

SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA  
CIVIL DIVISION

CHARNIKKA L. JEROME, Individually  
and as Personal Representative of the  
Estate and Next of Kin of CHARLES  
JEROME, Deceased  
2205 Champlain Street, N.W.  
Washington, D.C. 20009

and

CHARNIKKA L. JEROME, as Parent  
and Next Friend of PCJ, a Minor  
2205 Champlain Street, N.W.  
Washington, D.C. 20009

and

CHARNIKKA L. JEROME, as Parent  
and Next Friend of CLJ, a Minor  
2205 Champlain Street, N.W.  
Washington, D.C. 20009

and

CHARNIKKA L. JEROME, as Parent  
and Next Friend of CJJ, a Minor  
2205 Champlain Street, N.W.  
Washington, D.C. 20009

and

ERIKA ABRAHAM, as Parent and Next  
Friend of MA, a Minor  
5023 13<sup>th</sup> Place, N.E.  
Washington, D.C. 20017

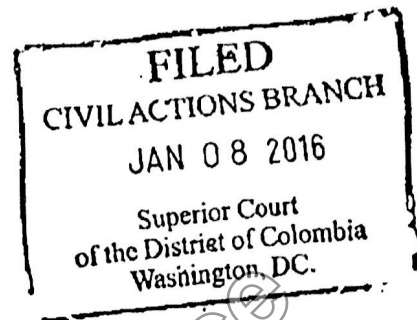
Plaintiffs,

v.

KAISER FOUNDATION HEALTH  
PLAN OF THE MID-ATLANTIC  
STATES, INC.

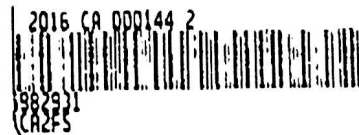
Serve:

Robert W. Goodson, Esq.



16 - 000144

Civ. Act. No. \_\_\_\_\_



Wilson Elser Moskowitz  
Edelman & Dicker, LLP  
700 11<sup>th</sup> Street, N.W.  
Washington, D.C. 20001

and

MID-ATLANTIC PERMANENTE  
MEDICAL GROUP, P.C.

Serve:

Robert W. Goodson, Esq.  
Wilson Elser Moskowitz  
Edelman & Dicker, LLP  
700 11<sup>th</sup> Street, N.W.  
Washington, D.C. 20001

Defendants.

\* \* \* \* \*

Plaintiffs, by and through undersigned counsel, hereby sue Defendants Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc. and Mid-Atlantic Permanente Medical Group, P.C. (collectively "Kaiser"), and state:

**COMPLAINT**  
**(Medical Malpractice)**

1. The jurisdiction of this Court is invoked pursuant to D.C. Code, Title 11, §§ 11-921 and 13-423. Plaintiffs have provided the notice required by DC Code § 16-2802 on July 31, 2015 prior to initiating this action.

2. Plaintiff Charnikka L. Jerome is of full age, a resident of the District of Columbia, and a citizen of the United States. She is the wife of Charles Jerome, deceased. Charnikka L. Jerome is the duly appointed Personal Representative of the Estate and Next of Kin of Charles Jerome. The Personal Representative brings this action on behalf of the decedent's estate and next of kin.

3. At all times relevant hereto, Plaintiff Charnikka L. Jerome, and decedent, Charles Jerome, were husband and wife. Charnikka L. Jerome brings this action, individually, as the surviving spouse of Charles Jerome.

4. Plaintiff, PCJ, is a resident of the District of Columbia and a citizen of the United States. Charnikka L. Jerome brings this action as Parent and Next Friend of PCJ, a surviving minor child of Charles Jerome.

5. Plaintiff, CLJ, is a resident of the District of Columbia and a citizen of the United States. Charnikka L. Jerome brings this action as Parent and Next Friend of CLJ, a surviving minor child of Charles Jerome.

6. Plaintiff, CJJ, is a resident of the District of Columbia and a citizen of the United States. Charnikka L. Jerome brings this action as Parent and Next Friend of CJJ, a surviving minor child of Charles Jerome.

7. Plaintiff, MA, is a resident of the District of Columbia and a citizen of the United States. Erika Abraham brings this action as Parent and Next Friend of MA, a surviving minor child of Charles Jerome.

