

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

2014 JUN 27 3:33

JERMAINE TALLEY)
737 Grace Avenue)
Akron, Ohio 44320)

CASE NO.

-and-)

JUDGE

Judge: BRENDAN J SHEEHAN

TONYA SHAW)
737 Grace Avenue)
Akron, Ohio 44320)

CV 14 820838

-and-)

HEAVENLY TALLEY, a minor, by and)
through her mother and next friend,)
Tonya Shaw)
737 Grace Avenue)
Akron, Ohio 44320)

COMPLAINT WITH MOTION
PURSUANT TO CIVIL RULE 10(D)
ATTACHED

(Jury Demand Endorsed Hereon)

-and-)

MARIANA TALLEY, a minor, by and)
through her mother and next friend,)
Tonya Shaw)
737 Grave Avenue)
Akron, Ohio 44320)

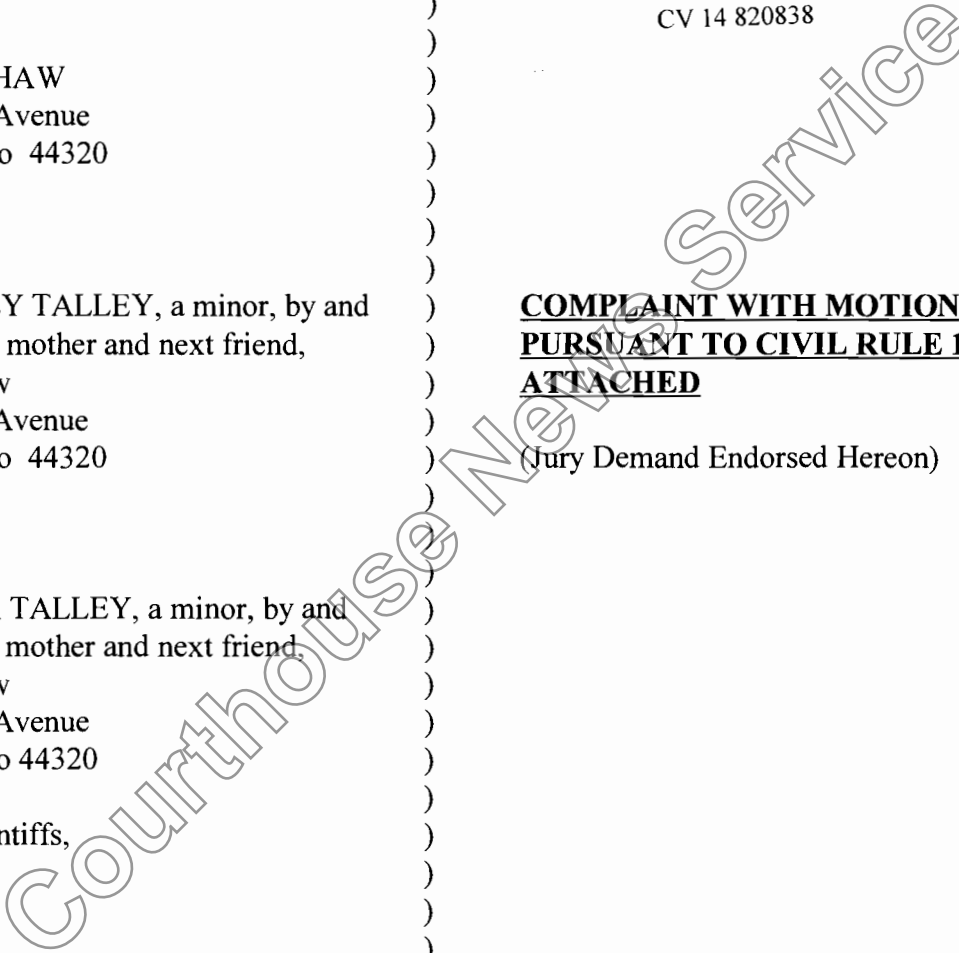
Plaintiffs,)

-vs-)

HEALTHSPAN)
c/o Its Statutory Agent)
HealthSpan Integrated Care)
1001 Lakeside Ave Ste 1200)
Cleveland, OH 44114)

-and-)

HEALTHSPAN PHYSICIANS, LLC)
c/o Its Statutory Agent)



Michael P. Pazzo)
615 Elsinore Place)
Cincinnati, OH 45202)

-and-)

HEALTHSPAN INTEGRATED CARE)
c/o Its Statutory Agent)
R. Jeffrey Copeland)
1001 Lakeside Ave Suite 1200)
Cleveland, OH 44114)

-and-)

CATHOLIC HEALTH PARTNERS)
c/o Its Statutory Agent)
Michael A. Bezney)
615 Elsinore Place)
Cincinnati, OH 45202)

