

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Maureen E. Baker, as Personal Representative of the Estate of
Barnaby Dupuis Baker v. Oregon Health & Science University and
Rodney F. Pommier, M.D.

Baker · No. 3:24-cv-709-SI · Decided December 9, 2025

SUMMARY

The United States District Court for the District of Oregon denied Defendants’ remaining motion for summary judgment in a medical negligence action arising from Barnaby Baker’s intraoperative death. The court held that the expert testimony and other evidence created a genuine dispute of material fact regarding whether preexisting cardiomegaly could have been detected through a proper preoperative cardiac evaluation and whether Defendants’ alleged negligence caused the death. The causation issue was therefore left for a jury.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Michael H. Simon
JURISDICTION	United States District Court for the District of Oregon
DECIDED	December 9, 2025
DOCKET	3:24-cv-709-SI
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for summary judgment on the remaining medical-negligence claim, arguing that Plaintiff could not prove causation. The court denied the motion.
STANDARD OF REVIEW	Summary judgment is appropriate when the movant shows that there is no genuine dispute as to any material fact and that the movant is entitled to judgment as a matter of law. The court views the evidence and draws reasonable inferences in favor of the nonmoving party; credibility determinations and weighing evidence are for the jury.
PRECEDENTIAL VALUE	unpublished district-court opinion

TOPICS

- summary judgment
- medical malpractice
- standard of care
- civil procedure

PRACTICE AREAS

medical malpractice

civil procedure

summary judgment

personal injury

QUESTIONS PRESENTED

1. Whether Plaintiff presented sufficient evidence to create a genuine dispute of material fact concerning whether Defendants' alleged failure to discover Mr. Baker's preexisting cardiomegaly caused his death.
2. Whether the expert testimony that a preoperative cardiac evaluation may have made an enlarged heart readily apparent was legally sufficient, when viewed in Plaintiff's favor, to support a reasonable inference of causation under Oregon law.

HOLDINGS

1. Summary judgment was improper because the record, viewed in the light most favorable to Plaintiff, presented a genuine dispute of material fact as to whether Defendants' alleged failure to detect cardiomegaly caused Mr. Baker's death.

KEY QUOTATIONS

"Viewing the facts in the light most favorable to Plaintiff, as the Court must do at this stage of the litigation, the Court concludes that Plaintiff has shown a genuine question of material fact as to whether Defendants' allegedly negligent conduct caused Plaintiff's injury, and that is a question that must be decided by a jury."
(Discussion)

"He said that after an x-ray, an enlarged heart "may be readily apparent."" (Discussion)

"The Court DENIES Defendants' motion for summary judgment, ECF 38." (Conclusion)

FACTUAL BACKGROUND

Barnaby Baker underwent elective abdominal-hernia surgery after preoperative assessments characterized him as low risk for a cardiac event. During surgery, he developed ventricular tachycardia and died despite resuscitation efforts. An autopsy identified cardiomegaly with associated cardiac dysrhythmia complicating the operative procedure. Plaintiff presented expert testimony that a more thorough preoperative cardiac evaluation would likely have revealed significant cardiac dysfunction and could have resulted in postponement of surgery or other measures that would have reduced the risk of death.

PROCEDURAL HISTORY

Plaintiff initially sued OHSU, Rodney F. Pommier, M.D., Glenn I. Pearson, and Katie J. Schenning, M.D., asserting medical negligence and lack of informed consent. Plaintiff voluntarily dismissed the claims against Pearson and Schenning and all lack-of-informed-consent claims. The court considered the remaining portion of Defendants' summary-judgment motion, which challenged causation, and denied it.

DISPOSITION

other

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317, 323, 325 (1986)
- Nissan Fire & Marine Ins. v. Fritz Cos., 210 F.3d 1099, 1102 (9th Cir. 2000)
- Devereaux v. Abbey, 263 F.3d 1070, 1076 (9th Cir. 2001)
- Soremekun v. Thrifty Payless, Inc., 509 F.3d 978, 984 (9th Cir. 2007)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 250, 252, 255 (1986)
- Clicks Billiards, Inc. v. Sixshooters, Inc., 251 F.3d 1252, 1257 (9th Cir. 2001)
- Ricci v. DeStefano, 557 U.S. 557, 586 (2009)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986)
- Zehr v. Haugen, 318 Or. 647, 653-54 (1994)
- Stevens v. Bispham, 316 Or. 221, 227 (1993)
- Joshi v. Providence Health Sys. of Or., 198 Or. App. 535, 544 (2005), aff'd, 342 Or. 152 (2006)

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