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**VIRGINIA:**

**IN THE CIRCUIT COURT FOR ARLINGTON COUNTY**

**DONNA JOHNSON**

**As Ancillary Administrator of the  
Estate of Sheila Johnson, deceased  
8714 Gilly Way  
Randallstown, Maryland 21133**

**Plaintiffs,**

**v.**

**Civil Action No: 13-2454**

**VIRGINIA HOSPITAL CENTER ARLINGTON  
HEALTH SYSTEM t/a VIRGINIA HOSPITAL  
CENTER**

**1701 N. George Mason Drive  
Arlington, Virginia 22205**

**Serve:**

**Robert B. Templin Jr.  
Virginia Hospital Center  
1701 N. George Mason Drive  
Arlington, Virginia 22205**

**and**

**XIAODONG LUO, M.D.,  
Mid-Atlantic Permanente Medical Group  
2<sup>nd</sup> Floor Office  
1701 North George Mason Drive  
Arlington, Virginia 22205**

**and**

**ALBERT CHEUNG, M.D.  
Kaiser Permanente  
Kaiser, HSM, Inova Fairfax Hospital  
3300 Gallows Road  
Falls Church, Virginia 22042**

**and**

**SAMIM ENAYAT, M.D.  
1701 N. George Mason Drive  
Arlington, Virginia 22205**

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and

**WILLIAM SEID, M.D.**  
**Kaiser Permanente**  
**12255 Fair Lakes Parkway**  
**Fairfax, Virginia 22033**

and

**MID-ATLANTIC PERMANENTE MEDICAL GROUP, P.C.**  
**2101 E. Jefferson Street**  
**Rockville, Maryland 20849**

**Serve:**  
**Beverly L. Crump**  
**Bank of America Center, 16<sup>th</sup> Floor**  
**1111 East Main Street**  
**Richmond, Virginia 23219**

and

**KAISER FOUNDATION HEALTH PLAN OF THE**  
**MID-ATLANTIC STATES, INC.**  
**2101 E. Jefferson Street**  
**Rockville, Maryland 20852**

**Serve:**  
**Corporation Service Company**  
**Bank of America Center, 16<sup>th</sup> Floor**  
**1111 East Main Street**  
**Richmond, Virginia 23219**

**Defendants.**

\* \* \* \* \*

**COMPLAINT**

Plaintiff, Donna Johnson, Ancillary Administrator of the Estate of Sheila Johnson, deceased, brings this civil action against Virginia Hospital Center Arlington Health System t/a Virginia Hospital Center; Xiaodong Luo, M.D., Albert Cheung, M.D.; Samim Enayat, M.D.; William Seid, M.D., Mid-Atlantic Permanente Medical Group, P.C.; Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc., and for her cause of action states:

1. Plaintiff Donna Johnson is the Qualified Ancillary Administrator of the Estate of Sheila Johnson, deceased. She was appointed Personal Representative of the Estate of Sheila Johnson by the Register of Wills for Baltimore County, Maryland on March 5, 2013. She was Qualified as Ancillary Administrator of the Estate of Sheila Johnson by The Circuit Court for Arlington County on July 16, 2013. She is also the natural daughter of Sheila Johnson, deceased.

2. Sheila Johnson, deceased, also has a natural son, Edward Johnson.

3. Defendant Virginia Hospital Center Arlington Health System t/a Virginia Hospital Center is and was at all times relevant a hospital duly incorporated under the laws of the Commonwealth of Virginia and licensed to provide care and treatment to the public, including patients such as Sheila Johnson. Defendant Virginia Hospital Center Arlington Health System t/a Virginia Hospital Center may from time to time hereafter be referred to as "the hospital."

4. Defendant Xiaodong Luo, M.D. is and was at all times relevant a medical doctor licensed under the laws of the Commonwealth of Virginia to provide medical care and treatment, and specifically internal medicine and hospitalist care, treatment and services to the public, including to patients such as Sheila Johnson, deceased. Xiaodong Luo, M.D. may from time to time hereafter be referred to as "Dr. Luo." At all times relevant, Dr. Luo was working at Virginia Hospital Center, and was the agent or servant of Mid-Atlantic Permanente Medical Group, P.C. and/or Kaiser Foundation Health Plan for the Mid-Atlantic States, Inc. and/or the hospital.

