

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

DORIAN EUGENE FISHER,
MICHELLE D. FISHER and
MICHELLE D. FISHER as next
friend and mother of DEION FISHER
and DORIAN FISHER, JR.,

Plaintiffs,

v.

KAISER FOUNDATION HEALTH
PLAN OF GEORGIA, INC.,
EUGENE C. MASO, M.D.,
CRAIG M. LOGAN, M.D.,
ERIC R. OSER, M.D.,
EZEQUIEL H. CASSINELLE, M.D.,
KEVIN HSIEH, M.D.,
PIEDMONT HEALTHCARE
FOUNDATION, INC. d/b/a PIEDMONT
HOSPITAL, PEACHTREE
ORTHOPEDIC SURGERY CENTER
AT PIEDMONT, LLC d/b/a
PEACHTREE ORTHOPEDIC CLINIC,
VISHAL C. GALA, M.D., REGIS HAID,
JR., M.D., and ATLANTA BRAIN and
SPINE CARE, P.C.,

Defendants.

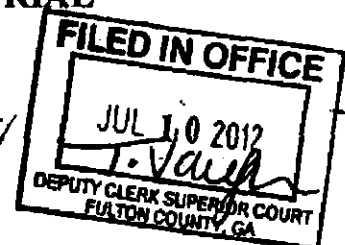
ORIGINAL

CIVIL ACTION

FILE NO.: 2012CV217653

DEMAND FOR

JURY TRIAL



COMPLAINT FOR DAMAGES

COMES NOW, Dorian Eugene Fisher (hereinafter "Plaintiff Dorian"),
Michelle D. Fisher (hereinafter "Plaintiff Michelle"), and Michelle D. Fisher as
next friend and mother of Deion Fisher and Dorian Fisher, Jr., Plaintiffs in the

above styled civil action, by and through their undersigned counsel, and bring this their Complaint for Damages against Defendants and therefore would respectfully show unto this honorable Court the following:

INTRODUCTION

1.

Plaintiffs seek damages against all Defendants, jointly and severally, for misdiagnosis and medical malpractice, loss of spouse consortium and loss of parental consortium.

PARTIES

2.

Defendant, Kaiser Foundation Health Plan of Georgia, Inc. is a Domestic Insurance Company whose principal office address is located at One Kaiser Plaza, Oakland, California 94612. This Defendant may be served with process through their registered agent, Corporation Service Company, 40 Technology Pkwy South, #300, Norcross, Georgia 30092. This Defendant is subject to the jurisdiction and venue of this Court.

3.

Defendant, Eugene C. Maso, M.D., is an adult *sui juris* of the State of Georgia, and may be served with process at his place of business, Kaiser

Permanente Glenlake Medical Center, 20 Glenlake Pkwy, N.E., Atlanta, Georgia 30328. This Defendant is subject to the jurisdiction and venue of this Court.

4.

Defendant, Craig M. Logan, M.D., is an adult *sui juris* of the State of Georgia, and may be served with process at his place of business, Kaiser Permanente Glenlake Medical Center, 20 Glenlake N.E., Parkway, Atlanta, Georgia 30328, or at his home residence, 4970 Collins Lake Drive, Mableton, Georgia 30126. This Defendant is subject to the jurisdiction and venue of this Court.

5.

Defendant, Eric R. Oser, M.D., is an adult *sui juris* of the State of Georgia, and may be served with process at his place of business, Peachtree Orthopedic Surgery Center at Piedmont, LLC d/b/a Peachtree Orthopedic Clinic, 2001 Peachtree Road, N.E., Suite 705, Atlanta, Georgia 30309 or at his home residence, 204 Camden Road N.E., Atlanta, Georgia 30309. This Defendant is subject to the jurisdiction and venue of this Court.

6.

Defendant, Ezequiel H. Cassinelle, M.D., is an adult *sui juris* of the State of Georgia, and may be served with process at his place of business, Peachtree Orthopedic Surgery Center at Piedmont, LLC d/b/a Peachtree orthopedic Clinic,

2001 Peachtree Road, N.E., Suite 705, Atlanta, Georgia 30309 or at his home residence, 5045 Carol Lane N.W., Atlanta, Georgia 30327. This Defendant is subject to the jurisdiction and venue of this Court.

7.

Defendant, Kevin Hsieh, M.D., is an adult *sui juris* of the State of Georgia, who may be served with process at his place of business, Piedmont Physicians Neurosurgery, 2001 Peachtree Road, N.E., Suite 575, Atlanta, Georgia 30309. This Defendant is subject to the jurisdiction and venue of this Court.

8.

Defendant Piedmont Healthcare Foundation Inc. d/b/a Piedmont Hospital, who conducts business in the State of Georgia and may be served with process through its registered agent, CT Corporation, 1201 Peachtree Street, N.E. Atlanta, Georgia 30361. This Defendant is subject to the jurisdiction and venue of this Court.

9.

