

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

NADINE MCKENZIE Proctor

9208 Eldon Drive
Clinton, MD 2073

Plaintiffs,

v.

BRIAN WILLIAMS, M.D.

1221 Mercantile Lane
Upper Marlboro, MD 20774

AND

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

Serve: The Prentic-Hall Corporation System, MA
7 St. Paul Street, Ste. 820
Baltimore, MD 21202

AND

**MID-ATLANTIC PERMANENTE
MEDICAL GROUP, P.C.**

Serve: The Prentic-Hall Corporation System, MA
7 St. Paul Street, Ste. 820
Baltimore, MD 21202

AND

KAISER PERMANENTE INSURANCE CO.

Serve: CSC Lawyers Incorporating Service Co.
7 St. Paul Street, Ste. 820
Baltimore, MD 21202

Defendants.

Civil Action No.:

CAL16-35385

Clerk of the
Circuit Court

2016 SEP -9 PM 4:11

PR GEO CO MD #16

COMPLAINT

COMES NOW, Plaintiff, Nadine McKenzie Proctor ("Proctor"), by and through their attorneys, Christian, Ashin & Brown, P.C. and Daniel G. Bastien, and hereby files this Complaint against the Defendants Brian Williams, M.D., Kaiser Foundation Health Plan of

the Mid-Atlantic States Incorporated ("Kaiser Foundation"), Mid-Atlantic Permanente Medical Group, P.C. ("Mid-Atlantic"), and Kaiser Permanente Insurance Company ("Kaiser Permanente"), and as grounds in support thereof states as follows:

FACTS COMMON TO THE COMPLAINT

1. Jurisdiction is vested in this court in that that Defendants' tortious acts occurred in Prince George's County, Maryland, and the amount in controversy is in excess of \$75,000.00.

2. On, or about, September 10, 2013, and on multiple occasions thereafter, Plaintiff was a patient of Defendant Williams.

3. On, or about, September 10, 2013, and on multiple occasions thereafter, Plaintiff was a patient of Defendant Kaiser Foundation.

4. On, or about, September 10, 2013, and on multiple occasions thereafter, Plaintiff was a patient of Defendant Mid-Atlantic.

5. On, or about, September 10, 2013, and on multiple occasions thereafter, Plaintiff was a patient of Defendant Kaiser Permanente.

6. At all times pertinent hereto, Defendant Williams was an employee, servant, and/or agent of Defendant Kaiser Foundation operating within the scope of said agency, servitude, and/or employment.

7. At all times pertinent hereto, Defendant Williams was an employee, servant, and/or agent of Defendant Kaiser Permanente operating within the scope of said agency, servitude, and/or employment.

8. At all times pertinent hereto, Defendant Williams was an employee, servant, and/or agent of Defendant Mid-Atlantic operating within the scope of said agency, servitude, and/or employment.

9. On, or about, September 10, 2013, and on multiple occasions thereafter in a continuing course of abuse, Defendant Williams touched Plaintiff in an inappropriate manner, specifically, Defendant Williams used his fingers and hands to penetrate Plaintiff's anal and vaginal cavities.

COUNT I

(Assault—Defendant Williams)

10. Plaintiffs adopt and incorporate by reference each and every allegation contained in paragraphs 1 through 9, as if fully set forth herein.

11. By the aforementioned actions, Defendant Williams intended to commit harm upon Plaintiff Proctor and/or intended to put Plaintiff Proctor in fear of eminent bodily harm.

12. Although Plaintiff Proctor did not present a danger or eminent threat, Defendant Williams assaulted Plaintiff Proctor by touching Plaintiff in an inappropriate manner, specifically, Defendant Williams used his fingers and hands to penetrate Plaintiff's anal and vaginal cavities.

13. Each and every action taken by Defendant Williams was intentional, malicious, and done without consent of the Plaintiff.

14. Each and every action taken by Defendant Williams was without legal justification or excuse, and was intended to deliberately and willfully injure the Plaintiff. The Defendant's actions constitute actual malice.

15. Plaintiff feared eminent harm intended by Defendant Williams.

16. As a direct and proximate result of the willful, wanton, malicious, and intentional actions of Defendant Williams, the Plaintiff Proctor suffered and continues to suffer severe bodily injuries, severe mental trauma, pain, humiliation, embarrassment, anxiety, mental anguish, and emotional distress in a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars).

