

10. As a result of the Defendants' failure to properly care for and treat the Plaintiff, she was discharged home where she eventually suffered a stroke and subsequent injury.

III. CAUSES OF ACTION

COUNT I. NEGLIGENCE/PERSONAL INJURY

(Dr. Ralston)

11. The Plaintiff reasserts and incorporates herein by reference the factual allegations contained above in Paragraphs 1-10 above.

12. The Plaintiff, Mrs. Norton, submitted herself to the care and treatment of the Defendant, Dr. Ralston, who by his negligence, carelessness, and lack of regard for Mrs. Norton's health, care and well-being, treated her in a manner resulting in severe personal injuries.

13. On or around May 18, 2006, Mrs. Norton submitted herself to the care and treatment of Dr. Ralston, who by his negligence, carelessness, and lack of regard for her health, care and well-being, treated her in a manner resulting in severe personal injuries.

14. The injuries sustained by Mrs. Norton were the direct and proximate result of the carelessness,

unskillfulness, negligence and improper care and treatment by Dr. Ralston, including, but not limited to the following:

- a. Dr. Ralston's misrepresentations to the Plaintiff that he was knowledgeable, skillful, and competent to diagnose and treat Mrs. Norton's medical condition.
- b. Dr. Ralston's failure to adequately and properly diagnose Mrs. Norton's medical condition and his failure to prescribe proper and timely treatment for said condition;
- c. Dr. Ralston's failure to recognize, or have the knowledge to recognize his inability to diagnose and treat Mrs. Norton's condition when he knew or should have known in the exercise of due care, the foreseeable consequences of his inability to properly and skillfully provide Mrs. Norton with acceptable medical and diagnostic services;
- d. Dr. Ralston's failure to possess or negligent failure to exercise the same degree of skill, training, and care as is possessed by average qualified members of the medical profession taking into account advances in the profession; and

e. Dr. Ralston's negligent failure to properly treat Mrs. Norton's injuries.

15. As a direct and proximate result of Dr. Ralston's negligence, carelessness, and unskillfulness, Mrs. Norton was caused to sustain severe and permanent personal injuries, some or all of which are permanent; has incurred and will continue to incur great expense for her medical, surgical, and hospital care and treatment; has suffered and will continue to suffer great pain of body and anguish of mind; has been and will require future hospitalization; has been and will continue to be unable to pursue normal activities; and her ability to earn income and enjoy life has been permanently adversely affected.

WHEREFORE, the Plaintiff, Mrs. Norton, prays judgment against the Defendant, Steven J. Ralston, M.D., in an amount to be determined by a jury, together with interest and costs.

COUNT II. BREACH OF CONTRACT
(Dr. Ralston)

16. The Plaintiff reasserts and incorporates herein by reference the factual allegations contained above in Paragraphs 1-10.

17. The Defendant contracted with Mrs. Norton to provide professional services related to her medical care.

18. The Defendant, Dr. Ralston, expressly and impliedly warranted to Mrs. Norton that he would perform and render said professional services in accordance with accepted standards for the practice of medicine, and that he would possess and exercise that degree of skill and care possessed and exercised by the average qualified members of the medical profession practicing their specialty.

19. The Defendant breached his express and implied warranties by failing to perform and render professional services in accordance with accepted standards for the practice of medicine, and by failing to possess and exercise that degree of skill and care possessed and exercised by the average qualified members of the medical profession practicing their specialty, which breach resulted in the severe personal injury to Mrs. Norton.

20. As a direct and proximate result of Dr. Ralston's breach of his express and implied warranties, Mrs. Norton was caused to sustain severe and permanent personal injuries, some or all of which are permanent; has incurred and will continue to incur great expense for her medical, surgical, and hospital care and treatment; has suffered and

will continue to suffer great pain of body and anguish of mind; has been and will require future hospitalization; has been and will continue to be unable to pursue normal activities; and her ability to earn income and enjoy life has been permanently adversely affected.

WHEREFORE, the Plaintiff, Mrs. Norton, prays judgment against the Defendant, Steven J. Ralston, M.D., in an amount to be determined by a jury, together with interest and costs.

