

REFERENCE 2

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2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE WESTERN DISTRICT OF WASHINGTON

5 JAYAKRISHNAN K. NAIR,
6 JAYAKUMAR A. NAIR,
7 SUKANYA SUSHEEL,

8 Plaintiffs,

9 v.

10 CHANNA COPELAND as guardian of the
Person of Omana Thankamma, Incapacitated,

11 DEPARTMENT OF SOCIAL & HEALTH
12 SERVICES, a State of Washington Agency,

13 HARBORVIEW MEDICAL CENTER, *per se*
and as the parent organization of
14 PARAMOUNT NURSING HOME,

15 JOHN DOE #1 *a.k.a.* "ROGER", in Individual
and Official Capacity as Administrator at
PARAMOUNT NURSING,

16 JOHN DOE #2 *a.k.a.* "TEDLAW", in
17 Individual and Official Capacity as Nurse at
PARAMOUNT NURSING HOME,

18 DR. ANDREW HAHN, in Individual and
19 Official Capacity as Omana's Physician at
HARBORVIEW MEDICAL CENTER,

20 JANE DOE #3 *a.k.a.* "MASUMI", in
21 Individual and Official Capacity as Nurse at
HARBORVIEW MEDICAL CENTER,

22 RANDY WILSON, in Individual and Official
23 Capacity as APS Investigator for DSHS,

24 CITY OF SNOQUALMIE,

25 MOLINA HEALTHCARE INC., *et al.*

26 Defendants.

NO. 19 CV-01296-MJP

DECLARATION OF DAN R. YOUNG

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LAW OFFICES OF DAN R. YOUNG

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1 I, Dan R. Young, declare to be true under penalty of perjury under the laws of the State of
2 Washington as follows:

3 1. I am an attorney licensed to practice law in the State of Washington, and I have
4 been practicing law for over forty years, mostly in civil litigation matters.

5 2. I attended a hearing with Jayakrishnan K. Nair (referred to herein as “Mr. Nair”) in
6 the morning on Wednesday, November 5, 2019 in King County Superior Court in Seattle before
7 Commissioner Carlos Velategui. The hearing related to two motions Mr. Nair had brought and a
8 motion the guardian had brought relating to Mr. Nair’s mother, Omana Thankamma, an
9 incapacitated person. I represented Mr. Nair at that hearing. One of the issues raised at the
10 hearing was Mr. Nair’s ability to visit his mother at Harborview Medical Center, where she has
11 been since at least late October 2019.

12 3. At the hearing, in the course of the Commissioner’s oral ruling, Commissioner
13 Velategui stated that “[t]here is no court order stating that [Mr. Nair] can’t visit with his mother.”
14 The hearing lasted until past noon. I spoke with Mr. Nair in the hallway after the hearing was
15 over. Mr. Nair really wanted to visit his mother. So he and I walked from the courthouse together
16 up the street to the top of the hill where Harborview Medical Center is located. We walked in the
17 front door of the hospital.

18 4. Mr. Nair sat in a chair while I communicated with hospital staff. I walked up to the
19 main desk on the first floor and said I wanted to see Omana Thankamma. I spelled out the name
20 for the person behind the desk. She looked at her computer screen and told me that Ms.
21 Thankamma was “not in the system.” I did not identify myself, nor did the woman behind the
22 desk ask who I was. I then proceeded to the desk near a sign stating “Patient Admitting” or words
23 to that effect. I asked to see Omana Thankamma and spelled out the name in response to the
24 woman’s question. She looked at her computer screen and said Ms. Thankamma was “not in the
25 system.” I told the woman that I knew Ms. Thankamma was at the hospital, and I wanted to know
26 where Ms. Thankamma was so I could visit with her. The woman behind the counter repeated

1 that Ms. Thankamma was “not in the system.” I verbally pressed in a calm voice the woman
2 behind the counter, asking was it really possible that a patient could be at the hospital, yet the
3 hospital did not know where the patient was? Is that how the hospital operated? The woman
4 behind the counter repeated that Ms. Thankamma was “not in the system” and that the woman
5 could give me no information about Ms. Thankamma.

6 5. I then went and sat down next to Mr. Nair and we discussed the situation. We then
7 walked through a few hallways to a group of what appeared to be main elevators. We took an
8 elevator up to the third floor and started looking for Ms. Thankamma’s room. I saw no “keep
9 out,” “prohibited entry”, “staff only” or any similar signs in any area that we walked through. We
10 passed by several hospital staff, and no one asked who we were, where we were going or what
11 we wanted.

12 6. We eventually got to the outside of a room where Mr. Nair recognized from the
13 hallway that his mother was located in. I had walked slightly past the room entrance and was
14 turning to go back a few steps when a nurse came up to me and asked who I was looking for. I
15 stated, “Amana Thankamma.” She stated that I could not see her and stepped in front of the open
16 doorway to the room to block our entrance. I asked why not. She replied that Ms. Thankamma’s
17 son was not allowed to see her. I said, “Okay, what if I wanted to see her?” The nurse said I
18 could not see Ms. Thankamma either. I asked why not. The nurse said I would have to ask the
19 head nurse.


20 7. Just about that time a woman who identified herself as the nurse manager, Trang
21 Pham, walked up to us and essentially asked who we wanted to see. I replied that we wanted to
22 see Ms. Thankamma. I stated that I was an attorney. Ms. Pham replied that we could not see her.
23 I asked her why not. She stated that we would have to get permission from higher ups in the
24 hospital, that no one was allowed to see Ms. Thankamma without their permission. I asked what
25 if Ms. Thankamma wanted to see me? Could I see her then? She replied, no, not without the
26 permission of higher-level officials. The nurse standing next to me asked me for a business card.

1 I searched my wallet, but I had given my last card I had on my person to Ermin Ciric, the attorney
2 representing the guardian of Ms. Thankamma, after the hearing earlier that day when he had asked
3 me for it. I gave the nurse my name and telephone number, and I saw her write them down on a
4 piece of paper. I offered to give my bar number, but Ms. Pham said she did not need that. I then
5 stated that the hospital was essentially holding Ms. Thankamma incommunicado, as if someone
6 came to visit her, the hospital would not acknowledge that Ms. Thankamma was even there,
7 referring to my experience at the hospital earlier that day. If the potential visitor happened to
8 know her room number and went up to the third floor to visit Ms. Thankamma, then staff would
9 bar entry without the approval of some unknown higher ups, who had to approve all visitation
10 with Ms. Thankamma. Ms. Pham essentially admitted that that was the situation.

11 8. I have visited patients and clients at Harborview before and have never had access
12 restricted in that fashion. Usually hospital staff welcome visitors, as visits from family members
13 usually cheer up the patient, especially where the patient is depressed, does not speak English
14 well, or is not even from this country, so would otherwise have few visitors.

15 9. When it was apparent that the Harborview staff was refusing access to Ms.
16 Thankamma, Mr. Nair and I calmly left the area and walked over to the nearest elevator to exit
17 the building. As we were standing in front of the elevator waiting for it to arrive, a security guard
18 came up shouting and asking us where we were going. I calmly replied that we were waiting for
19 the elevator to leave the building. When the elevator came, the security guard got in with us and
20 accompanied us to the first floor and then to the first exit door we came to. We then departed the
21 building. When we were outside the building the security guard stated that we needed additional
22 “paperwork” to visit Ms. Thankamma, but did not specifically identify what that paperwork was.

23 Dated: November 8, 2019 at Seattle, Washington.

24 
25 Dan R. Young