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ALERT TOP STORY

Two professors seeking more than \$700,000 from Corvallis doctor/landlord

Maddie Pfeifer

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Piercey Neurology is located at 305 SW C Avenue in Corvallis. Dr. Sydney Piercey moved to Utah but still comes back to Corvallis periodically.

Andy Cripe, Mid-Valley Media

Maddie Pfeifer

Two university professors are asking for \$728,400 from a Corvallis neurologist/landlord, alleging contaminated drinking water with toxic levels of nitrate led to pregnancy and delivery complications for their child.

In a lawsuit filed in Benton County Circuit Court, Vasiliki Touhouliotis and Houssam Abbas allege they consumed contaminated water while living at and renting a two-bedroom bungalow owned by Dr. Sydney Camille Piercey.

Abbas is an electrical and computer engineering professor at Oregon State University, and Touhouliotis was a visiting professor at OSU up until the spring of 2021. She will start teaching at Portland State University later this month. The pair left Corvallis last summer and now live in Portland.

Alex Powers

Court documents allege Touhouliotis drank the toxic water all throughout her pregnancy and while nursing her daughter. She experienced “emergency complications” with the delivery of her daughter, who was immediately taken to the Neonatal Intensive Care Unit following birth, according to the legal paperwork.

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Portland-based attorney Zack Duffly is representing Touhouliotis and Abbas.

Portland-based attorneys Daniel Peterson and Chester Hill are representing the defendants. They say their client denies all the accusations and is looking forward to being vindicated in court.

Along with Piercey, the lawsuit lists B Street Bldg. LLC as defendants. The latter managed the unit the couple was renting on Piercey's behalf, according to the complaint.

On Nov. 14, 2018, the pair signed a rental agreement with Piercey. A month later, they moved into the unit. According to the complaint, the unit was part of a compound owned by Piercey with several homes on it, and Piercey herself lived on the property.

After Piercey's agent, Amy Carrier, moved to Massachusetts in the summer of 2020, the tenants began communicating directly with Piercey when they had tenant-type questions and concerns. According to the complaint, the parties usually communicated via email or text.

An unpredictable pregnancy

In spring of 2020, the couple became pregnant with their first child. Touhouliotis gave birth in October 2020. According to the complaint, "the delivery was beset by emergency complications affecting both mother and daughter."

A court document signed by Touhouliotis describes her pregnancy complications in greater detail. She said she developed severe anemia during her pregnancy. Her daughter's heart rate reportedly dropped "precipitously" during labor, causing doctors to rush Touhouliotis to the emergency room for an emergency cesarean section.

The baby's heart rate was low for an extended period of time, and nurses immediately took the baby to the NICU team because she was only breathing at 85% capacity, according to the document.

Doctors reportedly gave the baby continuous positive airway pressure for 40 minutes to aid in breathing functions.

"The delivery experience caused my family and I extreme distress and apprehension about the survival of our newborn as well as my own physical health," Touhouliotis said in the court document.

After the complicated delivery, the couple's pediatrician recommended they test their drinking water.

The pair then reportedly contacted Corvallis-based Edge Analytical, which took a sample of the unit's water on April 20. When the results came back a week later, they showed a level of nitrate that exceeded the Environmental Protection Agency's standard for safe drinking water. According to the complaint, the safe level of nitrate in drinking water is 10 milligrams per liter, or 10 mg/L. The water test results came back with a nitrate level of 10.7 mg/L.

The source of drinking water on the property was a private well that was registered with the Oregon Water Resources Department and owned, operated and maintained by Piercey, according to the lawsuit.

The well was the primary source of drinking water for the couple and their baby for more than 2 1/2 years, including all nine months of the pregnancy.

"On information and belief, consumption of the drinking water resulted in the symptoms, injuries, disease and disabilities that mother and daughter experienced during delivery," the complaint said.

Toxic water

The complaint alleges the following medical conditions are associated with consumption of water contaminated with toxic levels of nitrate:

- Colorectal, bladder and breast cancers
- Thyroid disease
- Birth defects and adverse reproductive outcomes

Infants may be especially at risk of falling ill or even dying as the result of consumption of contaminated water. Infants may also develop methemoglobinemia, commonly known as “blue baby syndrome.”

