



NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed: COMPLAINT
May 15, 2020 14:03

By: JONATHAN MESTER 0069865

Confirmation Nbr. 1999010

JACQUELINE LARKIN, ADMINISTRATOR

CV 20 932630

vs.

UNIVERSITY HOSPITALS OF CLEVELAND, ET AL.

Judge: NANCY R. MCDONNELL

Pages Filed: 10

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

JACQUELINE LARKIN,)
ADMINISTRATOR OF THE ESTATE OF)
JACKEE LARKIN, DECEASED)
1013 Galewood Avenue)
Cleveland, Ohio 44110)

Plaintiff,)

vs.)

UNIVERSITY HOSPITALS OF)
CLEVELAND)
c/o Its Statutory Agent)
ACFB Inc.)
200 Public Square, Suite 2300)
Cleveland, Ohio 44114)

and)

UNIVERSITY HOSPITALS CASE)
MEDICAL CENTER)
c/o Its Statutory Agent)
ACFB Inc.)
200 Public Square, Suite 2300)
Cleveland, Ohio 44114)

and)

UNIVERSITY HOSPITALS HEALTH)
SYSTEM, INC.)
c/o Its Statutory Agent)
ACFB Inc.)
200 Public Square, Suite 2300)
Cleveland, Ohio 44114)

and)

CASE NO.)

JUDGE)

COMPLAINT

(Jury Demand Endorsed Hereon)
(Affidavit of Merit Attached)

UNIVERSITY HOSPITALS MEDICAL)
GROUP, INC.)
c/o Its Statutory Agent)
ACFB Inc.)
200 Public Square, Suite 2300)
Cleveland, Ohio 44114)

and)

ANSHUL BADHWAR, M.D.)
University Hospitals Case Medical Center)
Office of General Counsel)
11100 Euclid Avenue)
Cleveland, Ohio 44106)

and)

DAVID FOLT, M.D.)
University Hospitals Case Medical Center)
Office of General Counsel)
11100 Euclid Avenue)
Cleveland, Ohio 44106)

and)

FATEMAH LARIJANI, M.D.)
University Hospitals Case Medical Center)
Office of General Counsel)
11100 Euclid Avenue)
Cleveland, Ohio 44106)

and)

JAMAL HAJJARI, M.D.)
University Hospitals Case Medical Center)
Office of General Counsel)
11100 Euclid Avenue)
Cleveland, Ohio 44106)

and)
)
JULIE HERZOG, CNP)
University Hospitals Case Medical Center)
Office of General Counsel)
11100 Euclid Avenue)
Cleveland, Ohio 44106)
)
and)
)
JUSTIN LAPPEN, M.D.)
University Hospitals Case Medical Center)
Office of General Counsel)
11100 Euclid Avenue)
Cleveland, Ohio 44106)
)
and)
)
MADA HELOU, M.D.)
University Hospitals Case Medical Center)
Office of General Counsel)
11100 Euclid Avenue)
Cleveland, Ohio 44106)
)
and)
)
MAROUN MATTA, M.D.)
University Hospitals Case Medical Center)
Office of General Counsel)
11100 Euclid Avenue)
Cleveland, Ohio 44106)
)
and)
)
MICHAEL ZACHARIAS, M.D.)
University Hospitals Case Medical Center)
Office of General Counsel)
11100 Euclid Avenue)
Cleveland, Ohio 44106)

and)
)
)
NINA RIVERA, M.D.)
University Hospitals Case Medical Center)
Office of General Counsel)
11100 Euclid Avenue)
Cleveland, Ohio 44106)
)
and)
)
)
RAHUL JASWANEY, M.D.)
University Hospitals Case Medical Center)
Office of General Counsel)
11100 Euclid Avenue)
Cleveland, Ohio 44106)
)
and)
)
)
SARAH KENNEDY, M.D.)
University Hospitals Case Medical Center)
Office of General Counsel)
11100 Euclid Avenue)
Cleveland, Ohio 44106)
)
and)
)
)
STEVEN PORTER, M.D.)
University Hospitals Case Medical Center)
Office of General Counsel)
11100 Euclid Avenue)
Cleveland, Ohio 44106)
)
and)
)
)
TYLER KATZ, M.D.)
University Hospitals Case Medical Center)
Office of General Counsel)
11100 Euclid Avenue)
Cleveland, Ohio 44106)

and)
)
)
JOHN DOE 1-10)
(medical providers for Jackee Larkin))
)
Defendants.)