Defendant Peachtree Orthopedic Surgery Center at Piedmont, LLC d/b/a Peachtree Orthopedic Clinic, a Georgia limited liability company and may be served with process through their registered agent, Maria Sanders, 2001 Peachtree Road, N.E., Suite 705, Atlanta, Georgia 30309. This Defendant is subject to the jurisdiction and venue of this Court.

10.

Defendant, Vishal C. Gala, M.D., is an adult *sui juris* of the State of Washington who may be served, pursuant to O.C.G.A. § 9-10-91 (2) with process at his place of business, Group Health Capital Hill Campus, 125 16th Avenue E., Seattle, Washington 98112 or at his home residence, 8234 S.E. 26th Street Mercer Island, Washington 98040. This Defendant is subject to the jurisdiction and venue of this Court.

11.

Defendant, Regis Haid, Jr., M.D., is an adult *sui juris* of the State of Georgia who may be served with process at his place of business, Atlanta Brain and Spine Care, P.C., 2001 Peachtree Road, N.E., Suite 575, Atlanta, Georgia 30309 or at his home residence, 515 Woodward Way N.W., Atlanta, GA 30305. This Defendant is subject to the jurisdiction and venue of the Court.

12.

Defendant, Atlanta Brain and Spine Care, P.C., a Professional Corporation/Domestic and may be served with process through their registered agent, Steven Darby Wray, 2001 Peachtree Road, N.E., Suite 575, Atlanta, Georgia 30309. This Defendant is subject to the jurisdiction and venue of this Court.

FACTS

13.

In or about March 2010, Plaintiff Dorian sustained a work-related injury to his back after lifting a heavy object.

14.

Following the injury, Plaintiff Dorian experienced persistent right leg pain that radiated to the calf causing tingling, numbness, and extremity weakness.

15.

An MRI scan of the lumbar spine by Defendant Kaiser Permanente and read by radiologists, Defendants Dr. Eugene Maso and Dr. Craig Logan, revealed what was believed to be an intradural tumor.

16.

Plaintiff Dorian was referred to Defendant Dr. Eric Oser with Defendant Peachtree Orthopedic Surgery Center. Dr. Oser read the MRI and confirmed an intradural tumor, but thought Plaintiff Dorian should have an MRI without contrast. Dr. Oser ordered an MRI without contrast and referred Plaintiff Dorian to Defendant Dr. Ezequiel Cassinelle, an Orthopedic Surgeon with Peachtree Orthopedic Surgery Center.

17.

After Dr. Cassinelle's reading of the MRI without contrast, he ordered an MRI with contrast and determined that he could not rule out a growth and thought it should be removed. Due to the location of the schwannoma, Dr. Cassinelle referred Plaintiff Dorian to Neurosurgeon, Defendant Dr. Kevin Hsieh, with Piedmont Physicians Neurosurgery.

18.

Dr. Hsieh confirmed the findings of Dr. Maso, Dr. Logan, Dr. Oser and Dr. Cassinelle that there was a tumor or growth and that Plaintiff Dorian required back surgery.

19.

Originally, surgery was scheduled with Dr. Hsieh, but Plaintiff Dorian sought a second opinion and saw Defendant Dr. Vishal Gala.

20.

Dr. Gala confirmed a growth (schwannoma) and also recommended surgery.

21.

On July 13, 2010, Plaintiff Dorian was admitted to Defendant Piedmont Hospital for a proposed two and one half (2 ½) hour lumbar laminectomy surgery for a schwannoma at the L5-S1 region, with Dr. Gala and Defendant Dr. Regis Haid, Jr., of Defendant Atlanta Brain and Spine Care, P.C.

22.

Surgery lasted six and one half (6 ½) hours.

23.

The surgery revealed that no tumor (schwannoma) could be found, but a bundle of clumping nerve roots consistent with arachnoiditis.

24.

When the schwannoma could not be found, then a further laminectomy, including the S1-S2-S3 region was performed. Again, no schwannoma was found.

25.

Then, a durotomy was performed and intradural exploration was performed. The dura was then sealed with a bovine patch followed by a fibrin glue.

26.

Defendants, Dr. Maso, Dr. Logan, Dr. Oser, Dr. Cassinelle, Dr. Hsieh, Dr. Gala and Dr. Haid all failed to provide a proper diagnosis, resulting in inappropriate surgical intervention and various post-surgical complications.

27.

Defendants, Dr. Gala and Dr. Haid, performed an unnecessary and suboptimal surgery. Their actions revealed no intradural tumor, as previously determined by them, but a bundle of clumping nerve roots consistent with arachnoiditis and intra-operative complications in the dura.

28.

The unnecessary and suboptimal surgery resulted in Plaintiff Dorian having various post surgical complications and permanent disabilities.

29.

As a result, Plaintiff Dorian had a persistent cerebrospinal fluid leak post-operatively which required drainage and he had to have a revision wound closure performed through plastic surgery.

30.

Plaintiff Dorian has now developed neurogenic bowel with constipation and neurogenic bladder with urinary retention.

31.

