

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MYLISSA FARMER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:24-CV-02335
)	
THE UNIVERSITY OF KANSAS)	
HOSPITAL AUTHORITY,)	
)	
Defendant.)	

**DEFENDANT UNIVERSITY OF KANSAS HOSPITAL AUTHORITY’S
ANSWER TO PLAINTIFF’S COMPLAINT**

COMES NOW Defendant University of Kansas Hospital Authority, by and through counsel, and hereby answers Plaintiff’s Complaint (Doc. 1) as set forth herein. All averments not specifically admitted shall be deemed denied.

1. This paragraph contains a mix of legal conclusions and purported citations to outside materials that should require no response. To the extent a response is required, the statements made in this paragraph are categorically denied.

2. [Paragraph omitted from the Complaint.]

3. [Paragraph omitted from the Complaint.]

4. This paragraph contains a legal conclusion that should require no response.

5. Denied.

6. Denied.

7. Denied.

8. Denied.

9. Denied.

10. This paragraph contains no averment that requires a response.

9.¹ Defendant denies the claims of jurisdiction made herein.

10. Defendant denies the claims of jurisdiction made herein.

11. Defendant does not deny that if jurisdiction in a federal court was proper, the correct venue would be in the District of Kansas.

12. Defendant cannot admit or deny the allegations in this paragraph.

13. Defendant admits that the University of Kansas Hospital is operated by the University of Kansas Hospital Authority, an independent instrumentality of the State of Kansas created by Kansas law. Defendant admits that it is designated as a Level One trauma center. The remainder of this paragraph is too vague to be admitted or denied.

14. Defendant incorporates its answer to paragraph 13.

15. Defendant cannot admit or deny the allegations in this paragraph for lack of information.

16. Defendant cannot admit or deny the allegations in this paragraph for lack of information.

17. Defendant cannot admit or deny the allegations in this paragraph for lack of information.

18. Defendant cannot admit or deny the allegations in this paragraph for lack of information.

19. Defendant cannot admit or deny the allegations in this paragraph for lack of information.

¹ The Complaint's paragraph numbering skips paragraphs numbered 2-3 and contains duplications of paragraphs numbered 9-10. This answer will attempt to use the numbering set out in the Complaint to avoid confusion as to the paragraphs being answered.

20. Defendant cannot admit or deny the allegations in this paragraph for lack of information.

21. Defendant cannot admit or deny the allegations in this paragraph for lack of information.

22. Defendant cannot admit or deny the allegations in this paragraph for lack of information.

23. Defendant cannot admit or deny the allegations in this paragraph for lack of information.

24. Defendant admits that Ms. Farmer presented to the emergency department at 11:27 p.m. on August 2, 2022. Defendant cannot admit or deny the remainder of this paragraph.

25. Defendant admits that a Kansas election was held on August 2, 2022. Ms. Farmer arrived at the emergency department over four hours after polls closed.

26. Defendant cannot admit or deny the allegations in this paragraph for lack of information.

27. The allegations in this paragraph are denied as phrased and for lack of completeness.

28. Defendant admits that a physician examined and evaluated Ms. Farmer fully, and Defendant admits that the physician reached a medical diagnosis of preterm rupture of membranes. Defendant admits that the medical record indicates that no vaginal examination was conducted to minimize risk of infection. Defendant cannot admit or deny the remainder.

29. Denied, to the extent this paragraph attempts to contradict the medical record and/or imply that such reports were made during the encounter alleged.

30. Denied as phrased.

31. Denied as phrased.

32. Defendant denies the allegations in this paragraph for lack of context and completeness.

33. Defendant denies the allegations in this paragraph for lack of context and completeness.

34. Denied.

35. Denied.

36. Denied.

37. Denied.

38. Admitted as to one part of the counseling provided that is stated in this paragraph.

Denied as to the remainder.

39. Denied.

40. Defendant denies the interpretation and implication stated herein.

41. Defendant admits that Ms. Farmer was not admitted to the hospital. The remainder of this paragraph suggesting that admission was warranted presents a medical conclusion that should require no response by a hospital defendant.

42. Defendant admits that antibiotics and pain medication were not administered. To the extent this paragraph implies that specific treatments were medically indicated, the allegations should be considered a medical conclusion requiring no response by a hospital defendant.

