

DISTRICT COURT, DENVER COUNTY, STATE OF COLORADO 1437 Bannock Street, Denver, CO 80202	DATE FILED: October 3, 2019 5:08 PM FILING ID: A43565D3C65DF CASE NUMBER: 2019CV33839
Plaintiff: QUINN ARGENT; CAMRON ARGENT; and KIRK DRABING AS PERSONAL REPRESENTATIVE OF THE ESTATE OF LAWRENCE NIGEL ARGENT	▲ COURT USE ONLY ▲
v. Defendants: JOHN A. MILLARD, M.D.; JOHN A. MILLARD, M.D., P.C. d/b/a MILLARD PLASTIC SURGERY CENTER; INSIGHT SURGERY CENTER LLC a/k/a RENEWAL SURGERY CENTER, LLC; YOSEMITE STREET SURGERY CENTER, LLC a/k/a RENEWAL SURGERY CENTER; LYNSEY JOLAIN CONDER, R.N.; and DAN CHARLES ROGERS, M.D.	
Attorney for Plaintiff: David Woodruff, #32585 WAHLBERG, WOODRUFF, NIMMO & SLOANE, LLP 4601 DTC Boulevard, Suite 950 Denver, CO 80237 Telephone: 303/ 571-5302 Facsimile: 303/ 571-1806 e-mail: david@denvertriallawyers.com	Case No: Division: B
COMPLAINT AND JURY DEMAND	

Plaintiffs Quinn Argent, Camron Argent, and Kirk Drabing as Personal Representative of the Estate of Lawrence Nigel Argent (deceased), by and through their attorney, David S. Woodruff of the law firm Wahlberg, Woodruff, Nimmo & Sloane, LLP, respectfully submit this Complaint and Jury Demand against the above-named Defendants. For their Complaint and Jury Demand, Plaintiffs state, aver, and allege as follows:

I. INTRODUCTORY STATEMENT

1. This lawsuit arises out of the death of Lawrence Argent, an internationally-recognized artist, professor, and father of two boys.
2. Mr. Argent is best known in the Denver area for his creation *I See What You Mean*, the sculpture also known as the "Big Blue Bear" at the Colorado Convention Center.



3. Mr. Argent has created similar works around the world. At the age of 60, he was a healthy, vivacious, and highly-regarded artist.
4. Mr. Argent underwent a “Vaser Hi-Def Liposuction” procedure performed by the defendants on October 3, 2017.
5. Shortly after the procedure, Mr. Argent began to medically deteriorate due to complications of the procedure. He suffered cardiac arrest and died of his complications on October 4, 2017.

II. PARTIES

The Plaintiffs

6. At all times material hereto, Plaintiffs Quinn Argent and Camron Argent were and are the natural children of Lawrence Argent, deceased.
7. Plaintiff Quinn Argent is a resident of the City and County of Denver, and currently attends college in Los Angeles, California. Plaintiff Camron Argent is a resident of the City and County of Denver, and currently attends college in Boulder, Colorado.
8. Plaintiff Kirk Drabing is the court-appointed Personal Representative of the Estate of Lawrence Argent.

