

VIRGINIA:

IN THE CIRCUIT COURT FOR ARLINGTON COUNTY

GEORGE K. CHACKO
14953 Santa Lucia Drive
Charlotte, NC 28277

Plaintiff

v.

MID-ATLANTIC PERMANENTE
MEDICAL GROUP, P.C.
2101 E. Jefferson Street
Rockville, MD 20850

and

KAISER FOUNDATION HEALTH PLAN
OF THE MID-ATLANTIC STATES, INC.
2101 E. Jefferson Street
Rockville, MD 20850

Defendants.

CASE No.:

14-1644

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COMPLAINT

(Medical Negligence, Jury Demand)

COMES NOW, the Plaintiff GEORGE CHACKO, by and through his attorneys, Andrew J. Narod, Esquire, and Greenberg & Bederman, LLP, and sues Defendants MID-ATLANTIC PERMANENTE MEDICAL GROUP, P.C., and KAISER FOUNDATION HEALTH PLAN OF THE MID-ATLANTIC STATES, INC., and for cause of action states as follows:

The jurisdiction of this Court is invoked pursuant to Virginia Code '8.01-581.1 *et seq.* and by virtue of the fact that the alleged negligent acts and/or omissions occurred in the city of Arlington, Virginia.



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2. At all times relevant hereto Plaintiff George K. Chacko was a patient of the Defendants Mid-Atlantic Permanente Medical Group, P.C., and Kaiser Foundation Health Plan of the mid Atlantic States, Inc., as defined in Virginia Code '8.01-581.1.

3. Plaintiff George Chacko is a competent adult and resident of the State of North Carolina.

4. Defendants MID-ATLANTIC PERMANENTE MEDICAL GROUP, P.C., (hereinafter sometimes referred to as "Mid-Atlantic Permanente") and KAISER FOUNDATION HEALTH PLAN OF THE MID-ATLANTIC STATES, INC. ("Kaiser Foundation") employed Thomas I. Krisztinicz, M.D. ("Dr. Krisztinicz") and Steven C. Scherping, Jr., M.D. ("Dr. Scherping"), who, when they provided medical care to Plaintiff on and after July 22, 2011 and at all other times relevant hereto, were acting within the scope of their employment as the agents, servants or employees of Defendants Mid-Atlantic Permanente and Kaiser Foundation. As Dr. Krisztinicz and Dr. Scherping's employers, Defendants Mid-Atlantic Permanente and Kaiser Foundation are responsible for the negligence of Thomas I. Krisztinicz, M.D. and Steven C. Scherping, Jr., M.D. under the doctrine of *respondeat superior*.

5. On July 22, 2011, Thomas Krisztinicz, M.D., performed an anterior cervical discectomy with fusion of C4-C7 on Plaintiff George K. Chacko, at Virginia Hospital Center in Arlington, Virginia. Plaintiff was discharged home on July 22, 2011.

6. On July 24, 2011, Plaintiff George K. Chacko presented to the Emergency Department at Virginia Hospital Center with complaints of neck swelling and weakness in all four extremities. A CT scan demonstrated a hematoma within the right anterior aspect of Plaintiff's neck. Steven Scherping, M.D., decided that no intervention was necessary at that time.

7. On July 25, 2011, Steven Scherping, M.D., examined Plaintiff and documented weakness in Plaintiff's arms and legs upon performing a motor exam. Dr. Scherping responded to this finding by ordering observation and IV steroids.

8. On July 26, 2011, Thomas Krisztinicz, M.D., examined Plaintiff and noted further weakness upon performing a motor exam. A MRI was ordered, which demonstrated severe C4-C6 spinal canal narrowing with marked spinal cord flattening, as well as suspicion of an epidural hematoma as the cause.

9. On July 27, 2011, Thomas Krisztinicz, M.D., again examined Plaintiff and noted a severe epidural hematoma. Dr. Krisztinicz failed to intervene at that time. Dr. Krisztinicz did not meet with Plaintiff again until July 29, 2011, when he performed surgery to evacuate Plaintiff's hematoma, as well as an anterior and posterior fusion.