WHEREFORE, the Plaintiff Nadine MacKenzie Proctor prays this honorable court to enter judgment against the Defendant, Brian Williams, M.D., in a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars) as compensatory damages, and a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars) as punitive damages, plus interest, attorney's fees, and costs of this action.

COUNT II

(Battery—Defendant Williams)

17. Plaintiffs adopt and incorporate by reference each and every allegation contained in paragraphs 1 through 17, as if fully set forth herein.

18. Through his actions described above, Defendant Williams did intentionally touch Plaintiff Proctor.

19. The above-mentioned touching by Defendant Williams was harmful and offensive, was not consensual, and was not the use of reasonable force. The touching constituted actual malice.

20. As a direct and proximate result of the willful, wanton, malicious, and intentional actions of Defendant Williams, the Plaintiff Proctor suffered and continues to suffer severe bodily injuries, severe mental trauma, pain, humiliation, embarrassment, anxiety, mental anguish, and emotional distress in a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars).

WHEREFORE, the Plaintiff Nadine MacKenzie Proctor prays this honorable court to enter judgment against the Defendant, Brian Williams, M.D., in a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars) as compensatory damages, and a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars) as punitive damages, plus interest, attorney's fees, and costs of this action.

COUNT III

(False Imprisonment/Arrest—Defendant Williams)

21. Plaintiff hereby adopts and incorporates by reference the allegations contained in paragraphs 1—20 as if fully set forth herein.

22. Defendant Williams detained Plaintiff Proctor by manipulating her body into a position where she was unable to move, pressing his hands on her back so she was unable to move, and otherwise manipulating her body with his hands.

23. By the above-mentioned actions, Defendant Williams intentionally restricted the freedom of movement of the Plaintiff Proctor, and/or falsely arrested the Plaintiff, acted

with malice, and without probable cause.

24. At all times pertinent hereto, Plaintiff Proctor was aware that Defendant Williams restricted her freedom of movement. Plaintiff Proctor feared further attack and pain, and did not consent to the restriction by Defendant Williams.

25. As a direct and proximate result of the aforementioned actions of Defendant Williams, the Plaintiff Proctor suffered and continues to suffer severe bodily injuries, severe mental trauma, pain, humiliation, anxiety, mental anguish, and emotional distress in a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars).

WHEREFORE, the Plaintiff Nadine MacKenzie Proctor prays this honorable court to enter judgment against the Defendant, Brian Williams, M.D., in a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars) as compensatory damages, and a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars) as punitive damages, plus interest, attorney's fees, and costs of this action.

COUNT IV

(Gross Negligence—Defendant Williams)

26. Plaintiffs adopt and incorporate by reference each and every allegation contained in paragraphs 1 through 25 as if fully set forth herein.

27. Defendant Williams owed a duty to Plaintiff Proctor not to willfully and maliciously assault, batter, falsely imprison, or inappropriately touch her.

28. Defendant Williams breached said duty to Plaintiff Proctor by intentionally touching Plaintiff Proctor, in an inappropriate manner by placing his fingers and hands in Plaintiff's anal and vaginal cavities.

29. The above-mentioned actions of Defendant Williams were performed while he was acting with reckless disregard for the welfare of the Plaintiff Proctor, and, as such, are grossly negligent.

30. As a direct and proximate result of the aforementioned actions of Defendant Williams, the Plaintiff Proctor suffered and continues to suffer severe bodily injuries, severe

mental trauma, pain, humiliation, anxiety, mental anguish, and emotional distress in a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars).

WHEREFORE, the Plaintiff Nadine MacKenzie Proctor prays this honorable court to enter judgment against the Defendant, Brian Williams, M.D., in a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars) as compensatory damages, and a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars) as punitive damages, plus interest, attorney's fees, and costs of this action.

COUNT V

(Negligence—Defendant Williams)

31. Plaintiffs adopt and incorporate by reference each and every allegation contained in paragraphs 1 through 30, as if fully set forth herein.

32. Defendant Williams owed a duty to Plaintiff Proctor not to attack, assault, batter, falsely imprison, or inappropriately touch her.

