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DEBRA L. HOGAN

Plaintiff(s),

vs.

CHAIM MANDELBAUM, M.D.;
COMPREHENSIVE PAIN MANAGEMENT AND SPINE CARE, LLC;
STEPHANIE VALET, R.N.;
JOHN DOE, Nos 1-5, (names being fictitious);
JANE DOE, Nos 1-5, (names being fictitious);
SURGICORE OF JERSEY CITY, LLC;
SURGICORE SURGICAL CENTER, LLC;
ATHANASIOS SCINAS, M.D.;
HAK J. CHA, M.D.;
ROXBURY ANESTHESIA, LLC;
WILLIAM LEE, D.O.;
DEVEN UNADKAT, D.O.;
DEVANSHI PATEL, M.D.;
ARPI PATEL, M.D.;
RWJBH EMERGENCY MEDICAL ASSOCIATES LLC;
MARY ROE, Nos 1-5; (names being fictitious);
JACK DOE, M.D. Nos. 1-5, (names being fictitious);
ABC COMPANY NOS 1-10; (names being fictitious); and
JERSEY CITY MEDICAL CENTER,

Defendant(s).

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – HUDSON COUNTY

Docket No.: HUD-L-3345-22

Civil Action

AMENDED COMPLAINT
AND
JURY DEMAND

DEBRA L. HOGAN, whose address is P.O. Box 2810, Binghamton, NY 13902-2810, by way of complaint against the defendants, says:

FIRST COUNT

1. At all times hereinafter mentioned, defendant CHAIM MANDELBAUM, M.D., was and still is a physician duly licensed to practice medicine in the State of New Jersey with offices at 75 Maiden Lane, Suite 106, New York, NY and who resided at 695 Palmer Avenue, Teaneck, NJ.

2. At all times hereinafter mentioned, defendant CHAIM MANDELBAUM, M.D., held himself out to the public and to persons such as plaintiff as being qualified and capable of rendering competent and professional care and treatment in the specialty of anesthesia and pain management.

3. At all times relevant hereto, defendant COMPREHENSIVE PAIN MANAGEMENT AND SPINE CARE, LLC was a business entity authorized to do business in the State of New Jersey, with offices located 75 Maiden Lane, Suite 106, New York, NY.

4. At all times hereinafter mentioned, defendant COMPREHENSIVE PAIN MANAGEMENT AND SPINE CARE, LLC, was in the business of providing medical care to the public through its agents, servants and employees, including defendant Chaim Mandelbaum, M.D., and other staff as set forth herein, and further held itself out as being possessed of such equipment and procedures as might be necessary to render effective medical and nursing care and treatment to the public and to persons such as plaintiff.

5. At all times relevant hereto, defendants, JOHN DOE Nos. 1-5, (names fictitious), were physicians, physicians' assistants and/or nurse practitioners duly licensed to practice in the State of New Jersey who held themselves out to the public and to persons such as plaintiffs as being qualified and capable of rendering competent and professional care, including post-operative

care and treatment, and who attended to plaintiff, DEBRA L. HOGAN at the facilities of defendant SURGICORE of JERSEY CITY, LLC and /or SURGICORE SURGICAL CENTER, LLC on or about October 23, 2020, after a thoracic epidural steroid injection (TESI) performed by defendant Chaim Mandelbaum, M.D.

6. At all times hereinafter mentioned, defendant STEPHANIE VALET, R.N. was and still is a registered nurse duly licensed to practice nursing in the State of New Jersey with an office at SURGICORE OF JERSEY CITY, LLC, or SURGICORE SURGICAL CENTER, LLC both with offices located at 550 Newark Avenue, 5th Floor, Jersey City, NJ.

7. Upon information and belief, at all times hereinafter mentioned, defendants STEPHANIE VALET, R.N. and JANE DOE Nos 1-5, (names being fictitious) were nurses duly licensed to practice nursing in the State of New Jersey, were employed by defendant SURGICORE OF JERSEY CITY, LLC and/or SURGICORE SURGICAL CENTER, LLC, held themselves out to the public and to persons such as plaintiff as being qualified and capable of rendering competent and professional nursing care, and attended to plaintiff, DEBRA L. HOGAN in the Post Anesthesia Care Unit (PACU) at defendant SURGICORE OF JERSEY CITY, LLC and/or SURGICORE SURGICAL CENTER, LLC on or about October 23, 2020 after her thoracic epidural steroid injection (TESI) performed by defendant Chaim Mandelbaum, M.D.

