

**IN THE CIRCUIT COURT OF MARYLAND
FOR BALTIMORE CITY**

OTHEA LEE
3700 Edmondson Avenue
2nd Floor
Baltimore, MD 21229

Plaintiff

v.

Case No.:

21C1803403

CARRON GRANT, D.P.M.
1701 Twin Springs Road
Halethorpe, MD 21227

and

**MID-ATLANTIC PERMANENTE
MEDICAL GROUP, P.C.**
SERVE ON:
Prentice-Hall Corp. System, MA
7 St. Paul Street, Suite 820
Baltimore, MD 21202

and

KAISER PERMANENTE INSURANCE CO.
SERVE ON:
CSC-Lawyers Incorporating Service Co.
7 St. Paul Street, Suite 820
Baltimore, MD 21202

Defendants

* * * * *

COMPLAINT

COMES NOW the Plaintiff, Othea Lee, by and through her undersigned counsel, and brings claims against the Defendants, Carron Grant, D.P.M., Mid-Atlantic Permanente Medical Group, P.C., and Kaiser Permanente Insurance Co., and for cause, states as follows:

Jurisdiction and Venue

1. The venue is Baltimore City, Maryland inasmuch as the Plaintiff is a resident of Baltimore City, Maryland who was treated for her injuries in Baltimore City, Maryland and the Defendants all regularly work and conduct business in Baltimore City, Maryland.

2. That the amount of the claim exceeds the concurrent jurisdiction of the District Court of Maryland.

3. That the claim is ripe for determination in this Court as an action was timely instituted in the Health Claims Alternative Dispute Resolution Office, and a waiver was filed pursuant to § 3-2A-06B of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland. See Exhibit "A".

Parties

4. Plaintiff, Othea Lee, at all times relevant, was domiciled in and worked in Baltimore City, Maryland.

5. Defendant Carron Grant, D.P.M. ("Dr. Grant") is a physician who, at all times material to the Complaint, was licensed to practice medicine as a Podiatrist in the State of Maryland. Dr. Grant holds herself out to the general public as a reasonably competent podiatrist. As such, Dr. Grant is held to that level of knowledge, skill, and care that one expects to be reasonably possessed by individuals who dedicate special time, attention, and study to the field of Podiatry.

6. Defendant Mid-Atlantic Permanente Medical Group, P.C., is a professional corporation organized under the laws of the State of Maryland that at all times relevant to this Complaint employed the Defendant Carron Grant, D.P.M.

7. Defendant Kaiser Permanente Insurance Co., is a corporation organized under

the laws of the State of California that regularly conducts business in Baltimore City, Maryland and that, at all times relevant to this Complaint, employed the Defendant Carron Grant, D.P.M.

Facts

8. Plaintiff Othea Lee was initially seen by Dr. Grant at Kaiser Permanente/South Baltimore County Medical Center, on January 27, 2015. Ms. Lee presented to Dr. Grant for treatment of ongoing complaints of bilateral heel pain.

9. At the initial visit, Dr. Grant diagnosed Ms. Lee with bilateral plantar fasciitis and instituted a plan of conservative therapy.

10. After a course of conservative therapy, including injection therapy without sustained relief of Ms. Lee's pain, Dr. Grant obtained MRI studies of both of Ms. Lee's feet. These MRI studies revealed that she only had mild plantar fasciitis in her left foot, and no plantar fasciitis in her right foot.

11. Despite the findings on MRI, Dr. Grant never entertained another diagnosis for Ms. Lee's complaints, and never performed additional diagnostic studies to determine the true underlying condition causing her pain.

12. Despite the findings on MRI, Dr. Grant recommended and performed bilateral plantar fasciotomies for both of Ms. Lee's feet. The left plantar fasciotomy was performed on January 11, 2016. The right plantar fasciotomy was performed on February 3, 2016.

13. Following both procedures, Ms. Lee returned to Dr. Grant at Kaiser Permanente before she was scheduled to return with complaints of unbearable pain related to her post-surgical dressings being applied in too tight a manner.

14. The bilateral fasciotomies did not relieve Ms. Lee's complaints of pain, requiring that she remain out of work, and requiring that she obtain further treatment.

15. After her bilateral foot pain failed to improve, Ms. Lee eventually sought treatment elsewhere, and was diagnosed with bilateral tarsal tunnel syndrome, for which she underwent bilateral tarsal tunnel release procedures.

