

IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS
STATE OF MISSOURI

CLAUDIA BALL

Plaintiff,

vs.

ALLIED PHYSICIANS GROUP, L.L.C.,
DOING BUSINESS AS AND OTHERWISE
KNOWN AS BREAKTHROUGH PAIN
RELIEF CLINIC,

SERVE AT:

Eric R. Riess

10 S. Broadway, Suite 2000

Saint Louis, MO 63102

Defendant.

vs.

CATHERINE DOTY, M.D.

SERVE AT:

Breakthrough Pain Relief Clinic

1585 Woodlake Dr, Suite 214

Chesterfield, MO 63017

Defendant.

Cause No:

Division No:

9

12SL-CC02997

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Jury Trial Demanded

PETITION FOR DAMAGES

COUNT I

COMES NOW Plaintiff Claudia Ball, by and through her attorney, Rudman and
Smith, L.L.C., and for her cause of action against Defendant, states and alleges as follows:

1. Plaintiff Claudia Ball at the relevant times to the instant case was sixty-five
years old and a resident of Saint Louis County, Missouri.

2. Defendant Allied Physicians Group, L.L.C. is a limited liability company, organized and existing under and by virtue of the laws of the State of Missouri; that said Defendant was doing business and operating as, and owned the Fictitious Registration, Breakthrough Pain Relief Clinic located at 1585 Woodlake Drive, Suite 214, Chesterfield, MO 63017, in the County of St. Louis, State of Missouri at the time of the incident.

3. The injury to the Plaintiff occurred within the 21st Judicial Circuit, Saint Louis County Missouri, and venue is proper.

4. On approximately December 10, 2009, Plaintiff Claudia Ball had an outpatient procedure scheduled at the Breakthrough Pain Relief Clinic operated by Defendant Allied Physician's Group, L.L.C., in the County of St. Louis.

5. From the time Plaintiff Claudia Ball was admitted to the Breakthrough Pain Relief Clinic, she was under the care of Defendant Allied Physicians Group, L.L.C. and its agents, servants, and employees, including it's agent Catherine Doty, M.D.

6. Defendant Allied Physician's Group, L.L.C., acting individually and by and through its agents, servants, and employees, was negligent in the following particulars to wit:

- a. Defendant Allied Physicians Group, L.L.C. were negligent in not informing Plaintiff of the risk of the needle discharging into her back or of the secondary effects of the needle being lodged in her back.
- b. Defendant Allied Physicians Group, L.L.C. was negligent in discharging the needle into Plaintiff's back.
- c. Defendant Allied Physicians Group, L.L.C. did not perform proper care in attempting to retrieve the needle without consulting a surgeon or other qualified medical professional.

- d. Defendant Allied Physicians Group, L.L.C. did not perform proper care in allowing time for the needle to become dislodged from its initial location in Plaintiff's back.
- e. Defendant Allied Physicians Group, L.L.C. was negligent in allowing the needle to become lodged deep enough that after multiple attempts, the needle could not be retrieved.
- f. Defendant failed to use such care as a reasonable prudent health care provider would have used under similar circumstances with respect to the care and treatment of Plaintiff and that Defendant's failure caused or contributed to Plaintiff's injuries and that failure directly caused to the damages Plaintiff.

7. As a direct and proximate result of the negligence and carelessness of Defendant Allied Physicians Group, L.L.C. operating as Breakthrough Pain Relief Clinic, Plaintiff Claudia Ball has pain in her lower back and trigger points and chronic musculoskeletal pain in the right iliac crest, right gluteal region from the needle breaking off originally at the level of the right L5-L2 level most likely requiring possible surgery in the future should the Plaintiff develop symptoms. Her ability to work, labor, and enjoy life has been, and will in the future be, impaired and limited; and she will be required to expend sums in the future for medical treatment and drugs in an amount that is yet unknown.

WHEREFORE, the premises considered, Plaintiff Claudia Ball, prays judgment against Defendant in an amount that is fair and reasonable, in excess of Twenty-Five Thousand Dollars (\$25,000.00) and for her costs herein expended.

COUNT TWO

8. Plaintiff incorporates by reference the averments of paragraphs 1 through 7 of this Petition as if fully stated herein.

9. At all times mentioned, Catherine Doty, M.D. examined and treated Plaintiff Claudia Ball in 2009 at Breakthrough Pain Relief Clinic operated by Allied Physicians Group, L.L.C., and held herself to be competent physician, as the physician supervising medical and nursing personnel capable of affording her patients proper and skillful medical, surgical and nursing care and treatment and capable of properly and skillfully diagnosing and treating diseases and conditions of the body.

10. At all times herein mentioned, Defendant Catherine Doty, M.D., as the physician who examined and treated Plaintiff Claudia Ball in 2009 at the Breakthrough Pain Relief Clinic was acting within the course and scope of her employment.

11. On approximately December 10, 2009, Plaintiff Claudia Ball had an outpatient procedure scheduled and determined by Catherine Doty, M.D. at the Breakthrough Pain Relief Clinic operated by Allied Physicians Group, L.L.C., in the County of St. Louis.

12. From the time Plaintiff Claudia Ball was admitted to the Breakthrough Pain Relief Clinic, she was under the care of Defendant Catherine Doty, M.D. (hereinafter Defendant Doty).

13. Defendant Doty, acting individually and by and through its agents, servants, and employees, was negligent in the following particulars to wit:

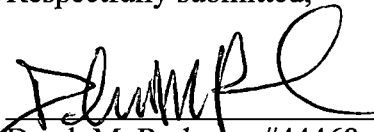
- a. Defendant Doty was negligent in not informing Plaintiff of the risk of the needle discharging into her back or of the secondary effects of the needle being lodged in her back.

- b. Defendant Doty was negligent in discharging the needle into Plaintiff's back.
- c. Defendant Doty did not perform proper care in attempting to retrieve the needle without consulting a surgeon or other qualified medical professional.
- d. Defendant Doty did not perform proper care in allowing time for the needle to become dislodged from its initial location in Plaintiff's back.
- e. Defendant Doty was negligent in allowing the needle to become lodged deep enough that after multiple attempts, the needle could not be retrieved.
- f. Defendant failed to use such care as a reasonable prudent health care provider would have used under similar circumstances with respect to the care and treatment of Plaintiff and that Defendant's failure caused or contributed to Plaintiff's injuries and that failure directly caused to the damages Plaintiff.

14. As a direct and proximate result of the negligence and carelessness of Defendant Catherine Doty, M.D., Plaintiff Claudia Ball has pain in her lower back and trigger points and chronic musculoskeletal pain in the right iliac crest, right gluteal region from the needle breaking off originally at the level of the right L5-L2 level most likely requiring possible surgery in the future should the Plaintiff develop symptoms. Her ability to work, labor, and enjoy life has been, and will in the future be, impaired and limited; and she will be required to expend sums in the future for medical treatment and drugs in an amount that is yet unknown.

WHEREFORE, the premises considered, Plaintiff Claudia Ball, prays judgment against Defendant Catherine Doty, M.D. in an amount that is fair and reasonable, in excess of Twenty-Five Thousand Dollars (\$25,000.00) and for her costs herein expended.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Derek M. Rudman', is written over a horizontal line.

Derek M. Rudman, #44468
Douglas B. Rudman, #41195
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