33. In violation of the duty owed to her, Defendant Williams did improperly attack, assault, batter and inappropriately touch Plaintiff Proctor while attempting to detain and/or restrain Plaintiff Proctor. Such actions of Defendant Williams were negligent.

34. As a direct and proximate result of the aforementioned actions of Defendant Williams, the Plaintiff Proctor suffered and continues to suffer severe bodily injuries, severe mental trauma, pain, humiliation, anxiety, mental anguish, embarrassment, and emotional distress in a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars).

WHEREFORE, the Plaintiffs pray this honorable court to enter judgment against the Defendant, Brian Williams, M.D., in excess of \$75,000.00 (Seventy Five Thousand Dollars) plus interest and costs of this action.

COUNT VI

(Respondeat Superior—Defendant Kaiser Foundation)

35. Plaintiff adopt and incorporate by reference each and every allegation contained in paragraphs 1 through 34, as if fully set forth herein.

36. At all times pertinent hereto, Defendant Williams was an employee, servant, and/or agent of Defendant Kaiser Foundation.

37. At all times pertinent hereto, Defendant Kaiser Foundation was the employer and/or principal of Defendant Williams.

38. Defendant, Kaiser Foundation, was responsible for hiring, supervising, training, and controlling Defendant Williams.

39. Defendant Williams' actions were grossly negligent, foreseeable, performed within the scope of his employment, and in furtherance of Defendant Kaiser Foundation's business of providing medical care and services.

40. As a direct and proximate result of the aforementioned acts, Defendant Kaiser Foundation is liable under the doctrine of *Respondeat Superior* because the Defendant Williams was acting in the scope of his employment, agency, and/or servitude. Defendant Kaiser Foundation's failure to properly hire, adequately and properly train Defendant Williams, failure to follow up on his activities, failure to conduct, verify, and check the terms of his supervision and guidance, and to otherwise assure itself that he was properly suited for his position, caused these actions.

41. As a direct and proximate result of the grossly negligent conduct of Defendant Kaiser Foundation, the Plaintiff Proctor suffered and continues to suffer severe bodily injuries, severe mental trauma, pain, humiliation, anxiety, mental anguish, and emotional distress in a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars).

WHEREFORE, the Plaintiffs pray this honorable court to enter judgment against the Defendant, Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc., in excess of \$75,000.00 (Seventy Five Thousand Dollars) as compensatory damages, and a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars) as punitive damages, plus interest, attorney's fees, and costs of this action.

COUNT VII

(Respondeat Superior—Defendant Kaiser Foundation)

42. Plaintiff adopts and incorporate by reference each and every allegation contained in paragraphs 1 through 41, as if fully set forth herein.

43. At all times pertinent hereto, Defendant Williams was an employee, servant, and/or agent of Defendant Kaiser Foundation

44. At all times pertinent hereto, Defendant Kaiser Foundation was the employer and/or principal of Defendant Williams.

45. Defendant, Kaiser Foundation, was responsible for hiring, supervising, training, and controlling Defendant Williams.

46. Defendant Williams's actions were negligent, performed within the scope of her employment, and in furtherance of Defendant Kaiser Foundation's business of providing medical care and services.

47. As a direct and proximate result of the aforementioned acts, Defendant Kaiser Foundation is liable under the doctrine of *Respondeat Superior* because the Defendant Williams was acting in the scope of his employment, agency, and/or servitude. Defendant Kaiser Foundation's failure to properly hire, adequately and properly train Defendant Williams, failure to follow up on his activities, failure to conduct, verify, and check the terms of his supervision and guidance, and to otherwise assure itself that he was properly suited for his position, caused these actions.

48. As a direct and proximate result of the negligent conduct of Defendant Kaiser Foundation, the Plaintiff Proctor suffered and continues to suffer severe bodily injuries, severe mental trauma, pain, humiliation, anxiety, mental anguish, embarrassment, and emotional distress in a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars).

WHEREFORE, the Plaintiffs pray this honorable court to enter judgment against the Defendant, Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc., in excess of \$75,000.00 (Seventy Five Thousand Dollars) plus interest and costs of this action.

COUNT VIII

(Negligent Hiring, Training, and Retention—Defendant Kaiser Foundation)

49. Plaintiffs adopt and incorporate by reference each and every allegation Contained in paragraphs 1 through 48, as if fully set forth herein.