COUNT III. INFORMED CONSENT

(Dr. Ralston)

21. The plaintiff reasserts and incorporates herein by reference the factual allegations contained above in Paragraphs 1-10 above.

22. On or around May 18, 2006, Mrs. Norton submitted herself to the care and treatment of Dr. Ralston, who by his negligence, carelessness, and lack of regard for her health, care and well-being, treated her in a manner resulting in severe personal injuries.

23. The injuries sustained by Mrs. Norton were the direct and proximate result of the carelessness, unskillfulness, negligence and improper care and treatment by Dr. Ralston, including, but not limited to the following:

- a. Dr. Ralston's misrepresentations to the Plaintiff that he was knowledgeable, skillful, and competent to diagnose and treat Mrs. Norton's medical condition.
- b. Dr. Ralston's failure to adequately and properly diagnose Mrs. Norton's medical condition and his failure to prescribe proper and timely treatment for said condition;
- c. Dr. Ralston's failure to recognize, or have the knowledge to recognize his inability to diagnose and treat Mrs. Norton's condition when he knew or should have known in the exercise of due care, the foreseeable consequences of his inability to properly and skillfully provide Mrs. Norton with acceptable medical and diagnostic services;
- d. Dr. Ralston's failure to possess or negligent failure to exercise the same degree of skill, training, and care as is possessed by average qualified members of the medical profession taking into account advances in the profession; and
- e. Dr. Ralston's negligent failure to properly treat Mrs. Norton's injuries.

24. As a direct and proximate result of Dr. Ralston's negligence, carelessness, and unskillfulness, Mrs. Norton was caused to sustain severe and permanent personal injuries; has incurred and will continue to incur great expense for her medical, surgical, and hospital care and treatment; has suffered and will continue to suffer great pain of body and anguish of mind; has been and will require future hospitalization; has been and will continue to be unable to pursue normal activities; and her ability to earn income and enjoy life has been permanently adversely affected.

WHEREFORE, the Plaintiff, Mrs. Norton, demands judgment against the Defendant, Steven J. Ralston, M.D., for the above-described personal injuries in an amount to be determined by a jury at trial, together with interest and costs.

COUNT IV. LOSS OF CONSORTIUM

(Dr. Ralston)

25. The Plaintiff, Edward Norton, repeats and reavers fully herein Paragraphs 1 through 10 of this Complaint as if each were set forth in its entirety.

26. As a result of the injuries sustained by his wife, Kimberly Norton, the Plaintiff, Edward Norton suffered the

loss of her services, society, affection, companionship, relations, and consortium.

WHEREFORE, the Plaintiff, Edward Norton, demands judgment against the Defendant, Steven J. Ralston, M.D., for the above-described loss of consortium in an amount to be determined by a jury at trial, together with interest and costs.

COUNT V. NEGLIGENCE/PERSONAL INJURY
(Jane Doe, R.N.)

27. The Plaintiff reasserts and incorporates herein by reference the factual allegations contained above in Paragraphs 1-10 above.

28. The Plaintiff submitted herself to the care and treatment of the Defendant, Jane Doe, R.N., who by his/her negligence, carelessness, and lack of regard for Mrs. Norton's health, care and well-being, treated her in a manner resulting in severe personal injuries.

29. On or around May 18, 2006, Mrs. Norton submitted herself to the care and treatment of the Defendant, who by his/her negligence, carelessness, and lack of regard for her health, care and well-being, treated her in a manner resulting in severe personal injuries.

30. The injuries sustained by Mrs. Norton were the direct and proximate result of the carelessness, unskillfulness, negligence and improper care and treatment by the Defendant, including, but not limited to the following:

- a. The Defendant's misrepresentations to the Plaintiff that he/she was knowledgeable, skillful, and competent to diagnose and treat Mrs. Norton's medical condition.
- b. The Defendant's failure to adequately and properly diagnose Mrs. Norton's medical condition and his/her failure to prescribe proper and timely treatment for said condition;
- c. The Defendant's failure to recognize, or have the knowledge to recognize his/her inability to diagnose and treat Mrs. Norton's condition when he/she knew or should have known in the exercise of due care, the foreseeable consequences of his/her inability to properly and skillfully provide Mrs. Norton with acceptable medical and diagnostic services;
- d. The Defendant's failure to possess or negligent failure to exercise the same degree of skill,

training, and care as is possessed by average qualified members of the nursing profession taking into account advances in the profession; and

- e. The Defendant's negligent failure to properly treat Mrs. Norton's injuries.

