

VIRGINIA:

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

ZUCHELLE BLOUIN

Plaintiff,

v.

KAISER FOUNDATION HEALTH PLAN
OF THE MID-ATLANTIC STATES, INC.
d/b/a/ KAISER PERMANENTE

Serve Registered Agent:
CORPORATION SERVICE COMPANY
100 Shockoe Slip Fl 2
Richmond, VA 23219

KAISER FOUNDATION HOSPITALS

Serve Registered Agent:
CORPORATION SERVICE COMPANY
100 Shockoe Slip Fl 2
Richmond, VA 23219

And

MID-ATLANTIC PERMANENTE
MEDICAL GROUP, P.C.

Serve Registered Agent:
CORPORATION SERVICE COMPANY
100 Shockoe Slip Fl 2
Richmond, VA 23219

Defendants.

Civil Case No.

CL19-8393

JURY TRIAL DEMANDED

FILED
2019 NOV -7 PM 1:12
CLERK OF COURT
PRINCE WILLIAM COUNTY, VA
BY [Signature] CLERK

COMPLAINT

COMES NOW Plaintiff Zuchelle Blouin, by counsel, and for her complaint
against Defendants, states the following:

Parties

1. Plaintiff Zuchelle Blouin ("Zuchelle") is a citizen of the United States and permanent resident of Prince William County, Virginia.
2. Defendant Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc. d/b/a Kaiser Permanent ("Defendant Kaiser Permanente") is a foreign corporation registered to do business in the Commonwealth of Virginia. Upon information and belief, Defendant Kaiser owns and/or operates The Woodbridge Medical Center (the "Medical Center") at 4139 Potomac Mills Road, Woodbridge, Virginia 22192.
3. Defendant Kaiser Foundation Hospitals ("Defendant Kaiser Hospitals") is a foreign corporation registered to do business in the Commonwealth of Virginia. Upon information and belief, Defendant Kaiser owns and/or operates the Medical Center.
4. Defendant Mid-Atlantic Permanente Medical Group Medical Group, P.C. ("Defendant Medical Group") is a foreign corporation registered to do business in Virginia. Upon information and believe, Defendant Medical Group employs the medical professionals at the Medical Center.

Jurisdiction and Venue

5. Personal jurisdiction over defendants is founded on Virginia Code § 8.01-328.1(A)(3), in that this action arises as a result of tortious conduct committed by defendants within the Commonwealth of Virginia.
6. Venue is proper in this Court pursuant to Virginia Code § 8.01-262(1), in that the Plaintiffs reside in Prince William County, and the tortious activity occurred at Defendants' facility in Prince William County.

Factual Background

7. Plaintiff restates and repleads the allegations in Paragraphs 1-6 as if fully set forth in this Paragraph 7.

8. On November 7, 2017, Zuchelle and her husband Daniel Blouin attended a scheduled Obstetrics and Gynecology appointment at the Medical Center during business hours. At that time, Zuchelle was almost eight (8) months pregnant with their first child. She was seeing Dr. Singh while her regular OBGYN doctor was away attending a medical conference.

9. A nurse brought the couple to the back to do Zuchelle's weigh-in and take her vital signs, and then escorted them to the examination room. Upon entering the room, the nurse directed Zuchelle to undress for Dr. Singh's examination. After the nurse exited, Daniel sat in the chair by the door, and Zuchelle proceeded to undress at the end of the lowered examination table. Neither Zuchelle nor Daniel saw any obvious dangers or hazards in the room.

10. While removing her pants, Zuchelle suddenly tripped on something unseen behind her leg, and fell backwards against the medical cabinets, hitting her head. She then started to fall forward. Daniel leaped from the chair to catch Zuchelle as she used both hands to shield her stomach and their unborn child.

11. As Daniel caught Zuchelle, her left knee struck something hard. When she tried to stand up, Daniel noticed something was wrong with her left knee. She looked down and saw a large indentation where her left knee cap should have been. At that moment, the pain kicked in and she screamed. The nurse and Dr. Singh rushed into the examination room asking what was wrong, and helped Daniel get Zuchelle onto the exam table as she started to go into shock. That is when Daniel noticed that the left

gynecological exam stirrup, which appeared to slide into the exam table, was only partially retracted and only a few inches from the ground. That was what had tripped Zuchelle.

