

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

PAULINE COOPER, Individually, and
as Personal Representative of the Estate of
HYMAN KASINDORF
4970 Battery Lane, Apt. 307
Bethesda, MD 20814

And

HENRI KASINDORF, Individually
7000 Quisinberry Way
Bowie, MD 20720

Case No.:

And

LISA JAGGER, Individually
5552 Sponseller Court
New Market, MD 21774

And

KAREN HOUSTON, Individually
2533 Bear Den Road
Frederick, MD 21701

Plaintiffs,

v.

3227 BEL PRE ROAD OPERATIONS, LLC
d/b/a LAYHILL CENTER
3227 Bel Pre Road
Silver Spring, MD 20906,

Serve On:

CSC-Lawyers Incorporating Service Company
7 St. Paul Street, Suite 820
Baltimore, MD 21202,

And

MICHELLE DECKERT, RN
3227 Bel Pre Road
Silver Spring, MD 20906,

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2. At all times relevant hereto, Henri Kasindorf was the son of Mr. Kasindorf and was a resident of Bowie, Prince George's County, Maryland. Henri Kasindorf was the son of Mr. Kasindorf and as such is a statutory beneficiary.

3. At all times relevant hereto, Lisa Jagger was the daughter of Mr. Kasindorf and was a resident of New Market, Frederick County, Maryland. Lisa Jagger was the daughter of Mr. Kasindorf and as such is a statutory beneficiary.

4. At all times relevant hereto, Karen Houston was the daughter of Mr. Kasindorf and was a resident of Frederick, Frederick County, Maryland. Karen Houston was the daughter of Mr. Kasindorf and as such is a statutory beneficiary.

5. Upon information and belief, and at all times relevant hereto, 3227 Bel Pre Road Operations, LLC d/b/a Layhill Center ("Layhill Center") was a professional corporation engaged in the business of providing medical care and treatment to the general public in the State of Maryland and elsewhere, and particularly to Mr. Kasindorf through a skilled nursing facility located at 3227 Bel Pre Road, Silver Spring, Montgomery County, Maryland.

6. Upon information and belief, and at all times relevant hereto, Michelle Deckert, RN ("Nurse Deckert"), was a health care provider, licensed in and under the laws of the State of Maryland, providing medical services to the general public. Upon information and belief, and at all times relevant hereto, Nurse Deckert was an employee, agent, servant and/or ostensible agent of Layhill Center while she rendered care and treatment to Mr. Kasindorf.

7. Upon information and belief, and at all times relevant hereto, Matthew Gyamfi, LPN ("Nurse Gyamfi"), Martha Sowa, RN ("Nurse Sowa"), and Ramata Mbodji, RN ("Nurse Mbodji") were health care providers, licensed in and under the law of the State of Maryland, providing medical services to the general public. Upon information and belief, and at all times

relevant hereto, Nurses Gyamfi, Sowa, and Mbodji were employees, agents, servants and/or ostensible agents of Layhill Center while they rendered care and treatment to Mr. Kasindorf.

8. Upon information and belief, and at all times relevant hereto, Mid-Atlantic Permanente Medical Group, P.C. ("Mid-Atlantic") was a professional corporation engaged in the business of providing medical care and treatment to the general public in the State of Maryland and elsewhere.

9. Upon information and belief, and at all times relevant hereto, Hina Syed, M.D. ("Dr. Syed"), was a health care provider, licensed in and under the laws of the State of Maryland, providing medical services to the general public. Upon information and belief, and at all times relevant hereto, Dr. Syed was an employee, agent, servant and/or ostensible agent of Mid-Atlantic while she rendered care and treatment to Mr. Kasindorf.

10. Alternatively, upon information and belief, and at all times relevant hereto, Dr. Syed was an employee, agent, servant and/or ostensible agent of Layhill Center while she rendered care and treatment to Mr. Kasindorf.

11. In material respects, all of the claims and events alleged herein occurred in Montgomery County, Maryland.

VENUE & JURISDICTION

12. Jurisdiction is proper pursuant to §1-501 and §3-2A-01 et. seq, of the Courts Article. Venue is proper pursuant to §6-201 of the Courts Article. A claim was filed with the Health Care Alternate Dispute Resolution Office and arbitration was waived by the Plaintiffs. A copy of the Order of Transfer is attached hereto as Exhibit No. 1.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

13. On or about December 19, 2016, Mr. Kasindorf went to Suburban Hospital for ureteroscopy, laser lithotripsy, ureteral dilation, and ureteral stent placement for a history of kidney stones. Following the procedure, he fell while transferring from his wheelchair. Mr. Kasindorf was seen in the emergency room and then he was admitted to Suburban Hospital for gross hematuria and severe back pain.