16. Despite the additional treatment, and due to the negligent treatment she received from Dr. Grant, Mid-Atlantic Permanente Medical Group, P.C., and Kaiser Permanente Insurance Company, Ms. Henry continues to suffer from a chronic pain condition from which she is unlikely to recover and is now permanent.

17. As a result of her chronic and permanent pain condition, Ms. Lee lost her employment and is disabled from further employment.

18. If Dr. Grant and Mid-Atlantic Permanente Medical Group, P.C., and Kaiser Permanente Insurance Company, had properly evaluated, assessed and diagnosed Ms. Lee's bilateral heel pain, and performed appropriate diagnostic studies, she would have been diagnosed with bilateral entrapment of her posterior tibial nerve and/or the lateral plantar nerve, undergone release procedures of the affected nerves, and obtained relief from her underlying heel pain, without the need for further surgery, rehabilitation and without permanent pain, deficits, and disability in her feet.

19. As a result of the failure by Dr. Grant and Mid-Atlantic Permanente Medical Group, P.C., and Kaiser Permanente Insurance Company to properly assess, evaluate and diagnose Ms. Lee, and the failure to properly apply post-surgical dressings, Ms. Lee developed or exacerbated a bilateral tarsal tunnel syndrome, requiring her to undergo additional surgery and rehabilitation, with permanent pain, deficits and disability in her feet.

20. Ms. Lee has suffered severe complications associated with the misdiagnosis and

mistreatment of her bilateral heel pain, including, but not limited to, the need for medical procedures that otherwise would have been unnecessary, the permanent loss of function and mobility in both feet, permanent pain in both feet requiring ongoing medical management, the expense and lost time from work associated with this additional treatment and permanent injury, the loss of employment due to her disability, and the permanent emotional and physical pain and suffering associated with these losses.

Count I

21. Plaintiff incorporates by reference paragraphs 1 through 20 as if fully set forth herein.

22. Defendants Dr. Grant, Mid-Atlantic Permanente Medical Group, P.C., and Kaiser Permanente Insurance Company were under a duty to provide care to Ms. Lee in accordance with the standards of practice among members of the medical profession with similar training and experience situated in the same or similar communities at the time of the alleged acts giving rise to Ms. Lee's cause of action.

23. Defendants, Dr. Grant, Mid-Atlantic Permanente Medical Group, P.C., and Kaiser Permanente Insurance Company negligently deviated from the applicable standards of medical care by:

- a. Failing to properly evaluate and assess Ms. Lee for bilateral heel pain;
- b. Failing to properly obtain diagnostic studies for Ms. Lee's reports of bilateral heel pain;
- c. Failing to properly diagnose Ms. Lee's complaints of heel pain;
- d. Failing to properly treat Ms. Lee's complaints of bilateral foot pain;
- e. Inappropriately performing a right foot plantar fasciotomy with no indication for the procedure;
- f. Failing to properly dress/cast Ms. Lee's feet post-procedure; and
- g. being otherwise negligent.


24. As a direct and proximate result of the aforementioned breaches in standards of

care and negligence by Dr. Grant, Mid-Atlantic Permanente Medical Group, P.C., and Kaiser Permanente Insurance Company, Ms. Lee suffered severe injuries, including, but not limited to, the need for medical procedures that otherwise would have been unnecessary and permanent pain loss of function and disability.

25. As a direct and proximate result of the aforementioned breaches in standards of care and negligence by Dr. Grant, Mid-Atlantic Permanente Medical Group, P.C., and Kaiser Permanente Insurance Company, Ms. Lee incurred medical bills and expenses; suffered extreme physical pain and suffering; lost wages and earning capacity; and suffered other injuries.

26. All of Ms. Lee's injuries, damages, and losses claimed herein are due to the negligence of the named Health Care Providers, without any negligence on the part of Ms. Lee contributing thereto.

WHEREFORE, Plaintiff, Othea Lee, demands judgment in the form of compensatory damages against Defendants, Dr. Grant, Mid-Atlantic Permanente Medical Group, P.C., and Kaiser Permanente Insurance Company, in an amount in excess of \$30,000 plus costs and interest.


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Attorneys for Plaintiff

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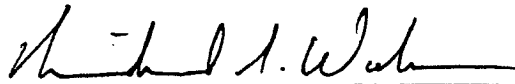
Defendants

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ELECTION OF JURY TRIAL

Madam Clerk:

The Plaintiff, Othea Lee, prays and elects that this case be tried before a jury.



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(410) 823-1800

Attorneys for Plaintiff

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