31. As a direct and proximate result of the Defendant, Jane Doe, R.N.'s, negligence, carelessness, and unskillfulness, Mrs. Norton was caused to sustain severe and permanent personal injuries, some or all of which are permanent; has incurred and will continue to incur great expense for her medical, surgical, and hospital care and treatment; has suffered and will continue to suffer great pain of body and anguish of mind; has been and will require future hospitalization; has been and will continue to be unable to pursue normal activities; and her ability to earn income and enjoy life has been permanently adversely affected.

WHEREFORE, the Plaintiff, Mrs. Norton, prays judgment against the Defendant, Jane Doe, R.N., in an amount to be determined by a jury, together with interest and costs.

COUNT II. BREACH OF CONTRACT

(Jane Doe, R.N.)

32. The Plaintiff reasserts and incorporates herein by reference the factual allegations contained above in Paragraphs 1-10.

33. The Defendant contracted with Mrs. Norton to provide professional services related to her medical care.

34. The Defendant, Jane Doe, R.N., expressly and impliedly warranted to Mrs. Norton that he/she would perform and render said professional services in accordance with accepted standards for the practice of medicine, and that he/she would possess and exercise that degree of skill and care possessed and exercised by the average qualified members of the nursing profession practicing their specialty.

35. The Defendant breached his/her express and implied warranties by failing to perform and render professional services in accordance with accepted standards for the practice of medicine, and by failing to possess and exercise that degree of skill and care possessed and exercised by the average qualified members of the nursing profession practicing their specialty, which breach resulted in the severe personal injury to Mrs. Norton.

36. As a direct and proximate result of the Defendant, Jane Doe, R.N.'s, breach of his/her express and implied warranties, Mrs. Norton was caused to sustain severe and permanent personal injuries, some or all of which are permanent; has incurred and will continue to incur great expense for her medical, surgical, and hospital care and treatment; has suffered and will continue to suffer great pain of body and anguish of mind; has been and will require future hospitalization; has been and will continue to be unable to pursue normal activities; and her ability to earn income and enjoy life has been permanently adversely affected.

WHEREFORE, the Plaintiff, Mrs. Norton, prays judgment against the Defendant, Jane Doe, R.N., in an amount to be determined by a jury, together with interest and costs.

COUNT III. INFORMED CONSENT
(Jane Doe, R.N.)

37. The plaintiff reasserts and incorporates herein by reference the factual allegations contained above in Paragraphs 1-10 above.

38. On or around May 18, 2006, Mrs. Norton submitted herself to the care and treatment of the Defendant, Jane Doe, R.N., who by his/her negligence, carelessness, and lack

of regard for her health, care and well-being, treated her in a manner resulting in severe personal injuries.

39. The injuries sustained by Mrs. Norton were the direct and proximate result of the carelessness, unskillfulness, negligence and improper care and treatment by the Defendant, Jane Doe, R.N., including, but not limited to the following:

- a. The Defendant's misrepresentations to the Plaintiff that he/she was knowledgeable, skillful, and competent to diagnose and treat Mrs. Norton's medical condition.
- b. The Defendant's failure to adequately and properly diagnose Mrs. Norton's medical condition and his/her failure to prescribe proper and timely treatment for said condition;
- c. The Defendant's failure to recognize, or have the knowledge to recognize his/her inability to diagnose and treat Mrs. Norton's condition when he/she knew or should have known in the exercise of due care, the foreseeable consequences of his/her inability to properly and skillfully provide Mrs. Norton with acceptable medical and diagnostic services;

- d. The Defendant's failure to possess or negligent failure to exercise the same degree of skill, training, and care as is possessed by average qualified members of the nursing profession taking into account advances in the profession; and
- e. The Defendant's negligent failure to properly treat Mrs. Norton's injuries.

