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IN THE STATE COURT OF CLAYTON COUNTY
STATE OF GEORGIA

OCT 10 2013

CHARLES JONES and
MARTHA JONES

Plaintiffs,

vs.

MOHSEN KHOSHNEVISZADEH, DPM,
THE SOUTHEAST PERMANENTE MEDICAL
GROUP, INC., and KAISER FOUNDATION
HEALTH PLAN OF GEORGIA, INC.,

Defendants.

CIVIL ACTION FILE

NO. 2613 CIV 3399-C

Neil Carter
CLERK, STATE COURT
CLAYTON COUNTY

COMPLAINT

COME NOW Plaintiffs Charles Jones and Martha Jones, and hereby show the Court the following:

1.
Defendant Mohsen Khoshneviszadeh, DPM, is a podiatrist licensed in the State of Georgia. Such defendant may be personally served with a copy of the Summons and Complaint at his place of business at Kaiser Permanente Southwood Medical Center, 2400 Mount Zion Parkway, Jonesboro, Georgia 30236 in Clayton County, Georgia. This defendant is subject to the jurisdiction and venue of this Court.

2.

Defendant The Southeast Permanente Medical Group, Inc. is a Georgia corporation and an entity capable of being sued in Georgia. Upon information and belief, said defendant has an office and transacts business at Southwood Medical Center located at 2400 Mount Zion Parkway, Jonesboro, Georgia 30236 in Clayton County, Georgia. Said defendant may be served with

Process through its registered agent, Corporation Service Company, 40 Technology Parkway South, Suite 300, Norcross, GA 30092, in Gwinnett County, Georgia. This defendant is subject to the jurisdiction and venue of this Court.

3.

Defendant Kaiser Foundation Health Plan of Georgia, Inc. is a Georgia corporation and an entity capable of being sued in Georgia. Upon information and belief, said defendant has an office and transacts business at Southwood Medical Center located at 2400 Mount Zion Parkway, Jonesboro, Georgia 30236 in Clayton County, Georgia. Said defendant may be served with Process through its registered agent Corporation Service Company, 40 Technology Parkway South, Suite 300, Norcross, GA 30092, in Gwinnett County, Georgia. This defendant is subject to the jurisdiction and venue of this Court.

4.

Defendant Mohsen Khoshneviszadeh, DPM., who participated in the care and treatment of Charles Jones, was an agent and/or employee of defendant The Southeast Permanente Medical Group, Inc., and/or defendant Kaiser Foundation Health Plan of Georgia, Inc., and was acting in the course of said agency/employment and within the scope of said agency/employment, at all times during which he provided care and treatment to plaintiff Charles Jones. Consequently, defendant The Southeast Permanente Medical Group, Inc. and/or defendant Kaiser Foundation Health Plan of Georgia, Inc., are/is liable to plaintiffs Charles Jones and Martha Jones for any and all damages attributable to the negligent acts and/or omissions of said agent/employee.

5.

All defendants are jointly and severally liable to plaintiffs Charles Jones and Martha Jones.

6.

On October 12, 2011, plaintiff Charles Jones began treating with defendant Mohsen Khoshneviszadeh, DPM at Kaiser Permanente Southwood Medical Center located at 2400 Mount Zion Parkway, Jonesboro, Georgia 30236 in Clayton County, Georgia.

7.

At that time, plaintiff Charles Jones' chief complaint was documented as "calf pain with walking, and thick and discolored toenails that becomes painful at times and patient can not trim themselves." (sic).

8.

On October 12, 2011, defendant Mohsen Khoshneviszadeh, DPM saw, evaluated and treated plaintiff Charles Jones at Kaiser Permanente Southwood Medical Center located at 2400 Mount Zion Parkway, Jonesboro, Georgia 30236 in Clayton County, Georgia.

9.

On October 12, 2011, defendant Mohsen Khoshneviszadeh, DPM used a #15 blade and a nail nipper to attempt to pare down hyperkeratotic lesions and debride down the length and thickness of plaintiff Charles Jones' toenails.

10.

During these procedures, defendant Mohsen Khoshneviszadeh, DPM, negligently and carelessly injured plaintiff Charles Jones causing him to suffer an open wound on his left big toe, which resulted in bleeding and tissue damage. Plaintiff Charles Jones was released without receiving antibiotics and without proper instructions for further care for the wound inflicted on his foot by defendant Mohsen Khoshneviszadeh, DPM.