The cerebrospinal fluid leak stopped, but Plaintiff Dorian has now been left with arachnoiditis and a permanent neurologic impairment. He has symptoms of cauda equina syndrome with arachnoiditis on MRI and a large pseudomenigocele.

32.

Plaintiff Dorian must now self-catheterize himself by inserting straight caths five (5) to eight (8) times a day into his penis to relieve urine retention. He has recurrent tract infections.

33.

Plaintiff Dorian also has perineal anesthesia.

34.

In addition, he also developed male erectile disorder.

35.

Additionally, Plaintiff Dorian developed rotator cuff syndrome, which occurred when Dr. Gala attempted to have Plaintiff Dorian walk after surgery and Plaintiff Dorian fell to the floor.

36.

Plaintiff Dorian has also developed chronic low back pain, adjustment reaction and depression.

37.

Plaintiff Dorian did not have any of these symptoms prior to surgery.

COUNT ONE
MISDIAGNOSIS AND MEDICAL MALPRACTICE

38.

The Plaintiffs re-allege and incorporate herein by specific reference all allegations contained in paragraphs one (1) through thirty-seven (37) as if fully alleged herein.

39.

The injuries and damages suffered by Plaintiff Dorian were proximately caused by the misdiagnosis and medical malpractice of Defendants, including but not limited to the following;

- (a) failure to exercise the degree of care, diligence and skill in the diagnosis of Plaintiff Dorian;
- (b) failure to exercise the standard of care and skill in the examination and treatment of Plaintiff Dorian;
- (c) failure to exercise the degree of care, diligence and skill ordinarily employed by the medical profession under similar conditions and like surrounding circumstances;
- (d) failure to inform Plaintiff Dorian of the known material risks and dangers of procedures and resulting post operative symptoms; and
- (e) failure to inform Plaintiff Dorian of the likelihood of a successful surgery.

40.

Pursuant to O.C.G.A. section 9-11-9.1 (a) and attached hereto as EXHIBIT "1" is the Affidavit of James Michael Rogan, M.D., who is qualified as an expert witness on the issues raised in this Complaint For Damages. The Affidavit specifies acts or omissions on the Defendant's part and the factual basis for such act or omission that caused injuries to Plaintiff Dorian.

WHEREFORE, Plaintiff Dorian respectfully demands judgment against all Defendants, jointly and severally, in money damages in excess of Ten Thousand Dollars (\$10,000.00) to be determined by the enlightened conscience of the jury

based upon the evidence at trial, as well as any other compensatory damages, by whatever method or manner as authorized by applicable law, attorney's fees and expenses. Plaintiff Dorian demands a trial by jury. Plaintiff requests that this Court grant such other and further relief as deemed just and appropriate.

Plaintiff Dorian also demands damages for all past, present and future medical treatment and therapy; past, present, and future mental anguish and emotional distress; past, present and future lost earnings and earning capacity; full compensation for the temporary and permanent impairment and disfigurement of Plaintiff Dorian's bodily functions and other incidental expenses.

COUNT TWO
LOSS OF SPOUSE CONSORTIUM

41.

The Plaintiffs re-allege and incorporate herein by specific reference all allegations contained in paragraphs one (1) through forty (40) as if fully alleged herein.

42.

Plaintiff Michelle is the lawful spouse of Plaintiff Dorian. As a result of the injuries and damages sustained by Plaintiff Dorian, Plaintiff Michelle is also entitled to recover other damages, including but not limited to the following:

- (a) loss of affection, intimacy, solace, comfort, companionship, society, love and services and assistance which Plaintiff Michelle could have reasonably expected from Plaintiff Dorian in the past;
- (b) loss of affection, intimacy, solace, comfort, companionship, society, love and services which Plaintiff Michelle could have reasonably expected from Plaintiff Dorian in the future;
- (c) loss of help with household duties and marital assistance which Plaintiff Michelle could have reasonably expected from Plaintiff Dorian in the past; and
- (d) loss of help with household duties and marital assistance which Plaintiff Michelle could have reasonably expected from Plaintiff Dorian in the future.

WHEREFORE, Plaintiff Michelle demands judgment against all Defendants, jointly and severally, in money damages in excess of Ten Thousand Dollars (\$10,000.00) to be determined by the enlightened conscience of the jury based upon the evidence at trial, as well as any other compensatory damages, by whatever method or manner as authorized by applicable law, attorney's fees and expenses. Plaintiff Michelle demands a jury trial. Plaintiff Michelle requests that this Court grant such other and further relief as is just and appropriate.

Plaintiff Michelle seeks damages to compensate her for the past, present and future loss of the normal marital relationship, in such amount as the jury deems just and appropriate.

COUNT THREE
LOSS OF PARENTAL CONSORTIUM

43.

The Plaintiffs re-allege and incorporate herein by specific reference all allegations contained in paragraphs one (1) through forty-two (42) as if fully alleged herein.

44.