14. On or about December 23, 2016, following his discharge from Suburban Hospital, Mr. Kasindorf was admitted to Layhill Center for rehabilitation following concerns for aggravation of his recent urologic procedure, as well as pain management. Additionally, Mr. Kasindorf had a history of back surgery and limited mobility.

15. On or about December 23, 2016, upon admission to Layhill Center, it was known that Mr. Kasindorf was at risk to develop pressure ulcers due to his lack of mobility and incontinence following his recent urologic procedure and fall.

16. On or about December 23, 2016, orders for Mr. Kasindorf were entered at Layhill Center for turning and repositioning every two hours, float bilateral heels, pressure redistribution cushion to chair, and pressure redistribution mattress to bed. Despite the orders entered on December 23, 2016, a pressure redistribution mattress was not provided for Mr. Kasindorf until January 4, 2017, and there was no sacral off-loading ordered until January 10, 2017.

17. On or about December 28, 2016, it was documented at Layhill Center that Mr. Kasindorf had developed a pressure ulcer on his sacrum that measured 3.2 x 1.8 cm and the care plan was updated. This was a direct result of failing to provide a pressure redistribution mattress and any sacral off-loading. Even after his sacral wound formed, Mr. Kasindorf went a full week

without a pressure redistribution mattress and almost two weeks without any sacral off-loading, thereby contributing to the worsening of his condition.

18. On or about December 29, 2016, a nutritional assessment was done as part of the new care plan for the sacral ulcer that recommended a protein and multivitamin supplement to promote wound healing. However, no protein or multivitamin supplement was given until January 6, 2017.

19. As a result of this multitude of failures, Mr. Kasindorf's sacral ulcer increased to more than three times its size, from 3.2 x 1.8 as noted on December 28, 2016 to 10.5 x 8 on January 18, 2017. In addition, Mr. Kasindorf sustained wounds to his right lateral malleolus and left arm as a result of negligent care.

20. On or about January 18, 2017, Mr. Kasindorf was discharged from Layhill Center to home hospice/palliative care. He died on February 6, 2017, from sepsis, which was a direct consequence of his sacral ulcer. See Death Certificate attached hereto as Exhibit No. 2.

21. Layhill Center, Mid-Atlantic, Dr. Syed, Nurse Deckert, Nurse Gyamfi, Nurse Sowa, and Nurse Mbodji were responsible for the care and treatment of Mr. Kasindorf. As a result of their negligence, Mr. Kasindorf suffered his sacral ulcer that caused extreme pain and suffering, pecuniary loss and serious and permanent injury resulting in his death.

COUNT I
(Wrongful Death – Michelle Deckert, RN)

22. Plaintiffs incorporate the substance of the foregoing factual allegations into this Count as if fully stated herein, and further,

23. Nurse Deckert had a duty to provide her patient, Mr. Kasindorf, with the degree of care and skill exercised by reasonable and prudent Defendants in the same or similar circumstances.

24. Nurse Deckert breached that duty by failing to render appropriate medical care to Mr. Kasindorf, to include but not be limited to: the failure to properly evaluate and diagnose Mr. Kasindorf; the failure to properly monitor and care for Mr. Kasindorf; the failure to recognize the signs, symptoms, complaints, risk factors, and conditions that led to the development of a sacral wound; the failure to properly interpret and respond to Mr. Kasindorf's signs, symptoms, complaints, risk factors, and conditions in a timely manner; the failure to properly treat Mr. Kasindorf as a patient at risk for developing a sacral wound; the failure to adequately prepare and follow care plans; the failure to supervise those carrying out care plans and ensure proper delivery of care; the failure to prevent the formation of wounds to the sacrum, right lateral malleolus, and left arm; the failure to properly treat Mr. Kasindorf's sacral wound once it formed to prevent further progression; the failure to properly evaluate Mr. Kasindorf's sacral wound; the failure to order and ensure proper wound care; the failure to order and ensure proper wound prevention; the failure to advocate for Mr. Kasindorf when care plans were not followed; the neglect and disregard of Mr. Kasindorf's medical, legal, and human rights; and otherwise the failure to render appropriate care to avoid injury to Mr. Kasindorf.

25. Further, Nurse Deckert breached her duty to Mr. Kasindorf by: failing to ensure adequately trained and skilled healthcare providers were caring for Mr. Kasindorf; failing to ensure proper medical equipment and facilities were available; accepting Mr. Kasindorf as a patient without the proper capacity to care for him; and for warranting that skilled nursing services could be provided for Mr. Kasindorf despite an inability to do so.

26. As a direct and proximate result of Nurse Deckert's negligence, Mr. Kasindorf sustained extreme pain and suffering, pecuniary loss and serious injury resulting in his death.