10. As a result of the delay in ordering an MRI and performing surgery to evacuate Plaintiff's hematoma and decompress his cervical spine, Plaintiff George K. Chacko suffered severe and permanent neurologic injury, including but not limited to a C6 ASIA D tetraplegia and impairment of bowel and bladder function.

11. In their care and treatment of Plaintiff, Defendants Mid-Atlantic Permanente and Kaiser Foundation, by and through their agents, servants, and employees, including but not limited to Thomas Krisztinicz, M.D., and Steven Scherping, M.D., had a duty to exercise that degree of care, skill and diligence ordinarily exercised by those competent and reasonably prudent health care providers in the Commonwealth of Virginia.

12. In their care and treatment of Plaintiff, Defendants Mid-Atlantic Permanente and Kaiser Foundation, by and through their agents, servants, and employees, including but not limited to Thomas Krisztinicz, M.D., and Steven Scherping, M.D., were negligent and deviated from the

standard of care applicable to their care and treatment of the Plaintiff. This negligence includes the following:

- (a) Negligent failure to order a cervical spine MRI of Plaintiff prior to July 26, 2011 following the Plaintiff's complaints of weakness and tingling, and the findings of the July 24, 2011 CT Scan;
- (b) Negligent failure to perform evacuation of hematoma and anterior and posterior fusion surgery to treat Plaintiff's epidural hematoma between July 24, 2011 and July 29, 2011;
- (c) Negligent failure to recognize that findings of epidural hematoma in Plaintiff's cervical spine were emergent and required immediate treatment between July 24, 2011 and July 29, 2011;
- (d) Defendants Mid-Atlantic Permanente and Kaiser Foundation were otherwise negligent in their care and treatment of Plaintiff George Chacko.

COUNT ONE
(Medical Negligence)

Plaintiff George Chacko incorporates the facts and allegations of Paragraphs 1-12 hereof and for further cause of actions states:

13. As a direct and proximate result of the aforesaid negligence of the Defendants Mid-Atlantic Permanente and Kaiser Foundation, by and through their agents, servants, and employees, Plaintiff George Chacko suffered severe and permanent personal injury when his epidural hematoma was permitted to progress without appropriate surgical intervention. Those injuries include near quadriplegia, severe quadriparesis, permanent loss of partial function in each of his limbs, physical pain of subsequent rehabilitation, and emotional trauma.

14. As a direct result of the aforesaid negligence of the Defendants and the resulting physical injuries, Plaintiff George Chacko suffered, and continues to suffer, severe emotional distress and mental anguish.


15. As a direct and proximate result of the aforesaid negligence of the Defendants and the resulting physical injuries, Plaintiff George Chacko has endured, and will in the future endure, severe pain and suffering, both physical and emotional. He has suffered painful, severe, and permanent injuries, both physical and emotional, and substantial expense for his medical, hospital, rehabilitative, and surgical care and treatment. He has incurred, and will in the future incur, a loss of income and a loss of his income producing ability, and he is permanently disabled. He has suffered inconvenience, humiliation, embarrassment, a loss of the enjoyment of life, and has been otherwise injured and damaged, all without any negligence on his part.

WHEREFORE, George Chacko, Plaintiff, claims and demands judgment against the Defendants, MID-ATLANTIC PERMANENTE MEDICAL GROUP, P.C., and KAISER FOUNDATION HEALTH PLAN OF THE MID-ATLANTIC STATES, INC., in the amount of Two Million Dollars (\$2,000,000.00) plus prejudgment interest and the costs of these proceedings.

GEORGE CHACKO
By counsel

Respectfully submitted,

GREENBERG & BEDERMAN, LLC



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Counsel for the Plaintiff George Chacko

JURY DEMAND

The Plaintiff demands a trial by jury on all issues so triable herein.



Jason W. Fernandez

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