

RETURN DATE: JUNE 17, 2025

Dkt. No.	:	SUPERIOR COURT
	:	
MARGARET M. CASEY FAUST;	:	J.D. of WATERBURY
	:	AT WATERBURY
v.	:	
	:	
JONATHAN T. FOSTER, M.D.;	:	
PROSPECT MEDICAL	:	
HOLDINGS, INC.	:	
D/B/A WATERBURY HOSPITAL	:	
A/K/A WATERBURY HEALTH;	:	MAY 2, 2025

COMPLAINT

1. This is a medical malpractice action against Dr. Jonathan T. Foster and Prospect Medical Holdings, Inc. for their numerous failures to treat Margaret Faust for cancer in accordance with the standard of care for her circumstances. Their failures to treat Faust in accordance with the standard of care has worsened her prognosis from having over a 50% chance to cure her cancer to her having a less than 30% chance to survive her cancer. Additionally, their failures have forced Faust to undergo alternative treatment that has left her bedridden at times, in intense pain due to the side effects of the treatments, and with numerous other ailments – all of which could have been prevented had the Defendants met the standard of care as to Faust’s treatment.

Parties

2. The Plaintiff, Margaret Casey Faust, is a resident of Connecticut who received medical treatment and related services from the Defendants.

3. The Defendant, Dr. Jonathan Foster, is a licensed gynecologist/surgeon in Connecticut who, upon information and belief, at all relevant times herein, practiced medicine at Waterbury Hospital as an employee or agent of Prospect Medical Holdings, Inc. or was held out as such by Prospect Medical Holdings through Waterbury hospital.

4. Upon information and belief, the Defendant, Prospect Medical Holdings, Inc., is a Delaware Corporation. It owns and operates hospitals and other healthcare facilities across the United States, including Waterbury Hospital located at 64 Robbins St., Waterbury, Connecticut 06708 and its satellite offices in Waterbury.

5. Upon information and belief, Prospect Medical Holdings, Inc. exercised supervisory authority over Dr. Foster and was responsible for ensuring that he treated Faust in accordance with the requisite standard of care.

Faust's Cancer Diagnosis And Hysterectomy

6. In or around March 2022, Faust was diagnosed with uterine and/or endometrial carcinoma (cancer).

7. At some point, Faust received a recommendation that she would need a hysterectomy to remove the cancer.

8. Faust initially sought treatment from several gynecologists/oncologists who refused to perform her hysterectomy using blood that Faust either self-donated or that individuals who had not received a COVID-19 vaccination donated.

9. Because Faust's religious beliefs regarding abortion prevented her from receiving blood from individuals who had received the COVID-19 vaccination, Faust

was forced to search for a doctor who would perform her hysterectomy using either self-donated blood or blood donated by individuals who had not received a COVID-19 vaccination.

10. Faust ultimately found Dr. Foster who agreed to perform her hysterectomy using Faust's self-donated blood.

11. On or about October 11, 2022, Dr. Foster performed a hysterectomy surgery on Faust at Waterbury Hospital.

Faust's Post-Operative Care Falls Below The Standard of Care

12. Dr. Foster took upon himself the management of Faust's post-operative care after her hysterectomy.

13. In January 2023, Faust began to experience vaginal bleeding associated with her vaginal cuff (a portion of the vagina surgically closed as part of the hysterectomy).

14. This vaginal bleeding continued on an ongoing basis through most of 2023 and Dr. Foster was aware of it.

15. In February 2023, Dr. Foster discovered a thumbnail-sized spot on Faust's vaginal cuff.

16. Upon information and belief, this "spot" was cancerous and the beginnings of a cancer tumor.

17. After discovering the "spot" and despite knowing that Faust had endometrial cancer, Dr. Foster did not order any further imaging such as an MRI, X-ray, or CT scan.

18. Nor did Dr. Foster order any form of testing to determine what the spot could be.

19. Dr. Foster also did not seek a second opinion from a gynecologist/oncologist (a specialist in treating Faust's type of cancer) as to her post-operative care.

20. Instead, Dr. Foster treated the "spot" with cortisone throughout most of 2023.

21. Upon information and belief, at some point in January or February 2023, Dr. Foster also prescribed Faust topical estrogen to treat her vaginal bleeding.

22. Topical estrogen essentially is to cancer what gasoline would be to an already burning fire.

23. At no point did Dr. Foster take any steps to rule out a recurrence of cancer, which is absolutely required as the standard of care for post-operative cancer care.

24. At no point did Dr. Foster consult with a specialist in gynecology/oncology for help in determining whether the "spot" was a recurrence of cancer.

25. Instead, his prescribed treatment ignored the possibility of a recurrence of cancer and exacerbated its growth in Faust.