27. Plaintiffs Pauline Cooper, individually, and as Personal Representative of The Estate of Hyman Kasindorf, Henri Kasindorf, Individually, Lisa Jagger, Individually, and Karen Houston, Individually, seek all applicable damages pursuant to the Wrongful Death Act, including, but not limited to, mental anguish, emotional pain and suffering, solace, loss of society, comfort, guidance, kindly offices and advice of the decedent, future lost earnings and other economic loss.

WHEREFORE, Plaintiffs Pauline Cooper, individually, and as Personal Representative of The Estate of Hyman Kasindorf, Henri Kasindorf, individually, Lisa Jagger, individually, and Karen Houston, individually, pray for judgment against Defendants, 3227 Bel Pre Road Operations, LLC d/b/a Layhill Center, Michelle Deckert, RN, Mid-Atlantic Permanente Medical Group, P.C. and Hina Syed, M.D., jointly and severally, for damages in excess of the limit of the concurrent jurisdiction of the District Court, and in excess of seventy-five thousand dollars (\$75,000.00), plus all costs and post-judgment interest at the legal rate of ten percent (10%) per annum from the date of the judgment.

COUNT II
(Survival Act – Michelle Deckert, RN)

28. Plaintiffs incorporate the substance of the foregoing factual allegations into this Count as if fully stated herein, and further,

29. Nurse Deckert had a duty to provide her patient, Mr. Kasindorf, with the degree of care and skill exercised by reasonable and prudent Defendants in the same or similar circumstances.

30. Nurse Deckert breached that duty by failing to render appropriate medical care to Mr. Kasindorf, to include but not be limited to: the failure to properly evaluate and diagnose Mr. Kasindorf; the failure to properly monitor and care for Mr. Kasindorf; the failure to recognize the

signs, symptoms, complaints, risk factors, and conditions that led to the development of a sacral wound; the failure to properly interpret and respond to Mr. Kasindorf's signs, symptoms, complaints, risk factors, and conditions in a timely manner; the failure to properly treat Mr. Kasindorf as a patient at risk for developing a sacral wound; the failure to adequately prepare and follow care plans; the failure to supervise those carrying out care plans and ensure proper delivery of care; the failure to prevent the formation of wounds to the sacrum, right lateral malleolus, and left arm; the failure to properly treat Mr. Kasindorf's sacral wound once it formed to prevent further progression; the failure to properly evaluate Mr. Kasindorf's sacral wound; the failure to order and ensure proper wound care; the failure to order and ensure proper wound prevention; the failure to advocate for Mr. Kasindorf when care plans were not followed; the neglect and disregard of Mr. Kasindorf's medical, legal, and human rights; and otherwise the failure to render appropriate care to avoid injury to Mr. Kasindorf.

31. Further, Nurse Deckert breached her duty to Mr. Kasindorf by: failing to ensure adequately trained and skilled healthcare providers were caring for Mr. Kasindorf; failing to ensure proper medical equipment and facilities were available; accepting Mr. Kasindorf as a patient without the proper capacity to care for him; and for warranting that skilled nursing services could be provided for Mr. Kasindorf despite an inability to do so.

32. The Estate of Hyman Kasindorf, acting through its Personal Representative, seeks to recover all applicable damages pursuant to the Survival Act, including, but not limited to, conscious pain and suffering, medical and hospital expenses, funeral expenses, bodily injuries, mental anguish, disabilities, disfigurement and/or deformities, inconvenience, discomfort and future lost earnings and other economic loss.

WHEREFORE, Plaintiffs Pauline Cooper, individually, and as Personal Representative of The Estate of Hyman Kasindorf, Henri Kasindorf, individually, Lisa Jagger, individually, and Karen Houston, individually, pray for judgment against Defendants, 3227 Bel Pre Road Operations, LLC d/b/a Layhill Center, Michelle Deckert, RN, Mid-Atlantic Permanente Medical Group, P.C. and Hina Syed, M.D., jointly and severally, for damages in excess of the limit of the concurrent jurisdiction of the District Court, and in excess of seventy-five thousand dollars (\$75,000.00), plus all costs and post-judgment interest at the legal rate of ten percent (10%) per annum from the date of the judgment.

COUNT III

**(Respondeat Superior – 3227 Bel Pre Road Operations, LLC d/b/a Layhill Center
for the Negligence of Michelle Deckert, RN)**

33. Plaintiffs incorporate the substance of the foregoing factual allegations into this Count as if fully stated herein, and further,

34. At all times relevant hereto while rendering care to Mr. Kasindorf at Layhill Center, Nurse Deckert, was an agent, employee, servant and/or ostensible agent of Layhill Center, acting within the scope of her employment with Layhill Center.