8. The events giving rise to this Complaint occurred within the District of Columbia.

9. At all times relevant to the allegations contained herein, Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc. was a medical corporation in the business of providing health care services, through its employees and/or real and ostensible agents, to persons in need thereof, including the decedent, Charles Jerome.

10. At all times relevant to the allegations contained herein, Mid-Atlantic Permanente Medical Group, P.C. was a medical professional corporation in the business of providing health

care services, through its employees and/or real and ostensible agents, to persons in need thereof, including the decedent, Charles Jerome.

11. Defendants Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc. and Mid-Atlantic Permanente Medical Group, P.C., through their respective agents and/or employees, including, but not limited to, Heather Walsh, M.D. and/or Edsel J. Gayoso, M.D., provided medical care and services to the decedent, Charles Jerome.

12. Upon information and belief, the medical care provided to Charles Jerome by the Defendants was provided by real and/or ostensible agents, employees, servants, nurses, residents, independent contractors, and/or representatives of the Defendants, on their behalf, or by others affiliated with and acting on behalf of the Defendants, including, but not limited to Heather A. Walsh, M.D. and Edsel J. Gayoso, M.D.

13. At all times relevant to the facts alleged herein, Defendants themselves and through their real and/or ostensible agents, employees, servants, nurses, residents, independent contractors, and/or representatives of the Defendants, on their behalf, or by others affiliated with and acting on behalf of the Defendants, including, but not limited to Heather A. Walsh, M.D. and Edsel J. Gayoso, M.D., represented to decedent and the general public that they possessed the degree of knowledge, ability and skill possessed by reasonably competent medical providers practicing under similar circumstances as those involved in the care of decedent.

14. At all times mentioned herein the individuals identified above by themselves or as agents of the Defendants acting within the scope of their employment provided medical care and treatment to decedent.

15. At all times mentioned herein, all health care providers rendering medical treatment to decedent acted as agents of the Defendants within the scope of their employment.

16. A health care provider/patient relationship existed between Defendants, their agents, employees, representatives, independent contractors, and/or servants, and decedent at all times relevant herein. The Defendants owed to decedent a duty to conform their care to the standards of reasonably prudent practitioners acting under the same or similar circumstances.

17. Defendants, including their agents, employees, representatives, subsidiaries and/or independent contractors owed a duty to decedent which included the duty of performing appropriate diagnostic tests and procedures and providing competent medical care.

#### **FACTS COMMON TO ALL COUNTS**

18. The Plaintiffs incorporate those facts set forth in paragraphs 1 through 17, hereinabove, including subparagraphs, by reference thereto, as if fully set forth herein.

19. Decedent Charles Jerome was a married, 34-year old male who on April 12, 2015, developed a temperature, vomiting and complaints of diarrhea. His temperature at home was 103.5°F. Decedent presented to the Capitol Hill Kaiser Urgent Care facility where he was attended to by Heather A. Walsh, M.D. On arrival at 1937, his chief complaint was fever. Triage was completed at 1951. The Decedent's temperature was noted to be 101.7°F at 1953. Dr. Walsh ordered Ibuprofen (600 mg) at 2000 and Acetaminophen (1,000 mg) at 2134, so that by the time of discharge at 0137, Mr. Jerome's temperature was 98.4°F.

20. Labs, including a urinalysis, CBC, Chem 7, blood culture and lactate level were all ordered at 2000. Among the abnormal lab results, the lactate level and WBC were both elevated. The lactate level was called in to "Brenda" at Capitol Hill Urgent Care at 2048. The gram stain positive blood culture was called in to "Nurse Grant" at 1215 on April 13, 2015. Although Decedent was discharged with a primary diagnosis of "sepsis w/o acute organ dysfunction," he was only given medications for gastroenteritis (Zantac and Zofran) and IV

fluids; he was never prescribed any antibiotics. The Decedent was given discharge instructions regarding gastroenteritis and advised to contact his primary care provider at Kaiser, Edsel J. Gayoso, M.D., for follow up. He was also given a note to return to work in two days.

21. On April 13, 2015, Dr. Gayoso authored an entry requesting that Kaiser personnel contact the Decedent as follows: "Please call patient and inform her (sic) that her blood cultures are growing out bacteria. Was seen in CDU ? for Sepsis yesterday. Please book follow up appt in CDU for IV antibiotics. No appts left on my schedule."

