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IN THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

KAMBRIA WARD and KP

Plaintiffs,
vs.

HOSPITAL CORPORATION OF UTAH,
d/b/a/ LAKEVIEW HOSPITAL;
LAKEVIEW HOSPITAL PHYSICIAN
SERVICES, LLC, d/b/a LAKEVIEW
OB/GYN CLINIC; MOUNTAIN STAR
HEALTHCARE; AND NATHAN WARD

Defendants.

**COMPLAINT (TIER 3) AND JURY
DEMAND**

Case No.:

Judge:

Plaintiffs, by and through counsel of record, hereby complain of Defendants and allege as follows:

PARTIES AND JURISDICTION

1. Plaintiffs are residents of the State of Utah.
2. Defendants HOSPITAL CORPORATION OF UTAH d/b/a LAKEVIEW HOSPITAL and MOUNTAINSTAR HEALTHCARE (collectively "Mountain Star") are foreign entities who operate Lakeview Hospital in Bountiful, Utah and

other hospitals throughout Utah, with their principle place of business in Salt Lake County, Utah.

3. Defendant LAKEVIEW HOSPITAL PHYSICIAN SERVICES, LLC, d/b/a LAKEVIEW OB/GYN CLINIC (“Lakeview Physicians”) is a Utah limited liability company and operates Lakeview OB/GYN Clinic in Davis County, State of Utah with its principle place of business in Salt Lake County, Utah.
4. Nathan Ward was a resident of Davis County, Utah, during the relevant time frame. Presently, he is in prison.
5. Plaintiffs complied with the prelitigation requirements of the Utah HealthCare Malpractice Act with regard to their claims against Defendants Lakeview Physicians and Mountain Star. Defendant Nathan Ward is not being sued in his capacity as a healthcare provider. Rather, he is being sued in his capacity as KP’s step-father and Kambria Ward’s ex-husband.

GENERAL ALLEGATIONS

6. For approximately sixteen years, Nathan Ward (a medical doctor at the time whose specialty was OB/GYN) was an employee and agent of Lakeview Physicians and/or Mountain Star. During relevant times, Nathan Ward primarily ran the Lakeview OB/GYN Clinic on behalf of Lakeview Physicians and was on the Board of Lakeview Hospital.
7. Other employees and agents of Mountain Star and Lakeview Physicians were involved in the matter described herein.

8. For many years before his incarceration, Nathan Ward used his authority from and position with Lakeview Physicians and Mountain Star to engage in wrongful activities which led to the injuries and harm to Plaintiffs (described below), including obtaining drugs inappropriately and/or that were not used or fully used for patients as prescribed or ordered. Instead Nathan Ward used the drugs indirectly for the purpose of facilitating his sexual assaults on KP.
9. For example, Nathan Ward obtained prescription medications under the names of other physicians whom Kambria Ward had never seen and brought these prescriptions home for the purpose of administering them to Kambria Ward to essentially “knock her out” at night so that he could perpetrate sexual assaults on KP without Kambria’s knowledge.
10. Other employees and/or agents of Mountain Star and Lakeview Physicians were either directly or indirectly involved in and/or aware of Nathan Ward’s illegally obtaining these prescription medications, or they had sufficient information that they should have known about the illicit obtaining of drugs and their use. Said drugs were used to sedate Kambria at night and keep her sedated and asleep while Nathan Ward perpetrated the abuse on KP.
11. This pattern of behavior went on for years.
12. At the time of the sexual assaults, KP was a minor approximately thirteen years old. Said assaults continued regularly over the following five years.
13. During relevant times, Nathan Ward used his cell phone which upon information

and belief was paid for by his employer, Lakeview Physicians and/or Mountain Star, and was therefore arguably a “work phone” within Defendants’ control, to view, create and disseminate child pornography over the internet to other individuals.

14. Upon information and belief, Nathan Ward also utilized his work computer to view, create and/or disseminate child pornography over the internet to other individuals.
15. At least one co-worker reported to police officers that Nathan Ward’s behavior regarding the use of his work computer was suspicious and she had concerns that he was using his work computer inappropriately.
16. Similarly, Nathan Ward utilized the internet service owned and/or controlled by Mountain Star and Lakeview Physicians to engage in illegal sexual activity, including obtaining, possessing, and publishing explicit child pornography.
17. Said electronic devices and internet connections were used to create, publish on the dark web, and transfer video recordings of the sexual assaults by Nathan Ward on KP while she was a minor.
18. Upon information and belief, police received a tip regarding child pornography that was traced back to Defendants’ IP addresses at both St. Marks and Lakeview Hospitals at least 6 months prior to Nathan Ward’s arrest and spoke with officials at Defendants’ facilities regarding the same.
19. Notwithstanding being put on notice of the fact that their internet was being

utilized to facilitate the publication of child pornography, Defendants took no action against Nathan Ward and did nothing to stop the sexual exploitation of children that was occurring over their internet connections.