50. At all times pertinent hereto, Defendant, Kaiser Foundation, was the employer and/or principal of Defendant Williams

51. At all times pertinent hereto, Defendant, Kaiser Foundation, exercised control over the procedures, actions, and duties that Defendant Williams had the privilege to perform.

52. Defendant, Kaiser Foundation, had an opportunity to review, vet, and determine the qualifications, or lack thereof, of Defendant Williams., who was employed by Defendant Kaiser Foundation to act as physician and to provide medical care, treatment, or assistance, to Plaintiff Proctor

53. Defendant Kaiser Foundation had a duty not to employ any person who poses an unreasonable risk to others who would foreseeably come in contact with said person.

54. Defendant Kaiser Foundation knew, or reasonably should have known that Defendant Williams posed an unreasonable risk to patients, specifically, Plaintiff Proctor

55. Defendant Kaiser Foundation knew, or reasonably should have known, that Defendant Williams would come in contact with patients with ailments like those held by Plaintiff Proctor.

56. Defendant Kaiser Foundation knew, or reasonably should have known, that Defendant Williams would be likely to act in a malicious or reckless manner while performing her duties to Plaintiff Proctor

57. At all times pertinent hereto, Defendant Kaiser Foundation had the opportunity and duty to train, supervise, review, and/or dismiss Defendant Williams, but failed to do so.

58. Defendant, Kaiser Foundation, did not provide the proper training pursuant to state and federal laws for physicians.

59. Defendant Kaiser Foundation breached their duty to use reasonable care to select, train, and retain an employee that was competent and fit for the position.

60. As a direct and proximate result of the conduct of Defendant Kaiser Foundation, the Plaintiff Proctor suffered and continues to suffer severe bodily injuries, severe mental trauma, pain, humiliation, anxiety, mental anguish, and emotional distress in a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars).

WHEREFORE, the Plaintiffs pray this honorable court to enter judgment against the Defendant, Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc., in excess of \$75,000.00 (Seventy Five Thousand Dollars) in compensatory damages and a sum in excess of \$75,000.00 for punitive damages, plus interest, attorney's fees, and costs of this action.

COUNT IX

(Negligent Supervision and Retention—Defendant Kaiser Foundation)

61. Plaintiffs adopt and incorporate by reference each and every allegation Contained in paragraphs 1 through 60, as if fully set forth herein.

62. At all times pertinent hereto, Defendant, Kaiser Foundation, was the employer and/or principal of Defendant Williams

63. At all times pertinent hereto, Defendant, Kaiser Foundation, exercised control over the procedures, actions, and duties that Defendant Williams had the privilege to perform.

64. Defendant, Kaiser Foundation, had an opportunity to review, vet, and determine the qualifications, or lack thereof, of Defendant Williams., who was employed by Defendant Kaiser Foundation to act as physician and to provide medical care, treatment, or assistance, to Plaintiff Proctor

65. Defendant Kaiser Foundation had a duty not to employ any person who poses an unreasonable risk to others who would foreseeably come in contact with said person.

66. Defendant Kaiser Foundation knew, or reasonably should have known that Defendant Williams posed an unreasonable risk to patients, specifically, Plaintiff Proctor

67. Defendant Kaiser Foundation knew, or reasonably should have known, that Defendant Williams would come in contact with patients with ailments like those held by Plaintiff Proctor.

68. Defendant Kaiser Foundation knew, or reasonably should have known, that Defendant Williams would be likely to act in a negligent manner while performing her duties to Plaintiff Proctor

69. At all times pertinent hereto, Defendant Kaiser Foundation had the opportunity and duty to train, supervise, review, and/or dismiss Defendant Williams, but failed to do so.

70. Defendant, Kaiser Foundation, did not provide the proper training pursuant to state and federal laws for physicians.

71. Defendant Kaiser Foundation breached their duty to use reasonable care to select, train, and retain an employee that was competent and fit for the position.

72. As a direct and proximate result of the conduct of Defendant Kaiser Foundation, the Plaintiff Proctor suffered and continues to suffer severe bodily injuries, severe mental trauma, pain, humiliation, anxiety, mental anguish, and emotional distress in a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars).

WHEREFORE, the Plaintiffs pray this honorable court to enter judgment against the Defendant, Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc., in excess of \$75,000.00 (Seventy Five Thousand Dollars) in compensatory damages and a sum in excess of \$75,000.00 for punitive damages, plus interest, attorney's fees, and costs of this action.