22. After arriving home on April 13, 2015, the Decedent did not improve throughout the day. He tried to rest, but then reported to his wife that he was not feeling well. Mr. Jerome complained of "feeling full" and complained of pain, paleness and a cold sensation in his legs. His wife called 911 and the Decedent was transported to Washington Hospital Center at approximately 2255.

23. On arrival to Washington Hospital Center, labs were done and the Decedent was immediately diagnosed with sepsis. Mrs. Jerome was later advised that her husband's liver and kidneys were failing. The Decedent was conscious and said to his wife, "I can't breathe." He continued to complain of pain and was eventually administered morphine. He subsequently went into respiratory distress and cardiac arrest. The Decedent died on April 15, 2015 at 04:50 am as a result of septic shock.

### **COUNT I** **(Survival Action)**

24. The Plaintiffs incorporate in this Count those facts set forth in paragraphs 1 through 23, hereinabove, including subparagraphs, by reference thereto, as if fully set forth herein.

25. At all times relevant to the facts alleged herein, Defendants themselves and through their real and/or ostensible agents, employees, servants, nurses, residents, independent contractors, and/or representatives of the Defendants, on their behalf, or by others affiliated with and acting on behalf of the Defendants, including, but not limited to Heather A. Walsh, M.D. and Edsel J. Gayoso, M.D. were negligent in their care and treatment of decedent Charles Jerome including, but not limited to, the following particulars:

- a. Failing to rule out sepsis during the urgent care visit on April 12, 2015;
- b. Failing to order and administer antibiotics prior to discharge on April 13, 2015;
- c. Failing to timely transfer Mr. Jerome to a hospital setting for emergency care, including IV antibiotics, on April 12, 2015 and April 13, 2015;
- d. Failing to timely advise Mr. Jerome on April 13, 2015 of the need to urgently present to a hospital for emergency treatment;
- e. Negligently failing to timely and appropriately take all reasonable steps to prevent any injury to the Plaintiff, including, but not limited to, performing evaluations, obtaining referrals, and rendering care and treatment which would have prevented Mr. Jerome's death; and
- f. Defendants may have been otherwise negligent.

26. As a direct and proximate result of the aforementioned negligence of the above-named Defendants, Decedent Charles Jerome died of septic shock with multisystem organ failure and cardiogenic shock.

27. Absent the negligence of the Defendants, Charles Jerome would have gone on to live a normal, fully functional life. Charnikka L. Jerome, as Personal Representative of the Estate of her late husband, claims damages occasioned by the above injuries, including, but not limited to, an allowance for prospective loss of income/earnings/benefits during decedent's

otherwise normal life expectancy, medical expenses incurred, an allowance for conscious pain and suffering, and all of the recoverable damages set forth in the Survival Act of the District of Columbia.

WHEREFORE, Plaintiff Charnikka L. Jerome, as Personal Representative of the Estate of Charles Jerome demands judgment against the Defendants, jointly and severally, in the sum of Six Million Dollars (\$6,000,000.00), plus costs and interest.

**COUNT II**  
**(Wrongful Death Act)**

28. Plaintiffs hereby incorporate in this Count paragraphs 1 through 27, including subparagraphs, by reference thereto, as if fully set forth herein.

29. As a direct and proximate result of the aforementioned negligence of the defendants, the Decedent's next of kin have been injured and damaged, including, but not limited to, the following particulars:

- a. expenses of last illness;
- b. expenses of hospitalization and for medical care after the negligence and until death;
- c. pecuniary and non-pecuniary loss to the next of kin;
- d. loss of society and comfort of the decedent;
- e. all damages recoverable under the Wrongful Death Act of the District of Columbia and its common law interpretation;
- f. loss of care, companionship, education, training and personal advice and specific services provided by Charles Jerome to his wife, Charnikka L. Jerome; and
- g. being otherwise injured and damaged.



WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly and severally,  
in the sum of Six Million Dollars (\$6,000,000.00), plus costs and interest.

Respectfully submitted,



Carlos G. Stecco (#500813)  
Stecco Law, P.C.  
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Baltimore, Maryland 21286  
(410) 842-6176  
(443) 470-6118 Fax  
*Attorney for Plaintiffs*

**REQUEST FOR JURY TRIAL**

Plaintiffs request a trial by jury as to all issues raised in this Complaint.



Carlos G. Stecco (#500813)