

Daily Journal

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Personal Injury
Negligence
Sexual Assault

Jane Doe v. Dignity Health dba Methodist Hospital of Sacramento; Gregory Allen Harms; and Does 1-60

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Case number: 34-2021-00292375-CU-PO-GDS
Verdict – **\$35,000,000**

Judge

[George A. Acero](#)

Court

Sacramento County Superior Court

Attorneys

Plaintiff

[Natalie L. Weatherford](#)
(Taylor & Ring)

[John C. Taylor](#)
(Taylor & Ring)

Defendant

[Samantha J. Coleman](#)
(La Follette, Johnson, DeHaas, Fesler & Ames)

[Barry A. Vogel](#)
(La Follette, Johnson, DeHaas, Fesler & Ames)

Facts

In late November 2016, plaintiff Jane Doe, 41, was admitted to Methodist Hospital of Sacramento after suffering a pulmonary embolism and was transferred to the Intensive Care Unit (ICU), where she remained for several weeks. More than 10 individuals at the hospital, including plaintiff's physician, were advised by plaintiff of the report. The hospital immediately notified Sacramento police, who responded to the scene and prepared a report. The hospital also immediately notified Adult Protective Services and the California Department of Public Health, which sent an investigator who prepared a report. In reporting the event, plaintiff identified her assailant by name, but no person by that name worked at the hospital. Plaintiff also identified the assailant's supervisor by name, but that name likewise did not correspond to any employee who had worked at the facility. She was intubated and unable to physically move her body or talk. She required the hospital's assistance for all activities of daily living.

On three consecutive nights in December 2016, male nurse Gregory Allen Harms, 58, was assigned to care for plaintiff while she was in ICU. Between the hours of 1 a.m. and 2 a.m., Harms raped plaintiff while she was in her hospital bed. Plaintiff could not move or speak due to her medical condition, but she was awake and alert.

In late January 2017, plaintiff regained the ability to speak and immediately reported the abuse to her speech therapist. The speech therapist reported the allegations to Methodist Hospital leadership and administrators. Thereafter, the hospital allegedly failed to investigate plaintiff's report and told plaintiff's family and law enforcement that plaintiff was likely suffering from "ICU dementia," a condition that causes disorientation and hallucinations. As a result, no in-depth hospital or law enforcement investigation was performed.

In November 2019, plaintiff saw Harms on the news after he was arrested for raping another patient at a different hospital in Folsom. Plaintiff contacted the Sacramento Police Department about her 2017 rape allegations. She was informed that two other victims had come forward alleging that Harms had sexually assaulted them while they were incapacitated. The allegations against Harms dated back to 2011, more than five years before plaintiff's rape. Harms was convicted of several felonies related to his abuse of female patients and is currently serving a 28-year prison sentence.

Result

\$35 million verdict against Dignity Health dba Methodist Hospital of Sacramento, including \$20 million in punitive damages. The jury found that the hospital violated various Welfare & Institutions codes related to the protection of dependent adults and was negligent in failing to protect Jane Doe from sexual abuse. The jury also determined that the hospital managing agents, officers, and directors "ratified" the sexual abuse after it occurred by failing to investigate Jane Doe's reports of abuse and failing to discipline the perpetrator.