

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY

CHARLES SAGO
9015 Red Hawk Drive
Streetsboro, Ohio 44241,

-and-

LIZABETH SAGO
9015 Red Hawk Drive
Streetsboro, Ohio 44241,

Plaintiffs,

vs.

Mark Hardy, DPM
10 Severance Circle
Cleveland Heights, Ohio 44118

-and-

Jeffrey Lupica, DPM
Lake Orthopaedic Associates, Inc.
36060 Euclid Avenue, Suite 104
Willoughby, Ohio 44094

-and-

Eric Lew, DPM
Cleveland Clinic Foundation
c/o GME-NA-23-Podiatry
9500 Euclid Avenue
Cleveland, Ohio 44195

-and-

CASE NO.: _____

JUDGE _____

COMPLAINT AND PLAINTIFFS
CHARLES SAGO AND LIZABETH
SAGO'S COMBINED FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS AND
INTERROGATORIES AND REQUESTS
FOR ADMISSION PROPOUNDED TO
TO DEFENDANTS MARK HARDY,
JEFFREY LUPICA, AND ERIC LEW

(Jury Demand Endorsed Hereon)

Kaiser Permanente)
c/o Statutory Agent)
Kaiser Foundation Health Plan of Ohio)
1001 Lakeside Avenue, #1200)
Cleveland, Ohio 44114)

-and-)

Ohio Permanente Medical Group)
c/o Statutory Agent)
A C F B Incorp.)
200 Public Square, Suite 2300)
Cleveland, Ohio 44114)

-and-)

Kaiser Foundation Hospitals)
c/o Statutory Agent)
The Prentice-Hall Corporation System, Inc.)
50 West Broad Street, Suite 1800)
Columbus, Ohio 43215)

-and-)

Kaiser Foundation Health Plan, Inc.)
c/o Statutory Agent)
The Prentice-Hall Corporation System, Inc.)
50 West Broad Street, Suite 1800)
Columbus, Ohio 43215)

Defendants.)

Plaintiffs Charles Sago and Lizabeth Sago state for their Complaint against the Defendants as follows:

1. Plaintiffs state that on or about the 12th day of March, 2013, Plaintiff was treated by Defendants for non-union of an ankle fusion of the right lower extremity with the use of an external fixator device.

2. Subsequent to the operative procedure, the external fixator device became loose and Defendants were to order “spacers/clips” to stabilize the fixator device.

3. Defendants were negligent and did not order the clips in a timely manner and, in addition, failed to treat a post-operative infection in an appropriate manner which resulted in Charles Sago’s below-the-knee amputation.

4. As a result of the negligence of the Defendants, the Plaintiff endured great pain and suffering and incurred permanent disability.

5. As a result of the negligence of the Defendants, the Plaintiff Charles Sago incurred medical expenses and loss of income.

6. As a result of the negligence of the Defendants, the Plaintiff Lizabeth Sago lost the services and consortium of her husband Charles.

7. This action is not only brought against the Defendant podiatrists individually but as agents and employees of Defendants Kaiser Permanente, Ohio Permanente Medical Group, Kaiser Foundation Hospitals and Kaiser Foundation Health Plan, Inc.

8. Defendants individually and as employees and agents of Defendants Kaiser Permanente, Ohio Permanente Medical Group, Kaiser Foundation Hospitals and Kaiser Foundation Health Plan, Inc. acted with wanton and willful indifference to the plight of the Plaintiff Charles Sago when he required medical attention. Such willful and wanton indifference entitles the Plaintiffs to punitive damages.

WHEREFORE, Plaintiffs pray for compensatory and punitive damages in an amount in excess of \$25,000.00 and costs of this action.

Respectfully submitted,

/s/ William J. Novak

WILLIAM J. NOVAK (0014029)

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Attorneys for Plaintiffs

JURY DEMAND

A jury pursuant to Civil Rule 38(B) is hereby demanded for all issues.

/s/ William J. Novak

WILLIAM J. NOVAK (0014029)

TO THE CLERK

PLEASE SERVE THE DEFENDANTS AT THE ADDRESS LISTED IN THE
CAPTION BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

/s/ William J. Novak

WILLIAM J. NOVAK (0014029)