

**SUPERIOR COURT OF WASHINGTON FOR SPOKANE COUNTY**

NASRA GERTRUDE, individually, and as  
Personal Representative of the ESTATE OF  
SARAH NIYIMBONA,

Plaintiffs,

vs.

PROVIDENCE HEALTH & SERVICES-  
WASHINGTON, a Washington corporation; and  
JOHN/JANE DOES 1-99,

Defendants.

No. 25-2-02308-32

COMPLAINT FOR WRONGFUL  
DEATH

COME NOW the plaintiffs, by and through their attorneys, David Brown and Matt Conner  
of Brett McCandlis Brown & Conner, PLLC, and allege as follows:

**I. PARTIES**

1. Nasra Gertrude is the Personal Representative of the Estate of Sarah Niyimbona,  
deceased, filed as cause number 25-4-00464-37 in Whatcom County Superior Court.

2. Nasra Gertrude is the mother of twelve-year-old Sarah Niyimbona who died  
needlessly because defendant Providence Health & Services – Washington and defendant  
John/Jane Does 1-99 failed to keep Sarah safe while under their custody and control. Nasra  
Gertrude resides in Cheney, Spokane County, Washington.

3. Defendant Providence Health & Services – Washington d/b/a Providence Sacred  
Heart Medical Center (hereafter “Providence”) is a Washington healthcare provider doing

1 business in Spokane County, Washington. Providence engaged in the business of providing  
2 medical services to patients in Spokane County, Washington. At all times material, defendant  
3 Providence provided health care services to Sarah Niyimbona and there existed a fiduciary  
4 healthcare provider/patient relationship between defendant Providence and Sarah Niyimbona in  
5 Spokane County, Washington.

6 8. Defendant John/Jane Does 1-99 were at the time of the incident, employees/agents  
7 of Providence and/or employees/agents providing health care services to Sarah Niyimbona.  
8

## 9 II. JURISDICTION & VENUE

10 9. Sarah Niyimbona died needlessly due to the negligence of defendant Providence in  
11 failing to keep her safe while she was under defendant Providence's custody and control in  
12 Spokane County, Washington.

13 10. The court has jurisdiction over the parties to and subject matter of this action. The  
14 venue is properly set in Spokane County.  
15

## 16 III. FACTS

17 11. Beginning on or around September of 2024, twelve-year-old Sarah Niyimbona  
18 began experiencing intermittent mental health crises related to depression, self-harm, suicide  
19 attempts, and suicidal ideation.

20 12. Sarah Niyimbona's mother, Nasra Gertrude, sought medical care for her daughter  
21 including mental health treatment and other health care services from health care providers at  
22 Providence.

23 13. On or about January of 2025, Sarah Niyimbona was admitted to Providence for  
24 inpatient psychiatric services related to her depression, self-harm, and suicide attempts.  
25  
26

1           14.     Beginning with Sarah's admission to the pediatric unit of Providence, Sarah was  
2 under the 24-hour custody and supervision of Providence and its agents and employees.

3           15.     Sarah Niyimbona was admitted to Providence's pediatric unit to keep her safe from  
4 self-harm and suicide and to receive treatment related to her mental health conditions.

5           16.     Providence's 24-hour custody and supervision of Sarah included but was not  
6 limited to the use of a health care worker assigned to monitor Sarah in her room, the use of a video  
7 monitoring system, and the use of door alarms. Providence possessed or could access additional  
8 technology to prevent the escape of a child under 24-hour custody and supervision.  
9

10          17.     Despite an ongoing duty of 24-hour custody and supervision of Sarah Niyimbona  
11 in the weeks prior to Sarah's death, Providence removed the health care worker assigned to  
12 monitor Sarah Niyimbona.

13          18.     Despite an ongoing duty of 24-hour custody and supervision of Sarah Niyimbona  
14 in the weeks prior to Sarah's death, Providence removed the video monitoring system from  
15 Sarah's room.  
16

17          19.     Despite an ongoing duty of 24-hour custody and supervision of Sarah Niyimbona,  
18 Providence failed to properly utilize and monitor alarms in Sarah's room allowing her to escape on  
19 the early evening of April 13, 2025.

20          20.     Twelve-year-old Sarah Niyimbona then was able to walk freely throughout  
21 Providence. Ultimately, Sarah reached the fourth floor of Providence' parking structure on the  
22 hospital campus where she jumped off suffering catastrophic injuries.

23          21.     Sarah Niyimbona did not pass away on impact. She was treated for catastrophic  
24 lower extremity injuries for over two hours in Providence's emergency room. Sarah Niyimbona  
25 experienced extreme fear, pain, and suffering in the hours prior to her death.  
26



1 a reasonably prudent hospital in the State of Washington acting in the same or similar  
2 circumstances at the time of the care and treatment in question.

3 29. Defendant Providence failed to adopt and follow adequate policies and procedures  
4 with respect to the care and treatment of minor individuals such as Sarah Niyimbona experiencing  
5 mental health crises requiring in-patient treatment.

6 30. Defendant Providence also failed to adopt and follow adequate policies and  
7 procedures related to monitoring, security, and safety of minor individuals such as Sarah  
8 Niyimbona experiencing mental health crises.

9 31. Plaintiff Sarah Niyimbona was injured and died as a result of these failures.