26. At some point in 2023, Dr. Foster determined that Faust's vaginal cuff began to reopen.

27. Upon information and belief, Dr. Foster did not perform any imaging or testing to determine why Faust's vaginal cuff began to reopen.

28. On August 3, 2023, Dr. Foster performed a vaginal cuff repair surgery on Faust at Waterbury Hospital.

29. During the vaginal cuff repair, Dr. Foster only stitched up the vaginal cuff.

30. Dr. Foster did not look for a tumor and failed to observe a sizeable tumor that had caused Faust's vaginal cuff to reopen.

31. On October 13, 2023, Faust developed a concern that she might have a bad kidney stone.

32. Accordingly, she went to see Dr. Foster on October 16.

33. Dr. Foster examined her and told her everything looked good except the "spot" he was treating with cortisone.

34. Two days later, Faust visited a urologist, Dr. Phatak.

35. Upon information and belief, Dr. Phatak visibly observed a sizeable tumor protruding through Faust's vaginal wall.

36. Dr. Phatak took an MRI, which showed the tumor.

37. On information and belief, Dr. Phatak called Dr. Foster and told him about the tumor.

38. On October 30, 2023, Faust visited Dr. Masoud Azodi to obtain a second opinion.

39. Dr. Azodi also immediately recognized there was a sizable cancerous tumor coming through the vaginal wall.

40. Faust then spent weeks trying to get in touch with Dr. Foster without receiving a call back.

41. When Faust finally made contact with Dr. Foster three or four weeks later, he admitted that he did not know how he missed the tumor.

42. In November 2023, Yale New Haven Health performed PET and MRI imaging of the tumor.

43. By that time, the vaginal tumor was 2.75 inches in size.

44. Additionally, at some point during the course of Faust's post-operative treatment, Dr. Foster discovered a 3 millimeter right lower lobe abnormality/lesion in her lungs.

45. Dr. Foster never sent Faust for work-up, staging, prognostication or treatment of that abnormality/lesion.

46. Upon information and belief, he never consulted with any oncologist or other specialist in cancer to determine if it was cancerous.

Faust's Harm and Prognosis

47. Upon information and belief, by the time Faust received a second opinion from Dr. Azodi, her tumor had grown to such a large size that it rendered surgery to remove it risky and potentially catastrophic.

48. Faust subsequently received treatment to reduce the size of the tumor through the use of Keytruda.

49. Keytruda “locked up” Faust’s body to the degree she could not move and left her bedridden.

50. Faust suffered severe pain and distress from the use of Keytruda.

51. On or about March 25, 2025, Faust was informed that her tumor was not shrinking, but rather growing.

52. Faust suffers severe pain and distress from the tumor, which has worsened significantly.

53. Palliative care is Faust’s only other option.

54. Faust’s cancer is now potentially terminal.

COUNT ONE: Medical Malpractice Against All Defendants

55. Faust incorporates and realleges her allegations in paragraphs 1 through 54 as if fully set forth in this count.

56. The requisite standard of care for Faust’s treatment required the Defendants to:

- a. Appropriately manage and monitor Faust’s post-operative care after the hysterectomy for a recurrence of cancer through gynecologic/oncology analysis and advice about her cancer and treatment plan;
- b. Consider the 3 millimeter right lower lobe finding of a development in Faust’s lungs as evidence of cancer metastasis until and unless proven otherwise;
- c. Treat the vaginal cuff “spot” as recurrent/persistent cancer metastasis until and unless proven otherwise (because Faust was

more than six to eight weeks post-operation, which is well beyond normal healing time);

- d. Engage in a differential diagnosis or differential diagnosis that included recurrent/persistent cancer when Faust presented with vaginal cuff complaints;
- e. Perform any testing, including a biopsy, of the “spot” on Faust’s vaginal cuff;
- f. Assume that recurrent/persistent cancer was responsible for Faust’s non-healing vaginal cuff until and unless proven otherwise; and
- g. Avoid prescribing Faust any treatments that would exacerbate or contribute to the growth and spread of her cancer.

57. The Defendants deviated from the requisite standard of care by, on multiple occasions during 2023, failing to:

- a. Appropriately manage and monitor Faust’s post-operative care after the hysterectomy for a recurrence of cancer through gynecologic/oncology analysis and advice about her cancer and treatment plan;
- b. Consider the 3 millimeter right lower lobe finding of a development in Faust’s lungs as evidence of cancer metastasis until and unless proven otherwise;
- c. Treat the vaginal cuff “spot” as recurrent/persistent cancer metastasis until and unless proven otherwise (because Faust was

more than six to eight weeks post-operation, which is well beyond normal healing time);

- d. Engage in a differential diagnosis or differential diagnosis that included recurrent/persistent cancer when Faust presented with vaginal cuff complaints; and
- e. Assume that recurrent/persistent cancer was responsible for Faust's non-healing vaginal cuff until and unless proven otherwise;

58. The Defendants also deviated from the requisite standard of care by prescribing Faust topical estrogen to treat a "spot" that they did not previously prove was not cancerous when they knew or should have known that topical estrogen would exacerbate and cause cancer to grow and spread more quickly.