5. Defendant Albert Cheung, M.D. is and was at all times relevant a medical doctor licensed under the laws of the Commonwealth of Virginia to provide medical care and treatment, and specifically internal medicine and hospitalist care, treatment and services to the public, including to patients such as Sheila Johnson, deceased. Albert Cheung, M.D. may from time to time hereafter be referred to as "Dr. Cheung." At all times relevant, Dr. Cheung was working at



Virginia Hospital Center, and was the agent or servant of Mid-Atlantic Permanente Medical Group, P.C. and/or Kaiser Foundation Health Plan for the Mid-Atlantic States, Inc. and/or the hospital.

6. Defendant Samim Enayat, M.D. is and was at all times relevant a medical doctor licensed under the laws of the Commonwealth of Virginia to provide medical care and treatment, and specifically internal medicine and hospitalist care, treatment and services to the public, including to patients such as Sheila Johnson, deceased. Samim Enayat, M.D. may from time to time hereafter be referred to as "Dr. Enayat." At all times relevant, Dr. Enayat was working at Virginia Hospital Center, and was the agent or servant of Mid-Atlantic Permanente Medical Group, P.C. and/or Kaiser Foundation Health Plan for the Mid-Atlantic States, Inc. and/or the hospital.

7. Defendant William Seid, M.D. is and was at all times relevant a medical doctor licensed under the laws of the Commonwealth of Virginia to provide medical care and treatment, and specifically surgical treatment and services to the public, including to patients such as Sheila Johnson, deceased. William Seid, M.D. may from time to time hereafter be referred to as "Dr. Seid." At all times relevant, Dr. Seid was working at Virginia Hospital Center, and was the agent or servant of Mid-Atlantic Permanente Medical Group, P.C. and/or Kaiser Foundation Health Plan for the Mid-Atlantic States, Inc. and/or the hospital.

8. Defendant Mid-Atlantic Permanente Medical Group, P.C. is and was at all times relevant a corporation organized under the laws of the State of Maryland to provide medical care, treatment and services to the public, including patients receiving care and treatment in the Commonwealth of Virginia such as Sheila Johnson. Defendant's employees and/or agents,

including but not limited to Dr. Luo, Dr. Cheung, Dr. Enayat and Dr. Seid, provided internal medicine, hospitalist, surgical and other health care services at Virginia Hospital Center.

9. Defendant Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc. is and was at all times relevant a corporation organized under the laws of the State of Maryland to provide medical care, treatment and services to the public, including patients receiving care and treatment in the Commonwealth of Virginia such as Sheila Johnson. Defendant's employees and/or agents, including but not limited to Dr. Luo, Dr. Cheung, Dr. Enayat and Dr. Seid, provided internal medicine, hospitalist, surgical and other health care services at Virginia Hospital Center.

10. On or about October 13, 2011, Sheila Johnson, then aged 65, was admitted to Virginia Hospital Center under the care of Dr. Seid. She had a history of severe ulcerative colitis. The admission was for the purposes of undergoing a hand-assisted laparoscopic proctectomy with ileoanal J pouch and diverting ileostomy. Dr. Seid performed that surgical procedure on October 13, 2011.

11. Before surgery, the preoperative clearance evaluation revealed that earlier in 2011, Sheila Johnson had had a pulmonary embolus and subsequent insertion of an inferior vena cava filter (IVCF). This information was known or should have been known to Dr. Seid, Mid-Atlantic Permanente Medical Group, P.C. and Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc., and the hospital.

12. While she was hospitalized, Sheila Johnson received Heparin, 5000 Units, per injection, every 8 hours for anticoagulation. However, upon discharge from the hospital on October 19, 2011, no further anticoagulation was ordered by Dr. Seid or suggested by Mid-

Atlantic Permanente Medical Group, P.C., Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc., or the hospital.

13. On October 27, 2011, Sheila Johnson reported to Dr. Seid's office for a postoperative checkup. She reported feeling lightheaded when she stood up for the previous two days. While in Dr. Seid's office, she felt lightheaded and passed out. She continued to have episodes of light-headedness and almost passed out again. She was sent to Fair Oaks Hospital for emergency evaluation, and subsequently was transferred to Virginia Hospital Center.

14. At Virginia Hospital Center, Sheila Johnson came under the care of Dr. Luo, a specialist in internal medicine and hospital medicine. She was admitted with a diagnosis of syncope from low blood pressure, dehydration and abdominal pain. Dr. Luo did not order anticoagulation despite the high risk for development of deep vein thrombosis and pulmonary embolus, including a prior pulmonary embolus and IVCF insertion.

15. Dr. Luo ordered several radiology studies, including a CT scan of the chest, which was performed on October 27, 2011, and revealed no pulmonary embolus or other acute process. He also ordered a lower extremity sonogram on October 27, 2011, which revealed no deep venous thrombosis (DVT).