20. During relevant time periods Mountain Star and Lakeview Physicians performed a limited and inadequate investigation about illegal and wrongful activity regarding their computers, internet, electronic devices, and other equipment, but consciously or negligently failed to take any action to discover and stop Nathan Ward's sexual pursuits indirectly related to his improper use of prescription medications and Defendants' electronic equipment including cell phone, internet connections and electronic devices involved to perpetrate sexual crimes on KP and others.
21. An appropriate investigation, monitoring, supervision, and other proper procedures would have uncovered the sexual assaults on KP and would have arrested the continual sexual assaults on KP, the publishing of the sexual assaults of KP, and other harms to Plaintiffs.
22. Mountain Star and Lakeview Physicians ignored their legal duties, including failing to prevent and/or report the illicit activities to proper authorities and violating relevant industry standards applicable to these Defendants. Instead, Mountain Star and Lakeview Physicians took inappropriate actions and failed to take proper actions, which facilitated and allowed the continued abuse and harm to Plaintiffs. In addition, Mountain Star and Lakeview Physicians intentionally or

negligently concealed these activities which prolonged the harm to Plaintiffs.

23. All of the relevant conduct and inactions of the persons resulting in harm to Plaintiffs (described above) were employees or agents of Mountain Star and/or Lakeview Physicians and who were acting within the scope and authority of their employment and/or agency with Mountain Star and Lakeview Physicians. In any event, Mountain Star and Lakeview Physicians turned its head, ratified, sanctioned, or otherwise implicitly approved the conduct of its employees and agents.
24. Plaintiff Kambria Ward (“Kambria”) is the ex-wife of Nathan Ward and the natural mother of KP.
25. During all relevant times, until Nathan Ward was arrested in July of 2017, Kambria was unaware of: (a) Nathan Ward’s sexual abuse of her daughter KP, (b) the producing and publishing of the explicit sexual assaults on her daughter, and (c) the other illegal and improper activities of Nathan Ward. Furthermore, Kambria had no notice or knowledge of the conduct and inactions of other employees and agents of Mountain Star and Lakeview Physicians as they related to this matter.
26. At the time of Nathan Ward’s arrest and the ensuing months, Kambria learned about Defendants depraved conduct as described above. The acts and conduct of all Defendants, either intentional or negligent as described herein, caused Kambria and KP enormous emotional suffering and other harm.

COUNT I: NEGLIGENCE

(Mountain Star and Lakeview Physicians)

27. Plaintiffs reallege and incorporate the preceding paragraphs as if set forth fully herein.
28. Defendants Mountain Star and Lakeview Physicians had a duty to discover and report to legal authorities the activities of Nathan Ward and other employees and agents engaged in the wrongful activities described above and to use reasonable care in properly supervising and managing their prescription medications, cell phones, electronic devices, internet, businesses, healthcare services, and other affairs to avoid abuse and harm to others, including a duty to reasonably discover and prevent illegal and wrongful conduct of its employees and agents which conduct could result in foreseeable harm to third parties, such as Plaintiffs.
29. Defendants Mountain Star and Lakeview Physicians had a duty not to conceal and coverup illegal and wrongful conduct of its employees and agents where harm is or was occurring, which includes the duty to reasonably investigate, warn potential third parties when foreseeable harm may be occurring, involve relevant government agencies, monitor and restrict its internet use, and take other actions to prevent wrongful and harmful conduct.
30. Mountain Star and Lakeview Physicians breached the above duties. All of this manifested a knowing and reckless indifference toward, and a disregard of, the rights of others, including the Plaintiffs.

31. These breaches were a direct and proximate cause of Plaintiffs' injuries and damages. Defendants Mountain Star and Lakeview Physicians are therefore liable for all economic and noneconomic damages, and for punitive damages.

COUNT II: CONSTRUCTIVE FRAUD
(Mountain Star and Lakeview Physicians)

32. Plaintiffs reallege and incorporate the preceding paragraphs as if set forth fully herein.
33. Mountain Star and Lakeview Physicians knew of the activities of its employees and agents which were illegal and/or contrary to company policy, as described above.
34. Because of the special relationship between Defendants Mountain Star and Lakeview Physicians and the public, including Plaintiffs, who could be harmed by these illegal and wrongful activities, these Defendants had a duty to reasonably disclose the illegal and wrongful activities rather than conceal them.
35. Mountain Star and Lakeview Physicians nondisclosures were for the purpose of inducing the Plaintiffs and public not to take action, but to continue to rely and trust that Defendants Mountain Star and Lakeview Physicians were not engaging in illegal and improper conduct that did or could potentially cause harm.
36. Because of the non-disclosures, Kambria continued to allow herself and her daughter KP to be treated by Nathan Ward, and she unknowingly allowed him access to KP for sexual assaults and other improper activities, which she would have never done had the disclosures been made.

