

LAW OFFICES OF
NUREMBERG, PARIS, HELLER & MCCARTHY CO., L.P.A.
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FILED

2012 DEC -6 P 3:33

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

GERALD E. FUERST
CLERK OF COURTS
CUYAHOGA COUNTY

JAMES BIANCA, by and through his
wife and next friend, FRANCES BIANCA
4396 West 66th Street
Cleveland, OH 44114

and

FRANCES BIANCA, Individually
4396 West 66th Street
Cleveland, OH 44114

Plaintiffs,

-VS-

THE PARMA COMMUNITY GENERAL
HOSPITAL ASSOCIATION
c/o Its Statutory Agent
Terrence Deis
Parma Community General Hospital
7007 Powers Blvd.
Parma, OH 44129

and

KAISER PERMANENTE
Kaiser Foundation Health Plan of Ohio
1001 Lakeside Ave. Suite 1200
Cleveland, OH 44114

and

KAISER FOUNDATION HEALTH
PLAN OF OHIO
c/o Its Statutory Agent
The Prentice-Hall Corporation
System, Inc.

CASE NO.

JUDGE

Complaint
JANET R BURNSIDE
CV 12 797043

260657	DEPOSITED
DEC -6 2012	
SECURE COSTS	
GERALD E. FUERST, Clerk of Courts	
PER <i>[Signature]</i>	DEPUTY

COMPLAINT

AND

MOTION PURSUANT TO CIVIL RULE
10(D) ATTACHED HERETO

(Jury Demand Endorsed Hereon)

50 West Broad Street Suite 1800
Columbus, OH 43215

and

OHIO PERMANENTE MEDICAL
GROUP, INC.
c/o Its Statutory Agent
A C F B Incorp
200 Public Square Suite 2300
Cleveland, OH 44114

And

JOHN DOE, M.D. (true name unknown
despite due diligence)
7007 Powers Blvd.
Parma, OH 44129

And

JANE DOE, R.N. (true name unknown
despite due diligence)
7007 Powers Blvd.
Parma, OH 44129

Defendants.

CLAIM FOR RELIEF OF PLAINTIFF, JAMES BIANCA

1. Now comes James Bianca, an incompetent person, by and through his wife and next friend, Frances Bianca, and for his Claim for Relief states that at all times pertinent hereto, defendants, The Parma Community General Hospital Association, Kaiser Permanente, Kaiser Foundation Health Plan of Ohio, and Ohio Permanente Medical Group, Inc., were Ohio corporations, companies and/or business entities which were licensed to do business in Ohio and/or were doing business in Ohio and were holding themselves out to the general public, including plaintiffs, as being possessed of

the requisite skills, knowledge and facilities to offer quality medical care and treatment to the public.

2. Plaintiff further states that defendant, John Doe, M.D. (true name and address unknown to plaintiffs despite due diligence) is a physician/employee of Kaiser Permanente and/or Kaiser Foundation Health Plan of Ohio and/or Ohio Permanente Medical Group, Inc. (the "Kaiser Defendants") who was working at Parma Hospital on or about December 26, 2011 and is thus subject to service of process at their address. This physician ordered Lopressor to be given to plaintiff, James Bianca, via port on or about December 26, 2011.

3. At all times pertinent hereto, defendant, John Doe, M.D. was acting in the course and scope of his employment with the Kaiser Defendants.

4. Defendant, Jane Doe, R.N. is a nurse in the employ of defendant, The Parma Community General Hospital Association, and was working at Parma Community General Hospital on or about December 26, 2011, and is thus subject to service of process at their address, and gave doses of Lopressor to plaintiff, James Bianca. This nurse's true name and address is unknown to plaintiffs despite due diligence.

5. Plaintiffs state that defendants were negligent in ordering and/or administering excessive doses of Lopressor to plaintiff, James Bianca, and, further, plaintiffs further state that defendants were negligent in other respects to be shown at the time of trial.

6. As a result of the joint, combined and concurrent negligence of defendants, plaintiff, James Bianca, sustained a hypoxic ischemic event and/or severe brain injury and has been rendered an incompetent person. Additionally, plaintiff, James Bianca,

sustained other injuries which will be set forth at the time of trial.

7. As a further result, plaintiff, James Bianca, sustained pain and suffering, a shock to his entire nervous and emotional systems, and will continue to sustain pain and suffering on an ongoing basis as his injuries are permanent.

8. As a result, plaintiff, James Bianca, sustained a permanent impairment of his earning capacity.

9. As a result, plaintiff, James Bianca, incurred medical expenses and will continue to do so on a permanent basis.

10. As a result, plaintiff, James Bianca, has been required to reside at various long term care facilities and will continue to need long term care and supervisory care, at a substantial expense, on a permanent basis.

11. Plaintiff has been unable to obtain an Affidavit of Merit for the reasons set forth in the Motion Pursuant To Civil Rule 10(D), which is attached hereto and incorporated herein.

WHEREFORE, plaintiff, James Bianca, by and through his wife and next friend, Francis Bianca, demands judgment from defendants, The Parma Community General Hospital Association, Kaiser Permanente, Kaiser Foundation Health Plan of Ohio, Ohio Permanente Medical Group, Inc., John Doe, M.D., and Jane Doe, R.N., jointly and severally, in a sum of money in excess of Twenty-Five Thousand Dollars (\$25,000.00), together with interest and costs.

CLAIM FOR RELIEF OF PLAINTIFF, FRANCES BIANCA

12. Now comes the plaintiff, Frances Bianca, and for her Claim for Relief hereby restates, realleges and reavers each and every fact, statement and allegation

contained in the Claim for Relief of Plaintiff, James Bianca, as if fully restated and rewritten herein, and further states that at all times pertinent hereto, she was the legal wife of plaintiff, James Bianca.

13. As a direct and proximate result of the joint, combined and concurrent negligence of defendants, plaintiff, Frances Bianca, has been caused to lose the services, companionship and consortium of her husband, James Bianca, on a permanent basis, and has incurred medical expenses on his behalf and will continue to do so in the future on a permanent basis.

WHEREFORE, plaintiff, Frances Bianca, individually, demands judgment from defendants, The Parma Community General Hospital Association, Kaiser Permanente, Kaiser Foundation Health Plan of Ohio, Ohio Permanente Medical Group, Inc., John Doe, M.D., and Jane Doe, R.N., jointly and severally, in a sum of money in excess of Twenty-Five Thousand Dollars (\$25,000.00), together with interest and costs.

Respectfully submitted,



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