35. By operation of law, as the master, employer and/or principal responsible for the act of its agents, servants, employees, and/or ostensible agents, Layhill Center is vicariously liable for the negligence of the employees of Layhill Center who rendered care to Mr. Kasindorf, including Nurse Deckert.

36. Layhill Center acting through Nurse Deckert had a duty to use that degree of care and skill in its treatment of Mr. Kasindorf, which reasonably competent Defendants, engaged in a similar practice and acting in similar circumstances, would use.

37. Layhill Center acting through Nurse Deckert, breached that duty by failing to render appropriate medical care to Mr. Kasindorf, to include but not be limited to: the failure to properly evaluate and diagnose Mr. Kasindorf; the failure to properly monitor and care for Mr. Kasindorf; the failure to recognize the signs, symptoms, complaints, risk factors, and conditions that led to the development of a sacral wound; the failure to properly interpret and respond to Mr. Kasindorf's signs, symptoms, complaints, risk factors, and conditions in a timely manner; the failure to properly treat Mr. Kasindorf as a patient at risk for developing a sacral wound; the failure to adequately prepare and follow care plans; the failure to supervise those carrying out care plans and ensure proper delivery of care; the failure to prevent the formation of wounds to the sacrum, right lateral malleolus, and left arm; the failure to properly treat Mr. Kasindorf's sacral wound once it formed to prevent further progression; the failure to properly evaluate Mr. Kasindorf's sacral wound; the failure to order and ensure proper wound care; the failure to order and ensure proper wound prevention; the failure to advocate for Mr. Kasindorf when care plans were not followed; the neglect and disregard of Mr. Kasindorf's medical, legal, and human rights; and otherwise the failure to render appropriate care to avoid injury to Mr. Kasindorf.

38. Further, Layhill Center breached its duty to Mr. Kasindorf through Nurse Deckert by: failing to ensure adequately trained and skilled healthcare providers were caring for Mr. Kasindorf; failing to ensure proper medical equipment and facilities were available; accepting Mr. Kasindorf as a patient without the proper capacity to care for him; and for warranting that skilled nursing services could be provided for Mr. Kasindorf despite an inability to do so.

39. As a direct and proximate result of the negligence of Nurse Deckert, for which Layhill Center is liable, Mr. Kasindorf suffered extreme pain and suffering, pecuniary loss and serious injury resulting in his death.

40. Pauline Cooper, individually, and as Personal Representative of The Estate of Hyman Kasindorf, Henri Kasindorf, individually, Lisa Jagger, individually, and Karen Houston, individually, seek all applicable damages pursuant to the Wrongful Death Act including, but not limited to, mental anguish, emotional pain and suffering, solace, loss of society, comfort, guidance, kindly offices and advice of the decedent, future lost earnings and other economic loss, and pursuant to the Survival Act including, but not limited to, conscious pain and suffering, medical and hospital expenses, funeral expenses, bodily injuries, mental anguish, disabilities, disfigurement and/or deformities, inconvenience, discomfort and future lost earnings and other economic loss.

WHEREFORE, Plaintiffs Pauline Cooper, individually, and as Personal Representative of The Estate of Hyman Kasindorf, Henri Kasindorf, individually, Lisa Jagger, individually, and Karen Houston, individually, pray for judgment against Defendants, 3227 Bel Pre Road Operations, LLC d/b/a Layhill Center, Michelle Deckert, RN, Mid-Atlantic Permanente Medical Group, P.C. and Hina Syed, M.D., jointly and severally, for damages in excess of the limit of the concurrent jurisdiction of the District Court, and in excess of seventy-five thousand dollars (\$75,000.00), plus all costs and post-judgment interest at the legal rate of ten percent (10%) per annum from the date of the judgment.

COUNT IV

(Respondeat Superior – 3227 Bel Pre Road Operations, LLC d/b/a Layhill Center for the Negligence of Matthew Gyamfi, LPN, Martha Sowa, RN, and Ramata Mbodji, RN)

41. Plaintiffs incorporate the substance of the foregoing factual allegations into this Count as if fully stated herein, and further,

42. At all times relevant hereto while rendering care to Mr. Kasindorf at Layhill Center, Nurses Gyamfi, Sowa, and Mbodji were agents, employees, servants and/or ostensible agents of Layhill Center, acting within the scope of their employment with Layhill Center.

43. By operation of law, as the master, employer and/or principal responsible for the act of its agents, servants, employees, and/or ostensible agents, Layhill Center is vicariously liable for the negligence of the employees of Layhill Center who rendered care to Mr. Kasindorf, including Nurses Gyamfi, Sowa, and Mbodji.