37. As a proximate and legal result of Defendants Mountain Star and Lakeview Physicians' conduct, Kambria suffered enormous emotional trauma and distress, and her daughter continued to suffer sexual assaults and other injuries, described above.
38. The acts and omissions of Defendants Mountain Star and Lakeview Physicians were the result of either gross negligence and/or intentional conduct or conduct that manifests a knowing and reckless indifference toward and a disregard of the rights of others, particularly Plaintiffs.
39. Defendants Mountain Star and Lakeview Physicians are therefore liable for all economic and noneconomic damages, and for punitive damages.

COUNT III: VICARIOUS LIABILITY
(Mountain Star and Lakeview Physicians)

40. Plaintiffs reallege and incorporate the preceding paragraphs as if set forth fully herein.
41. Defendants Mountain Star and Lakeview Physicians acted through their employees, agents and representatives while in the course and scope of their employment at all pertinent times.
42. Accordingly, Defendants Mountain Star and Lakeview Physicians are vicariously liable for the conduct of said employees, agents and representatives.
43. In the alternative, Defendants Mountain Star and Lakeview Physicians are ostensibly liable because they clothed said employees, agents and representatives with authority, and Plaintiff believed they had such authority to act.

COUNT IV: NEGLIGENT OR INTENTIONAL INFLICTION
OF EMOTIONAL DISTRESS

(Mountain Star and Lakeview Physicians)

44. Plaintiffs reallege and incorporate the preceding paragraphs as if set forth fully herein.
45. Defendants Mountain Star and Lakeview Physicians engaged in both wrongful affirmative acts as well as wrongful omissions, both of which proximately caused damage to both Plaintiffs.
46. During relevant times, Kambria was the wife of Nathan Ward and KP was the stepdaughter. In addition to Plaintiffs' familial relationship, both Plaintiffs had received medical treatment by Nathan Ward. As such there was a special relationship that existed between and among them.
47. It was foreseeable to Mountain Star and Lakeview Physicians that under these circumstances, the wrongful conduct described above would result in harm to Plaintiffs.
48. KP is in no position to bear the loss from the sexual abuse of Defendants' employee and agent, Nathan Ward. Defendants Mountain Star and Lakeview Physicians were in the business of OB/GYN and had full right and control to supervise, monitor, discover and control the procedures and use of their cell phones, equipment, electronic systems, internet, and use of controlled substances. Plaintiffs were in no position to monitor or supervise the activities of Defendants' employees and agents. Furthermore, KP was a minor during all relevant times.

49. Plaintiffs have had counseling for the extreme emotional trauma experienced through this ordeal. The nature of extended sexual abuse leaves little doubt that both the victim and the mother of a child victim would suffer extreme mental trauma and distress.
50. The acts and omissions of Defendants Mountain Star and Lakeview Physicians, through their employees and agents, were outrageous under any definition and were of the kind that any reasonable person would know that severe emotional distress would result therefrom. Moreover, each of the Plaintiffs did in fact suffer such severe emotional trauma.
51. Defendants Mountain Star and Lakeview Physicians are therefore liable for all economic and noneconomic damages suffered by Plaintiffs. Since such conduct was done intentionally and/or with reckless disregard of the consequences, Defendants Mountain Star and Lakeview Physicians should also be liable for exemplary damages to be determined at the time of trial.

COUNT V: STATUTORY LIABILITY

(KP's claim against Mountain Star and Lakeview Physicians)

52. Plaintiff KP realleges and incorporates the preceding paragraphs as if set forth fully herein.
53. Under section 78B-2-308, Ut Code Anno., Defendants Mountain Star and Lakeview Physicians are liable for "negligently" permitting the sexual abuse of KP by Nathan Ward.
54. Defendants Mountain Star and Lakeview Physicians are therefore liable for all

economic and noneconomic damages sustained by KP.