FIRST CLAIM FOR RELIEF - MEDICAL MALPRACTICE

1. The Defendants University Hospitals of Cleveland, University Hospitals Case Medical Center, University Hospitals Health System, Inc., and University Hospitals Medical Group, Inc. were at all times pertinent herein organized and existing under the laws of the State of Ohio and were licensed to do business in the State of Ohio.

2. The Defendants Anshul Badhwar, M.D., David Folt, M.D., Fatemah Larijani, M.D., Jamal Hajjari, M.D., Julie Herzog, CNP, Justin Lappen, M.D., Mada Helou, M.D., Maroun Matta, M.D., Michael Zacharias, M.D., Nina Rivera, M.D., Rahul Jaswaney, M.D., Sarah Kennedy, M.D., Steven Porter, M.D., Tyler Katz, M.D., and John Doe 1-10 were at all times medical doctors and medical care providers who rendered care to Jackee Larkin, Deceased.

3. The care provided by Defendants Anshul Badhwar, M.D., David Folt, M.D., Fatemah Larijani, M.D., Jamal Hajjari, M.D., Julie Herzog, CNP, Justin Lappen, M.D., Mada Helou, M.D., Maroun Matta, M.D., Michael Zacharias, M.D., Nina Rivera, M.D., Rahul Jaswaney, M.D., Sarah Kennedy, M.D., Steven Porter, M.D., Tyler Katz, M.D., and John Doe 1-10 was performed in the course and scope of their employment with Defendants University Hospitals of Cleveland, University Hospitals Case Medical Center, University Hospitals Health

System, Inc., and University Hospitals Medical Group, Inc. and therefore Defendants University Hospitals of Cleveland, University Hospitals Case Medical Center, University Hospitals Health System, Inc., and University Hospitals Medical Group, Inc. are liable through the doctrine of respondeat superior.

4. The Defendants rendered care and treatment to Plaintiff's decedent from April 4, 2019 through the time of her death on August 31, 2019.

5. The Defendants failed to provide Plaintiff's decedent with competent, safe, and acceptable medical care and treatment.

6. The Defendants, by and through their agents and/or employees, negligently failed to exercise the degree of care and skill ordinarily employed by members of the profession in the same line of practice and/or specialty. The Defendants, by and through its agents and/or employees further negligently failed to follow the customary and usual skill and procedures in regard to regular use by members of their profession and/or specialty.

7. As a direct and proximate result of the negligence of the Defendants, individually and/or by and through their agents and/or employees, Plaintiff's decedent was caused to suffer severe injury, both physical and mental, pain and suffering, and has incurred expenses in respect to hospitalization and medical treatment.

8. The Plaintiff brings this survival action under O.R.C. 2305.

WHEREFORE, Plaintiff demands judgment against the Defendants in an amount in excess of Twenty Five Thousand Dollars (\$25,000.00) in addition to all costs incurred herein.

SECOND CLAIM FOR RELIEF - MEDICAL MALPRACTICE
WRONGFUL DEATH

9. Plaintiff incorporates all of the facts, statements and allegations contained in the First Claim For Relief as though expressly rewritten and restated herein as part of the Second Claim For Relief.

10. As a direct and proximate result of the negligence of the Defendants, Plaintiff's decedent suffered her untimely death at the age of 26 on August 31, 2019.

11. Funeral and burial expenses have been incurred as a result of the untimely death of Plaintiff's decedent.

12. As a consequence of the wrongful death of Plaintiff's decedent, next of kin – including decedent's parents and minor children, among others, have suffered, amongst other things, loss of support, mental anguish, loss of services, society, comfort and other such damages as enumerated under O.R.C. Section 2125.