44. Layhill Center acting through Nurses Gyamfi, Sowa, and Mbodji had a duty to use that degree of care and skill in its treatment of Mr. Kasindorf, which reasonably competent Defendants, engaged in a similar practice and acting in similar circumstances, would use.

45. Layhill Center acting through Nurses Gyamfi, Sowa, and Mbodji, breached that duty by failing to render appropriate medical care to Mr. Kasindorf, to include but not be limited to: the failure to properly evaluate and diagnose Mr. Kasindorf; the failure to properly monitor and care for Mr. Kasindorf; the failure to recognize the signs, symptoms, complaints, risk factors, and conditions that led to the development of a sacral wound; the failure to properly interpret and respond to Mr. Kasindorf's signs, symptoms, complaints, risk factors, and conditions in a timely manner; the failure to properly treat Mr. Kasindorf as a patient at risk for developing a sacral wound; the failure to adequately prepare and follow care plans; the failure to supervise those carrying out care plans and ensure proper delivery of care; the failure to prevent the formation of wounds to the sacrum, right lateral malleolus, and left arm; the failure to properly treat Mr. Kasindorf's sacral wound once it formed to prevent further progression; the failure to properly evaluate Mr. Kasindorf's sacral wound; the failure to order and ensure proper wound care; the failure to order and ensure proper wound prevention; the failure to advocate for

Mr. Kasindorf when care plans were not followed; the neglect and disregard of Mr. Kasindorf's medical, legal, and human rights; and otherwise the failure to render appropriate care to avoid injury to Mr. Kasindorf.

46. As a direct and proximate result of the negligence of Nurses Gyamfi, Sowa, and Mbodji, for which Layhill Center is liable, Mr. Kasindorf suffered extreme pain and suffering, pecuniary loss and serious injury resulting in his death.

47. Pauline Cooper, individually, and as Personal Representative of The Estate of Hyman Kasindorf, Henri Kasindorf, individually, Lisa Jagger, individually, and Karen Houston, individually, seek all applicable damages pursuant to the Wrongful Death Act including, but not limited to, mental anguish, emotional pain and suffering, solace, loss of society, comfort, guidance, kindly offices and advice of the decedent, future lost earnings and other economic loss, and pursuant to the Survival Act including, but not limited to, conscious pain and suffering, medical and hospital expenses, funeral expenses, bodily injuries, mental anguish, disabilities, disfigurement and/or deformities, inconvenience, discomfort and future lost earnings and other economic loss.

WHEREFORE, Plaintiffs Pauline Cooper, individually, and as Personal Representative of The Estate of Hyman Kasindorf, Henri Kasindorf, individually, Lisa Jagger, individually, and Karen Houston, individually, pray for judgment against Defendants, 3227 Bel Pre Road Operations, LLC d/b/a Layhill Center, Michelle Deckert, RN, Mid-Atlantic Permanente Medical Group, P.C. and Hina Syed, M.D., jointly and severally, for damages in excess of the limit of the concurrent jurisdiction of the District Court, and in excess of seventy-five thousand dollars (\$75,000.00), plus all costs and post-judgment interest at the legal rate of ten percent (10%) per annum from the date of the judgment.

COUNT V
(Wrongful Death – Hina Syed, M.D.)

48. Plaintiffs incorporate the substance of the foregoing factual allegations into this Count as if fully stated herein, and further,

49. Dr. Syed had a duty to provide her patient, Mr. Kasindorf, with the degree of care and skill exercised by reasonable and prudent Defendants in the same or similar circumstances.

50. Dr. Syed breached that duty by failing to render appropriate medical care to Mr. Kasindorf, to include but not be limited to: the failure to properly evaluate and diagnose Mr. Kasindorf; the failure to properly monitor and care for Mr. Kasindorf; the failure to recognize the signs, symptoms, complaints, risk factors, and conditions that led to the development of a sacral wound; the failure to properly interpret and respond to Mr. Kasindorf's signs, symptoms, complaints, risk factors, and conditions in a timely manner; the failure to properly treat Mr. Kasindorf as a patient at risk for developing a sacral wound; the failure to adequately prepare and follow care plans; the failure to supervise those carrying out care plans and ensure proper delivery of care; the failure to prevent the formation of wounds to the sacrum, right lateral malleolus, and left arm; the failure to properly treat Mr. Kasindorf's sacral wound once it formed to prevent further progression; the failure to properly evaluate Mr. Kasindorf's sacral wound; the failure to order and ensure proper wound care; the failure to order and ensure proper wound prevention; the failure to advocate for Mr. Kasindorf when care plans were not followed; the neglect and disregard of Mr. Kasindorf's medical, legal, and human rights; and otherwise the failure to render appropriate care to avoid injury to Mr. Kasindorf.