11.

As a result, plaintiff Charles Jones developed gangrene in his left big toe requiring the left toe to be amputated and, ultimately, requiring a subsequent below-the-knee amputation of Charles Jones' left leg, which leaves him wheelchair bound.

12.

At all times relevant to this lawsuit, plaintiff Charles Jones was a patient of defendants Mohsen Khoshneviszadeh, DPM, The Southeast Permanente Medical Group, Inc., and Kaiser Foundation Health Plan of Georgia, Inc., all of whom agreed to and did provide plaintiff Charles Jones with medical care and treatment during the period that is at issue in this matter.

13.

Defendant Mohsen Khoshneviszadeh, DPM was negligent during plaintiff Charles Jones' care and treatment.

14.

Defendant The Southeast Permanente Medical Group, Inc., by and through its employees and agents, was negligent during plaintiff Charles Jones' care and treatment.

15.

Defendant Kaiser Foundation Health Plan of Georgia, Inc., by and through its employees and agents, was negligent during plaintiff Charles Jones' care and treatment.

16.

Plaintiff Charles Jones brings this Complaint in his individual capacity to recover for all damages authorized under Georgia law and expressly reserves all claims arising out of the care and treatment which he was provided by the defendants.

17.

Plaintiff Martha Jones is, and was at all times relevant to this action, the legal spouse of plaintiff Charles Jones.

18.

As a direct result of defendants' negligence, plaintiff Martha Jones suffered a loss of consortium with her husband, Charles Jones, including but not limited to the deprivation of her conjugal fellowship with her husband and the deprivation of her exclusive right to the services, company, cooperation, society, companionship, and conjugal affection of her husband.

19.

Plaintiff Martha Jones is entitled to recover monetary damages from defendants for her loss of consortium in an amount determined by the enlightened conscience of the jury at the trial of this matter.

20.

As a direct and proximate result of the defendants' negligent acts and omissions, plaintiff Charles Jones suffered injuries and damages.

21.

As a direct and proximate result of the defendants' negligent acts and omissions, and the resulting injuries and damages suffered by her husband, Charles Jones, plaintiff Martha Jones suffered damages including, but not limited to, loss of consortium, loss of companionship, and loss of services of her husband, Charles Jones.

22.

Plaintiff Martha Jones brings this Complaint in her individual capacity to recover for all damages authorized under Georgia law and expressly reserves all claims arising out of the care and treatment which her husband was provided by the defendants.

23.

Based upon the above facts related to the Plaintiff Charles Jones' care and treatment as referenced in this Complaint, Plaintiffs have a good faith basis to believe that the period of limitations for claims related to such care and treatment will expire within ten days of the date of filing of this Complaint and, because of time constraints, an affidavit of an expert could not be prepared. Pursuant to O.C.G.A. § 9-11-9.1(b), the contemporaneous affidavit filing requirement pursuant to O.C.G.A. § 9-11-9.1 (a) does not apply.

24.

Further, pursuant to O.C.G.A. § 9-11-9.1(b), the undersigned attorney for the Plaintiffs files contemporaneously with this Complaint an affidavit attached as Exhibit "A" in which he affirms that his law firm was not retained by the Plaintiffs more than 90 days prior to the expiration of the period of limitation on the Plaintiffs' claim or claims. For these and other reasons shown in the Complaint, Plaintiffs shall have at least 45 days after the filing of the Complaint to supplement the pleadings with an expert affidavit.

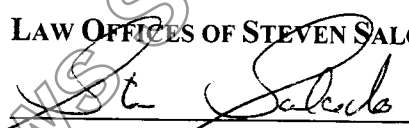
WHEREFORE, having filed this Complaint, Plaintiffs pray as follows:

- (a) That summons and process be issued requiring Defendants to be served and to answer this Complaint;
- (b) That Plaintiffs have a trial by jury on all issues in this action;

- (c) That Plaintiffs have and recover an amount in excess of \$10,000 for all injuries and damage sustained by Plaintiffs and which are recoverable under Georgia law; and
- (d) That Plaintiff Martha Jones have judgment entered in her favor against Defendants for monetary damages based on her loss of consortium in an amount to be proven at the trial of this matter;
- (e) That Plaintiffs have such other and further relief as this Court deems necessary and proper.

Respectfully submitted, this 10th day of October, 2013.

LAW OFFICES OF STEVEN SALCEDO, LLC


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