

FILED

2013 SEP -4 P 2:52

WINDOW 5
CLERK OF COURTS
CUYAHOGA COUNTY

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

CHARLES R. KUHN, II, Administrator)
of the Estate of Kimberly Kuhn, Dec'd.)
10065 Pirates Trail)
Reminderville, OH 44202)

Plaintiff,)

v.)

OHIO PERMANENTE MEDICAL)
GROUP, INC.)
Kaiser Permanente Legal Dept.)
1001 Lakeside Avenue, Suite 1200)
Cleveland, OH 44114-1153)

SERVE ALSO:)

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

and)

KAISER FOUNDATION HEALTH)
PLAN OF OHIO)
Kaiser Permanente Legal Dept.)
1001 Lakeside Avenue, Suite 1200)
Cleveland, OH 44114-1153)

SERVE ALSO:)

Kaiser Foundation Health Plan of Ohio)
c/o Statutory Agent)
The Prentice-Hall Corporation System)
50 West Broad St., #1800)
Columbus, OH 43215)

CASE NO. PAMELA A BARKER
CV 13 813231

JUDGE

COMPLAINT

(Jury Demand Endorsed Hereon)

With Ohio Civ. R. 10(2)(b) Motion Attached

Complaint

\$ 30.00 DEPOSITED
SEP 04 2013
SECURE COSTS
Cuyahoga County Clerk of Courts
Per _____ Deputy

and)
)
KAISER PERMANENTE MEDICAL CTR))
12301 Snow Road)
Parma, OH 44130)

and)
)
DR. KEITH G. NOVAK)
Medina Medical Offices)
3443 Medina Rd., #108)
Medina, OH 44256)

and)
)
DR. BARBARA B. RHOADS)
3609 Park East)
North Building)
Beachwood, OH 44122)

and)
)
DR. MARY J. WALL)
Ohio Permanente Medical Group, Inc.)
1001 Lakeside avenue, Suite 1200)
Cleveland, OH 44114)

and)
)
DR. MANGESH H. KANVINDE)
12301 Snow Road)
Parma, OH 44130)

and)
)
DR. JAMES TAGLIABUE)
12301 Snow Road)
Parma, OH 44130)

and)
)
DR. SANA H. ABUMERI)
860 E. Broad Street)
Elyria, OH 44035)

Defendants.)

PARTIES

1. Defendant Ohio Permanente Medical Group, Inc., is and was at all times herein relevant, a medical / hospital facility located in Cuyahoga County, Ohio which held itself out to the public, including Kimberly Kuhn, deceased and her family, as competent and qualified to provide safe and adequate medical care and treatment.
2. Defendant Kaiser Foundation Health Plan of Ohio is and was at all times herein relevant, a medical / hospital facility located in Cuyahoga County, Ohio which held itself out to the public, including Kimberly Kuhn, deceased and her family, as competent and qualified to provide safe and adequate medical care and treatment.
3. Defendant Kaiser Permanente Medical Ctr. is and was at all times herein relevant, a medical / hospital facility located in Cuyahoga County, Ohio which held itself out to the public, including Kimberly Kuhn, deceased and her family, as competent and qualified to provide safe and adequate medical care and treatment.
4. Defendant Dr. Keith G. Novak is, and was, at all times herein relevant a licensed physician who held himself out to the public, including Kimberly Kuhn, deceased and her family, as competent and qualified to provide safe and adequate medical care and treatment.
5. Defendant Dr. Barbara B. Rhoads is, and was, at all times herein relevant a licensed physician who held herself out to the public, including Kimberly Kuhn, deceased and her family, as competent and qualified to provide safe and adequate medical care and treatment.
6. Defendant Dr. Mary J. Wall is, and was, at all times herein relevant a licensed physician who held herself out to the public, including Kimberly Kuhn, deceased and

her family, as competent and qualified to provide safe and adequate medical care and treatment.

7. Defendant Dr. Mangesh H. Kanvinde is, and was, at all times herein relevant a licensed physician who held himself out to the public, including Kimberly Kuhn, deceased and her family, as competent and qualified to provide safe and adequate medical care and treatment.
8. Defendant Dr. Dr. James Tagliabue is, and was, at all times herein relevant a licensed physician who held himself out to the public, including Kimberly Kuhn, deceased and her family, as competent and qualified to provide safe and adequate medical care and treatment.
9. Defendant Dr. Dr. Sana H. Abumeri is, and was, at all times herein relevant a licensed physician who held herself out to the public, including Kimberly Kuhn, deceased and her family, as competent and qualified to provide safe and adequate medical care and treatment.
10. All physicians names in Paragraphs 4 through 9 were at all times herein relevant employees and/or agents of Defendant Ohio Permanente Medical Group, Inc., and/or Defendant Kaiser Foundation Health Plan of Ohio and/or Defendant Kaiser Permanente Medical Ctr.

