

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

MAR 17 PM 3:44
RICHARD ALEXANDER, CLERK

ALEX BLATT and
MURRAY DEUTSCH, as Executor of the
Estate of EVA BLATT

Plaintiff,

v.

KAISER FOUNDATION HEALTH PLAN
of GEORGIA, INC; KAISER FOUNDATION
HEALTH PLAN, INC.;
THE SOUTHEAST PERMANENTE
MEDICAL GROUP, INC.;
RICK STALLINGS, M.D.; PHU THAI, M.D.;
JOHN DOE PHYSICIANS 1-6; XYZ CORP.

Defendants.

CIVIL ACTION
FILE NO.: _____

14 C-01361-3

**PLAINTIFFS' COMPLAINT FOR MEDICAL
MALPRACTICE AND DEMAND FOR JURY TRIAL**

COMES NOW, the Plaintiffs in the above-styled matter, and shows this Honorable Court
the following:

I. IDENTIFICATION OF PARTIES - JURISDICTION AND VENUE

1.

Plaintiff ALEX BLATT is a resident of the State of Georgia who is currently incarcerated
at the Gwinnett County Jail.

2.

Plaintiff MURRAY DEUTSCH, the beloved brother of decedent EVA BLATT, is the
legal representative of the Estate of EVA BLATT pursuant to Letters Testamentary granted him

in Gwinnett Probate Case # 12E000351. He is therefore entitled to bring this cause of action on behalf of the Estate under Georgia law.

3.

KAISER FOUNDATION HEALTH PLAN OF GEORGIA, INC. and/or KAISER FOUNDATION HEALTH PLAN, INC. ("KAISER") is an entity that employed or contracted with physicians, physician assistants, and nurses who provided negligent medical or nursing care to ALEX BLATT from approximately December 13, 2011 through March 19, 2012.

4.

KAISER FOUNDATION HEALTH PLAN OF GEORGIA, INC. and/or KAISER FOUNDATION HEALTH PLAN, INC is licensed to do business in the state of Georgia and may be served through its registered agent, Corporation Service Company, located at 40 Technology Parkway South, Suite 300, Norcross, Gwinnett County, Georgia, 30092. Defendant KAISER is subject to the jurisdiction and venue of this court.

5.

THE SOUTHEAST PERMANENTE MEDICAL GROUP, INC. ("PERMANENTE") is an entity that employed or contracted with physicians, physician assistants, and nurses who provided negligent medical or nursing care to ALEX BLATT from approximately December 13, 2011 through March 19, 2012.

6.

THE SOUTHEAST PERMANENTE MEDICAL GROUP, Inc., is licensed to do business in the state of Georgia and may be served through its registered agent, Corporation Service Company, located at 40 Technology Parkway South, Suite 300, Norcross, Gwinnett

County, Georgia, 30092. Defendant THE SOUTHEAST PERMANENTE MEDICAL GROUP, INC., is subject to the jurisdiction and venue of this court.

7..

RICK STALLINGS, M.D. ("Dr. STALLINGS") is a physician licensed to practice medicine in the state of Georgia. He may be served at his residential address at 979 Myrtle Street, Atlanta, Fulton County, Georgia 30309 or his business address 3650 Steve Reynolds Boulevard, Duluth, Gwinnett County, Georgia, 30096. Defendant STALLINGS is subject to the jurisdiction and venue of this court.

8.

PHU THAI, M.D. ("Dr. THAI") is a physician licensed to practice medicine in the state of Georgia. He may be served at his residential address at 11855 Aspen Forest Drive, Alpharetta, Fulton County, Georgia 30005 or his business address 3650 Steve Reynolds Boulevard, Duluth, Gwinnett County, Georgia, 30096. Defendant THAI is subject to the jurisdiction and venue of this court.

9.

John Doe Physicians 1 – 6 , and XYZ Corp. are physicians or corporate entities that employ or contract with physicians who provided negligent medical or nursing care to Mr. BLATT from December 13, 2011 through March 19, 2012.

II. FACTS

10.

The Plaintiffs specifically reassert and incorporate by reference each and every allegation contained in Paragraphs 1 through 9 above as is fully set forth herein.

11.

On or about November 28, 2011, Mr. BLATT appeared at the KAISER /PERMANENTE medical office/facility in Lawrenceville, Georgia whereupon medical staff had him involuntarily committed and transported by Gwinnett Sheriff's deputies to Peachford Hospital in reference to his presenting with "psychosis, paranoia, delusions, thinks he was drugged and impaired judgment ... physical aggression, loose association, racing thoughts, anxious, preoccupied, worried about wife, hypervertbal, manic ... and paranoia."