51. Further, Dr. Syed breached her duty to Mr. Kasindorf by: failing to ensure adequately trained and skilled healthcare providers were caring for Mr. Kasindorf; failing to ensure proper medical equipment and facilities were available; accepting Mr. Kasindorf as a

patient without the proper capacity to care for him; and for warranting that skilled nursing services could be provided for Mr. Kasindorf despite an inability to do so.

52. As a direct and proximate result of Dr. Syed's negligence, Mr. Kasindorf sustained extreme pain and suffering, pecuniary loss and serious injury resulting in his death.

53. Plaintiffs Pauline Cooper, individually, and as Personal Representative of The Estate of Hyman Kasindorf, Henri Kasindorf, Individually, Lisa Jagger, Individually, and Kare Houston, Individually, seek all applicable damages pursuant to the Wrongful Death Act, including, but not limited to, mental anguish, emotional pain and suffering, solace, loss of society, comfort, guidance, kindly offices and advice of the decedent, future lost earnings and other economic loss.

WHEREFORE, Plaintiffs Pauline Cooper, individually, and as Personal Representative of The Estate of Hyman Kasindorf, Henri Kasindorf, individually, Lisa Jagger, individually, and Karen Houston, individually, pray for judgment against Defendants, 3227 Bel Pre Road Operations, LLC d/b/a Layhill Center, Michelle Deckert, RN, Mid-Atlantic Permanente Medical Group, P.C. and Hina Syed, M.D., jointly and severally, for damages in excess of the limit of concurrent jurisdiction of the District Court, and in excess of seventy-five thousand dollars (\$75,000.00), plus all costs and post-judgment interest at the legal rate of ten percent (10%) per annum from the date of the judgment.

COUNT VI
(Survival Act – Hina Syed, M.D.)

54. Plaintiffs incorporate the substance of the foregoing factual allegations into this Count as if fully stated herein, and further,

55. Dr. Syed had a duty to provide her patient, Mr. Kasindorf, with the degree of care and skill exercised by reasonable and prudent Defendants in the same or similar circumstance

56. Dr. Syed breached that duty by failing to render appropriate medical care to Mr. Kasindorf, to include but not be limited to: the failure to properly evaluate and diagnose Mr. Kasindorf; the failure to properly monitor and care for Mr. Kasindorf; the failure to recognize the signs, symptoms, complaints, risk factors, and conditions that led to the development of a sacral wound; the failure to properly interpret and respond to Mr. Kasindorf's signs, symptoms, complaints, risk factors, and conditions in a timely manner; the failure to properly treat Mr. Kasindorf as a patient at risk for developing a sacral wound; the failure to adequately prepare and follow care plans; the failure to supervise those carrying out care plans and ensure proper delivery of care; the failure to prevent the formation of wounds to the sacrum, right lateral malleolus, and left arm; the failure to properly treat Mr. Kasindorf's sacral wound once it formed to prevent further progression; the failure to properly evaluate Mr. Kasindorf's sacral wound; the failure to order and ensure proper wound care; the failure to order and ensure proper wound prevention; the failure to advocate for Mr. Kasindorf when care plans were not followed; the neglect and disregard of Mr. Kasindorf's medical, legal, and human rights; and otherwise the failure to render appropriate care to avoid injury to Mr. Kasindorf.

57. Further, Dr. Syed breached her duty to Mr. Kasindorf by: failing to ensure adequately trained and skilled healthcare providers were caring for Mr. Kasindorf; failing to ensure proper medical equipment and facilities were available; accepting Mr. Kasindorf as a patient without the proper capacity to care for him; and for warranting that skilled nursing services could be provided for Mr. Kasindorf despite an inability to do so.

58. The Estate of Hyman Kasindorf, acting through its Personal Representative, seeks to recover all applicable damages pursuant to the Survival Act, including, but not limited to, conscious pain and suffering, medical and hospital expenses, funeral expenses, bodily injuries,

mental anguish, disabilities, disfigurement and/or deformities, inconvenience, discomfort and future lost earnings and other economic loss.

WHEREFORE, Plaintiffs Pauline Cooper, individually, and as Personal Representative of The Estate of Hyman Kasindorf, Henri Kasindorf, individually, Lisa Jagger, individually, and Karen Houston, individually, pray for judgment against Defendants, 3227 Bel Pre Road Operations, LLC d/b/a Layhill Center, Michelle Deckert, RN, Mid-Atlantic Permanente Medical Group, P.C. and Hina Syed, M.D., jointly and severally, for damages in excess of the limit of the concurrent jurisdiction of the District Court, and in excess of seventy-five thousand dollars (\$75,000.00), plus all costs and post-judgment.