Plaintiff Deion Fisher is the child of Plaintiff Dorian and Plaintiff Michelle. As a result of the injuries and damages sustained by Plaintiff Dorian and Plaintiff Michelle, Plaintiff Deion Fisher, subject to trying a good faith expansion of the law on an issue not yet decided by the highest court in this State, is also entitled to recover other damages, including but not limited to the following:

- (a) loss of affection, solace, comfort, companionship, society, love and services and assistance which Plaintiff Deion Fisher could have reasonably expected from Plaintiff Dorian in the past;
- (b) loss of affection, solace, comfort, companionship, society, love and services which Plaintiff Deion Fisher could have reasonably expected from Plaintiff Dorian in the future;

- (c) loss of help with household duties which Plaintiff Deion Fisher could have reasonably expected from Plaintiff Dorian in the past; and
- (d) loss of help with household duties which Plaintiff Deion Fisher could have reasonably expected from Plaintiff Dorian in the future.

WHEREFORE, Plaintiff Deion Fisher demands judgment against all Defendants, jointly and severally, in money damages in excess of Ten Thousand Dollars (\$10,000.00) to be determined by the enlightened conscience of the jury based upon the evidence at trial, as well as any other compensatory damages, by whatever method or manner as authorized by applicable law, attorney's fees and expenses. Plaintiff Deion Fisher demands a jury trial. Plaintiff Deion Fisher requests that this Court grant such other and further relief as is just and appropriate.

Plaintiff Deion Fisher seeks damages to compensate him for the past, present and future loss of the normal family relationship, in such amount as the jury deems just and appropriate.

45.

Plaintiff Dorian Fisher, Jr. is the child of Plaintiff Dorian and Plaintiff Michelle. As a result of the injuries and damages sustained by Plaintiff Dorian and Plaintiff Michelle, Plaintiff Dorian Fisher, Jr., subject to tying a good faith expansion of the law on an issue not yet decided by the highest court in this State,

is also entitled to recover other damages, including but not limited to the following:

- (a) loss of affection, solace, comfort, companionship, society, love, services and assistance which Plaintiff Dorian Fisher, Jr., could have reasonably expected from Plaintiff Dorian in the past;
- (b) loss of affection, solace, comfort, companionship, society, love and services which Plaintiff Dorian Fisher, Jr., could have reasonably expected from Plaintiff Dorian in the future;
- (c) loss of help with household duties which Plaintiff Dorian Fisher, Jr. could have reasonably expected from Plaintiff Dorian in the past; and
- (d) loss of help with household duties which Plaintiff Dorian Fisher, Jr. could have reasonably expected from Plaintiff Dorian in the future.

WHEREFORE, Plaintiff Dorian Fisher, Jr. demands judgment against all Defendants, jointly and severally, in money damages in excess of Ten Thousand Dollars (\$10,000.00) to be determined by the enlightened conscience of the jury based upon the evidence at trial, as well as any other compensatory damages, by whatever method or manner as authorized by applicable law, attorney's fees and expenses. Plaintiff Dorian Fisher, Jr. demands a jury trial. Plaintiff Dorian Fisher, Jr. requests that this Court grant such other and further relief as is just and appropriate.

Plaintiff Dorian Fisher, Jr. seeks damages to compensate him for the past, present and future loss of the normal family relationship, in such amount as the jury deems just and appropriate.

Respectfully submitted, this 10th day of July, 2012



DOUGLAS J. DAVIS
Georgia State Bar No.: 207950
Attorney for Plaintiffs

BELLI WEIL GROZBEAN & DAVIS LLC

5208 Roswell Road

Atlanta, Georgia 30342

(770) 993-3300

(770) 552-0100 (Facsimile)

ORIGINAL

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MICHELLE D. FISHER as next
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SPINE CARE, P.C.,**

Defendants.

CIVIL ACTION

FILE NO.: 2012 CV 217 653

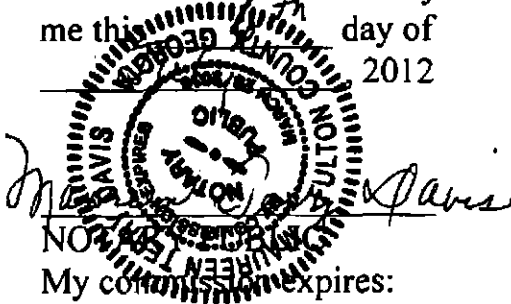
VERIFICATION

Personally appeared before the undersigned officer duly authorized to administer oaths, **DORIAN EUGENE FISHER**, who after first being sworn, deposes and states on oath that the facts set forth in the within and foregoing

COMPLAINT FOR DAMAGES, is true and correct, to the best of Affiant's knowledge, information and belief.



DORIAN EUGENE FISHER
Plaintiff

Sworn to and subscribed by
me this 7th day of
NOVEMBER 2012

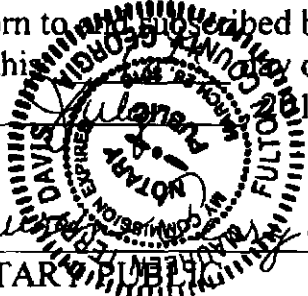
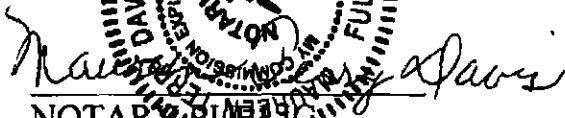

My commission expires:

Courthouse News Service

COMPLAINT FOR DAMAGES, is true and correct, to the best of Affiant's knowledge, information and belief.