59. The Defendants' deviations from the standard of care harmed Faust in the following non-exhaustive ways:

- a. Reduced her chance of obtaining a cure for her cancer and surviving it from over 50% to under 30%;
- b. Caused her undergo pain and suffering from further aggressive treatment that could have been avoided;
- c. Caused her to incur new and life-long medical conditions as a result of side-effects from subsequent necessary treatment;
- d. Materially reduced Faust's quality of life by confining her to her bed for periods of time in severe pain and suffering;

- e. Caused Faust to incur substantial additional medical expenses to treat her cancer; and
- f. Severe emotional distress.

60. The Defendants' actions and omissions constitute medical malpractice.

COUNT TWO: Negligent Infliction Of Emotional Distress Against All Defendants

61. Faust incorporates and realleges her allegations in paragraphs 1 through 60 as if fully set forth in this count.

62. The Defendants' conduct created an unreasonable risk of causing Faust emotional distress by exacerbating her cancer prognosis and placing her health and life in danger.

63. The Defendants could have reasonably foreseen that their negligence would have caused Faust emotional distress as to her future survival and prognosis.

64. Faust experienced severe emotional distress that impacted her physically by contributing to her bedridden condition at times and her inability to pursue the quality of life that she had previously known.

65. The Defendants' conduct caused Faust's emotional distress by endangering her life and health.

PRAYER FOR RELIEF

Wherefore, the Plaintiffs requests the following relief:

- A. Compensatory damages;
- B. Punitive damages as allowed by law;
- C. Costs;

D. Any such other relief determined to be just, equitable, and permitted by law.

The Plaintiff,

By: /s/ Cameron L. Atkinson /s/
Cameron L. Atkinson (442289)
Audrey J. Lynn (446771)
ATKINSON LAW, LLC (443770)
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JONATHAN T. FOSTER, M.D.; :
PROSPECT MEDICAL :
HOLDINGS, INC. :
D/B/A WATERBURY HOSPITAL :
A/K/A WATERBURY HEALTH; : MAY 2, 2025

JURY DEMAND

The Plaintiffs hereby claim their right to a jury trial pursuant to the Seventh Amendment to the United States Constitution, Article First, § 19 of the Connecticut Constitution, Conn. Gen. Stat. § 52-215, and Practice Book § 14-10.

The Plaintiff,

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A/K/A WATERBURY HEALTH; : MAY 2, 2025

STATEMENT OF AMOUNT IN DEMAND

The Plaintiff claims compensatory damages in excess of the sum of Fifteen
Thousand Dollars (\$15,000), exclusive of interest and costs.

The Plaintiff,

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JONATHAN T. FOSTER, M.D.; :
PROSPECT MEDICAL :
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D/B/A WATERBURY HOSPITAL :
A/K/A WATERBURY HEALTH; : **MAY 2, 2025**

CERTIFICATE OF REASONABLE INQUIRY

I hereby certify that I have made a reasonable inquiry, as permitted by the circumstances, to determine whether there are grounds for a good faith belief that there has been negligence in the medical care and/or treatment rendered to Margaret Faust. This inquiry has given rise to a good-faith belief on my part that grounds exist for an action against each of the named Defendants.

The Plaintiff,

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REGARDING MARGARET M. CASEY FAUST

I am a physician licensed to practice in Texas. I am a diplomate of the American Board of Obstetrics and Gynecology, i.e., board certified in Obstetrics and Gynecology and am subcertified by that board in Gynecologic Oncology. I teach both gynecologic oncology and gynecology and to medical students, residents, and fellows. I practice gynecologic oncology and gynecology. I am familiar with the standard of care required of gynecologists and also of gynecologic oncologists treating patients with diagnoses the same or similar to Ms. Faust at the times at issue in this case.

I have reviewed the following medical records pertaining to Ms. Faust:

- 3/31/2022 Hartford Healthcare Encounter Summary
- 10/1/2022 Neo Genomics Molecular Genetics Lab Report
- 10/1/2022-08/15/2023 Waterbury Hospital records
- 08/14/2023-10/16/2023 Center for Ob/Gyn (Jonathan Foster, M.D.) office notes
- 11/07/2022 Telephone summary from Yale New Haven Hospital (Elena Ratner, M.D.)
- 01/11/2023 Diagnostic Radiology Associates Waterbury MRI Report
- 10/23/2023 DRA CT Scan Report of abdomen and pelvis
- 10/23/2023-01/31/2024 Yale New Haven Hospital records
- Radiology images reflected from the above reports

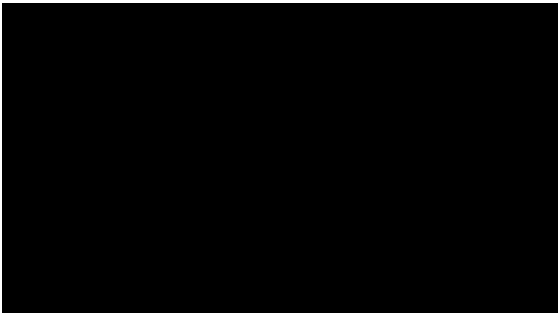
Based on my review of the above materials, there is evidence of deviation from standard of care by Jonathan Foster, M.D., from at least October 2022 to October 2023.