COUNT VII

(Respondent Superior – Mid-Atlantic Permanente Medical Group, P.C. for the Negligence of Hina Syed, M.D.)

59. Plaintiffs incorporate the substance of the foregoing factual allegations into this Count as if fully stated herein, and further,

60. At all times relevant hereto, the Defendants who rendered care to Mr. Kasindorf through Mid-Atlantic, including but not limited to, Dr. Syed, was an agent, employee, servant and/or ostensible agent of Mid-Atlantic, acting within the scope of her employment with Mid-Atlantic.

61. By operation of law, as the master, employer and/or principal responsible for the act of its agents, servants, employees, and/or ostensible agents, Mid-Atlantic is vicariously liable for the negligence of the employees of Mid-Atlantic who rendered care to Mr. Kasindorf.

62. Mid-Atlantic acting through its employees, servants, agents and/or ostensible agents, including but not limited to, Dr. Syed, had a duty to use that degree of care and skill in its

treatment of Mr. Kasindorf, which reasonably competent Defendants, engaged in a similar practice and acting in similar circumstances, would use.

63. Mid-Atlantic acting through its agents, employees, servants, and/or ostensible agents, including but not limited to, Dr. Syed, breached that duty by failing to render appropriate medical care to Mr. Kasindorf, to include but not be limited to: the failure to properly evaluate and diagnose Mr. Kasindorf; the failure to properly monitor and care for Mr. Kasindorf; the failure to recognize the signs, symptoms, complaints, risk factors, and conditions that led to the development of a sacral wound; the failure to properly interpret and respond to Mr. Kasindorf's signs, symptoms, complaints, risk factors, and conditions in a timely manner; the failure to properly treat Mr. Kasindorf as a patient at risk for developing a sacral wound; the failure to adequately prepare and follow care plans; the failure to supervise those carrying out care plans and ensure proper delivery of care; the failure to prevent the formation of wounds to the sacral, right lateral malleolus, and left arm; the failure to properly treat Mr. Kasindorf's sacral wound once it formed to prevent further progression; the failure to properly evaluate Mr. Kasindorf's sacral wound; the failure to order and ensure proper wound care; the failure to order and ensure proper wound prevention; the failure to advocate for Mr. Kasindorf when care plans were not followed; the neglect and disregard of Mr. Kasindorf's medical, legal, and human rights; and otherwise the failure to render appropriate care to avoid injury to Mr. Kasindorf.

64. Further, Mid-Atlantic breached its duty to Mr. Kasindorf through Dr. Syed by failing to ensure adequately trained and skilled healthcare providers were caring for Mr. Kasindorf; failing to ensure proper medical equipment and facilities were available; accepting Mr. Kasindorf as a patient without the proper capacity to care for him; and for warranting that skilled nursing services could be provided for Mr. Kasindorf despite an inability to do so.

65. As a direct and proximate result of the negligence of the employees, servants, agents and/or ostensible agents of Mid-Atlantic including but not limited to, Dr. Syed, for which Mid-Atlantic is liable, Mr. Kasindorf suffered extreme pain and suffering, pecuniary loss and serious injury resulting in his death.

66. Pauline Cooper, individually, and as Personal Representative of The Estate of Hyman Kasindorf, Henri Kasindorf, individually, Lisa Jagger, individually, and Karen Houston, individually, seek all applicable damages pursuant to the Wrongful Death Act including, but not limited to, mental anguish, emotional pain and suffering, solace, loss of society, comfort, guidance, kindly offices and advice of the decedent, future lost earnings and other economic loss, and pursuant to the Survival Act including, but not limited to, conscious pain and suffering, medical and hospital expenses, funeral expenses, bodily injuries, mental anguish, disabilities, disfigurement and/or deformities, inconvenience, discomfort and future lost earnings and other economic loss.

WHEREFORE, Plaintiffs Pauline Cooper, individually, and as Personal Representative of The Estate of Hyman Kasindorf, Henri Kasindorf, individually, Lisa Jagger, individually, and Karen Houston, individually, pray for judgment against Defendants, 3227 Bel Pre Road Operations, LLC d/b/a Layhill Center, Michelle Deckert, RN, Mid-Atlantic Permanente Medical Group, P.C. and Hina Syed, M.D., jointly and severally, for damages in excess of the limit of the concurrent jurisdiction of the District Court, and in excess of seventy-five thousand dollars (\$75,000.00), plus all costs and post-judgment interest at the legal rate of ten percent (10%) per annum from the date of the judgment.