12.

Mr. BLATT treated at Peachford Hospital from November 28, 2011 to December 13, 2011.

13.

On December 2, 2011, Peachford notes indicate that Mr. BLATT was transferred to an intensive stabilization unit and placed on round the clock observation for his safety and the safety of staff and patients.

14.

On December 5-6, 2011, Mr. BLATT exhibited erratic behavior and was combative with staff, by kicking and spitting at them.

15.

On December 7, 2011 Mr. BLATT's speech was nonsensical. On this date communication was had between Dr. Judith Rochon of KAISER/ PERMANENTE and Dr. Richard LaPlante of Peachford in which Dr. Rochon indicated concern about a new

onset of psychosis in an elderly patient (Mr. BLATT was 70 years old) and she indicated a CT scan might be appropriate. No CT scan was ever performed.

16.

On December 11, 2011, Dr. LaPlante indicated that since starting Haldol Mr. BLATT seemed less agitated and remained clothed. Prior to that Mr. BLATT had been refusing to remain clothed.

17.

On December 12, 2011 Mr. BLATT, per Peachford notes, remained agitated and easily confused. On this date Mr. BLATT's wife EVA called Peachford to advise them of her fear of his being discharged because he was still saying crazy things. Mrs. BLATT was reassured that Mr. BLATT would not be discharged if he was a danger to himself or others.

18.

On December 13, 2011 Mr. BLATT was discharged from Peachford Hospital with the diagnosis of Psychotic Disorder – NOS (not otherwise specified) and with prescriptions for Haldol (5mg in the morning and 10mg at night), Depakote (three 500 mg tablets at bedtime), Zocor and Prilosec.

19.

On December 20, 2011 Mr. BLATT was seen by Elizabeth Moore, CNS at KAISER PERMANENTE. BLATT complained of swelling and pain in his feet. At that time his dosage of Haldol was reduced.

20.

On or about January 4, 2012, Mr. BLATT was seen by Dr. PHU THAI of KAISER/ PERMANENTE who advised Mr. BLATT that the Haldol was no longer required.

21

Dr. THAI did not prescribe any other medication to replace Haldol for Mr. BLATT on or after January 4, 2012.

22.

On or about January 10, 2012, Dr. Rick STALLINGS of KAISER/ PERMANENTE Behavioral Health consulted with Mr. BLATT and his wife, EVA BLATT, and noted that Mr. BLATT was no longer taking Haldol and took Mr. BLATT off of Depakote.

23.

Dr. STALLINGS did not prescribe any additional psychiatric medications. Dr. STALLINGS does appear to recommend a CT scan or MRI of Mr. BLATT's head "due to recent episode".

24.

On or about February 1, 2012, Dr. STALLINGS met with Mr. BLATT and again did not prescribe any medications to replace the Haldol or Depakote.

25.

On February 1, 2012, Dr. STALLINGS noted that no further follow-up was required for "three months".

26.

As a result of the lack of follow-up and/or the lack of replacement medication, on or about March 19, 2012, Mr. BLATT had a psychotic episode in which he killed his wife EVA and attempted to commit suicide by slashing his wrists.

27.

Mr. BLATT has been incarcerated since March 19, 2012

III. MEDICAL MALPRACTICE

28.

The Plaintiffs specifically reassert and incorporate by reference each and every allegation contained in Paragraphs 1 through 27 above as if fully set forth herein.

29.

Defendants KAISER FOUNDATION HEALTH PLAN OF GEORGIA, INC. and/or KAISER FOUNDATION HEALTH PLAN, INC, THE SOUTHEAST PERMANENTE MEDICAL GROUP, INC., Dr. STALLINGS, Dr. THAI, John Doe, M.D. 1-6, and XYZ Corp., all owed a duty to provide Mr. BLATT medical care within the standard of care, as defined under Georgia law. The standard of care for physicians is the same as that for physician assistants and other mental health practitioners providing care and treatment to a patient such as Mr. BLATT.

30.