MICHELLE D. FISHER
Plaintiff

Sworn to and subscribed by
me this _____ day of _____
_____ 2012



NOTARY PUBLIC
My commission expires: _____

Courthouse News Service

ORIGINAL

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VERIFICATION

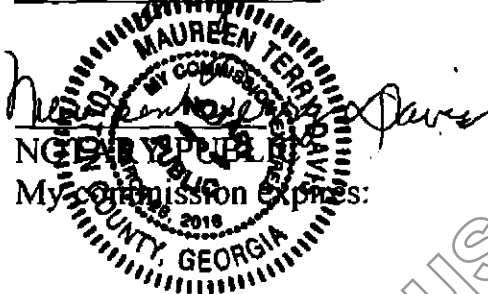
Personally appeared before the undersigned officer duly authorized to administer oaths, **MICHELLE D. FISHER**, as next friend and mother of Deion Fisher and Dorian Fisher, Jr. who after first being sworn, deposes and states on

oath that the facts set forth in the within and foregoing **COMPLAINT FOR DAMAGES**, is true and correct, to the best of Affiant's knowledge, information and belief.



MICHELLE D. FISHER as next friend
and mother of DEION FISHER and
DORIAN FISHER, JR.
Plaintiffs

Sworn to and subscribed by
me this 6th day of
July, 2012



COUNTY OF FULTON:
STATE OF GEORGIA:

ORIGINAL

AFFIDAVIT OF JAMES MICHAEL ROGAN, M.D.

James Michael Rogan, M.D., who, having been placed upon his oath, pursuant to law, testified and deposed as follows: Came before the undersigned attesting officer, authorized by law to administer oaths,

1.

My name is James Michael Rogan, M.D. I am over the age of twenty-one (21) years and competent in all aspects to make this affidavit and testify to the matters herein. This affidavit is given based upon my personal knowledge.

2.

I am a physician duly licensed to practice medicine in the State of Georgia. My *Curriculum Vitae* is attached hereto as Exhibit "1" to my Affidavit. I am board-certified by the American Board of Family Practice. I regularly care for disabled patients or patients with neurological disabilities, such as Dorian Fisher, and my general practice is devoted to the care for at least eighty percent (80%) disabled/neurological patients.

3.

I have reviewed certain medical records relating to Dorian Fisher from the following health care providers and medical doctors:

- (a) Kaiser Permanente;
- (b) Piedmont Hospital;
- (c) Atlanta Brain and Spine Center;
- (d) Peachtree Orthopedic Surgery Center;
- (e) Eugene C. Maso, M.D.;
- (f) Craig M. Logan, M.D.;
- (g) Eric R. Oser, M.D.;
- (h) Ezequiel H. Cassinelle, M.D.;
- (i) Kevin Hsieh, M.D.;
- (j) Vishal C. Gala, M.D.;and
- (k) Regis Haid, M.D.

4.

I have also reviewed a series of MRI/radiological reports and reports from consultants taken of Dorian Fisher.

Based on my review of these records, it appears that the following events occurred:

- In or about March 2010, Dorian Fisher sustained a work-related injury to his back after lifting a heavy object.
- Following the injury, Dorian Fisher experienced persistent right leg pain that radiated to the calf causing tingling, numbness, and extremity weakness.
- An MRI scan of the lumbar spine by Kaiser Permanente and read by radiologists, Dr. Eugene Maso and Dr. Craig Logan, revealed what was believed to be an intradural tumor.
- Dorian Fisher was referred to Dr. Eric Oser with Peachtree Orthopedic Surgery Center. Dr. Oser read the MRI and confirmed an intradural tumor, but thought Dorian Fisher should have an MRI without contrast.
- Dr. Oser ordered an MRI without contrast and referred Dorian Fisher to Dr. Ezequiel Cassinelle, an Orthopedic Surgeon with Peachtree Orthopedic Surgery Center and, after his reading of the MRI without contrast, he ordered an MRI with contrast and determined that he could not rule out a growth and thought it should be removed.

- Due to the location of the schwannoma, Dr. Cassinelle referred Dorian Fisher to Neurosurgeon, Dr. Kevin Hsieh, with Piedmont Physicians Neurosurgery who confirmed the findings of Dr. Maso, Dr. Logan, Dr. Oser and Dr. Cassinelle that there was a tumor or growth and that Dorian Fisher required back surgery.
- Surgery was scheduled with Dr. Hsieh, but Dorian Fisher sought a second opinion and saw Dr. Vishal Gala, who confirmed a growth (schwannoma) and who also recommended surgery.
- On July 13, 2010, Dorian Fisher was admitted to Piedmont Hospital for a proposed two and one half (2½) hour lumbar laminectomy surgery for a schwannoma at the L5-S1 region, with Dr. Gala and Dr. Regis Haid, Jr., with Atlanta Brain and Spine Care, P.C.
- Surgery lasted six and one half (6 ½) hours.
- The surgery revealed that no tumor (schwannoma) could be found, but a bundle of clumping nerve roots consistent with arachnoiditis.
- When the schwannoma could not be found, then a further laminectomy, including the S1-S2-S3 region was performed.
- No schwannoma was found.
- A durotomy was performed and intradural exploration was performed.

