

**IN THE STATE COURT OF DEKALB COUNTY  
STATE OF GEORGIA**

<b>ERNEST ROSENBURG JR., Individually, as NEXT OF KIN to JESSICA GUILLORY ROSENBURG, Deceased, and as Administrator of the estate of JESSICA GUILLORY ROSENBURG</b>  <b>Plaintiff,</b>  <b>vs.</b>  <b>KAISER PERMANENTE d/b/a THE SOUTHEAST PERMANENTE MEDICAL GROUP, INC.; RAMONA S. STYLES-BURROWS, M.D.; LEWIN CHUACHIACO, M.D.; JOHN DOE MDs 1 &amp; 2 and JOHN DOES 1 &amp; 2,</b>  <b>Defendants.</b>	<b>Civil Action File No.:</b>
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**COMPLAINT FOR MEDICAL MALPRACTICE  
AND DEMAND FOR A TRIAL BY JURY**

COMES NOW, the Plaintiff, in the above styled matter and shows this  
Honorable Court the following:

**I. VENUE AND JURISDICTION**

**1.**

Ernest Rosenberg, Jr., individually, and as the administrator of the estate of  
Jessica Rosenberg, deceased, is subject to the venue and jurisdiction of this Court.

**2.**

Ramona S. Styles-Burrows, M.D., at all times during her care and

treatment of Mrs. Jessica Rosenberg, was licensed to practice medicine in Georgia. Ramona Styles-Burrows is a resident of Dekalb County and may be served at her residential address, 7255 Meadow Point Drive, Stone Mountain, Georgia 30087. Defendant Dr. Styles-Burrows is subject to the venue and jurisdiction of this Court pursuant to GA CONST Art. 6, §2, ¶VI.

**3.**

Lewin Chuachiaco, M.D., at all times during his care and treatment of Mrs. Jessica Rosenberg, was licensed to practice medicine in Georgia. He may be served at his business address, 5440 Hillandale Drive Lithonia, GA 30058, DeKalb County. Defendant Dr. Chuachiaco is subject to the venue and jurisdiction of this Court in this case as a joint tortfeasor pursuant to O.C.G.A. § 9-10-31(b).

**4.**

Defendant Kaiser Permanente d/b/a The Southeast Permanente Medical Group, Inc. (hereinafter "TSPMG") is a Georgia corporation. Service of process may be perfected through TSPMG's registered agent, Corporation Service Company, 40 Technology Parkway South, Suite 300 Norcross, Georgia 30092, Gwinnett County. TSPMG is subject to the venue and jurisdiction of this Court in this case as a joint tortfeasor pursuant to O.C.G.A. § 9-10-31 (b) and O.C.G.A. § 14-3-510(b)(3).

**5.**

John Doe MDs 1 & 2 (hereinafter "John Doe MDs") are registered doctors licensed to practice medicine in the state of Georgia. Defendants John Doe MDs 1 & 2 are subject to the jurisdiction and venue of this court.

6.

John Does 1 & 2 (hereinafter "John Does") are subject to the jurisdiction and venue of this court.

7.

At all times relevant in their care and treatment of Mrs. Rosenberg, Drs. Ramona S. Styles-Burrows, M.D., Lewin Chuachiaco, M.D., John Doe MDs 1 & 2, and John Does 1 & 2 are joint tortfeasors and were employees, agents and/or ostensible agents of Defendant, The Southeast Permanente Medical Group, Inc. As such, Defendant, The Southeast Permanente Medical Group, Inc. is responsible for their actions in this case as joint tortfeasors and under the theory of respondeat superior.

## **II. FACTS**

8.

The Plaintiff reasserts and incorporates by reference paragraphs 1 through 7 as is fully stated herein.

9.

On March 13, 2012, Jessica Rosenberg presented for evaluation and treatment to Kaiser Permanente Panola Medical Center and complained of a severe and throbbing headache in the bilateral occipital and temporal areas. The intensity of the headache was noted to have made Mrs. Rosenberg cry. Mrs. Rosenberg's headache was accompanied by vomiting and visual disturbances.

10.

On March 13, 2012, Defendant Dr. Ramona Styles-Burrows treated Mrs. Rosenberg at Kaiser Permanente Panola Medical Center and diagnosed her with a

migraine. Dr. Styles-Burrows ordered a CT of the head or brain without contrast, prescription medication (including Ketoralac, Promethazine, Sumatriptan Succinate and Endocet) and an injection of Torodol, which was administered to Mrs. Rosenberg.

**11.**

On March 14, 2012, Mrs. Rosenberg presented to Kaiser Permanente Panola Medical Center for her scheduled CT scan.

**12.**

Mrs. Rosenberg's March 14, 2012, CT results revealed no acute intraparenchymal, extra-axial hemorrhage or findings suggesting acute ischemia. There were no intracranial masses. Ventricles were normal in size and contour. The paranasal sinuses were clear and bony structures normal.

**13.**

On March 16, 2012, Mrs. Rosenberg continued to suffer with the throbbing headache, which was increasing in intensity, and presented again for evaluation and treatment at Kaiser Permanente Panola Medical Center.

**14.**

On March 16, 2012, Mrs. Rosenberg was seen by Defendant Dr. Lewin Chuachiaco. Despite Mrs. Rosenberg's continued complaints, Dr. Chuachiaco failed to order or perform any further diagnostic testing. Instead, Dr. Chuachiaco reviewed Mrs. Rosenberg's CT results with her and diagnosed her with a mixed headache, acute upper respiratory infection and neck pain. Additionally, Dr. Chuachiaco opined that Mrs. Rosenberg's congested ears may have been aggravating her headache.