Based on my review of submitted records, Dr. Foster's deviated from standard of care of Ms. Faust by: 1) failing to adequately obtain required gynecologic oncology analysis of and advice about her cancer and treatment plan post-biopsy/preoperatively despite knowing she had endometrial cancer; 2) failing to appreciate that the 3 mm right lower lobe finding on the November xx, 2023, CT needed to be considered cancer metastasis until and unless proven otherwise; 3) failing to work up/send Ms. Faust for work up, staging, prognostication, and treatment of the 3 mm right lower lobe finding on the November xx, 2023; 4) failing to appreciate that the vaginal cuff lesion complaint in January-February 2023 needed to be considered recurrent/persistent cancer metastasis until and unless proven otherwise (as she was more than six to eight weeks post op at that time which well beyond normal healing time); 5) failing to engage in a differential diagnosis or a differential diagnosis that included recurrent/persistent cancer recurrence in January-February 2023

that included cancer recurrence or metastasis when Ms. Faust presented with vaginal cuff complaints; 6) failing to perform the necessary testing of the vaginal cuff lesion, including biopsy, in January-February 2023; 7) failing to diagnose the vaginal cuff complaints as recurrent/persistent cancer in January-February 2023 (and other times thereafter); 8) misdiagnosing the vaginal cuff complaints as nonhealing incision instead of recurrent/persistent cancer recurrence in January-February 2023; and 9) prescribing topical estrogen for the vaginal cuff complaints in January-February 2023 as it will exacerbate the cancer/spread of cancer.

To reasonable medical certainty, the foregoing caused in delay of treatment, progression of her disease as seen by serial imaging, and the need for more aggressive systemic treatment which decreased the chance of salvaging a cure from over 50% to under 30%.

My conclusions are based upon the information available to me at this time, as described above. Should other information and evidence become available, I reserve the right to supplement and/or amend this opinion.



5/1/2025

MARGARET M. CASEY FAUST,
v.
JONATHAN T. FOSTER, M.D.;
PROSPECT MEDICAL HOLDINGS,
INC., D/B/A WATERBURY HOSPITAL
A/K/A WATERBURY HEALTH;
MASOUD AZODI, M.D.; YALE NEW
HAVEN HEALTH SERVICES
CORPORATION D/B/A YALE NEW
HAVEN HEALTH; AMERICAN RED
CROSS D/B/A AMERICAN RED
CROSS OF CONNECTICUT,

SUPERIOR COURT
J.D. of WATERBURY
AT WATERBURY

January 31, 2025

STATE OF CONNECTICUT
SUPERIOR COURT
2025 JAN 31 P 12:38
JUDICIAL DISTRICT
OF WATERBURY

**PETITION TO THE CLERK FOR AUTOMATIC 90-DAY EXTENSION OF STATUTE
OF LIMITATIONS**

Pursuant to Connecticut General Statutes Section 52-190a(b), the undersigned hereby petitions for the AUTOMATIC ninety (90) day extension to the Statute of Limitations for injuries and damages suffered by the Plaintiff, Margaret M. Casey Faust, on or about February 1, 2023 and thereafter to allow reasonable inquiry to determine that there are grounds for a good faith belief that there has been negligence in the care and treatment of the Plaintiff, Margaret M. Casey Faust by Jonathan T. Foster, M.D., Prospect Medical Holdings, Inc. D/b/a Waterbury Hospital, a/k/a Waterbury Health, and their agents/apparent agents, servants and/or employees; and/or employees and/or any other physician not yet identified and affiliated with Jonathan T. Foster, M.D., Prospect Medical Holdings, Inc. D/b/a Waterbury Hospital, a/k/a Waterbury Health and/or any other health care providers that may have been involved in the care and treatment of the Plaintiff, Margaret M. Casey Faust.

The Plaintiff

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ORDER

The foregoing petition, having been presented to the Clerk of the Court pursuant to Conn Gen. Stat. Section 52-190(b), it is hereby ordered that the statute of limitations be extended for ninety (90) days.

Dated at Waterbury, Connecticut this 31st day of January, 2025.

Clerk
BY THE COURT,



Judge/Clerk

Beth Burns
Deputy Chief Clerk