10 32. These failures were, individually and in combination, a proximate cause of the  
11 injury and death of Sarah Niyimbona.

## 12 VI. NEGLIGENCE OF JOHN/JANE DOES 1-99

13 33. John/Jane Does 1-99 are employees/agents of Providence and/or employees/agents  
14 providing health care services to Sarah Niyimbona.

15 34. John/Jane Does 1-99 owed a duty to exercise the degree of skill, care, and learning  
16 expected of a reasonably prudent health care provider in the State of Washington acting in the  
17 same or similar circumstances at the time of their treatment of Sarah Niyimbona.

18 35. John/Jane Does 1-99 owed a duty to exercise ordinary care in their interactions  
19 with Sarah Niyimbona.

20 36. John/Jane Does 1-99 failed to exercise the care a reasonably careful person would  
21 exercise under the same or similar circumstances and in so acting, and/or failing to act, were  
22 negligent.

1           37.     John/Jane Does 1-99 failures and/or breaches of duty were the proximate cause of  
2 the injury and death of Sarah Niyimbona.

3                                   **VII.    PLAINTIFF IS FAULT-FREE**

4           38.     Decedent Sarah Niyimbona is fault-free and committed no tortious act that was a  
5 proximate cause of her death.

6                                   **VIII.  DAMAGES**

7           39.     As a direct and proximate result of the tortious conduct of all defendants, the  
8 plaintiffs have sustained injuries, damages, and losses, including but not limited to:  
9

10          A.     Economic:

- 11               i.     Future lost income;  
12               ii.    Funeral and burial expenses;  
13               iii.   Property damage;  
14               iv.    Other out-of-pocket expenses; and  
15               v.     Other recoverable economic damages, all in amounts to be proven at the  
16                      time of trial.

17          B.     Non-Economic:

- 18               i.     Sarah Niyimbona - Pain and suffering in anticipation of death;  
19               ii.    Sarah Niyimbona - Loss of enjoyment of life;  
20               iii.   Nasra Gertrude - Loss of consortium;  
21               iv.    Nasra Gertrude – Loss of parent/child relationship; and  
22               v.     Other recoverable noneconomic damages, all in amounts to be proven at the  
23                      time of trial.

24          40.     Plaintiffs hereby give notice of their demands of the named defendants to make  
25 specific reference in their Answer to any unnamed parties considered by the defendants named  
26 herein to be liable to plaintiffs upon this cause of action.

**IX.    LIMITED WAIVER OF PHYSICIAN-PATIENT PRIVILEGE**

          41.     Pursuant to RCW 5.60.060(4)(6), plaintiff waives the physician-patient privilege  
only insofar as necessary to place any and all alleged damages at issue at the time of trial, as might

1 be required by statute or amended by statute or case law interpreting the statutes of the State of  
2 Washington. It should be understood that plaintiff's actions do not constitute a waiver of any of  
3 her conditional rights and that defendants are not to contact any treating physicians or counselors-  
4 past, present, or future-without first notifying counsel for plaintiff so that the matter may be  
5 brought to this Court's attention and plaintiff may seek appropriate relief, including imposing  
6 limitations and restrictions upon any desire or intent by defendants to contact past or subsequent  
7 treating physicians ex parte, pursuant to the rule in Loudon v. Mhyre, 110 Wn.2d 675 (1988).  
8

#### 9 **X. VOLUNTARY ARBITRATION**

10 42. Plaintiffs decline to participate in voluntary arbitration, pursuant to RCW 7.70A,  
11 and attaches and incorporates herein the signed declaration, which is Exhibit A to this Complaint.

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#### 16 **XI. PRAYER FOR RELIEF**


17 WHEREFORE, plaintiffs pray for judgment against the defendants, jointly and severally,  
18 as follows:  
19

- 20 1. A judgment of liability for all the plaintiffs' injuries and losses;
- 21 2. Compensation for all economic losses sustained by the plaintiffs;
- 22 3. Compensation for all non-economic losses sustained by plaintiffs;
- 23 4. Pre-judgment interest;
- 24 5. Reasonable and statutory attorneys' fees;
- 25 6. Plaintiffs' costs and disbursements incurred herein; and
- 26

1           7.       For such other and further relief as the Court deems just and proper.

2       DATED this 9<sup>th</sup> day of May, 2025.

3                   BRETT McCANDLIS  
4                   BROWN & CONNER, PLLC

5                   By   
6                   \_\_\_\_\_  
7                   David Brown, WSBA No. 39810  
8                   Matthew Conner, WSBA No. 47733  
9                   Attorneys for Plaintiffs



# EXHIBIT A

**DECLARATION RE VOLUNTARY ARBITRATION**

I, Nasra Gertrude, declare under penalty of perjury under the laws of the State of Washington:


1. I am Plaintiff in this lawsuit and my attorney has provided me a copy of the Voluntary Arbitration provisions of RCW 7.70A. I have reviewed the Act; and

2. I hereby elect to:

☒ Decline to proceed under the Voluntary Arbitration Act and wish to submit the case to a jury.

☐ Proceed under the Voluntary Arbitration Act and understand there is a \$1 million limit on any recovery.

DATED this 8<sup>th</sup> day of May, 2025.

DocuSigned by:  
  
575FBBC897794A8...  
Nasra Gertrude  
Personal Representative of the Estate  
of Sarah Niyimbona