The Defendants

9. At all times material hereto, Defendant John A. Millard, M.D. ("**Defendant Millard**") was and is a physician licensed and practicing medicine in Colorado and holding himself out as having specialized knowledge and skill in the field of plastic surgery.
10. At all times material hereto, John A. Millard, M.D., P.C. ("**Defendant Millard P.C.**") was and is a medical practice owned and operated by Defendant John A. Millard, M.D., with its principal medical offices located at 9777 S. Yosemite Street, Suite 200, Lone Tree, CO 80124.
11. The liposuction procedure on October 3, 2017 which forms the basis of this lawsuit was performed at the surgery center located at 9777 South Yosemite, in Lone Tree, Colorado, that has been known at various times as "Insight Surgery Center," "Renewal Surgery Center," and "Millard Plastic Surgery Center."
12. At all times material hereto, Defendant Millard and/or Millard, P.C. were the principal owners of "Millard Plastic Surgery Center," an unregistered trade name for Defendant Insight Surgery Center, LLC, a/k/a/ Renewal Surgery Center, LLC.
13. At all times material hereto, Defendant Insight Surgery Center LLC ("**Defendant Insight**") was and is a Colorado limited liability company, with its principal place of business located at 9777 South Yosemite Street, Suite 210, Lone Tree, CO 80124. Defendant Insight offers cosmetic surgery, ophthalmic surgery, and orthopedic surgery, and publicly proclaims its "mission is to provide patients with the highest quality surgical care in a professional, comfortable and safe environment."
14. Defendant Insight has also operated under the names "Renewal Surgery Center, LLC" and "Millard Plastic Surgery Center."
15. At all times material hereto, Defendant Yosemite Street Surgery Center, LLC ("**Defendant Renewal**") was and is a Colorado limited liability company formed on September 11, 2007, and renamed "Renewal Surgery Center, LLC" on 12/21/09, with its principal place of business located at 9777 South Yosemite Street, Suite 210, Lone Tree, CO 80124. Renewal Surgery Center, LLC dissolved 2/1/18 and then filed reinstatement on 3/6/18.
16. Employees and staff of Defendants Insight, Renewal, Millard and/or Millard P.C., while operating in the course and scope of such employment, provided medical care and treatment to Lawrence Argent on October 3, 2017.

17. At all times material hereto, Lynsey Jolain Conder, R.N. (“**Defendant Conder**”) was and is a registered nurse licensed to practice medicine in the State of Colorado and practicing medicine in Colorado.
18. At all times material hereto, Defendant Conder was and is employed by Defendants Insight, Millard, Millard P.C., and/or Renewal as a nurse in the Surgery Center located at 9777 South Yosemite Street, Suite 210, Lone Tree, CO 80124 and known at various times as Millard Plastic Surgery Center, Insight Surgery Center, and Renewal Surgery Center.
19. While operating in the course and scope of such employment, Defendant Conder provided medical care on October 3, 2017 to Lawrence Argent, deceased.
20. At all times material hereto, Dan Charles Rogers, M.D. (“**Defendant Rogers**”) was and is a physician licensed and practicing medicine in Colorado, and holding himself out as having specialized knowledge and skill in the field of anesthesiology.
21. Defendant Rogers provided medical care to Lawrence Argent, deceased, on October 3, 2017 while Mr. Rogers was a patient in the surgery center known at various times as Millard Plastic Surgery Center, Insight Surgery Center, and Renewal Surgery Center.
22. Venue is proper in the City and County of Denver, Colorado because the Plaintiffs reside in the City and County of Denver, and Mr. Argent’s death, which forms the basis of this lawsuit, occurred in the City and County of Denver.

II. FACTUAL ALLEGATIONS

23. On October 3, 2017, Lawrence Argent was a healthy, 60-year old man and internationally-known artist who desired “body contouring” due to his frequent public appearances as an artist.

The Liposuction Procedure

24. On October 3, 2017, Mr. Argent underwent outpatient Ultrasound-Assisted (VASER) High Definition liposculpture of the upper abdomen, lower abdomen, and axilla and Male VASER Hi-Definition of the bilateral flanks and posterolateral torso, performed by Defendant John A. Millard, M.D. at the surgery center known located at 9777 South Yosemite, in Lone Tree, Colorado, and known at various times as Millard Plastic Surgery Center, Insight Surgery Center, and Renewal Surgery Center.
25. Defendant Rogers provided anesthesia services pre-operatively, intraoperatively, and post-operatively.

26. After the liposuction was complete, Mr. Argent was sent to the post-anesthesia care unit (PACU), where Defendant Conder managed his postoperative care and treatment, together with Defendant Millard and Defendant Rogers.
27. Both in surgery and in the PACU, Mr. Argent exhibited signs and symptoms of complications from the liposuction procedure, including pain, unstable blood pressure, unstable oxygen saturation levels, inability to void, and tachycardia.
28. The named defendants collaborated to agree upon and execute a treatment plan for Mr. Argent during and after the liposuction procedure.
29. At approximately 6:00 p.m. on October 3, 2017, the defendants, acting together and in furtherance of their treatment plan, discharged Mr. Argent from the surgery center.