-and-)

KAISER PERMANENTE)
c/o Its Statutory Agent)
Kaiser Foundation Health Plan of Ohio)
1001 Lakeside Ave #1200)
Cleveland, OH 44114)

-and-)

KAISER FOUNDATION HEALTH)
PLAN OF OHIO)
c/o Its Statutory Agent)
The Prentice-Hall Corporation System, Inc.)
50 West Broad Street Suite 1800)
Columbus, OH 43215)

-and-)

OHIO PERMANENTE MEDICAL)
GROUP, INC.)
c/o Its Statutory Agent)
A C F B Incorp)

200 Public Square - 2300)
Cleveland, OH 44114)

-and-)

KAISER FOUNDATION HOSPITALS)
c/o Its Statutory Agent)
The Prentice-Hall Corporation System, Inc.)
50 West Broad Street Suite 1800)
Columbus, OH 43215)

-and-)

KAISER GROUP ONE, LLC)
c/o Its Statutory Agent)
Elliott Stapleton)
123 Boggs Lane)
Cincinnati, OH 45246)

-and-)

KAISER GROUP TWO, LLC)
c/o Its Statutory Agent)
Elliott Stapleton)
123 Boggs Lane)
Cincinnati, OH 45246)

-and-)

AMY FRIEDMAN, M.D.)
4055 Embassy Pkwy Ste 110)
Fairlawn, OH 44333)

Defendants.)

CLAIM FOR RELIEF OF JERMAINE TALLEY

1. Now comes the plaintiff, Jermaine Talley (hereinafter "Plaintiff"), and for his Claim for Relief states that at all times pertinent hereto, defendants, HealthSpan, HealthSpan Physicians, LLC, HealthSpan Integrated Care, Catholic Health Partners, Kaiser Permanente,

Kaiser Foundation Health Plan of Ohio, Ohio Permanente Medical Group, Inc., Kaiser Foundation Hospitals, Kaiser Group One, LLC, and Kaiser Group Two, LLC, were Ohio corporations, companies and/or business entities which were doing business in the State of Ohio and holding themselves out to the general public, including plaintiffs, of being possessed of the requisite skills, knowledge and facilities to offer quality medical care and treatment to the public.

2. Plaintiff further states that at all times pertinent hereto, defendant, Amy Friedman, M.D., was a physician practicing medicine in the State of Ohio and holding herself out to the general public, including plaintiffs, as being possessed of the requisite skills, knowledge and facilities to offer quality medical care and treatment to the public.

3. Plaintiff further states that at all times pertinent hereto, defendant, Amy Friedman, M.D., was acting as the duly authorized agent, employee and/or representative of defendants, HealthSpan, HealthSpan Physicians, LLC, HealthSpan Integrated Care, Catholic Health Partners, Kaiser Permanente, Kaiser Foundation Health Plan of Ohio, Ohio Permanente Medical Group, Inc., Kaiser Foundation Hospitals, Kaiser Group One, LLC, and Kaiser Group Two, LLC, and was acting in the course and scope of her employment, and in furtherance of her master's business.

4. Plaintiff further states that in September of 2013, he was diagnosed with Stage 4 colorectal cancer. Prior to that time, he had come under the care of defendants, individually and acting through their agents, employees and/or representatives.

5. Plaintiff states that the care and treatment rendered to him by defendants was negligence and fell below acceptable standards of care. Specifically, plaintiffs state the defendants were negligent in failing to diagnose and treat colorectal cancer, resulting in it

advancing, and, further, Plaintiff states that defendants were negligent in other respects to be shown at the time of trial.

6. As a direct and proximate result of the joint, combined and concurrent negligence of defendants, Plaintiff sustained severe and permanent injury, including but not limited to, Stage 4 colorectal cancer which has metastasized to his liver, a diminution in his life expectancy, pain and suffering, a shock to his entire nervous and emotional systems, and he has and will be unable to engage in his normal, social and recreational pursuits. Plaintiff further alleges that his injuries are permanent. Plaintiff has sustained other injuries which will be set forth at the time of trial.

7. Plaintiff further states that as a result, he has been unable to work in his usual occupation for a period of time, thus sustaining lost wages, and, further, he has sustained a permanent impairment of his earning capacity.

8. Plaintiff further states that as a result, he has incurred medical expenses and will continue to do so into the future.

9. Plaintiff further states that a Motion, pursuant to Civil Rule 10(D), has been attached hereto and incorporated herein.