16. An abdominal sonogram was also ordered by Dr. Luo and was performed on October 27, 2011. That sonogram showed findings that were consistent with a blood clot that had formed at the site of the IVCF. Dr. Luo failed to further investigate this finding and failed to order any anticoagulation, despite Sheila Johnson being at high risk for developing clots and despite the findings on the sonogram.



17. On October 27, 2011, Dr. Luo made note that "Dr. Albert Cheung will be the attending in the morning." Thereafter, Dr. Luo, Dr. Cheung, and Dr. Enayat all served as attending physicians for Sheila Johnson.

18. Sheila Johnson remained under the care of Dr. Luo and/or Dr. Cheung and/or Dr. Emayat at Virginia Hospital Center until November 7, 2011. During that time, she experienced pain in her left lower extremity with discoloration at the foot, lower extremity edema, shortness of breath, tachycardia, syncopal episodes, and intermittent inability to participate in physical therapy. Despite these signs and symptoms, Dr. Luo and/or Dr. Cheung and/or Dr. Enayat did not anticoagulate Sheila Johnson and failed to properly investigate the cause of these signs and symptoms.

19. On November 7, 2011, Dr. Jeffrey Kin assumed care of Sheila Johnson. He noted her lower extremity swelling and noticed that she had not had venous duplex studies for 10 days. He ordered a venous duplex study and also a CT scan. The studies showed an extensive deep vein thrombosis that extended from her legs all the way up to the vena cava. He immediately ordered the anticoagulants Lovenox and Coumadin to be administered.

20. On November 9, 2011, Sheila Johnson was up walking with the physical therapist. She collapsed and went into cardio-respiratory arrest. Despite resuscitative efforts, she could not be revived; she died at 12:25 p.m. on November 9, 2011.

21. An autopsy was performed. The cause of death was determined to be pulmonary emboli that had come from her extensive deep vein thrombosis.

22. At all relevant times, the Defendants, individually and through their employees and agents and servants (actual and apparent), owed to the decedent a duty to conform their conduct to the applicable standard of care in the Commonwealth of Virginia.

23. The Defendants, individually and through their employees and agents and servants (actual and apparent), breached their duties to the decedent by rendering care to her that was beneath the applicable standards of care in the Commonwealth of Virginia in the following ways:

- A. Failing to properly and timely diagnose and treat the decedent's medical conditions;
- B. Failure to take an adequate history and physical and/or to appreciate the histories and physicals that had been performed by others;
- C. Failing to take adequate measures, including anticoagulation, to prevent the formation of deep vein thrombosis;
- D. Failing to properly diagnose and treat her developing blood clots;
- E. Failing to adequately anticoagulate her despite her high risk for DVT and pulmonary embolus;
- F. Failing to continue anticoagulation in a high risk patient following her 10/19/2011 discharge from the hospital;
- G. Failing to properly anticoagulate a high risk patient at the onset and during her 10/27/2011-11/9/2011 hospitalization;
- H. Failing to properly follow up on and interpret the various imaging and other studies that had been ordered;
- I. Failing to recognize and properly interpret the various signs and symptoms exhibited by Sheila Johnson during her hospitalizations;
- J. Failing to timely order and properly interpret appropriate tests, studies and other medical procedures;



K. Failing to effectively communicate with each other concerning Sheila Johnson's condition;

L. Failing to provide appropriate care so as to avoid the injuries and death;

M. Failing to timely provide appropriate treatment for the conditions suffered by Sheila Johnson; and

N. Failing to have in place an appropriate plan for care of patients like Sheila Johnson.

These breaches in the standard of care constituted negligence, for the proximate consequences of which the Defendants are liable.

24. As a direct and proximate consequence of the Defendants' negligence, the decedent suffered from pulmonary emboli, suffered cardiopulmonary arrest, and died of those conditions on November 9, 2011.

25. As a further direct and proximate consequence of the Defendants' negligence and the decedent's death, her children, Donna Johnson and Edward Johnson, have suffered and will continue to suffer sorrow, mental anguish, and solace, including loss of society, companionship, comfort, guidance, kindly offices and advice of the decedent, loss of income of the decedent and services, protection care and assistance provided by the decedent, medical, hospital and care expenses, funeral/burial expenses, and other damages recoverable under Virginia law.

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendant in the amount of Two Million Dollars (\$2,000,000.00), plus interest, costs, and such other and further relief as this court deems proper. Plaintiffs also demand a jury trial.

Respectfully submitted,

DONNA JOHNSON, as Qualified Ancillary Administrator of the Estate of  
Sheila Johnson, deceased

By Counsel



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V.S.B. No. 29999  
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and

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