Lawrence Argent's Death

30. After being discharged, Mr. Argent continued to experience pain, was unable to void, and felt progressively worse.
31. At approximately 10:26 a.m. on the morning of October 4, 2017, Mr. Argent's girlfriend telephoned Defendant Millard and informed him that Mr. Argent was unable to void, was in significant pain, and was not feeling well enough to come in for his follow-up appointment.
32. Defendant Millard returned her telephone call at approximately noon on October 4, 2017 and suggested that Mr. Argent remove a Scopolamine patch to address the inability to void, but did not recommend any immediate medical treatment.
33. At approximately 1:50 p.m., Mr. Argent collapsed as he attempted to stand up. His girlfriend called 911 and performed CPR until emergency technicians arrived on scene.
34. The emergency responders transported Mr. Argent by ambulance to Rose Medical Center Emergency Room, where he was found to be in cardiopulmonary arrest with kidney failure and hyperkalemia.
35. A CT scan was performed at Rose Medical Center which showed hypoperfusion to the liver, spleen, and bowel, and also free air in the abdomen and blood pooled in the abdomen.
36. Providers at Rose Medical Center were unable to revive Mr. Argent. He passed away at 7:17 p.m. on October 4, 2017.

III. FIRST CLAIM FOR RELIEF
(Professional Negligence - Defendant Millard)

37. Plaintiffs incorporate herein and make a part hereof all preceding paragraphs as though fully set forth herein.
38. On October 3, 2017, Defendant Millard performed outpatient Ultrasound-Assisted (VASER) High Definition liposculpture of the upper abdomen, lower abdomen, and axilla and Male VASER Hi-Definition of the bilateral flanks and posterolateral torso on Lawrence Argent.
39. At times material hereto, Defendant Millard held himself out as a specialist in the field of Plastic Surgery.
40. At all times material hereto, Defendant Millard owed a duty to Lawrence Argent and the Plaintiffs to exercise that degree of skill, care, caution, diligence, and foresight exercised by reasonably careful physicians practicing in the field of Plastic Surgery under the same or similar circumstances.
41. Defendant Millard breached his duty, and deviated from the applicable standard of care and was negligent with respect to his care and treatment of Lawrence Argent, including, but not limited to, the following acts or failures to act:
 - a. Negligently failing to perform liposuction in a safe and prudent manner.
 - b. Negligently failing to respond to signs and symptoms of complications during and after liposuction procedure;
 - c. Negligently failing to properly evaluate Lawrence Argent's medical condition while he was in the post-operative care unit at Defendant Renewal;
 - d. Negligently discharging Lawrence Argent without adequately considering or investigating whether he had a life-threatening condition as a result of the surgery performed by Defendant Millard;
 - e. Negligently failing to properly respond to Mr. Argent's deteriorating condition the day after liposuction procedure; and
 - f. Providing medical care and treatment to Lawrence Argent that fell below the applicable standard of care.
42. As a direct and proximate result of Defendant Millard's negligence, Lawrence Argent died.
43. As a further direct and proximate result of the aforesaid negligence and carelessness of Defendant Millard, Plaintiffs have been caused to suffer economic and noneconomic damages, including medical expenses, loss of earnings, and the grief,

sorrow and emotional loss suffered by two teenage boys as a result of their father's death.