WHEREFORE, Plaintiff demands judgment against the Defendants in an amount in excess of Twenty Five Thousand and 00/100 Dollars (\$25,000.00) that will fully, fairly and justly compensate the next of kin in addition to all costs and interest incurred herein.

Respectfully submitted,

/s/ Jonathan D. Mester

Jonathan D. Mester, Esq. (0069865)
NURENBERG, PARIS, HELLER
& MCCARTHY CO., LPA
600 Superior Ave., E., Ste. 1200
Cleveland, Ohio 44114
(216)621-2300
(216)771-2242 fax
jmester@nphm.com

Attorney for Plaintiff

JURY DEMAND

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

/s/ Jonathan D. Mester

Jonathan D. Mester, Esq. (0069865)
NURENBERG, PARIS, HELLER
& MCCARTHY CO., LPA

Attorney for Plaintiff

IN THE COMMON PLEAS COURT
CUYAHOGA COUNTY, OHIO

JACKEE LARKIN, DECEASED, Etc.

Plaintiff,

-vs-

UNIVERSITY HOSPITALS CASE
MEDICAL CENTER, et al.

Defendants.

) CASE NO.:

) JUDGE:

AFFIDAVIT OF MERIT

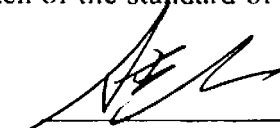
COUNTY OF Los Angeles

STATE OF California

) SS.

Steven Simons, M.D., being first duly sworn, states the following to be true:

1. I submit this Affidavit of Merit in accordance with Civ. R. 10(D)(2)(a).
2. I am licensed to practice medicine by the State Medical Board of California.
3. I devote at least one-half of my professional time to the active clinical practice in my field of licensure.
4. I have reviewed all medical records reasonably available to the Plaintiff concerning the allegations contained in the Complaint.
5. I am familiar with the applicable standard of care in this case.
6. In my opinion, to a reasonable degree of certainty, the standard of care was breached by Tyler Katz, MD, Justin Lappen, MD, Anshul Badhwar, MD, David Folt, MD, Maroun Matta, MD, Jamal Hajjari, MD, Sarah Kennedy, MD, Nina Rivera, MD, Rahul Jaswaney, MD, Michael Zacharias, MD, Fatemah Larijani, MD, Steven Porter, MD, Julie Herzog, CNP, and Mada Helou, MD in their care of Jackee Larkin. Further, it is my opinion that this breach of the standard of care caused injury and death to Jackee Larkin.

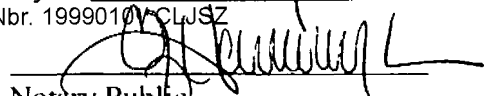


Steven Simons, M.D.

Sworn to and subscribed before me this 24 day of February, 2020.

Electronically Filed 05/15/2020 14:03 / / CV 20 932630 / Confirmation Nbr. 1999010VCLJSZ

See attached.



Notary Public

CALIFORNIA JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

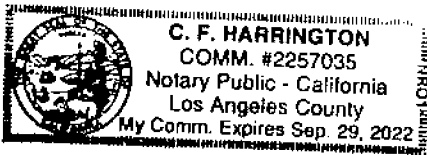
County of Los Angeles)

Subscribed and sworn to (or affirmed) before me on this 24 day

of February, 2020, by _____

Steven M SIMONS

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



(Seal)

Signature [Handwritten Signature]

Optional Information

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this jurat to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

This certificate is attached to a document titled/for the purpose of

Affidavit of merit
Jackee Harkin
Univ. Hospital's case
Medical Center, et al
containing 1 pages, and dated 2/24/2020

Additional Information

Method of Affiant Identification

Proved to me on the basis of satisfactory evidence:
 form(s) of identification credible witness(es)

Notarial event is detailed in notary journal on:
Page # 15-16 Entry # 1

Notary contact: 323 422-4214

Other

Affiant(s) Thumbprint(s) Describe: _____