- The dura was then sealed with a bovine patch followed by a fibrin glue and Dorian Fisher had a persistent cerebrospinal fluid leak post-operatively which required drainage. He had to have a revision wound closure performed through plastic surgery.
- Dorian Fisher also developed neurogenic bowel with constipation and neurogenic bladder with urinary retention.
- The cerebrospinal fluid leak stopped, but Dorian Fisher has now been left with arachnoiditis and a permanent neurologic impairment.
- Dorian Fisher has symptoms of cauda equina syndrome with arachnoiditis on MRI and a large Pseudomenigocele.
- Dorian Fisher must self-catheterize himself by inserting straight caths five (5) to eight (8) times a day into his penis to relieve urine retention.
- Dorian Fisher has recurrent tract infections.
- Dorian Fisher also has perineal anesthesia.
- Dorian Fisher developed male erectile disorder.
- Dorian Fisher has a rotator cuff syndrome, which occurred when Dr. Gala attempted to have Dorian Fisher walk after surgery and Plaintiff Dorian fell to the floor.
- Dorian Fisher developed chronic low back pain.

- Dorian Fisher developed adjustment reaction.
- Dorian Fisher developed depression.
- Dorian Fisher did not have any of these symptoms prior to surgery.

6.

I am familiar with and have personal knowledge of the standard of care and skill exercised by physicians generally under the same conditions and like surrounding circumstances as those presented by Dorian Fisher. It is my opinion that Dr. Maso with, Kaiser Permanente, violated the standard care and skill exercised by physicians generally in 2010 in his treatment and care of Dorian Fisher. Dr. Maso violated the standard care and skill exercised by physicians generally under the same conditions and like surrounding circumstances as those presented by Dorian Fisher in failing to provide a proper diagnosis for the correct medical treatment which resulted in inappropriate surgical intervention and various post surgical complications.

7.

I am familiar with and have personal knowledge of the standard of care and skill exercised by physicians generally under the same conditions and like surrounding circumstances as those presented by Dorian Fisher. It is my opinion

that Dr. Logan, with Kaiser Permanente, violated the standard care and skill exercised by physicians generally in 2010 in his treatment and care of Dorian Fisher. Dr. Logan violated the standard care and skill exercised by physicians generally under the same conditions and like surrounding circumstances as those presented by Dorian Fisher in failing to provide a proper diagnosis for the correct medical treatment which resulted in inappropriate surgical intervention and various post surgical complications.

8.

I am familiar with and have personal knowledge of the standard of care and skill exercised by physicians generally under the same conditions and like surrounding circumstances as those presented by Dorian Fisher. It is my opinion that Dr. Oser, with Peachtree Orthopedic Surgery Center, violated the standard care and skill exercised by physicians generally in 2010 in his treatment and care of Dorian Fisher. Dr. Oser violated the standard care and skill exercised by physicians generally under the same conditions and like surrounding circumstances as those presented by Dorian Fisher in failing to provide a proper diagnosis for the correct medical treatment which resulted in inappropriate surgical intervention and various post surgical complications.

9.

I am familiar with and have personal knowledge of the standard of care and skill exercised by physicians generally under the same conditions and like surrounding circumstances as those presented by Dorian Fisher. It is my opinion that Dr. Cassinelle, with Peachtree Orthopedic Surgery Center, violated the standard care and skill exercised by physicians generally in 2010 in his treatment and care of Dorian Fisher. Dr. Cassinelle violated the standard care and skill exercised by physicians generally under the same conditions and like surrounding circumstances as those presented by Dorian Fisher in failing to provide a proper diagnosis for the correct medical treatment which resulted in inappropriate surgical intervention and various post surgical complications.

10.

I am familiar with and have personal knowledge of the standard of care and skill exercised by physicians generally under the same conditions and like surrounding circumstances as those presented by Dorian Fisher. It is my opinion that Dr. Hsieh, with Piedmont Physicians Neurosurgery, violated the standard care and skill exercised by physicians generally in 2010 in his treatment and care of Dorian Fisher. Dr. Hsieh violated the standard care and skill exercised by physicians generally under the same conditions and like surrounding circumstances

as those presented by Dorian Fisher in failing to provide a proper diagnosis for the correct medical treatment which resulted in inappropriate surgical intervention and various post surgical complications.

11.