COUNT I
MEDICAL MALPRACTICE

11. Plaintiff incorporates herein by reference all of the statements and allegations made and contained in the foregoing Paragraphs as if the same were fully rewritten herein, and further states:

12. Before, on and after September 10, 2010, Kimberly Kuhn, deceased was under the care and treatment of one or more of the Defendants named herein.
13. By reason of the negligent acts and/or omissions of the Defendants herein named, and as a direct and proximate result thereof, Kimberly Kuhn, deceased, suffered severe and permanent injuries including, but not limited to, breast cancer that was not diagnosed when it should have been.
14. Said injuries caused pain, suffering, disability and emotional and physical injuries which ultimately caused her death.
15. As a result of the substandard care of the Defendants herein named, Kimberly Kuhn, deceased necessitated medical care and treatment.
16. As a result of the substandard care of the Defendants herein named, Kimberly Kuhn, deceased has incurred medical and hospital expenses.
17. Some of the medical expenses incurred may have been covered by third party payors who may or may not make a claim for subrogation.
18. As a further result of the substandard care of the Defendants herein named, the family of Kimberly Kuhn, deceased was caused to expend funds for the expenses of the burial and funeral of Kimberly Kuhn.

THEREFORE, Plaintiff demands judgment against the Defendants, jointly and/or severally, in an amount in excess of Twenty-Five Thousand Dollars (\$25,000) which will fully, fairly and adequately compensate the Estate of Kimberly Kuhn, deceased for the injuries and damages of Kimberly Kuhn, deceased when she was alive, the damages Plaintiff sustained as a result Kimberly Kuhn's death along with the costs of this action.

COUNT II
LOSS OF CONSORTIUM

19. Plaintiff Charles Kuhn, incorporates herein by reference all of the statements and allegations made and contained in the foregoing Paragraphs as if the same were fully rewritten herein, and further states that at all times herein relevant when Kimberly Kuhn, deceased was living he was her husband.
20. By reason of the foregoing Plaintiff Charles Kuhn lost the services, companionship and consortium of his wife during the last year or two of her life.
21. By reason of the foregoing, his wife necessitated medical care and treatment which obliged him to incur medical expense, as well as the expense of a burial.

THEREFORE, Plaintiff Charles Kuhn demands judgment against the Defendants jointly and/or severally, in an amount in excess of Twenty-Five Thousand Dollars (\$25,000) which will fully, fairly and adequately compensate him for his injuries and damages and costs of this action.

COUNT III
WRONGFUL DEATH

22. Plaintiff incorporates herein by reference all of the statements and allegations made and contained in the foregoing Paragraphs as if the same were fully rewritten herein, and further states:
23. The acts and/or omissions of the Defendants herein, which were negligent, were the proximate and direct cause of the death of Kimberly Kuhn.
24. The next of kin of the late Kimberly Kuhn, including but not limited to:
1. Charles Kuhn, II, Husband of Kimberly Kuhn
 2. Charles Kuhn, III, Minor Son of Kimberly Kuhn

3. Thomas Kuhn, Minor Son of Kimberly Kuhn
4. Tracy, Adult Daughter of Kimberly Kuhn
5. Adrian, Adult Son of Kimberly Kuhn
6. Destiny Spagnola, Granddaughter of Kimberly Kuhn
7. Kyleigh Cooper, Granddaughter of Kimberly Kuhn
8. William Cooper, Grandson of Kimberly Kuhn
9. Patricia Darko, Sister of Kimberly Kuhn
10. Frank Jordan, Brother of Kimberly Kuhn
11. Angela Albright, Sister of Kimberly Kuhn
12. Joseph Widner, Brother of Kimberly Kuhn
13. Michael Grimmett, Brother of Kimberly Kuhn

have lost the love, companionship and general consortium of their wife/mother as a direct and proximate result of the acts and/or omissions complained of herein.

25. As a further direct and proximate result of the acts and/or omissions of these Defendants, the husband of Kimberly Kuhn, deceased paid the funeral and burial expenses for their late wife/mother.

THEREFORE, Plaintiff demands judgment against the Defendants jointly and/or severally, in an amount in excess of Twenty-Five Thousand Dollars (\$25,000) which will fully, fairly and adequately compensate them for their injuries and damages and costs of this action.

WHEREFORE, Plaintiff demand judgment against the Defendants jointly and/or severally, in an amount in excess of Twenty-Five Thousand Dollars (\$25,000) which will fully, fairly and adequately compensate the Estate and the Next-of-Kin for Kimberly Kuhn's pain and suffering while she was alive as well as the Next-of-Kin's injuries and damages as well as the costs of this action.

JURY DEMAND

Pursuant to Rule 38(B) of the Ohio Rules of Civil Procedure, Plaintiffs hereby demand trial by the maximum number of jurors allowed by law.

Respectfully submitted,



MITCHELL A. WEISMAN (#0003107)
Weisman, Kennedy & Berris Co., L.P.A.
1600 Midland Building
101 Prospect Avenue, West
Cleveland, OH 44115
Tel: 216-781-1111
Fax: 216-781-6747
Email: khughes@weismanlaw.com

Attorney for Plaintiff

Courthouse News Service