COUNT VIII
(Respondent Superior – 3227 Bel Pre Road Operations, LLC d/b/a Layhill Center
for the Negligence of Hina Syed, M.D.)

67. Plaintiffs incorporate the substance of the foregoing factual allegations into this Count as if fully stated herein, and further,

68. Alternatively, all times relevant hereto, Dr. Syed, was an actual or apparent agent, employee, servant and/or ostensible agent of Layhill Center, acting within the scope of her employment with Layhill Center.

69. By operation of law, as the master, employer and/or principal responsible for the act of its agents, servants, employees, and/or ostensible agents, Layhill Center is vicariously liable for the negligence of the employees of Layhill Center who rendered care to Mr. Kasindorf.

70. Layhill Center acting through its employees, servants, agents and/or ostensible agents, including but not limited to, Dr. Syed, had a duty to use that degree of care and skill in treatment of Mr. Kasindorf, which reasonably competent Defendants, engaged in a similar practice and acting in similar circumstances, would use.

71. Layhill Center acting through its agents, employees, servants, and/or ostensible agents, including but not limited to, Dr. Syed, breached that duty by failing to render appropriate medical care to Mr. Kasindorf, to include but not be limited to: the failure to properly evaluate and diagnose Mr. Kasindorf; the failure to properly monitor and care for Mr. Kasindorf; the failure to recognize the signs, symptoms, complaints, risk factors, and conditions that led to the development of a sacral wound; the failure to properly interpret and respond to Mr. Kasindorf's signs, symptoms, complaints, risk factors, and conditions in a timely manner; the failure to properly treat Mr. Kasindorf as a patient at risk for developing a sacral wound; the failure to adequately prepare and follow care plans; the failure to supervise those carrying out care plans.

and ensure proper delivery of care; the failure to prevent the formation of wounds to the sacrum, right lateral malleolus, and left arm; the failure to properly treat Mr. Kasindorf's sacral wound once it formed to prevent further progression; the failure to properly evaluate Mr. Kasindorf's sacral wound; the failure to order and ensure proper wound care; the failure to order and ensure proper wound prevention; the failure to advocate for Mr. Kasindorf when care plans were not followed; the neglect and disregard of Mr. Kasindorf's medical, legal, and human rights; and otherwise the failure to render appropriate care to avoid injury to Mr. Kasindorf.

72. Further, Layhill Center breached its duty to Mr. Kasindorf through Dr. Syed by: failing to ensure adequately trained and skilled healthcare providers were caring for Mr. Kasindorf; failing to ensure proper medical equipment and facilities were available; accepting Mr. Kasindorf as a patient without the proper capacity to care for him; and for warranting that skilled nursing services could be provided for Mr. Kasindorf despite an inability to do so.

73. As a direct and proximate result of the negligence of the employees, servants, agents and/or ostensible agents of Layhill Center including but not limited to, Dr. Syed, for which Layhill Center is liable, Mr. Kasindorf suffered extreme pain and suffering, pecuniary loss and serious injury resulting in his death.

74. Pauline Cooper, individually, and as Personal Representative of The Estate of Hyman Kasindorf, Henri Kasindorf, individually, Lisa Jagger, individually, and Karen Houston, individually, seek all applicable damages pursuant to the Wrongful Death Act including, but not limited to, mental anguish, emotional pain and suffering, solace, loss of society, comfort, guidance, kindly offices and advice of the decedent, future lost earnings and other economic loss, and pursuant to the Survival Act including, but not limited to, conscious pain and suffering, medical and hospital expenses, funeral expenses, bodily injuries, mental anguish, disabilities,

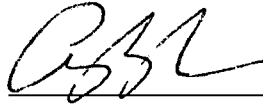
disfigurement and/or deformities, inconvenience, discomfort and future lost earnings and other economic loss.

WHEREFORE, Plaintiffs Pauline Cooper, individually, and as Personal Representative of The Estate of Hyman Kasindorf, Henri Kasindorf, individually, Lisa Jagger, individually, and Karen Houston, individually, pray for judgment against Defendants, 3227 Bel Pre Road Operations, LLC d/b/a Layhill Center, Michelle Deckert, RN, Mid-Atlantic Permanente Medical Group, P.C. and Hina Syed, M.D., jointly and severally, for damages in excess of the limit of the concurrent jurisdiction of the District Court, and in excess of seventy-five thousand dollars (\$75,000.00), plus all costs and post-judgment interest at the legal rate of ten percent (10%) per annum from the date of the judgment.

Respectfully submitted,

SHULMAN, ROGERS, GANDAL,
ORDY, & ECKER, P.A.

By:



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JURY DEMAND

Plaintiffs hereby elect to have all issues raised herein tried before a jury.



Aaron M. Blank