15.

Dr. Chuachiaco recommended Mrs. Rosenberg take an over the counter medication (Sudafed) and prescription medication (including Levofloxacin, Methocarbamol, Prednisone, Ibuprofen and Oxycodone). Dr. Chuachiaco instructed Mrs. Rosenberg to rest, drink fluids and return if her symptoms were not better within a couple of days.

16.

On March 17, 2012, Mrs. Rosenberg collapsed and was taken by ambulance to Northside Hospital Emergency Department.

17.

Soon after arrival, Mrs. Rosenberg became increasingly bradycardic, resulting in the need for chest compressions. Mrs. Rosenberg was given atropine and epinephrine. Subsequently, Mrs. Rosenberg became tachycardic and her blood pressure became elevated.

18.

Mrs. Rosenberg had to be intubated. She received another CT of the head without contrast at Northside Hospital. The CT scan results revealed a 4.7cm intraparenchymal hemorrhage in the right parietal lobe with shift and herniation.

19.

Mrs. Rosenberg became unstable and hypotensive. The Northside Hospital critical care team started a central line in her left groin.

20.

On March 18, 2012, Mrs. Rosenberg was pronounced brain dead at Northside

Hospital. On March 18, 2012 at 12:48 p.m., Jessica Guillory Rosenberg died as a result of the intraparenchymal hemorrhage.

### **III. MEDICAL MALPRACTICE**

#### **21.**

The Plaintiff reasserts and incorporates by reference paragraphs 1 through 20 as is fully stated herein.

#### **22.**

Defendants TSPMG, Ramona Styles-Burrows, M.D., Lewin Chuachiaco, M.D., John Doe MDs 1 & 2 and John Does 1 & 2 all owed a duty to Mrs. Rosenberg to provide medical treatment within the standard of care as defined by Georgia Law.

#### **23.**

Defendants TSPMG, Ramona Styles-Burrows, M.D., Lewin Chuachiaco, M.D., John Doe MDs 1 & 2 and John Does 1 & 2 each owed a duty to Mrs. Rosenberg to provide the degree of care and skill exercised by medical doctors generally under the same or similar circumstances as those presented by Mrs. Rosenberg

#### **24.**

Defendants TSPMG, Ramona Styles-Burrows, M.D., Lewin Chuachiaco, M.D., John Doe MDs 1 & 2 and John Does 1 & 2 breached their duty and violated the applicable standard of care to Mrs. Rosenberg, by and among other things, failing to order or perform additional diagnostic testing to rule out or diagnose intracranial hemorrhage in the presence of the signs and symptoms presented by Jessica Rosenberg.

#### **IV. CAUSATION**

**25.**

The Plaintiff reasserts and incorporates by reference paragraphs 1 through 24 as is fully stated herein.

**26.**

As a direct and proximate result of the Defendants' negligence, Mrs. Rosenberg intracranial hemorrhage went undiagnosed and untreated, she experienced significant and debilitating pain and suffering, and as a result, she died on March 18, 2012.

**27.**

Pursuant to O.C.G.A. 9-11-9.1, Plaintiff attaches as Exhibit "A" and incorporates by reference the Affidavit of Michael Yaffe, M.D., a duly qualified Board Certified Internist, competent to testify in this matter, setting forth at least one particular act of medical negligence act against these Defendants.

#### **IV. DAMAGES**

**28.**

The Plaintiffs hereby reassert and incorporate by reference each and every allegation contained in paragraphs 1 through 27 as is fully stated herein.

**29.**

Mr. Ernest Rosenberg, Jr. is the surviving spouse of Jessica Guillory Rosenberg. On March 18, 2012, Jessica Guillory Rosenberg died as a result of the Defendants' negligence. Jessica Guillory Rosenberg was a vibrant wife, mother and

business professional prior to her death. Mrs. Rosenberg had been married for fourteen (14) years to Mr. Rosenberg. Mrs. Rosenberg was a devoted mother to two (2) children, Dorian and Delaney Rosenberg, ages twelve (12) and five (5) respectively, at the time of her death.

**30.**

Mr. Rosenberg is authorized to bring this action for the wrongful death and full value of the life of his wife and mother of his children, pursuant to O.C.G.A. 51-1-4 et. seq.

**31.**

As a result of the Defendants' negligence, Mrs. Rosenberg experienced physical injury, pain and suffering and emotional distress. Mrs. Rosenberg's estate further incurred expenses for her burial. Ernest Rosengurg, Jr., as administrator of the estate of Jessica Rosenberg, is authorized to bring these claims.

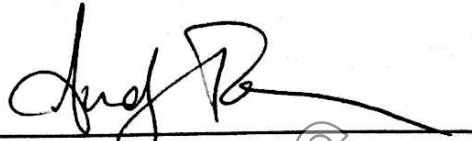
WHEREFORE, the Plaintiff prays that:

1. The Defendants be served as provided by law;
2. That they have a trial by jury;
3. Judgment be entered in favor of the Plaintiff and against the Defendants jointly and severally, in an amount in excess of \$10,000, for damages for the full value of the life of Jessica Guillory Rosenberg, and for damages of the injuries, pain and suffering endured by Mrs. Rosenberg.
4. All costs be taxed against the Defendants, jointly and severally, including attorneys' fees; and



5. The Plaintiff has all other relief as this Court deems just and proper.

This the 1st day of August 2013.



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2013 JUL 31 AM 9:47

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BY: U.M. Thomas  
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