

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

HEIDI J. KANG, Personal Representative )  
of the ESTATE OF SONG KWON )  
KANG, )

Plaintiff, )

v. )

THE NEBRASKA METHODIST )  
HOSPITAL, )

Defendant )

CASE NO. CI 14-\_\_\_\_

**COMPLAINT**

Plaintiff states:

1. That Plaintiff, Heidi J. Kang, (“Plaintiff”) at all times material herein, is a resident of Douglas County, Nebraska. That decedent, Song Kwon Kang (“Decedent”), died on December 26, 2012. That Plaintiff, was appointed Personal Representative of the Estate of Song Kwon Kang on March 6, 2014 by the County Court of Douglas County, Nebraska. That Letters of Personal Representative were issued on March 6, 2014. A copy of said Letters of Personal Representative is attached to this Complaint, marked Exhibit “A” and incorporated herein by reference.

2. That Plaintiff, brings this action for the wrongful death of Decedent, pursuant to the provisions of Sections 30-809 and 30-810 Neb. Rev. Stat. (Reissue 1995).

3. That Defendant, The Nebraska Methodist Hospital (“Methodist”) is a non-profit domestic corporation, authorized to do business and is doing business in the State of Nebraska with its principle place of business in Omaha, Douglas County, Nebraska. That this Defendant employs various staff, including nurses and physicians, for which this Defendant is responsible, under vicarious liability or *Respondeat Superior*, for the acts of its employees.

4. That at all times herein mentioned, the Defendant was qualified under the Nebraska Hospital-Medical Liability Act and that the Plaintiff pursuant to § 44-2840, waives her right to a

right to a panel review and elects to proceed with this Complaint in the District Court of Douglas County, Nebraska. That Plaintiff has further complied with § 44-2801, et seq., and that a copy of this Complaint was mailed by United States Mail, Certified, Return Receipt Requested to the Department of Insurance for the State of Nebraska. That the Nebraska Hospital-Medical Liability Act, Neb. Rev. Stat. § 44-2855, inclusive and that criteria established by these statutes, do not promote the health, safety or general welfare of the public and serve no public purpose in that these statutes limit the amount of monetary recovery available to a claimant such as the Plaintiff without any reasonable basis or relationship to the injuries sustained by Plaintiff and, therefore, are consequentially in conflict with the due process and equal protection clauses of the Fourteenth Amendment to the United States Constitution, as well as Sections I, III, XVI, XXI and XVI of Article I of the Constitution of the United States of America.

5. On or about December 3, 2012, and again on or about December 10, 2012, Decedent underwent surgeries on his neck regarding a cancerous tumor. On or about December 26, 2012, Decedent began to bleed at the tracheostomy site due to a ruptured artery from the earlier surgeries, and then died. Methodist negligently caused Decedent's death by not employing all means necessary to save Decedent's life.

6. That the Defendant, by and through its nurses' aides, nurses, physicians, agents and employees, was negligent and/or committed malpractice in failing to exercise within the skill and care ordinarily required of medical care providers in Omaha, Douglas County, Nebraska, or similar communities.

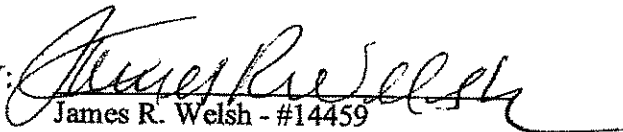
7. That as a direct and proximate result of the negligence and malpractice of the Defendant, Decedent was seriously and permanently injured in that he suffered severe pain and anguish from his impending death, until his death on December 26, 2012. That prior to his death,

Decedent was 83 years of age and had a life expectancy of 7.42 years. That Decedent left surviving him, his two daughters, two sons, two granddaughters, and two grandsons. That Decedent's heirs and next of kin were dependent upon him for future support and maintenance. That by reason of Decedent's death, his next of kin and heirs have been deprived of his contribution to their care, support and maintenance and have been deprived of his aid, advice and comfort, assistance, society and companionship.

WHEREFORE, Plaintiff, prays for judgment against the Defendant for special damages and general damages, together with her costs herein expended.

DATED: August 29, 2014

HEIDI J. KANG, Personal Representative of the  
ESTATE OF SONG KWON KANG, Plaintiff

BY: 

James R. Welsh - #14459  
Christopher P. Welsh - #22279  
WELSH & WELSH, P.C., L.L.O.  
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204 The Mark  
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ATTORNEYS FOR PLAINTIFF

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

IN THE MATTER OF THE ESTATE OF  
SONG KWON KANG, Deceased.

CASE # PR14-297



The State of Nebraska:  
KNOW ALL MEN BY THESE PRESENTS:

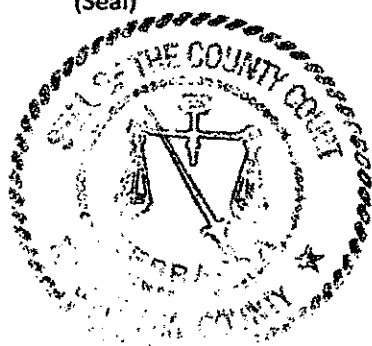
WHEREAS, on March 6, 2014, HEIDI J. KANG were appointed in an informal proceeding and qualified as Special Administrator of the above-named Decedent by this Court with all the authority granted by law;

NOW THEREFORE, these Letters are issued as evidence of such appointment and qualification and authority of Heidi J. Kang to do and perform all acts which may be required by law, specifically to

1. To file and litigate a personal injury and wrongful death lawsuit

WITNESS, the signature of a Judge or Registrar of this Court, and the seal of this Court on this 6<sup>th</sup> day of March 2014.

(Seal)



A handwritten signature in cursive script, appearing to read "Cynthia Anderson".

(Registrar or County Court Judge)

FILED  
COUNTY COURT  
PROBATE DIVISION

MAR 6 2014

By: Leslie Douglas  
Clerk of Court  
DOUGLAS COUNTY COURT  
OMAHA, NEBRASKA

Exhibit "A"