THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT

FOR SERVICE

Rockingham Superior Court
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SUMMONS IN A CIVIL ACTION

Case Name: **Nancy Knox, et al v Adam P Beck, MD, et al**
Case Number: **218-2014-CV-00249**

Date Complaint Filed: March 10, 2014

A Complaint has been filed against Adam P Beck MD ; New England Eye Specialists, PC in this Court. A copy of the Complaint is attached.

The Court ORDERS that ON OR BEFORE:

April 25, 2014	Nancy Knox; Joseph Knox shall have this Summons and the attached Complaint served upon Adam P Beck MD ; New England Eye Specialists, PC by in hand or by leaving a copy at his/her abode, or by such other service as is allowed by law.
May 16, 2014	Nancy Knox; Joseph Knox shall file the return(s) of service with this Court. Failure to do so may result in this action being dismissed without further notice.
30 days after Defendant is served	Adam P Beck MD ; New England Eye Specialists, PC must file an Appearance and Answer or other responsive pleading form with this Court. A copy of the Appearance and Answer or other responsive pleading must be sent to the party listed below and any other party who has filed an Appearance in this matter.

Notice to Adam P Beck MD ; New England Eye Specialists, PC: If you do not comply with these requirements you will be considered in default and the Court may issue orders that affect you without your input.

Send copies to:
Richard E. Fradette, ESQ

Beliveau Fradette & Gallant PA
91 Bay Street
PO Box 3150
Manchester NH 03105-3150

BY ORDER OF THE COURT

March 11, 2014

Raymond W. Taylor
Clerk of Court

(507)

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

SUPERIOR COURT
BENCH TRIAL

NANCY and JOSEPH KNOX
6 Valley Street
Derry, NH 03038

V.

ADAM P. BECK, MD
75 Gilcreast Road, Suite 210
Londonderry, NH 03053

and

NEW ENGLAND EYE SPECIALISTS, PC
75 Gilcreast Road, Suite 210
Londonderry, NH 03053

COMPLAINT

I. INTRODUCTION

Nancy Knox was a patient of Dr. Beck and defendant New England Eye Specialists, PC since at least January 2006. The defendants undertook to treat Nancy for Age Related Macular Degeneration in her left eye. As a result of the defendant's failure to meet the standard of care, Nancy lost her vision in her left eye. Nevertheless, Nancy was able to live independently because her right eye was fine and she could drive, work, and otherwise live a normal life. In June and July of 2012, the defendants undertook to treat Nancy's right eye and failed to treat Nancy's right eye consistent with the standard of care. As a result, defendants caused Nancy to lose vision in her right eye too. As a result

of defendants' negligence, Nancy is now legally blind and unable to drive, work or otherwise live a normal life with vision. Nancy lives with her husband and is now disabled and totally dependent on her husband. Nancy brings this lawsuit for damages caused by the defendants' medical malpractice.

II. PARTIES

1. Nancy Knox (hereinafter, Nancy) is an individual with a primary residence at 6 Valley Street, Derry, County of Rockingham, State of New Hampshire 03038. At all times relevant herein, Nancy was a patient of Beck and NEES. Nancy is married to Joseph Knox.

2. Joseph Knox (hereinafter, Joseph) is an individual who resides at 6 Valley Street, Derry, County of Rockingham, State of New Hampshire 03038. At all times relevant herein, Joseph was the husband of Nancy. As a result of defendants' negligence, Joseph brings a loss of consortium claim in this action.

3. Adam Beck, MD (hereinafter, Beck) is a physician who holds himself out to the public, including Nancy, as an eye specialist with an office at 75 Gilcreast Road, Suite 201, Londonderry, County of Rockingham, State of New Hampshire 03053. At all times relevant herein, Beck owed Nancy a duty to deliver standard of care medical treatment. Notwithstanding this duty, Beck breached the standard of care in connection with the medical services provided to Nancy and as a result she suffered injuries, including but not limited to blindness.

4. New England Eye Specialists, PC (hereinafter, NEES) is a Professional Corporation with a principal place of business at 75 Gilcreast Road, Suite 201, Londonderry, County of Rockingham, State of New Hampshire 03053.

III. JURISDICTION

5. New Hampshire has jurisdiction over the parties pursuant to RSA 491:7, RSA 167-61:a to 167-61:e, and such other and further laws, rules and regulations as are relevant to this case.

IV. FACTS

6. Beginning in 2006, Beck began treating Nancy for age related macular degeneration (hereinafter, AMD) in her left eye. This is a disease that, left untreated or not treated properly, can evolve into a serious condition that causes blindness in the eye. Blindness is preventable with proper treatment.

7. AMD can develop into what is known as "wet" AMD. This condition involves the growth of blood vessels behind the retina that release fluid and cause damage to the eye. Proper treatment involves the use of medication injected into the eye that arrests the blood vessels and prevents the damage to the eye. With proper care, wet AMD can actually be reversed and the eye's vision preserved.

8. Between 2006 and 2010, Beck gave only four injections into Nancy's left eye to treat her AMD. However, he performed two laser surgeries in her left eye. This treatment of Nancy's left eye was not consistent with the standard of care and as a result, Nancy lost vision in her left eye.

9. During the years 2006 through June 2012, Nancy's vision in her right eye was fine.

10. On June 12, 2012, Nancy sought treatment from Beck for decreased vision in her right eye. Upon examination, Beck determined that Nancy had very early wet AMD. To meet the standard of care, this finding requires medical treatment as soon as possible – within days. This is particularly true in a one eyed person. Nancy's left eye was already legally blind.

