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IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

\$ 250.00 DEPOSITED
MAY 10 2013
CLERK OF COURT Cuyahoga County, Ohio Per _____ Deputy

IRENE SAMMONS
2141 W. 104th St.
Cleveland, OH 44102

Plaintiff

vs.

KAISER PERMANENTE
c/o Its Statutory Agent
Kaiser Foundation Health Plan of Ohio
1001 Lakeside Ave, Ste 1200
Cleveland, OH 44114

and

OHIO PERMANENTE MEDICAL GROUP,
INC.
c/o Its Statutory Agent
ACFB Incorporated
200 Public Square, #2300
Cleveland, OH 44114

and

KAISER FOUNDATION HEALTH PLAN
OF OHIO
c/o Its Statutory Agent
Prentice-Hall Corporation System, Inc.
50 West Broad Street, #1800
Columbus, OH 43215

and

KAISER FOUNDATION HOSPITALS
c/o Its Statutory Agent
Prentice-Hall Corporation System, Inc.
50 West Broad Street, #1800
Columbus, OH 43215

CASE NO: Complaint
JOAN SYNENBERG
JUDGE: CV 13 807066

COMPLAINT
(Jury Demand Endorsed Hereon)
(Affidavit of Merit Attached)

and

MARY CARNEVAL, D.O.
1051 Orchard Lane
Broadview Hts, OH 44147

Defendants

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**FIRST CLAIM FOR RELIEF FOR MEDICAL MALPRACTICE -
PAIN & SUFFERING**

1) The Plaintiff, Irene Sammons resides at 2141 W. 104th Street, in the City of Cleveland, County of Cuyahoga, State of Ohio.

2) The Defendants Kaiser Permanente, Ohio Permanente Medical Group, Inc., Kaiser Foundation Health Plan of Ohio and Kaiser Foundation Hospitals (hereinafter collectively referred to as the "Hospital" Defendants), are and were at all times pertinent herein individuals, partnerships, corporations and/or other business entities organized and existing under the laws of the State of Ohio. These Defendants, in particular, held themselves out and do hold themselves out to the public as medical facilities and/or hospitals with competent medical staff and medical employees, including physicians within the field of each of their specialties.

3) The Defendant Mary Carneval, D.O., (hereinafter collectively referred to as the Physician Defendant) is and was at all times pertinent herein an individual, partnership, corporation and/or other business entity who rendered and/or employed individuals who rendered medical care and treatment to the Plaintiff Irene Sammons on or prior to September 5, 2012. The Defendant Mary Carneval, D.O., was an employee of the Hospital Defendants. This Defendant, at all times pertinent herein, was acting within the course and scope of her employment with the Hospital Defendants while rendering medical care to the Plaintiff.

4) On or about September 5, 2012 The Hospital Defendants, and Physician Defendant rendered medical and/or nursing care and treatment to the Plaintiff Irene Sammons. On or after September 5, 2012 it was discovered by the Plaintiff that the Defendants, each of them, had failed to perform medical and/or nursing care and treatment in accordance with safe and acceptable standards in regular use by members of the medical community and failed to follow the customary, usual skills and procedures regularly used by members of their profession in regard to treatment rendered to Plaintiff Irene Sammons.

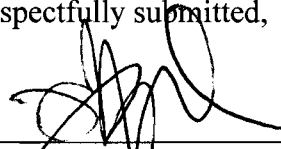
5) In particular, the Hospital and Physician Defendants failed to properly complete a surgical biopsy when Plaintiff presented for that procedure on or about September 5, 2012. Moreover, the Hospital Defendants are liable for the acts and/or omissions of their agents, representatives or employees under the doctrines of respondeat superior, agency or agency by estoppel including acts and/or omissions of the co-defendants.

6) As a direct and proximate cause of the above-mentioned wrongful acts and/or omissions on the part of The Hospital Defendants and The Physician Defendant, each of them, the Plaintiff Irene Sammons was caused to suffer and will suffer permanent and debilitating injuries, both physical, mental, pain and suffering, and disability (inability to work), and has incurred necessary medical expenses and will incur additional necessary medical expenses into the indefinite future.

7) As a further result of the above-mentioned wrongful acts and/or omissions on the part of the Defendants, the Plaintiff Irene Sammons was caused to suffer an inability to perform her usual activities as well as his activities of daily living on a permanent basis.

WHEREFORE, the Plaintiff prays for judgment against The Hospital Defendants and The Physician Defendant, each of them, in her First Claim for Relief, in an amount of money in excess of Twenty-Five Thousand Dollars (\$25,000.00) together with costs incurred herein.

Respectfully submitted,



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