



IN THE CIRCUIT COURT OF HOUSTON COUNTY, ALABAMA

CIVIL ACTION NO.: _____

KARREN HUGHES, as Executrix of the Estate of THOMAS DOSTER, deceased,

Plaintiff,

vs.

LONG TERM HOSPITAL OF DOTHAN, LLC; NOLAND HEALTH SERVICES, INC.;
NOLAND HEALTH SERVICES d/b/a LONG TERM HOSPITAL OF DOTHAN; MARVIN
WALKER SEXTON, M.D.; and A, whether singular or plural, that hospital, clinic, or other health care facility which undertook to provide medical services to THOMAS DOSTER on the occasion(s) made the basis of this suit; **B**, whether singular or plural, that medical partnership, professional association, or professional corporation which undertook to provide medical services to THOMAS DOSTER on the occasion(s) made the basis of this suit; **C**, whether singular or plural, that entity or those entities who or which were the employer, master or principal of that physician, or other health care provider, at the time of the incident made the basis of plaintiff's complaint; **D**, whether singular or plural, that entity which undertook to provide medical-diagnostic, medical-rehabilitative, medical-technical, or medical-therapeutic services to THOMAS DOSTER on the occasion(s) made the basis of this suit; **E**, whether singular or plural, that person, who, as an owner, stockholder, partner, associate, employee, or agent of any of the fictitious parties described above in items A through E, inclusive, undertook to provide any health care or related service to THOMAS DOSTER on the occasion(s) made the basis of this suit; **F**, whether singular or plural, that physician (including an intern, resident, or fellow), or other health care provider who undertook to provide medical services to THOMAS DOSTER on the occasion made the basis of this suit; **G**, whether singular or plural that licensed, registered, or practical nurse who undertook to provide medical services to THOMAS DOSTER on the occasion made the basis of this suit; **H**, whether singular or plural, that medical services therapist, technician, or worker who undertook to provide services to THOMAS DOSTER on the occasion made the basis of this suit; **I**, whether singular or plural, that student health care practitioner who undertook to provide services to THOMAS DOSTER on the occasion made the basis of this suit; **J**, whether singular or plural, that entity which, concerning the occasion made the basis of this suit, was the principal of any of the named or above-described fictitious party defendants; **K**, whether singular or plural, that entity which is the predecessor-in-interest of any of the named parties or above-described fictitious party defendants; and **L**, whether singular or plural, that entity which is the successor-in-interest of any of the named parties or above-described fictitious party defendants.

Plaintiff avers that the identity of the fictitious party defendants is otherwise unknown to plaintiff at this time, or, if their names are known to plaintiff at this time, their identity as proper party defendants is not known to plaintiff at this time; but their true names will be substituted by amendment when the aforesaid lacking knowledge is ascertained.

Defendants

C O M P L A I N T

FACTUAL ALLEGATIONS

1. On or about August 21, 2007, Thomas Doster was admitted to Long Term Hospital of Dothan with a medical history of Myasthenia-Gravis, Coronary Artery Disease, Hypertension, and a history of chronic renal insufficiency.
2. At some time during or after his admission, Mr. Doster underwent a physical therapy assessment which scored Mr. Doster as a high risk for falls.
3. On or about September 1, 2007, Mr. Doster was found on the floor of his room at Long Term Hospital of Dothan with lacerations to his face above the left eye, and the records reflect that the physician was notified at 2:30 p.m., and an order for administration of the drug Geodon was entered.
4. Mr. Doster died on September 2, 2007.

COUNT ONE (NEGLIGENCE OF DR. SEXTON)

5. In treating Mr. Doster, Dr. Sexton (and Fictitious Parties C, D, E, and F) had a duty to use such reasonable care, skill and diligence as other similarly situated health care providers in the same general line of practice.
6. Dr. Sexton (and Fictitious Parties C, D, E, and F) negligently breached that duty in the following ways:
 - (a) failing and/or refusing to put a care plan into place for fall prevention for Mr. Doster;

- (b) failing and/or refusing to perform a CT/CAT Scan or other diagnostic test after Mr. Doster's fall;
- (c) obtaining a DNI and/or DNR from Mr. Doster during a time when he was not fully mentally capable of agreeing to such matters;
- (d) ordering the administration of the drug Geodon, which is contraindicated for use with elderly patients and patients with a history of head injury;

7. Those negligent acts of Dr. Sexton (and Fictitious Parties C, D, E, and F) combined and/or concurred with the acts of the other defendants, including the other Fictitious Parties, to proximately cause Mr. Doster's death.

WHEREFORE, PREMISES CONSIDERED, the plaintiff, **KARREN HUGHES**, as Executrix of the Estate of Thomas Doster, deceased, demands judgment against this defendant, **DR. MARVIN WALKER SEXTON** (and Fictitious Parties C, D, E, and F), jointly and severally, in an amount sufficient to punish the defendant, protect the public, and prevent similar wrongs. Further, Plaintiff requests that this Court enter judgment consistent with the verdict, and that it also award Plaintiff interest from the date of the judgment and costs incurred by the court in managing this lawsuit.