11. Beck did not treat Nancy's condition until July 3, 2012. On that day, Beck injected the drug used to treat early AMD. However, Beck combined the drug with Kenelog, a steroid, used to treat recalcitrant wet AMD and only after other more conservative treatment is unsuccessful. A common side effect of this combination therapy is glaucoma – a condition of high pressure in the eye that can be permanent. In Nancy's case, she already had a history of glaucoma so the use of a steroid as first line treatment for early AMD is a violation of the standard of care.

12. Nancy returned to Beck's office on July 6 with excruciating pain in her right eye. She is now experiencing nausea and vomiting. On examination, the pressure in Nancy's right eye is 46 – an emergency situation. Normal pressure is 21. In violation of the standard of care, Beck treated Nancy's right eye with eye drops for the next ten days.

13. On July 16, Beck undertook to do glaucoma surgery. This surgery was unsuccessful and rather than refer Nancy to Boston for treatment, he decided to proceed with a more aggressive surgery. Beck performed Ahmed Valve surgery on Nancy's right eye, in violation of the standard of care.

14. Nancy returned to Beck's office on September 7 and her vision in her right eye was legally blind. Nancy was now unable to live independently. Beck's office notes document that the fundus exam was abnormal, however, it records the retina as normal. Beck's and NEES records are inaccurate and incomplete and not in accordance with the standard of care.

15. The medical records (and lack thereof) documented by Beck and NEES staff did not meet the standard of care. NEES employees who provided care and treatment to Nancy were acting beyond the scope of their ability. As a result, Nancy did not receive standard of care eye treatment and related medical services and medical record documentation.

16. Nancy returned to Beck on September 11, 2012 and was diagnosed with having a total detachment of the retina in her right eye.

17. Nancy returned to Beck on September 14, 2012 and he attempted a highly specialized technical procedure. Essentially, he attempted to re-attach the retina in Nancy's right eye. Beck violated the standard of care and the procedure failed.

18. Nancy returned to Beck on January 7, 2013 and he again attempted surgery. By now, the right eye was damaged beyond repair. As a result, Nancy is blind in her right eye.

19. Nancy returned to Beck on March 11, 2013 and her vision is recorded as "bare light perception." This is near the end point of vision and very painful. The eye was red, inflamed and extremely painful. The care rendered by NEES, Beck and his technicians through March 2013 did not meet the standard of care.

20. As a result of the treatment rendered by NEES, Beck and his technicians, and the delay of proper treatment, Nancy is now blind in both eyes. She has suffered damages including, but not limited to, blindness, emotional distress, physical pain and suffering, medical bills, hospital bills, months of follow up care and treatment, and the loss of enjoyment of life and life's pleasures. Nancy's injuries are permanent. Her husband, Joseph, has suffered damages and economic loss as well, including but not limited to the loss of Nancy's support, household assistance, and general consortium.

COUNT I
(Medical Malpractice)

21. Plaintiffs repeat and incorporate herein by reference paragraphs 1-20.

22. Beck held himself out to the public, including Nancy, as a physician trained to provide medical care and treatment of the eye. Beck owed Nancy a duty to practice within his skill and where necessary, to refer Nancy for specialized care.

23. Furthermore, Beck owed Nancy a duty to exercise reasonable professional care to the degree that an ordinary, prudent physician would exercise under the same or similar circumstances.

24. Notwithstanding these duties, and in breach thereof, Beck neglected to provide treatment in a timely manner; Beck neglected to refer Nancy for treatment where indicated; Beck performed unnecessary procedures; Beck provided treatment that was contraindicated in Nancy under the circumstances; Beck undertook to provide treatment that was available in Boston and performed frequently, whereas Beck was inexperienced and unskilled in the procedure; and Beck otherwise failed to provide standard of care treatment to Nancy.

25. As a direct and proximate and foreseeable result of Beck's failure to meet the standard of care, Nancy was caused to suffer blindness, pain, emotional distress, anxiety, medical expenses, prolonged follow up treatment, loss of enjoyment of life and life's pleasures, and such other and further damages as are proven at trial. Nancy's injuries and damages are permanent.

COUNT II
(Consortium)

26. Plaintiffs repeat and incorporate herein by reference paragraphs 1-25.

27. Joseph makes a claim for loss of consortium as a result of defendants' negligence and injuries caused to his wife, Nancy. Joseph's damages include, but are not limited to, the loss of his right to society, services, love, companionship, affection, comfort, solace, and moral support.

28. Furthermore, as a result of Nancy's total blindness, Joseph has lost the physical assistance of Nancy in the operation and maintenance of the home, and the loss of enjoyment of life and life's pleasures. Joseph's damages are permanent.

V. DAMAGES

29. Plaintiffs repeat and incorporate herein by reference paragraphs 1-28.

30. The Plaintiff alleges that as a direct, foreseeable, and proximate result of the Defendants' actions, breaches of duty, and failures to act, as detailed herein, she has been caused to suffer the following damages:

A. Catastrophic and permanent physical injuries, including, but not limited to, total blindness, severe emotional distress, extraordinary physical pain, together with the costs and expenses associated therewith, past, present, and future;

B. Severe emotional distress, pain, suffering, anxiety, fear, stress, depression, and loss of enjoyment of life;

C. Numerous other medical expenses associated with necessary medical tests, evaluations, procedures, medications and other treatment related to attempts to ameliorate the damage and injury;

D. Enhanced compensatory damages, as the Defendants' conduct rose to the level of reckless indifference or disregard of the consequences to the Plaintiff that ultimately caused the Plaintiff's injuries, as alleged herein; and

E. Costs and reasonable expert witness fees, together with lawful interest thereon, and other expenses, injuries, and losses as proven at trial.

Respectfully submitted,

NANCY AND JOSEPH KNOX, Plaintiffs
By and through their Attorneys,
BELIVEAU, FRADETTE & GALLANT, P.A.

Dated: March 7, 2014

By: _____

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