I am familiar with and have personal knowledge of the standard of care and skill exercised by physicians generally under the same conditions and like surrounding circumstances as those presented by Dorian Fisher. It is my opinion that Dr. Gala, previously with Atlanta Brain and Spine Care, violated the standard care and skill exercised by physicians generally in 2010 in his treatment and care of Dorian Fisher. Dr. Gala violated the standard care and skill exercised by physicians generally under the same conditions and like surrounding circumstances as those presented by Dorian Fisher in failing to provide a proper diagnosis and performing an unnecessary and suboptimal surgery which revealed no intradural tumor, as previously determined, but a bundle of clumping nerve roots consistent with arachnoiditis, and intra-operative complications in the dura, resulting in various post surgical complications and permanent disabilities.

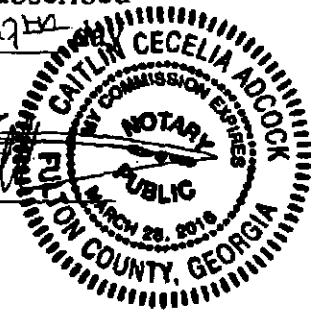
I am familiar with and have personal knowledge of the standard of care and skill exercised by physicians generally under the same conditions and like surrounding circumstances as those presented by Dorian Fisher. It is my opinion that Dr. Haid, with Atlanta Brain and Spine Care, violated the standard care and skill exercised by physicians generally in 2010 in his treatment and care of Dorian Fisher. Dr. Haid violated the standard care and skill exercised by physicians generally under the same conditions and like surrounding circumstances as those presented by Dorian Fisher in failing to provide a proper diagnosis and performing an unnecessary and suboptimal surgery which revealed no intradural tumor, as previously determined, but a bundle of clumping nerve roots consistent with arachnoiditis, and intra-operative complications in the dura, resulting in various post surgical complications and permanent disabilities, and in my opinion violated the standard of care.

(Signature on following page)

FURTHER AFFIANT SAYETH NAUGHT.

Sworn to and subscribed
before me this 9th
of July, 2012.


Notary Public




James Michael Rogan, M.D.

Courthouse News Service

EXHIBIT

“1”

Courthouse News Service

CURRICULUM VITAE
JAMES MICHAEL ROGAN, M.D.
3445 STRATFORD RD NE #1402
ATLANTA, GEORGIA 30326
(404) 788-2966

EDUCATION:

MEHARRY MEDICAL COLLEGE
SCHOOL OF MEDICINE,
Doctor of Medicine (M.D.)
1985-1992

Nashville, TN

FIISK UNIVERSITY,
Bachelor of Arts (BA), Biology
Cum Laude
1980-1983

Nashville, TN

GALLATIN SENIOR HIGH SCHOOL,
Diploma
1980

Gallatin, TN

MOREHOUSE FAMILY PRACTICE,
Training at Southwest Hospital & Medical Center and Grady Memorial Hospital
Residency
1992-1995

Atlanta, GA

MOREHOUSE FAMILY PRACTICE
SCHOOL OF MEDICINE,
Faculty Development Program
Fellowship
1995-1996

Atlanta, GA

MOREHOUSE FAMILY PRACTICE,
Instructor Liaison for: Geriatric Training
Family Practice Residents, Atlanta, GA
Faculty Appointment/Preceptorship
1996-1997

Atlanta, GA

LICENSE AND CERTIFICATES

- ♦ 1995 GEORGIA LICENSE #037662 - Current
- ♦ ACLS - 2003
- ♦ BCLS - 2003

BOARD CERTIFICATION AND DIPLOMATE

- ♦ FELLOW OF THE AMERICAN ACADEMY OF FAMILY PRACTICE

HOSPITAL AFFILIATIONS

ATLANTA MEDICAL CENTER, 303 Parkway Drive, NE, Atlanta, GA 30312
(404) 265-4000

HONORS

Research - Fisk University
Biosynthesis of Semi-Synthetic Dopaminergic Agents
(This project received honors at the Meharry Biomedical Research Science Program in Washington, DC) - 1983

JOURNAL PUBLICATION

AMERICAN FAMILY PHYSICIAN
Cholesterol Screening in Pediatric Children,
James Rogan, M.D.
1996

EMPLOYMENT:

ATLANTA MULTI-SPECIALTY CLINIC, Atlanta, GA
Staff Physician
2004 - Present

SOUTHWEST HOSPITAL AND MEDICAL CENTER, Atlanta, GA
Staff Physician
1994 - 2004

FULTON COUNTY MENTAL HEALTH SERVICE FOR MENTALLY HANDICAPPED ADULTS, Atlanta, GA
Staff Physician
2002 - 2003

CERTIFIED BUPRENORPHINE PROVIDER, Atlanta, GA
2003 - Present

GEORGIA CENTER FOR OPIOID RAPID DETOX
CEO, President, and Medical Director
2003 - Present

METROPOLITAN HOSPICES, Atlanta, GA
Medical Director
2002 - Present

UNITED HOME CARE, Atlanta, GA
Home Health Care Agency
Medical Director
2001 - Present

