



Oregon Negligence/Malpractice Claim Report Form  
**Oregon Board of Dentistry**

1600 SW 4th Avenue, Suite 770 • Portland, Oregon 97201  
 (971) 673-3200 • [www.oregon.gov/Dentistry](http://www.oregon.gov/Dentistry)



Per ORS 742.400 (4), "...any insurer required to report to a board under this section shall also be required to advise the appropriate licensing board of any settlements, awards or judgments against a physician, optometrist, *dentist or dental hygienist* or naturopath within 30 days after the date of the settlement, award or judgment..." **The form below should be completed for every claim received by the reporting entity.** Please send the printed, completed form to the Oregon Board of Dentistry at the address above.

**Covered Practitioner (DMD, DDS, RDH only):**

License #: D4391	Name: Dr. Walter R. List	Date of Birth:
Address: 3245 Southeast Campbell Street		Phone: (503) 653-8320
City: Milwaukie	State: OR	Zip: 97222

**Injury/Incident Data:**

Injured person's name: Walter Schwab	Age:
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If Filed in Court, Name and Location of Court:

Plaintiff attorney's name:		
City:	State:	Zip:

**Allegations and reasons for claim. State patient's actual, original, abnormal condition and any material diagnosis, procedure, planning error, medical injury or other allegation: (Attach a copy of the complaint to this sheet)**

See attached copy of complaint. Practitioner denies all allegations of the complaint.

**Closure Data:**

Closure date:	Claim disposition (code): 1	Settlement (code): 2	Court (code): 0	
<input checked="" type="checkbox"/> Deductible <input type="checkbox"/> Exceeds Deductible	Economic	Non-economic	Punitive	Unspecific
Indemnity insurer paid on behalf of defendant:	\$	\$	\$	\$
Other indemnity paid by/on behalf of defendant:	\$	\$	\$	\$
Indemnity paid by all parties (for all defendants):	\$			
Loss adjustment expense paid to defense counsel:	\$	All other allocated loss adjustment expenses paid:	\$	

*I certify this is a true copy*

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

WALTER SCHWAB,	)	
Plaintiff,	)	Case No. 061010391
	)	Complaint for
v.	)	Negligent Injury
	)	
WALTER R. LIST, D.D.S., P.C.	)	(Subject to Mandatory Arbitration)
Defendant,	)	(Claim of Not More than \$10,000)
	)	

Comes now plaintiff and alleges as follows:

FIRST CAUSE OF ACTION - NEGLIGENCE

I

Plaintiff resides in Washington County, Oregon. Defendant practices dentistry under the name of Walter R. List, D.D.S., P.C. in Multnomah County, Oregon.

II

Defendant is an endodontist and holds himself out as an expert in endotics.

III

On or about March 8, 2005, plaintiff was sent by another dentist to consult with defendant to determine whether a "root canal" procedure was necessary. His tooth was bothering him. The tooth had a cap on it.

COMPLAINT - 1  
SCHWAB v. LIST

Colin Lamb OSB 69100  
7410 SW Oleson Road  
Portland, OR 97223  
503-244-9065

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IV

Defendant advised plaintiff that it would be necessary to remove the crown to examine the problem, then if necessary, do a root canal. Defendant used a chisel like tool and a hammer and proclaimed that the cap usually comes off with a tap or two. The "taps" did not dislodge the cap and defendant used more and more force. The cap still did not come off. The pain became extreme and the blows harder and harder, causing plaintiff to plead that defendant stop. After a interval, defendant resumed. Plaintiff was hit with such force that he saw stars and had a headache and sore jaw for two days. The final blow was so hard that the tooth broke and plaintiff's bridge was destroyed.

V.

Defendant then proceeded to do a root canal, even though he later told plaintiff that the tooth would need to be removed and that the bridge would no longer work, requiring implants.

VI.

Plaintiff incurred special damages in the amount of \$6,733 for the repair of the damage caused by defendant and suffered pain and suffering in the general amount of \$3,267.

WHEREFORE, plaintiff requests judgment against defendant for \$10,000 together with plaintiffs' fees and costs incurred herein.

DATED this 2nd day of October, 2006.

Colin Lamb, OSB No.69100  
Attorney for plaintiff  
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Portland, OR 97223  
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