III. SECOND CLAIM FOR RELIEF
(Professional Negligence - Defendant Rogers)

44. Plaintiffs incorporate herein and make a part hereof all preceding paragraphs as though fully set forth herein.
45. On October 3, 2017, Defendant Rogers provided anesthesia services before, during and after Lawrence Argent's liposuction procedure.
46. At times material hereto, Defendant Rogers held himself out as a specialist in the field of anesthesiology.
47. At all times material hereto, Defendant Rogers owed a duty to Lawrence Argent and the Plaintiffs to exercise that degree of skill, care, caution, diligence, and foresight exercised by reasonably careful physicians practicing in the field of anesthesiology under the same or similar circumstances.
48. Defendant Rogers breached his duty, and deviated from the applicable standard of care and was negligent with respect to his care and treatment of Lawrence Argent, including, but not limited to, the following acts or failures to act:
 - a. Negligently failing to provide anesthesia care and treatment in a safe and prudent manner;
 - b. Negligently failing to respond to signs and symptoms of complications during and after liposuction procedure;
 - c. Negligently failing to properly evaluate Lawrence Argent's medical condition while he was in the post-operative care unit at Defendant Renewal;
 - d. Negligently discharging Lawrence Argent without adequately considering or investigating whether he had a life-threatening condition as a result of the surgery performed by Defendant Millard; and
 - e. Providing medical care and treatment to Lawrence Argent that fell below the applicable standard of care.
49. As a direct and proximate result of Defendant Rogers' negligence, Lawrence Argent died.
50. As a further direct and proximate result of the aforesaid negligence and carelessness of Defendant Rogers, Plaintiffs have been caused to suffer economic and noneconomic damages, including medical expenses, loss of earnings, and the grief, sorrow and emotional loss suffered by two teenage boys as a result of their father's death.

IV. THIRD CLAIM FOR RELIEF
(Nursing Negligence – Defendant Conder, R.N.)

51. Plaintiffs incorporate all previous paragraphs as if fully set forth herein.
52. On October 3, 2017, Defendant Conder was acting within the course and scope of her employment with Defendants Millard, Millard P.C., Insight, and/or Renewal, when she provided medical care and treatment to Lawrence Argent in the PACU.
53. At all times material hereto, Defendant Conder owed a duty to Lawrence Argent to exercise the skill, care, caution, diligence, and foresight exercised by reasonably careful nurses under the same or similar circumstances, when she provided medical care and treatment to Lawrence Argent.
54. Defendant Conder breached her duty and failed to exercise reasonable care and was negligent in providing post-operative medical care and treatment to Lawrence Argent in the PACU, including but not limited to, the following acts or omissions:
 - a. Failing to properly evaluate Lawrence Argent's medical condition before, during, and after his liposuction procedure;
 - b. Negligently failing to properly evaluate and treat Lawrence Argent;
 - c. Negligently failing to properly recognize and respond to signs and symptoms of complications of Mr. Lawrence's liposuction procedure;
 - d. Negligently failing to treat Mr. Argent; and
 - e. Providing medical care and treatment to Mr. Argent that fell below the applicable standard of care for providers practicing in the field of nursing.
55. As a direct and proximate result of Defendant Conder's failure to provide reasonable and appropriate medical care, Mr. Argent died after being discharged from the Surgery Center.
56. As a further direct and proximate result of the aforesaid negligence and carelessness of Defendant Conder, Plaintiffs have been caused to suffer economic and noneconomic damages, including medical expenses, loss of earnings, and the grief, sorrow and emotional loss suffered by two teenage boys as a result of their father's death.

V. FOURTH CLAIM FOR RELIEF

(Vicarious Liability – Defendants Millard, Millard P.C., Insight, and Renewal)

