Duyzend practiced dentistry at his office located in Shoreline,
3 King County, Washington beginning in approximately 1980 and until at least December 2007.

4 3.2 All plaintiffs were patients of defendant Dr. Duyzend and all plaintiffs underwent
5 extensive dental treatment by defendant Dr. Duyzend at the office in Shoreline, King County,
6 Washington.

7 3.3 During the time that plaintiffs were patients of defendant Dr. Duyzend, defendant
8 performed numerous dental procedures on plaintiffs, many of which were not indicated and were
9 unnecessary. Defendant Dr. Duyzend falsely represented to plaintiffs that all of the treatment he
10 was performing was necessary to maintain plaintiffs' oral health. Plaintiffs relied upon
11 defendant's false representations in agreeing to and paying for the dental treatment
12 recommended by defendant.

13 3.4 Much of the dentistry performed on plaintiffs by defendant Dr. Duyzend fell
14 below the standard of care for a reasonably prudent dentist.

15 3.5 Defendant Dr. Duyzend failed to obtain plaintiffs' informed consent before
16 performing unnecessary dental procedures on plaintiffs in order to increase his profits.

17 3.6 Defendant Dr. Duyzend made false representations in plaintiffs' dental records by
18 including unreported symptoms and information that plaintiffs did not convey, and by including
19 inaccurate or false test results.

20 3.7 As a result of defendant Dr. Duyzend's negligence and performance of
21 unnecessary dental procedures, plaintiffs sustained injuries and damages.

22 **IV. Negligence and Lack of Informed Consent**

23 4.1 In his treatment of plaintiffs, defendant Henri Duyzend failed to exercise the
24 degree of care, learning and skill expected of a reasonably prudent dentist in the State of
25 Washington acting in the same or similar circumstances. Defendant Henri Duyzend's failure to
26 adhere to the standard of care was a proximate cause of plaintiffs' damages.

1 DATED this 9th day of September, 2011.

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3 **PETERSON YOUNG PUTRA**

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5 Ann H. Rosato, WSBA No. 32888
6 Michael S. Wampold, WSBA No. 26053
7 Attorneys for Plaintiffs
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