COUNT X

(Respondent Superior—Defendant Kaiser Permanente)

73. Plaintiff adopt and incorporate by reference each and every allegation contained in paragraphs 1 through 71, as if fully set forth herein.

74. At all times pertinent hereto, Defendant Williams was an employee, servant, and/or agent of Defendant Kaiser Permanente.

75. At all times pertinent hereto, Defendant Kaiser Permanente was the employer and/or principal of Defendant Williams.

76. Defendant, Kaiser Permanente, was responsible for hiring, supervising, training, and controlling Defendant Williams.

77. Defendant Williams' actions were grossly negligent, foreseeable, performed

within the scope of his employment, and in furtherance of Defendant Kaiser Permanente's business of providing medical care and services.

78. As a direct and proximate result of the aforementioned acts, Defendant Kaiser Permanente is liable under the doctrine of *Respondeat Superior* because the Defendant Williams was acting in the scope of his employment, agency, and/or servitude. Defendant Kaiser Permanente's failure to properly hire, adequately and properly train Defendant Williams, failure to follow up on his activities, failure to conduct, verify, and check the terms of his supervision and guidance, and to otherwise assure itself that he was properly suited for his position, caused these actions.

79. As a direct and proximate result of the grossly negligent conduct of Defendant Kaiser Permanente, the Plaintiff Proctor suffered and continues to suffer severe bodily injuries, severe mental trauma, pain, humiliation, anxiety, mental anguish, and emotional distress in a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars).

WHEREFORE, the Plaintiffs pray this honorable court to enter judgment against the Defendant, Kaiser Insurance Company, in excess of \$75,000.00 (Seventy Five Thousand Dollars) as compensatory damages, and a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars) as punitive damages, plus interest, attorney's fees, and costs of this action.

COUNT XI

(Respondeat Superior—Defendant Kaiser Permanente)

80. Plaintiff adopts and incorporate by reference each and every allegation contained in paragraphs 1 through 79, as if fully set forth herein.

81. At all times pertinent hereto, Defendant Williams was an employee, servant, and/or agent of Defendant Kaiser Permanente

82. At all times pertinent hereto, Defendant Kaiser Permanente was the employer and/or principal of Defendant Williams.

83. Defendant, Kaiser Permanente, was responsible for hiring, supervising,

training, and controlling Defendant Williams.

84. Defendant Williams's actions were negligent, performed within the scope of her employment, and in furtherance of Defendant Kaiser Permanente's business of providing medical care and services.

85. As a direct and proximate result of the aforementioned acts, Defendant Kaiser Permanente is liable under the doctrine of *Respondeat Superior* because the Defendant Williams was acting in the scope of his employment, agency, and/or servitude. Defendant Kaiser Permanente's failure to properly hire, adequately and properly train Defendant Williams, failure to follow up on his activities, failure to conduct, verify, and check the terms of his supervision and guidance, and to otherwise assure itself that he was properly suited for his position, caused these actions.

86. As a direct and proximate result of the negligent conduct of Defendant Kaiser Permanente, the Plaintiff Proctor suffered and continues to suffer severe bodily injuries, severe mental trauma, pain, humiliation, anxiety, mental anguish, embarrassment, and emotional distress in a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars).

WHEREFORE, the Plaintiffs pray this honorable court to enter judgment against the Defendant, Kaiser Permanente Insurance Company, in excess of \$75,000.00 (Seventy Five Thousand Dollars) plus interest and costs of this action.

COUNT XII

(Negligent Hiring, Training, and Retention—Defendant Kaiser Permanente)

87. Plaintiffs adopt and incorporate by reference each and every allegation Contained in paragraphs 1 through 86, as if fully set forth herein.

88. At all times pertinent hereto, Defendant, Kaiser Permanente, was the employer and/or principal of Defendant Williams

89. At all times pertinent hereto, Defendant, Kaiser Permanente, exercised control over the procedures, actions, and duties that Defendant Williams had the privilege to perform.

