

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Civil Division

WILLIAM ALEXANDER  
3465 Marigold Place, Unit D  
Waldorf, MD 20602

and

MICHELE ALEXANDER  
3465 Marigold Place, Unit D  
Waldorf, MD 20602

Plaintiffs,

v.

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

Serve: Prentice-Hall Corp. System, Inc.  
1090 Vermont Avenue, NW  
Washington, DC 20005

and

MID-ATLANTIC PERMANENTE MEDICAL  
GROUP, P.C.

Serve: Corporation Service Company  
1090 Vermont Avenue, NW  
Washington, DC 20005

Defendants.

Civil Action No. 2016 CA 007216 M

COMPLAINT

COUNT I  
(Medical Negligence)

1. The jurisdiction of this Court is founded on D.C. Code §§ 11-921, 13-422  
and 13-423 (2001 Ed.).



2. Plaintiffs William Alexander and Michele Alexander properly notified defendants Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc.; and Mid-Atlantic Permanente Medical Group, P.C., of the claims herein by serving a notice of intention to file suit on defendant pursuant to D.C. Code §16-280.

3. All conditions precedent have been performed or have occurred. Plaintiffs William Alexander and Michele Alexander have complied with the provisions of the District of Columbia Medical Malpractice Statute, District of Columbia Code, §§ 16-2801, *et seq.*

4. Plaintiffs William Alexander and Michele Alexander are of full age, residents of Waldorf, Maryland, and they are citizens of the United States of America. Plaintiff William Alexander is an African American male.

5. At all times relevant hereto, plaintiff William Alexander and Michele Alexander, were husband and wife. They were married on May 9, 2002.

6. At all times relevant hereto defendants Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc.; and Mid-Atlantic Permanente Medical Group, P.C., operated a medical business entity providing health care services in the District of Columbia, through their employees and real and/or ostensible agents, to individuals in need thereof, including plaintiff William Alexander.

7. At all times relevant hereto, defendants held themselves out to the public as health care providers who would render reasonably competent treatment to those who came under their professional care.

8. On or about October 21, 2005, plaintiff William Alexander presented to defendants' Camp Springs, Maryland medical facility for his regular physical



examination. During the course of the examination Mr. Alexander was given a prostate-specific antigen (PSA) test as a screen for prostate cancer or other prostate dysfunction. At the time of this PSA test plaintiff Mr. Alexander was fifty-two (52) years of age. The results of this PSA test measured Mr. Alexander's PSA level at 1.08. Mr. Alexander was not advised of this PSA level.

9. On or about June 14, 2007, plaintiff Mr. Alexander presented at defendants' Camp Springs, Maryland medical facility for his regular physical examination. During the course of the examination Mr. Alexander was given the PSA test. At the time of this test Mr. Alexander was fifty-four (54) years of age. The results of this PSA test measured Mr. Alexander's PSA level at 1.75. Mr. Alexander was not advised of this PSA level, nor was he informed that his PSA level had risen since the last PSA test was done in 2005. Mr. Alexander was never advised of the risk factors associated with rising PSA levels in African American males.

10. On or about September 17, 2008, plaintiff Mr. Alexander presented at defendants' Camp Springs, Maryland medical facility for his regular physical examination. During the course of the examination Mr. Alexander was given the PSA test. At the time of this test Mr. Alexander was fifty-five (55) years of age. The results of this PSA test measured Mr. Alexander's PSA level at 2.88. Mr. Alexander was not advised of this PSA level, nor was he informed that his PSA level had risen since the last PSA test was done in 2007. Mr. Alexander was never advised of the risk factors associated with rising PSA levels in African American males. Mr. Alexander was not referred to an urologist for further evaluation and consultation.



11. On or about the year 2009 plaintiff Mr. Alexander transferred medical care to defendants' West End medical facility in the District of Columbia.

12. On or about 2009 to 2015 plaintiff William Alexander received medical care and treatment at defendants' West End medical facility. Over the course of this period, Mr. Alexander presented at defendants' West End medical facility for his routine physical examinations. Mr. Alexander did not receive a PSA test at any of these routine physical examinations, nor at any other time, until January 22, 2015.

13. At no time prior to January 22, 2015, did any health care provider at defendants' West End medical facility inform plaintiff Mr. Alexander of his history of elevating PSA levels; nor did any health care provider at defendants' West End facility discuss the risk factors related to elevating PSA levels in African American males with Mr. Alexander; nor did any health care provider at defendants' West End facility counsel Mr. Alexander on the benefits and risks of having the PSA test performed, so that he could make an informed decision about having his PSA levels measured. Mr. Alexander was not referred to an urologist for further evaluation and consultation prior to January 22, 2015.

14. On or about July 31, 2013, plaintiff William Alexander presented at defendants' West End medical facility for his routine physical examination. During that visit he complained of decreased sexual activity and erectile dysfunction. During this visit plaintiff Michele Alexander asked defendants' employee and/or real or ostensible agent Janita M. Van Der Line, M.D., to perform a PSA test on Mr. Alexander, and Dr. Van Der Linde responded that the test was not necessary. There was no PSA test done on this date. During the visit plaintiff Mr. Alexander was not informed of his history



of elevating PSA levels; nor was there any discussion of the risk factors related to elevating PSA levels in African American males; nor was Mr. Alexander counseled on the benefits and risks of having the PSA test performed, so that he could make an informed decision about having his PSA levels measured.