COUNT TWO
(NEGLIGENCE OF LONG TERM HOSPITAL OF DOTHAN, LLC, NOLAND HEALTH SERVICE, INC., and NOLAND HEALTH SERVICE, INC., d/b/a LONG TERM HOSPITAL OF DOTHAN)

8. In treating Mr. Doster, Long Term Hospital of Dothan, LLC, Noland Health Service, Inc., and Noland Health Service, Inc., d/b/a Long Term Hospital of Dothan, its

agents and employees, (and Fictitious Parties A, B, F, G, H, and I) had a duty to use such reasonable care, skill and diligence as other similarly situated health care providers in the same general line of practice.

9. Long Term Hospital of Dothan, LLC, Noland Health Service, Inc., and Noland Health Service, Inc., d/b/a Long Term Hospital of Dothan, its agents and employees, (and Fictitious Parties A, B, F, G, H, and I) negligently breached that duty in the following ways:

- (a) failing and/or refusing to put a care plan into place for fall prevention for Mr. Doster;
- (b) failing to implement a Nursing Care Plan as required by Long Term Hospital of Dothan's policies, which includes protocol for fall prevention, restraints, and personal hygiene;
- (d) failing to document in the Nurse's 24 Hour Assessment that Mr. Doster was a high risk for falls; and
- (e) allowing Mr. Doster to fall;

10. Those negligent acts of Long Term Hospital of Dothan, LLC, Noland Health Service, Inc., and Noland Health Service, Inc., d/b/a Long Term Hospital of Dothan, its agents and employees, (and Fictitious Parties A, B, F, G, H, and I) combined and/or concurred with the acts of the other defendants, including the other Fictitious Party Defendants, to proximately cause Mr. Doster's death.

WHEREFORE, PREMISES CONSIDERED, the plaintiff, **KARREN HUGHES**, as Executrix of the Estate of Thomas Doster, deceased, demands judgment against the defendants, **LONG TERM HOSPITAL OF DOTHAN, LLC, NOLAND HEALTH SERVICE**,

INC., AND NOLAND HEALTH SERVICE, INC., D/B/A LONG TERM HOSPITAL OF DOTHAN, ITS AGENTS AND EMPLOYEES (and Fictitious Parties A, B, F, G, H, and I), jointly and severally, in an amount that will punish the defendant, protect the public, and prevent similar wrongs. Further, Plaintiff requests that this Court enter judgment consistent with the verdict, and that it also award Plaintiff interest from the date of the judgment and costs incurred by the court in managing this lawsuit.

COUNT SIX
(FICTITIOUS PARTIES)

11. Fictitious Party J was the principal of another defendant and is therefore liable for the negligent and/or wanton acts of its agents.

12. Fictitious Party K was the predecessor in interest of another defendant and therefore is responsible by contract or operation of law for that defendant's negligent and/or wanton acts.

13. Fictitious Party L was the successor in interest of another defendant and by contract or operation of law assumed the liabilities of another defendant.

34. As described above, Fictitious Parties J, K and L proximately caused the injuries to Mr. Doster, which ultimately led to his death.

WHEREFORE, PREMISES CONSIDERED, the plaintiff, **KARREN HUGHES**, as Executrix of the Estate of Thomas Doster, deceased, demands judgment against Fictitious Defendants J, K, and L, jointly and severally, in an amount that will punish the defendant, protect the public, and prevent similar wrongs. Further, Plaintiff requests that this Court enter judgment consistent with the verdict, and that it also

award Plaintiff interest from the date of the judgment and costs incurred by the court in managing this lawsuit.

Attorneys for Plaintiff

/s/ Rip Andrews

RIP ANDREWS (AND100)

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a struck jury for the trial of this case.

/s/ Rip Andrews

Attorney for Plaintiff

PLAINTIFF'S ADDRESS:

426 CO. ROAD 3319
TROY, ALABAMA 36079

DEFENDANTS TO BE SERVED BY CERTIFIED MAIL AS FOLLOWS:

DR. MARVIN WALKER SEXTON
1108 ROSS CLARK CIR
DOTHAN, AL 36301

LONG TERM CARE HOSPITAL OF DOTHAN, LLC
C/O GARY M. GLASSOCK
600 CORPORATE PKWY
SUITE 100
BIRMINGHAM, AL 35242

NOLAND HEALTH SERVICES, INC./
NOLAND HEALTH SERVICES, INC., d/b/a LONG TERM HOSPITAL OF DOTHAN
C/O GARY M. GLASSOCK
600 CORPORATE PKWY
SUITE 100
BIRMINGHAM, AL 35242