90. Defendant, Kaiser Permanente, had an opportunity to review, vet, and determine the qualifications, or lack thereof, of Defendant Williams., who was employed by Defendant Kaiser Permanente to act as physician and to provide medical care, treatment, or assistance, to Plaintiff Proctor

91. Defendant Kaiser Permanente had a duty not to employ any person who poses an unreasonable risk to others who would foreseeably come in contact with said person.

92. Defendant Kaiser Permanente knew, or reasonably should have known that Defendant Williams posed an unreasonable risk to patients, specifically, Plaintiff Proctor

93. Defendant Kaiser Permanente knew, or reasonably should have known, that Defendant Williams would come in contact with patients with ailments like those held by Plaintiff Proctor.

94. Defendant Kaiser Permanente knew, or reasonably should have known, that Defendant Williams would be likely to act in a malicious or reckless manner while performing her duties to Plaintiff Proctor

95. At all times pertinent hereto, Defendant Kaiser Permanente had the opportunity and duty to train, supervise, review, and/or dismiss Defendant Williams, but failed to do so.

96. Defendant, Kaiser Permanente, did not provide the proper training pursuant to state and federal laws for physicians.

97. Defendant Kaiser Permanente breached their duty to use reasonable care to select, train, and retain an employee that was competent and fit for the position.

98. As a direct and proximate result of the conduct of Defendant Kaiser Permanente, the Plaintiff Proctor suffered and continues to suffer severe bodily injuries, severe mental trauma, pain, humiliation, anxiety, mental anguish, and emotional distress in a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars).

WHEREFORE, the Plaintiffs pray this honorable court to enter judgment against the Defendant, Kaiser Permanente Insurance Company, in excess of \$75,000.00 (Seventy Five Thousand Dollars) in compensatory damages and a sum in excess of \$75,000.00 for punitive damages, plus interest, attorney's fees, and costs of this action.

COUNTXIII

(Negligent Supervision and Retention—Defendant Kaiser Permanente)

99. Plaintiffs adopt and incorporate by reference each and every allegation Contained in paragraphs 1 through 98, as if fully set forth herein.

100. At all times pertinent hereto, Defendant, Kaiser Permanente, was the employer and/or principal of Defendant Williams

101. At all times pertinent hereto, Defendant, Kaiser Permanente, exercised control over the procedures, actions, and duties that Defendant Williams had the privilege to perform.

102. Defendant, Kaiser Permanente, had an opportunity to review, vet, and determine the qualifications, or lack thereof, of Defendant Williams., who was employed by Defendant Kaiser Permanente to act as physician and to provide medical care, treatment, or assistance, to Plaintiff Proctor

103. Defendant Kaiser Permanente had a duty not to employ any person who poses an unreasonable risk to others who would foreseeably come in contact with said person.

104. Defendant Kaiser Permanente knew, or reasonably should have known that Defendant Williams posed an unreasonable risk to patients, specifically, Plaintiff Proctor

105. Defendant Kaiser Permanente knew, or reasonably should have known, that Defendant Williams would come in contact with patients with ailments like those held by Plaintiff Proctor.

106. Defendant Kaiser Permanente knew, or reasonably should have known, that Defendant Williams would be likely to act in a negligent manner while performing her duties to Plaintiff Proctor

107. At all times pertinent hereto, Defendant Kaiser Permanente had the opportunity and duty to train, supervise, review, and/or dismiss Defendant Williams, but failed to do so.

108. Defendant, Kaiser Permanente, did not provide the proper training pursuant to state and federal laws for physicians.

109. Defendant Kaiser Permanente breached their duty to use reasonable care to select, train, and retain an employee that was competent and fit for the position.

110. As a direct and proximate result of the conduct of Defendant Kaiser Permanente, the Plaintiff Proctor suffered and continues to suffer severe bodily injuries, severe mental trauma, pain, humiliation, anxiety, mental anguish, and emotional distress in a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars).

WHEREFORE, the Plaintiffs pray this honorable court to enter judgment against the Defendant, Kaiser Permanente Insurance Company, in excess of \$75,000.00 (Seventy Five Thousand Dollars) in compensatory damages and a sum in excess of \$75,000.00 for punitive damages, plus interest, attorney's fees, and costs of this action.

COUNT XIV

(Respondeat Superior—Defendant Mid-Atlantic)

111. Plaintiff adopt and incorporate by reference each and every allegation contained in paragraphs 1 through 110, as if fully set forth herein.