15. On or about January 22, 2015, plaintiff William Alexander presented at defendants' West End medical facility for his routine physical examination. During that examination Mr. Alexander was found to have a markedly enlarged prostate. A PSA test was ordered and he was referred to an urologist for further examination and consultation.

16. The results of the PSA test done on January 22, 2015, showed plaintiff Mr. Alexander's PSA level to be 577.00.

17. On or about February 12, 2015, plaintiff Mr. Alexander had a guided prostate biopsy, with findings consistent with metastatic prostate cancer, with metastasis to the bone and brain.

18. At all times relevant hereto defendants Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc., and Mid-Atlantic Permanente Medical Group, P.C., individually, and through their respective employees and real and/or ostensible agents, including but not limited to the physicians, technicians, nurse practitioners and nursing staff, were negligent in their care and treatment of plaintiff William Alexander by, including, but not limited to, the following particulars:

- a. failure to timely diagnose and treat William Alexander's prostate cancer;
- b. failure to perform appropriate and complete physical examinations and evaluations;



- c. failure to recognize the need for and perform appropriate and timely diagnostic tests and procedures, including but not limited to, PSA tests;
- d. failure to recognize and treat Mr. Alexander as a high risk patient for developing a high risk prostate cancer;
- e. failure to timely refer Mr. Alexander to an urologist for further evaluation and consultation;
- f. failure to inform Mr. Alexander of his elevating PSA levels and to advise him of the risk factors associated with elevating PSA levels;
- g. failure to counsel Mr. Alexander of the risks and benefits of prostate cancer screening, including but not limited to, having PSA tests performed, to enable him to make an informed decision about having such screening;
- h. failure to timely and accurately diagnose and treat early signs and symptoms of prostate cancer;
- i. failure to obtain and provide timely and appropriate consultations, and other medical consultations and interventions;
- j. negligently performing prostate screening;
- k. plaintiffs also rely on *res ipsa loquitur* and lack of informed consent; and
- l. defendants were otherwise negligent.

19. As a direct and proximate result of the aforementioned negligence of the above-named defendants, plaintiff William Alexander suffered serious, permanent and disabling injuries, including, but not limited to, Stage 4 metastatic prostate cancer, metastasis to the bone and brain, radiation treatments, bodily deformities, visual impairment, disfigurement, and other related disabilities, all of which have in the past



necessitated, and will in the future necessitate, expenses for medical care, surgeries, treatment and evaluations, therapies, and other related medical care and treatment, equipment and devices. As a direct and proximate result of the negligence of the said defendants, Mr. Alexander has lost the ability to live disease free, his chances of survival have been substantially diminished, and his life expectancy has been significantly shortened. As a further direct and proximate result of the negligence of the said defendants, plaintiff William Alexander has in the past and will in the future suffer loss of earnings and impairment of earning capacity. As a further direct and proximate result of the negligence of the said defendants, plaintiff William Alexander has in the past and will in the future endure pain, suffering, disability, fear of impending death, fear for his wife and children, mental anguish, depression, emotional distress, anxiety, embarrassment, scarring, inconvenience, loss of his ability to enjoy life, discomfort and humiliation, and other related injuries, all of which are permanent. As a further direct and proximate result of the negligence of said defendants, plaintiff William Alexander has suffered and will in the future suffer the loss of and inability to perform his husbandly duties, all of which are permanent.

WHEREFORE, plaintiff William Alexander demands judgment against defendants Kaiser Foundation Health Plan of the Mid-Atlantic State, Inc.; and Mid-Atlantic Permanente Medical Group, P.C; in the full sum of Fifty Million Dollars (\$50,000,000.00), plus costs and interest.

**COUNT II**  
**(Loss of Consortium)**

20. Plaintiff Michele Alexander incorporates herein paragraphs numbered 1 through 19 of Count I as paragraphs numbered 1 through 19 of Count II.



21. As a direct and proximate result of the failures of the defendants to meet the applicable standards of care as set forth herein, plaintiff Michele Alexander was caused to suffer a loss of consortium to the detriment of her marital relationship, suffered a loss of companionship and society, damage to her family, social and sexual relationships, and suffered damage to, and an impairment of, her social and recreational activities, all of which are permanent.

WHEREFORE, plaintiff Michele Alexander demands judgment against defendants Kaiser Foundation Health Plan of the Mid-Atlantic State, Inc.; and Mid-Atlantic Permanente Medical Group, P.C.; in the full sum of Fifteen Million Dollars (\$15,000,000.00), plus costs and interest.

  
SANDRA H. ROBINSON #386469  
Robinson Law Firm, PLLC  
1825 K Street, NW, Suite 1150  
Washington, DC 20006  
202-830-0220  
[shr@robinsonlawfirm-llc.com](mailto:shr@robinsonlawfirm-llc.com)  
Attorney for Plaintiffs