Defendants KAISER FOUNDATION HEALTH PLAN OF GEORGIA, INC. and/or KAISER FOUNDATION HEALTH PLAN, INC, THE SOUTHEAST PERMANENTE MEDICAL GROUP, INC., Dr. STALLINGS, Dr. THAI, John Doe, M.D. 1-6, and XYZ Corp., all owed a duty to provide Mr. BLATT and by direct extension Mrs. BLATT medical care within

the standard of care, as defined under Georgia law. The standard of care for physicians is the same as that for physician assistants and other mental health practitioners providing care and treatment to a patient such as Mr. BLATT.

31.

All of these Defendants, their agents, servants, and employees failed to exercise that degree of care and skill required by physicians, physician assistants, and/or mental health practitioners generally under the same or similar circumstances as those presented to them by ALEX BLATT and violated the applicable medical standard of care by, among other things, taking him off Haldol and Depakote without replacement medication or medications, failing to monitor and supervise his mental health situation on a regular basis, failing to access his psychiatric records and history, failing to follow up on the need for a CT scan or MRI of Mr. BLATT's head, and by failing to properly anticipate Mr. BLATT's psychotic behavior and have additional precautions in place

32.

Pursuant to O.C.G.A. § 9-11-9.1, the Plaintiffs attach as Exhibit "1" and incorporate by reference, the affidavit of Bhushan S. Agharkar, M.D., a duly qualified physician, competent to testify in this matter, setting forth at least one particular act of negligence by Defendants Dr. STALLINGS, Dr. THAI, John Doe, M.D., 1-6, KAISER FOUNDATION HEALTH PLAN OF GEORGIA, INC. and/or KAISER FOUNDATION HEALTH PLAN, INC, THE SOUTHEAST PERMANENTE MEDICAL GROUP, INC., and XYZ Corp. thus fulfilling the requirements of O.C.G.A. § 9-11-9.1 as to these Defendants.

33.

As a direct and proximate result of the negligence of all the above-named Defendants, ALEX BLATT suffered a massive psychotic episode between on or about March 19, 2012 which led to the death of his wife of 40 years, EVA BLATT, his own attempted suicide, and his current state of incarceration and being criminally charged with murder.

34.

Mr. BLATT now suffers from severe guilt, anguish, and emotional pain and suffering as a result of his actions while in a severely psychotic state. Mrs. BLATT is deceased. All of this was a direct and proximate result of the negligent medical conduct of the Defendants who are all joint tortfeasors.

IV. DAMAGES

35.

Plaintiffs specifically reassert and incorporate by reference each and every allegation contained in Paragraphs 1 through 34 as if fully set forth herein.

36.

All of the named Defendants are joint tortfeasors. Their negligence, jointly and severally, proximately caused ALEX BLATT's current condition and EVA BLATT's death.

37.

As a direct and proximate result of the joint and several negligence of the above Defendants involved in the care and treatment of ALEX BLATT as referred to above, Mr. BLATT suffered from another preventable psychotic episode, Mrs. BLATT was killed and Mr. BLATT attempted suicide by cutting his wrists. Mr. BLATT has experienced in the past, presently experiences, and will continue to experience in the future, emotional and physical pain,

suffering, and distress. Additionally, Mr. BLATT and the Estate of EVA BLATT have incurred medical and legal expenses in the past, are currently incurring medical and legal expenses, and will incur future medical and legal expenses.

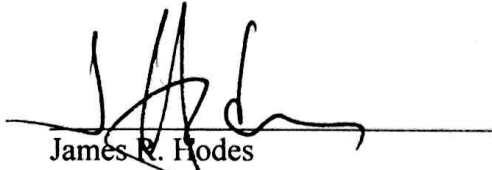
38.

As a result of Defendants conduct, Plaintiffs are entitled to punitive damages to deter said Defendants from repeating such conduct in the future.

WHEREFORE, the Plaintiffs pray:

- 1) That they have a trial by jury;
- 2) That they have issuance of service of process by law;
- 3) That a judgment be entered against all of the Defendants jointly and severally, as joint tortfeasors, and for the Plaintiffs for and on behalf of ALEX BLATT and the Estate of EVA BLATT in excess of \$10,000 and for general, special, compensatory, and all other permissible damages allowed under Georgia law;
- 4) That all cost be assessed against the Defendants;
- 5) That they recover all damages permitted by law and determined to be just and proper by this Court.

This 17th day of March, 2014.



James R. Hodes
Georgia Bar No. 358647
Esther Panitch
Georgia Bar No. 143197

The Panitch Law Group, P.C.
1867 Independence Square, Suite 105
Atlanta, Georgia 30338
(770) 559-1649