WHEREFORE, plaintiff, Jermaine Talley, demands judgment from defendants, HealthSpan, HealthSpan Physicians, LLC, HealthSpan Integrated Care, Catholic Health Partners, Kaiser Permanente, Kaiser Foundation Health Plan of Ohio, Ohio Permanente Medical Group, Inc., Kaiser Foundation Hospitals, Kaiser Group One, LLC, Kaiser Group Two, LLC, and Amy Friedman, M.D., jointly and severally, in a sum of money in excess of Twenty-Five Thousand Dollars (\$25,000.00), together with interest and costs.

CLAIM FOR RELIEF OF TONYA SHAW

10. Now comes the plaintiff, Tonya Shaw, and for her Claim For Relief hereby restates, realleges and reavers each and every fact, statement and allegation contained in the Claim For Relief Of Jermaine Talley, as if fully restated and rewritten herein, and further states that at all times pertinent hereto, she is the legal spouse of Plaintiff, Jermaine Talley.

11. As a direct and proximate result of the joint, combined and concurrent negligence of the defendants, plaintiff, Tonya Shaw, was caused to lose the services, companionship and consortium of her husband, Plaintiff, Jermaine Talley.

12. As a further result, plaintiff, Tonya Shaw, was caused to incur medical expenses on behalf of her husband, plaintiff, Jermaine Talley, and will continue to do so into the future.

WHEREFORE, plaintiff, Tonya Shaw, demands judgment from defendants, HealthSpan, HealthSpan Physicians, LLC, HealthSpan Integrated Care, Catholic Health Partners, Kaiser Permanente, Kaiser Foundation Health Plan of Ohio, Ohio Permanente Medical Group, Inc., Kaiser Foundation Hospitals, Kaiser Group One, LLC, Kaiser Group Two, LLC, and Amy Friedman, M.D., jointly and severally, in a sum of money in excess of Twenty-Five Thousand Dollars (\$25,000.00), together with interest and costs.

CLAIM FOR RELIEF OF HEAVENLY TALLEY

13. Now comes the plaintiff, Heavenly Talley, a minor (date of birth: 07/07/07), by and through her mother and next friend, Tonya Shaw, and for her Claim For Relief hereby restates, realleges and reavers each and every fact, statement and allegation contained in the Claim For Relief Of Jermaine Talley, as if fully restated and rewritten herein, and further states that at all times pertinent hereto, she is the natural daughter of Plaintiff, Jermaine Talley.

14. As a direct and proximate result of the joint, combined and concurrent negligence of the defendants, plaintiff, Heavenly Talley, was caused to lose the services of her father, Plaintiff, Jermaine Talley, to her detriment.

WHEREFORE, plaintiff, Heavenly Talley, a minor, by and through her mother and next friend, Tonya Shaw, demands judgment from defendants, HealthSpan, HealthSpan Physicians, LLC, HealthSpan Integrated Care, Catholic Health Partners, Kaiser Permanente, Kaiser Foundation Health Plan of Ohio, Ohio Permanente Medical Group, Inc., Kaiser Foundation Hospitals, Kaiser Group One, LLC, Kaiser Group Two, LLC, and Amy Friedman, M.D., jointly and severally, in a sum of money in excess of Twenty-Five Thousand Dollars (\$25,000.00), together with interest and costs.

CLAIM FOR RELIEF OF MARIANA TALLEY

15. Now comes the plaintiff, Mariana Talley, a minor (date of birth: 12/20/12), by and through her mother and next friend, Tonya Shaw, and for her Claim For Relief hereby restates, realleges and reavers each and every fact, statement and allegation contained in the Claim For Relief Of Jermaine Talley, as if fully restated and rewritten herein, and further states that at all times pertinent hereto, she is the natural daughter of Plaintiff, Jermaine Talley.

16. As a direct and proximate result of the joint, combined and concurrent negligence of the defendants, plaintiff, Mariana Talley, was caused to lose the services of her father, Plaintiff, Jermaine Talley, to her detriment.

WHEREFORE, plaintiff, Mariana Talley, a minor, by and through her mother and next friend, Tonya Shaw, demands judgment from defendants, HealthSpan, HealthSpan Physicians, LLC, HealthSpan Integrated Care, Catholic Health Partners, Kaiser Permanente, Kaiser

Foundation Health Plan of Ohio, Ohio Permanente Medical Group, Inc., Kaiser Foundation Hospitals, Kaiser Group One, LLC, Kaiser Group Two, LLC, and Amy Friedman, M.D., jointly and severally, in a sum of money in excess of Twenty-Five Thousand Dollars (\$25,000.00), together with interest and costs.

Respectfully submitted,



William S. Jacobson, Esq. (0006013)

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& MCCARTHY CO., L.P.A.
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Attorney for Plaintiffs

JURY DEMAND

A trial by jury before the maximum number of jurors allowed by law is hereby demanded.



William S. Jacobson, Esq.

Attorney for Plaintiffs