12. Dr. Singh ordered someone to retrieve a wheelchair so that Zuchelle could be taken down for an x-ray of her knee. At this point, Zuchelle's knee was beginning to swell and the pain was excruciating. Dr. Singh then prescribed Percocet for the pain.

13. The next day, Zuchelle saw Dr. O'Reilly, an orthopedic specialist. He said the x-ray images showed that she had multiple fractures of her left knee. He recommended she have an operation within a four (4) week window or risk complicating the surgical repair and preventing her knee from healing properly. Later that day, Dr. Singh called and told Zuchelle that she would have to induce labor early to have the knee surgery within the recommended time frame.

14. For the sake of her unborn child, Zuchelle waited as long as possible to deliver the baby before having knee surgery. For the next few weeks, Zuchelle suffered excruciating pain. Her daily life activities were severely limited. She could not go up and down the stairs at her home. Consequently, she could not sleep in her own bed. She could not shower but instead had to use sanitary wipes. She could not always make it to the bathroom in time, sometimes urinating on herself. She could not work. She did not leave the house, except for medical appointments.

15. On November 24, 2017, Zuchelle went to the Virginia Hospital Center for her induced labor. The next day, her water finally broke. When it did, the umbilical cord lodged between the baby's head and her cervix. Her doctor called for an immediate C-section.

16. Zuchelle and Daniel had a son they named Asher. Because of her injury, while at the hospital, Zuchelle was unable to get up to change Asher and care for him. She had to rely on others for help.

17. On November 28, 2017, Zuchelle finally had her knee surgery. The doctor placed pins in her knee.

18. For the next six (6) weeks, Zuchelle's life was severely limited while her knee healed. She was in constant pain. She could not engage in her normal activities such as running, driving, going out with her husband, going to the grocery store, attending Church, attending her step-children's activities, or visiting friends. Taking care of Asher, her first baby, was difficult. Zuchelle became frustrated and depressed.

19. By mid-January 2018, Zuchelle's knee cap had fused back together sufficiently that her orthopedic doctor recommended she begin physical therapy, which she did on January 16. She continued with physical therapy through June, and continued to do her knee exercises even thereafter.

20. During her recovery, Zuchelle continued to be limited in her daily life activities. She had to walk with the assistance of a walker and then a cane. She wore a knee brace. Because of her physical limitations, she could not exercise as normal and gained weight.

21. Today, Zuchelle still has pins in her knee. She walks with a limp.

COUNT I NEGLIGENCE

22. Plaintiff restates and repleads the allegations in Paragraphs 1-21 as if fully set forth in this Paragraph 22.

23. On November 7, 2017, Zuchelle was a business invitee at Defendants' office, at which time she fell over a retractable stirrup that had not been completely or properly put away.

24. The examination room and the table were and are owned and/or operated by Defendants.

25. Defendants maintained the room and the examination table for use of their patients.

26. Defendants owed Zuchelle a duty to use reasonable care to protect against tripping hazards to their pregnant patients.

27. Defendants knew or should have known that the partially retracted stirrup, which was not in plain sight to either Zuchelle or her husband, posed a hazardous condition to their pregnant patients.

28. Defendants breached their duty to Zuchelle by negligently failing to retract the stirrup into the bed, and by failing to take reasonable steps to warn Zuchelle of the extended stirrup.

29. As a direct result of such negligence, Zuchelle fell and sustained personal injuries, namely, a fractured knee. She still has pins in her knee. She now walks with a limp.

30. As a further direct and proximate result of Defendants' negligence, Zuchelle sustained additional damages of pain and suffering, loss of earning, an inability to enjoy the normal functions of life, and medical expenses. All this occurred while she was pregnant with her first son and soon after his birth.


31. WHEREFORE, Plaintiff Zuchelle Blouin requests this Court enter judgment in her favor and against all Defendants, jointly and severally, in the amount of Seven Hundred Fifty Thousand Dollars (\$750,000) in compensatory damages, together with

attorneys' fees, costs of litigation, and any further relief that this Court may deem appropriate.

DEMAND FOR JURY TRIAL

Plaintiff Zuchelle Blouin demands a jury trial on all issues so triable.

PLAINTIFF ZUCHELLE BLOUIN
By Counsel


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