COUNT VI: SEXUAL ASSAULT AND BATTERY
(KP's claim against Nathan Ward)

52. Plaintiff KP realleges and incorporates the preceding paragraphs as if set forth fully herein.
53. For a period of approximately five years, starting when KP was thirteen years old, Defendant Nathan Ward sexually abused KP and committed sexual battery on KP.
54. Nathan Ward, being in a position of authority over KP, threatened harm and ill consequences to KP should she ever disclose the abuse and battery. Out of fear, KP did not tell anyone about it until after Nathan Ward was arrested in July of 2017.
55. Nathan Ward had taken photographs and video depictions of the sexual abuse and battery of KP, which he then published on the internet, including the dark web. Furthermore, Nathan Ward engaged in many conversations over the years with other sexual deviants describing in detail his abuse of KP while she was maturing into a young woman, all for the sexual gratification of Nathan Ward and those with whom he shared this information.
56. Nathan Ward engaged in such conduct intentionally and for personal sexual gratification, with full knowledge of the harm and/or potential harm he was causing to KP.
57. Based on a tip, law enforcement learned about Nathan Ward's conduct. Through investigation, law enforcement discovered that Nathan Ward's cell phone, paid

for by defendants, and internet IP addresses of two computers at Lakeview Hospital and St Marks Hospital were used to transmit the child pornography and other illicit information.

58. Nathan Ward was arrested in July 2017 and eventually plead guilty to felony charges in both the federal and the Utah courts relating to the abuse of KP. He is presently serving a lengthy prison sentence.
59. Nathan Ward is liable to KP for the years of sexual abuse and resulting permanent mental, emotional and physical trauma and harm. She has and will suffer both economic and noneconomic damages for which Nathan Ward is liable, in an amount to be determined by the court.
60. Nathan Ward is further liable for punitive and exemplary damages for his willful and malicious conduct, in an amount to be determined by the court.

COUNT VII:
EXTREME INTENTIONAL AND/OR NEGLIGENT INFLECTION
OF EMOTIONAL DISTRESS AND TRAUMA
(Kambria's claim against Nathan Ward)

61. Plaintiff Kambria realleges and incorporates the preceding paragraphs as if set forth fully herein.
62. Kambria was married to Nathan Ward during all relevant times.
63. KP is the natural daughter of Kambria from a previous marriage. KP's natural father is deceased.
64. As KP's natural mother, Kambria had a special relationship and close bond with KP.

65. Nathan Ward's conduct, described above, was outrageous and beyond any conduct tolerated in our society.
66. Nathan Ward artfully manipulated Kambria to conceal and cover-up his deplorable conduct with Kambria's daughter. Kambria had no idea that such conduct was ongoing in her home.
67. To Kambria's utter shock, law enforcement barged into her home, stating that they had just arrested her husband for publishing child pornography. Kambria later learned that the child pornography involved her daughter. As the sordid details of Nathan's conduct was unveiled to Kambria, she suffered enormous emotional and mental trauma, finding out for the first time that her husband, Nathan Ward, had been sexually abusing her daughter for many years.
68. As a result of Nathan Ward's appalling conduct, together with the devastation and harm to her daughter, Kambria has suffered crushing emotional shock and trauma. She has been treated with extensive counseling and medication. She continuously lives with nightmares and overwhelming anxiety, guilt, shame and other extreme emotions. All of this has had an adverse effect on her physical well-being.
69. Nathan Ward knew or should have known that his despicable conduct, if known by Kambria, would harm Kambria with a high likelihood that it would have such devastating effects on her.
70. Nathan Ward is liable to Kambria for all damages suffered by Kambria, both

economic and noneconomic, and for punitive and exemplary damages, all in an amount to be determined by the court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendants Mountain Star and Lakeview Physicians and for their share of the fault which resulted in damages to Plaintiffs, as follows:

- (a) For economic damages in an amount to be determined at trial;
- (b) For noneconomic damages in an amount to be determined at trial, which will far exceed the amount of \$300,000 which is the jurisdictional threshold for tier 3 cases;
- (c) For punitive damages in an amount to be determined at trial;
- (d) For costs and attorney fees to the extent allowed by law; and
- (e) For such other relief as the Court deems appropriate.

Plaintiffs also pray for a separate judgment against Nathan Ward for all economic and noneconomic damages proximately caused to each by his atrocious conduct, and for punitive damages, all to be determined by the court.

JURY DEMAND

Plaintiff hereby demands a jury trial of all issues of fact in this matter.

TIER DESIGNATION

Pursuant to Utah Rules of Civil Procedure 8(a) and 26(c)(3), this matter falls under Tier 3 and should be permitted discovery pursuant to Tier 3.

DATED this 24th day of February, 2020.

EISENBERG, CUTT, KENDELL & OLSON

/s/ Jacquelynn D. Carmichael

Jacquelynn D. Carmichael

Attorneys for Plaintiffs