NEW BEGINNINGS TREATMENT CENTER, Rome, GA
CEO, Owner, President, Medical Director and CARF Accredited
1999 - Present

SADIE G. MAYS MEMORIAL NURSING HOME, Atlanta, GA
Physician
1993 - Present

**HARTSFIELD-JACKSON INTERNATIONAL AIRPORT
R.L. BROWN HEALTH CENTER,
CADUCUS OCCUPATIONAL MEDICINE** Atlanta, GA
Staff Physician
2002 - 2004

**SOUTH FULTON HOSPITAL, 1170 Cleveland Avenue, East Point, GA 30344
(404) 350-3500**

**SOUTHWEST HOSPITAL & MEDICAL CENTER, 501 Fairburn Road, SW,
Atlanta, GA
(404) 699-1111**

MEDICAL SOCIETY AFFILIATION

- ♦ AMERICAN MEDICAL ASSOCIATION
- ♦ NATIONAL MEDICAL ASSOCIATION
- ♦ GEORGIA ACADEMY OF FAMILY PRACTICE
- ♦ AMERICAN MEDICAL DIRECTOR ASSOCIATION
- ♦ OPIOID TREATMENT PROVIDER OF GEORGIA
- ♦ NATIONAL OPIOID TREATMENT CLINICAL ASSOCIATION
- ♦ GEORGIA METHADONE PROVIDER COALITION
- ♦ AMERICAN SOCIETY OF ADDICTION MEDICINE
- ♦ MEDICAL ASSOCIATION OF GEORGIA

AWARDS AND HONORS

BETA KAPPA CHI, SCIENTIFIC MEDICAL SOCIETY
Fisk University, Nashville, TN

DEAN'S LIST
Fisk University, Nashville, TN
1980-1985

FELLOW
Fisk University's Pre-Med Summer Enrichment Program, Nashville, TN

FELLOW
Morehouse Medical College Biomedical Science Program, Nashville, TN

HONORS IN BIOLOGY
Fisk University Department Honors in Biology, Nashville, TN

HONORS
Fisk University, University Honors, Nashville, TN

Fellow of the American Academy of Family Practice

Diplomat of the American Academy of Family Practice

Undergraduate Minority Access to Research Careers (MARC)
Honor Program Fellow
National Institute of Health, Fisk University, Nashville, TN - 1982-1995

FELLOW
Undergraduate Minority to Biomedical Research (MBRS) Program
Fisk University, Nashville, TN

GEORGIA, FULTON COUNTY

DO NOT WRITE IN THIS SPACE

SUPERIOR COURT OF FULTON COUNTY

CIVIL ACTION FILE NO.

2012 CV217653

Civil Division

Dorian Eugene Fisher, Michelle D. Fisher and
Michelle D. Fisher as next friend and mother of
Deion Fisher and Dorian Fisher, Jr.,

468 Harper Road
McDonough, GA 30252

Plaintiff's Name, Address, City, State, Zip Code
vs.

Kaiser Foundation Health Plan of Georgia, Inc.

c/o Corporation Service Company

40 Technology Pkwy, South, #300

Norcross, Georgia 30092

Defendant's Name, Address, City, State, Zip Code

| TYPE OF SUIT | AMOUNT OF SUIT |
|---|---------------------|
| <input type="checkbox"/> ACCOUNT | PRINCIPAL \$ _____ |
| <input type="checkbox"/> CONTRACT | |
| <input type="checkbox"/> NOTE | INTEREST \$ _____ |
| <input type="checkbox"/> TORT | |
| <input type="checkbox"/> PERSONAL INJURY | ATTY. FEES \$ _____ |
| <input type="checkbox"/> FOREIGN JUDGMENT | |
| <input type="checkbox"/> TROVER | COURT COST \$ _____ |
| <input type="checkbox"/> SPECIAL LIEN | |
| <input checked="" type="checkbox"/> MEDICAL MALPRACTICE | ***** |
| <input checked="" type="checkbox"/> NEW FILING | |
| <input type="checkbox"/> RE-FILING: PREVIOUS CASE NO. _____ | |

SUMMONS

TO THE ABOVE NAMED-DEFENDANT:

You are hereby summoned and required to file with the Clerk of said court and to serve upon Plaintiff's Attorney, whose name and address is:

Name: Douglas J. Davis, Esq.

Address: 5208 Roswell Road

City, State, Zip Code: Atlanta, Georgia 30342 Phone No.: (770) 993-3300

An answer to the complaint which is herewith served on you, within thirty (30) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint, plus cost of this action. **DEFENSE MAY BE MADE & JURY TRIAL DEMANDED**, in the Clerk's Office at 136 Pryor Street, C155, Atlanta, GA 30303.

This 10th day of July, 2012.

Honorable Cathelene "Tina" Robison
Clerk of Superior Court

By: Tracey Vaughn
Deputy Clerk

To defendant upon whom this petition is served:

This copy of complaint and summons was served upon you _____, 2012.

Deputy Sheriff

(STAPLE TO FRONT OF COMPLAINT)