40. As a direct and proximate result of the Defendant's negligence, carelessness, and unskillfulness, Mrs. Norton was caused to sustain severe and permanent personal injuries; has incurred and will continue to incur great expense for her medical, surgical, and hospital care and treatment; has suffered and will continue to suffer great pain of body and anguish of mind; has been and will require future hospitalization; has been and will continue to be unable to pursue normal activities; and her ability to earn income and enjoy life has been permanently adversely affected.

WHEREFORE, the Plaintiff, Mrs. Norton, demands judgment against the Defendant, Jane Doe, R.N., for the above-described personal injuries in an amount to be determined by a jury at trial, together with interest and costs.

COUNT IV. LOSS OF CONSORTIUM

(Jane Doe, R.N.)

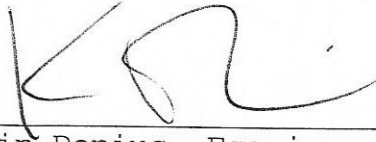
41. The Plaintiff, Edward Norton, repeats and reavers fully herein Paragraphs 1 through 10 of this Complaint as if each were set forth in its entirety.

42. As a result of the injuries sustained by his wife, Kimberly Norton, the Plaintiff, Edward Norton suffered the loss of her services, society, affection, companionship, relations, and consortium.

WHEREFORE, the Plaintiff, Edward Norton, demands judgment against the Defendant, Jane Doe, R.N., for the above-described loss of consortium in an amount to be determined by a jury at trial, together with interest and costs.

THE PLAINTIFFS CLAIMS TRIAL BY JURY.

PLAINTIFFS,
Kimberly and Edward Norton,
By their Attorney,

A handwritten signature in dark ink, appearing to be 'KDL' or similar, written over a horizontal line.

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Dated: April 28, 2009

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION #:

09-1808-A

KIMBERLY NORTON AND EDWARD)
NORTON,)
Plaintiffs,)
v.)
STEVEN J. RALSTON, M.D.,)
JANE DOE, R.N.)
Defendants.)

COMPLAINT AND DEMAND
FOR JURY TRIAL

SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE
2009 MAY -1 PM 1:41
MICHAEL JOSEPH DOROV
CLERK/MAGISTRATE

I. THE PARTIES

1. The Plaintiffs, Kimberly and Edward Norton, were at all times relevant, residents of Brockton, Plymouth County, Massachusetts.

2. The Defendant, Steven J. Ralston, M.D., ("Dr. Ralston") was at all times relevant to this complaint a physician licensed to practice medicine in Massachusetts, maintaining his principal place of business at Tufts Medical Center, Boston, Massachusetts.

3. The Defendant, Jane Doe, R.N., was at all time relevant to this complaint, a registered nurse licensed in Massachusetts.

II. GENERAL FACTUAL ALLEGATIONS

4. On or around February 14, 2006, the Plaintiff, Kimberly Norton, presented to her OB/GYN where it was

determined by ultrasound that she was approximately eight (8) weeks pregnant.

5. On or around April 11, 2006, testing conducted by the Plaintiff's OB/GYN raised concerns about a molar pregnancy.

6. On or around May 18, 2006, the Plaintiff, Kimberly Norton, submitted her self to the care and treatment of the Defendants.

7. While in the care and treatment of Defendants, Mrs. Norton began experiencing elevated blood pressure levels. The Plaintiff, Mrs. Norton, was eventually discharged home by the Defendants with no medication, instruction, or acknowledgment of her elevated blood pressure levels.

8. On or around May 22, 2006, the Plaintiff, Kimberly Norton, began complaining of severe headaches and eventually had a seizure. Mrs. Norton was taken via ambulance to the hospital where it was determined she had suffered a stroke.

9. In their care of the Plaintiff, Mrs. Norton, the Defendants failed, among other things, to administer proper medical care to Mrs. Norton and prematurely discharged her even though it was noted on numerous occasions that she had elevated blood pressure levels.