57. Plaintiffs incorporate all previous paragraphs as if fully set forth herein.
58. On October 3-4, 2017, the nurses, technicians, physician assistants, aides and other personnel who provided care and treatment to Lawrence Argent before, during and after the liposuction procedure, including but not limited to John Millard, M.D., Lynsey Conder, R.N., and Dan Charles Rogers, M.D., were agents and/or employees of Defendants Millard, Millard P.C., Insight, and Renewal, and were acting within the course and scope of their employment or agency with said defendants when they provided medical care and treatment to Lawrence Argent.
59. At all times material hereto, the employees and agents of Defendants Millard, Millard P.C., Insight and Renewal owed a duty to Lawrence Argent to exercise reasonable care and comply with applicable standards of care when they provided medical care and treatment to Lawrence Argent.
60. The agents and/or employees of Defendants Millard, Millard P.C., Insight, and Renewal were negligent in their care, treatment and evaluation of Lawrence Argent, including but not limited to, their failure to provide proper nursing and medical assessment, failure to provide proper nursing and medical care and treatment, failure to properly recognize obvious signs of hypovolemia, failure to properly diagnose Lawrence Argent's medical condition, and failure to act in a reasonable and prudent manner.
61. Defendants Millard, Millard P.C., Insight, and Renewal, vicariously by and through their agents/employees, breached their duty and failed to exercise reasonable care and were negligent directly and under a theory of Respondeat Superior, including but not limited to, the following acts or omissions:
 - a. Negligently failing to implement and enforce policies and procedures;
 - b. Negligently failing to properly evaluate Lawrence Argent's medical condition before, during and after his liposuction procedure;
 - c. Negligently failing to properly treat Lawrence Argent's medical condition before, during and after his liposuction procedure;
 - d. Negligently failing to diagnose Mr. Argent's medical condition before, during and after his liposuction procedure;
 - e. Negligently failing to properly evaluate signs and symptoms of surgical complications during and after the liposuction procedure;
 - f. Negligently failing to properly respond to signs and symptoms of surgical complications during and after the liposuction procedure;
 - g. Providing nursing and medical care and treatment to Mr. Argent that fell below the applicable standards of care.

62. Defendants Millard, Millard P.C., Insight, and Renewal are vicariously liable for the negligence of its agents and/or employees committed during their care and treatment of Lawrence Argent to the extent provided under C.R.S. § 12-36-134 and common law.
63. As a direct and proximate result of these Defendants' failure to provide reasonable and appropriate medical care, Mr. Argent died from complications of his liposuction procedure.
64. As a further direct and proximate result of the aforesaid negligence and carelessness of Defendant Condors, Plaintiffs have been caused to suffer economic and noneconomic damages, including medical expenses, loss of earnings, and the grief, sorrow and emotional loss suffered by two teenage boys as a result of their father's death.

V. FIFTH CLAIM FOR RELIEF
(Joint & Several Liability Pursuant to C.R.S. § 13-21-111.5(4))

65. Plaintiffs incorporate herein and make a part hereof all preceding paragraphs as though fully set forth herein.
66. In providing care and treatment to Lawrence Argent, the named Defendants acted in concert to provide a course of care and treatment to Lawrence Argent.
67. In providing care and treatment to Lawrence Argent, the named Defendants knowingly agreed upon a common plan to treat and discharge Lawrence Argent following his liposuction procedure.
68. Defendants, and each of them, acted negligently in furtherance of their common plan to treat and discharge Lawrence Argent following his liposuction procedure.
69. Accordingly, all named Defendants herein are jointly and severally liable for damages suffered by the Plaintiffs, pursuant to C.R.S. 13-21-111.5(4).

VI. DAMAGES
(Wrongful Death Pursuant to C.R.S. 13-21-201, et seq)

70. As a result of the acts and/or omissions by the defendants as set forth above, Plaintiffs have been caused to suffer economic and noneconomic damages, including medical expenses, loss of earnings, and the grief, sorrow and emotional loss suffered by two teenage boys as a result of their father's death.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that the Court enter judgment in favor of Plaintiffs and against Defendants, for general and special damages in an amount that will fully and fairly compensate Plaintiffs for their injuries and damages, both past and future, prejudgment and post judgment interest as permitted by Colorado law, costs of this suit, expert witness fees, attorney fees, damages and for such other and further relief as this court may deem just and proper.

PLAINTIFFS REQUEST TRIAL TO A JURY ON ALL ISSUES.

Respectfully submitted this 3rd day of October, 2019.

WAHLBERG, WOODRUFF, NIMMO & SLOANE, LLP

Electronically signed.

/s/ David S. Woodruff

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