After finding out about the toxic levels of nitrate in their drinking water, the couple reached out to Piercey that same day and requested substitute water. In this correspondence, the plaintiffs asked if Piercey had tested the water at any time while the couple had lived there. According to the complaint, Piercey never responded.

On May 6, the tenants again asked Piercey for safe drinking water, but Piercey allegedly never responded, according to the suit.

Although Piercey seemingly ignored her tenants’ emails, the complaint says she did email Scott Kruger of the Benton County Health Department and a different tenant, known only by the first name of Erin, regarding the contaminated water. According to the complaint, Piercey told Erin the well water had not been tested since at least the beginning of the pandemic and warned her not to drink any.

The plaintiffs say they reached out cross country to Carrier, who admitted the well water had not been tested when she was overseeing the property. The complaint alleges test results from the state Domestic Well Safety Program shows this particular well had a nitrate level of 10 mg/L as early as 2014.

“My clients would love nothing more than to learn that Dr. Piercey tested her well (before this lawsuit) and that the well water wasn't contaminated with nitrate,” Duffly said in an email. “Short of that, we'd like to know why Dr. Piercey ignored my clients' requests for help at the same time she was calling the county to ask about nitrate and warning others not to drink the well water.”

Violations and negligence

The lawsuit alleges Piercey violated the rental agreement between the parties in multiple ways, including failing to ensure the unit was habitable and failing to ensure safe drinking water was available. It also alleges Piercey didn't sufficiently maintain the well water.

In addition, the complaint asserts Piercey violated the Oregon Residential Landlord-Tenant Act for the same reasons mentioned above.

The lawsuit says negligence also played a role. The complaint alleges Piercey failed to exercise care in regards to maintaining the property's source of drinking water and protecting its occupants from risk of harm.

In total, the plaintiffs are seeking \$728,400, which includes damages connected to the breach in the rental agreement, the violation of Oregon law and to provide for future expenses.

The response

In a response to the complaint, Piercey denies that the private well on the property ever contained “toxic” levels of nitrate.

“Our client vigorously denies the allegations in the complaint,” Hill said in an email. “The facts will speak for themselves, and Dr. Piercey looks forward to the opportunity to fully defend this matter in court.”

Piercey also denies that drinking the water caused any damage — physical or emotional — to the plaintiffs.

Furthermore, she denies telling the other tenant, Erin, that the well water had not been tested since the beginning of the pandemic. She also denies that Carrier admitted the well water had not been tested for nitrate when Carrier was managing the property.

In the response, Piercey denies breaching the rental agreement between the parties, violating state law or acting with negligence. Instead, she puts the blame on the plaintiffs, saying they acted without reasonable care and are responsible for any damages they experienced.

Alleged malpractice

Piercey isn't a stranger to legal issues, but previous entanglements arose from her medical practice.

In 2014, a Corvallis woman sued Piercey for medical malpractice, alleging a chronic migraine treatment led to her developing fibromyalgia. The complaint said Piercey injected the woman with Xeomin, a Botox-like substance that is allegedly not approved by the FDA for migraine treatment.

According to **Oregon Medical Board records**, Piercey settled that case for \$750,000.

In 2018, fellow physician **Gina Anderson sued Piercey for malpractice**, alleging a 2013 treatment done by Piercey left Anderson's face disfigured and in pain.

That lawsuit alleged Piercey gave Anderson filler injections to smooth out facial wrinkles, but used silicone instead of a medically approved substance. According to the complaint, the silicone filler caused tumor-like growths in Anderson's cheek that impaired her vision.

The **\$17 million lawsuit** was **settled outside of court**. In an interview with Mid-Valley Media at the time of the settlement, Anderson's attorney James Huegli said the case was settled to his client's satisfaction. According to **Oregon Medical Board records**, that case was settled for \$1 million.

Sometime after treating Anderson, Piercey moved to Ogden, Utah where she practices at the Ogden Clinic. She sees patients at her Corvallis clinic, Piercey Neurology, periodically.

The next court hearing for the current lawsuit is scheduled for April 26.

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Maddie Pfeifer covers public safety for Mid-Valley Media. She can be contacted at 541-812-6091 or **Madison.Pfeifer@lee.net**. Follow her on Twitter via @maddiepfeifer_

By Maddie Pfeifer

Reporter