43. Defendant admits that Ms. Farmer was not transferred. The remainder of this paragraph should require no response.

44. Denied.

45. Defendant cannot admit or deny the allegations in this paragraph for lack of information.

46. Denied.

47. Denied.

48. Denied.

49. Denied.

50. Denied.

51. Defendant admits that Plaintiff filed an administrative complaint. The allegations underlying the complaint as restated herein are denied.

52. Denied that CMS “launched an investigation.” Defendant cannot admit or deny the remainder.

53. Defendant cannot admit or deny the allegation in this paragraph.

54. Defendant cannot admit or deny the allegations in this paragraph as stated.

55. Defendant denies any conclusions or statements attributed to “CMS,” and denies the validity of any allegations otherwise stated herein.

56. Defendant denies the allegations in this paragraph for lack of context and completeness.

57. This paragraph contains a statement of incorporation that requires no response.

58. This paragraph states a legal conclusion that should require no response.

59. Defendant admits the application of EMTALA to Medicare participating hospitals.

60. Defendant admits that UKH is a Medicare participant.

61. This paragraph states a legal conclusion that should require no response.

62. This paragraph states a legal conclusion that should require no response.

63. Denied.

64. Defendant admits that no temperature is recorded in the medical record. The implication that Ms. Farmer was febrile is denied, and Defendant asserts that the implication raised by this paragraph is materially misleading based on the information available to Plaintiff at and before asserting the allegations in this paragraph.

65. Denied.

66. Denied.

67. Denied.

68. Denied.

69. This paragraph contains a statement of incorporation that requires no response.

70. This paragraph asserts a legal conclusion that should require no response.

71. This paragraph asserts a legal conclusion that should require no response.

72. Denied.

73. Denied.

74. Denied.

75. This paragraph asserts a legal conclusion that should require no response.

76. Denied.

77. Defendant denies the allegations as to what constituted medically necessary treatment. Defendant denies the allegation that no medical care was received.

78. Defendant admits that Ms. Farmer was not transferred to another hospital.

79. Denied.

80. Denied.

81. Denied.

82. Denied.

83. This paragraph contains a statement of incorporation that requires no response.

84. Defendant cannot admit or deny the allegations in this paragraph for lack of information.

85. This paragraph contains a legal conclusion that should require no response.

86. This paragraph contains a legal conclusion that should require no response.

87. This paragraph contains a legal conclusion that should require no response.

88. Defendant admits that it is a Level One Trauma Center with emergency medical services available. The remainder of this paragraph is denied.

89. Denied.

90. Denied.

91. Denied.

92. Denied.

93. Defendant denies all claims for relief.

STATEMENT OF DEFENSES

1. Plaintiff fails to state a valid legal claim for relief.

2. Defendant is entitled to Eleventh Amendment immunity.

3. Plaintiff failed to adequately/properly exhaust required administrative remedies prior to filing suit.

4. Plaintiff asserts claims that are subject to the Kansas Tort Claims Act at K.S.A. 75-6101, et seq., and any such claims are subject to the immunities and limitations set forth in the Act.

5. Plaintiff's claim for punitive damages is clearly prohibited by K.S.A. 75-6109.

6. Plaintiff's claimed damages, while expressly denied, would be subject to the limitations of K.S.A. 75-6105.

7. While Plaintiff's claims of damage are expressly denied, any injury alleged was and is the result of intervening causes outside the control of Defendant, thereby prohibiting any recovery from this Defendant.

8. While Plaintiff's claims of damage are expressly denied, Plaintiff failed to mitigate any alleged damages and/or aggravated such damages.

9. Defendant reserves all other limitations on damages set forth in Kansas law.

10. Defendant reserves all other defenses that become known through the course of discovery.

DEMAND FOR JURY TRIAL

Pursuant to the Seventh and Fourteenth Amendments to the United States Constitution, Defendant hereby demands a trial by jury on all triable issues.

Respectfully Submitted,

SIMPSON, LOGBACK, LYNCH, NORRIS, P.A.

By: /s/ Trevin E. Wray

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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of January, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and a copy was sent via electronic mail to the following:

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