112. At all times pertinent hereto, Defendant Williams was an employee, servant, and/or agent of Defendant Mid-Atlantic.

113. At all times pertinent hereto, Defendant Mid-Atlantic was the employer and/or principal of Defendant Williams.

114. Defendant, Mid-Atlantic, was responsible for hiring, supervising, training, and controlling Defendant Williams.

115. Defendant Williams' actions were grossly negligent, foreseeable, performed within the scope of his employment, and in furtherance of Defendant Mid-Atlantic's business of providing medical care and services.

116. As a direct and proximate result of the aforementioned acts, Defendant Mid-Atlantic is liable under the doctrine of *Respondeat Superior* because the Defendant Williams was acting in the scope of his employment, agency, and/or servitude. Defendant Mid-Atlantic's failure to properly hire, adequately and properly train Defendant Williams, failure

to follow up on his activities, failure to conduct, verify, and check the terms of his supervision and guidance, and to otherwise assure itself that he was properly suited for his position, caused these actions.

117. As a direct and proximate result of the grossly negligent conduct of Defendant Mid-Atlantic, the Plaintiff Proctor suffered and continues to suffer severe bodily injuries, severe mental trauma, pain, humiliation, anxiety, mental anguish, and emotional distress in a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars).

WHEREFORE, the Plaintiffs pray this honorable court to enter judgment against the Defendant, Mid-Atlantic Permanent Medical Group, P.C., in excess of \$75,000.00 (Seventy Five Thousand Dollars) as compensatory damages, and a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars) as punitive damages, plus interest, attorney's fees, and costs of this action.

COUNT XV

(Respondeat Superior—Defendant Mid-Atlantic)

118. Plaintiff adopts and incorporate by reference each and every allegation contained in paragraphs 1 through 117, as if fully set forth herein.

119. At all times pertinent hereto, Defendant Williams was an employee, servant, and/or agent of Defendant Mid-Atlantic

120. At all times pertinent hereto, Defendant Mid-Atlantic was the employer and/or principal of Defendant Williams.

121. Defendant, Mid-Atlantic, was responsible for hiring, supervising, training, and controlling Defendant Williams.

122. Defendant Williams's actions were negligent, performed within the scope of her employment, and in furtherance of Defendant Mid-Atlantic's business of providing medical care and services.

123. As a direct and proximate result of the aforementioned acts, Defendant Mid-Atlantic is liable under the doctrine of *Respondeat Superior* because the Defendant Williams

was acting in the scope of his employment, agency, and/or servitude. Defendant Mid-Atlantic's failure to properly hire, adequately and properly train Defendant Williams, failure to follow up on his activities, failure to conduct, verify, and check the terms of his supervision and guidance, and to otherwise assure itself that he was properly suited for his position, caused these actions.

124. As a direct and proximate result of the negligent conduct of Defendant Mid-Atlantic, the Plaintiff Proctor suffered and continues to suffer severe bodily injuries, severe mental trauma, pain, humiliation, anxiety, mental anguish, embarrassment, and emotional distress in a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars).

WHEREFORE, the Plaintiffs pray this honorable court to enter judgment against the Defendant, Mid-Atlantic Permanent Medical Group, P.C., in excess of \$75,000.00 (Seventy Five Thousand Dollars) plus interest and costs of this action.

COUNT XVI

(Negligent Hiring, Training, and Retention—Defendant Mid-Atlantic)

125. Plaintiffs adopt and incorporate by reference each and every allegation Contained in paragraphs 1 through 124, as if fully set forth herein.

126. At all times pertinent hereto, Defendant, Mid-Atlantic, was the employer and/or principal of Defendant Williams

127. At all times pertinent hereto, Defendant, Mid-Atlantic, exercised control over the procedures, actions, and duties that Defendant Williams had the privilege to perform.

128. Defendant, Mid-Atlantic, had an opportunity to review, vet, and determine the qualifications, or lack thereof, of Defendant Williams., who was employed by Defendant Mid-Atlantic to act as physician and to provide medical care, treatment, or assistance, to Plaintiff Proctor

129. Defendant Mid-Atlantic had a duty not to employ any person who poses an unreasonable risk to others who would foreseeably come in contact with said person.

130. Defendant Mid-Atlantic knew, or reasonably should have known that Defendant Williams posed an unreasonable risk to patients, specifically, Plaintiff Proctor

131. Defendant Mid-Atlantic knew, or reasonably should have known, that Defendant Williams would come in contact with patients with ailments like those held by Plaintiff Proctor.

132. Defendant Mid-Atlantic knew, or reasonably should have known, that Defendant Williams would be likely to act in a malicious or reckless manner while performing her duties to Plaintiff Proctor

133. At all times pertinent hereto, Defendant Mid-Atlantic had the opportunity and duty to train, supervise, review, and/or dismiss Defendant Williams, but failed to do so.

134. Defendant, Mid-Atlantic, did not provide the proper training pursuant to state and federal laws for physicians.

135. Defendant Mid-Atlantic breached their duty to use reasonable care to select, train, and retain an employee that was competent and fit for the position.

136. As a direct and proximate result of the conduct of Defendant Mid-Atlantic, the Plaintiff Proctor suffered and continues to suffer severe bodily injuries, severe mental trauma, pain, humiliation, anxiety, mental anguish, and emotional distress in a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars).

WHEREFORE, the Plaintiffs pray this honorable court to enter judgment against the Defendant, Mid-Atlantic Permanent Medical Group, P.C., in excess of \$75,000.00 (Seventy Five Thousand Dollars) in compensatory damages and a sum in excess of \$75,000.00 for punitive damages, plus interest, attorney's fees, and costs of this action.

COUNT XVII

(Negligent Supervision and Retention—Defendant Mid-Atlantic)

137. Plaintiffs adopt and incorporate by reference each and every allegation Contained in paragraphs 1 through 136, as if fully set forth herein.

138. At all times pertinent hereto, Defendant, Mid-Atlantic, was the employer and/or principal of Defendant Williams

139. At all times pertinent hereto, Defendant, Mid-Atlantic, exercised control over the procedures, actions, and duties that Defendant Williams had the privilege to perform.

140. Defendant, Mid-Atlantic, had an opportunity to review, vet, and determine the qualifications, or lack thereof, of Defendant Williams., who was employed by Defendant Mid-Atlantic to act as physician and to provide medical care, treatment, or assistance, to Plaintiff Proctor

141. Defendant Mid-Atlantic had a duty not to employ any person who poses an unreasonable risk to others who would foreseeably come in contact with said person.

142. Defendant Mid-Atlantic knew, or reasonably should have known that Defendant Williams posed an unreasonable risk to patients, specifically, Plaintiff Proctor

143. Defendant Mid-Atlantic knew, or reasonably should have known, that Defendant Williams would come in contact with patients with ailments like those held by Plaintiff Proctor.

144. Defendant Mid-Atlantic knew, or reasonably should have known, that Defendant Williams would be likely to act in a negligent manner while performing her duties to Plaintiff Proctor

145. At all times pertinent hereto, Defendant Mid-Atlantic had the opportunity and duty to train, supervise, review, and/or dismiss Defendant Williams, but failed to do so.

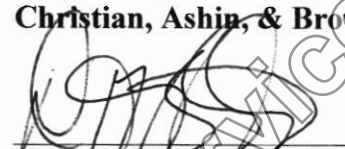
146. Defendant, Mid-Atlantic, did not provide the proper training pursuant to state and federal laws for physicians.

147. Defendant Mid-Atlantic breached their duty to use reasonable care to select, train, and retain an employee that was competent and fit for the position.

148. As a direct and proximate result of the conduct of Defendant Mid-Atlantic, the Plaintiff Proctor suffered and continues to suffer severe bodily injuries, severe mental trauma, pain, humiliation, anxiety, mental anguish, and emotional distress in a sum in excess of \$75,000.00 (Seventy Five Thousand Dollars).

WHEREFORE, the Plaintiffs pray this honorable court to enter judgment against the Defendant, Mid-Atlantic Permanent Medical Group, P.C., in excess of \$75,000.00 (Seventy Five Thousand Dollars) in compensatory damages and a sum in excess of \$75,000.00 for punitive damages, plus interest, attorney's fees, and costs of this action.


Respectfully submitted,
Christian, Ashin, & Brown, P.C.



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REQUEST FOR JURY TRIAL

Plaintiff requests a trial by a jury of six (6) for all issues of fact in the above-referenced matter.



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