8. Upon information and belief, at all times relevant hereto, defendants SURGICORE OF JERSEY CITY, LLC, and SURGICORE SURGICAL CENTER, LLC were business entities authorized to do business in the State of New Jersey, engaged in the business of providing medical care to the public through their agents, servants and employees, and other staff as set forth herein,

and further held themselves out as being possessed of such equipment and procedures as might be necessary to render effective surgical treatment to the public and to persons such as plaintiff.

9. Upon information and belief, at all times relevant hereto, defendants SURGICORE OF JERSEY CITY, LLC, and SURGICORE SURGICAL CENTER, LLC owned and operated a surgery center located at 550 Newark Avenue Jersey City, NJ.

10. Upon information and belief, at all times relevant hereto, defendant ATHANASIOS SCINAS, M.D. was a physician duly licensed to practice medicine in the State of New Jersey.

11. Upon information and belief, at all times relevant hereto, defendant ATHANASIOS SCINAS, M.D. held himself out to the public and to persons such as plaintiff as being qualified and capable of rendering competent and professional care and treatment in the specialty of anesthesia.

12. Upon information and belief, at all times relevant hereto, defendant HAK J. CHA, M.D. was a physician duly licensed to practice medicine in the State of New Jersey.

13. Upon information and belief, at all times relevant hereto, defendant HAK J. CHA, M.D. held himself out to the public and to persons such as plaintiff as being qualified and capable of rendering competent and professional care and treatment in the specialty of anesthesia.

14. Upon information and belief, at all times relevant hereto, defendant ROXBURY ANESTHESIA, LLC, was a business entity authorized to do business in New Jersey, with offices located at 550 Newark Avenue, Jersey City, NJ 07306.

15. Upon information and belief, at all times relevant hereto, defendant ROXBURY ANESTHESIA, LLC, was engaged in the business of providing medical care to the public through

its agents, servants and employees, and other staff as set forth herein, and further held itself out as being possessed of such equipment and procedures as might be necessary to render anesthesia treatment to the public and to persons such as plaintiff.

16. Upon information and belief, at all times relevant hereto, defendants ATHANASIOS SCINAS, M.D. and HAK J. CHA, M.D. were agents, servants and/or employees of defendant ROXBURY ANESTHESIA, LLC, and/or ABC COMPANY LLC Nos. 1-3 (true names unknown) when providing anesthesia and post operative care to plaintiff DEBRA L. HOGAN at Surgicore on October 23, 2020.

17. Upon information and belief, at all times relevant hereto, defendant DEVEN UNADKAT, D.O., was a physician duly licensed to practice medicine in the State of New Jersey.

18. Upon information and belief, at all times relevant hereto defendant DEVEN UNADKAT, D.O., held himself or herself out to the public and to persons such as plaintiffs as being qualified and capable of rendering competent and professional care and treatment in the specialty of emergency medicine.

19. Upon information and belief, at all times relevant hereto defendant WILLIAM LEE, D.O., was a physician duly licensed to practice medicine in the State of New Jersey.

20. Upon information and belief, at all times relevant hereto WILLIAM LEE, D.O., held himself out to the public and to persons such as plaintiffs as being qualified and capable of rendering competent and professional care and treatment in the specialty of emergency medicine.

21. Upon information and belief, at all times relevant hereto defendant RWJBH EMERGENCY MEDICAL ASSOCIATES LLC was a business entity authorized to do business in New Jersey, with offices located at 355 Grand Street, Jersey City, NJ, 07302.

22. Upon information and belief, at all times relevant hereto, ABC COMPANY LLC Nos. 4-7 (true names unknown) was engaged in the business of providing medical care to the public through their agents, servants and employees, and other staff, including the individuals named as defendants herein, and further held itself out as being possessed of such equipment and procedures as might be necessary to render competent treatment to the public and to persons such as plaintiff.

23. At all times relevant hereto, upon information and belief, defendant RWJBH EMERGENCY MEDICAL ASSOCIATES LLC and ABC COMPANY LLC Nos. 4-7 (true names unknown) were business entities engaged in supplying emergency room physicians to staff the emergency room at Jersey City Medical Center in October 2020.

24. Upon information and belief, at all times relevant hereto, defendants DEVEN UNADKAT, D.O., and WILLIAM LEE, D.O. were agents, servants, employees and/or apparent employees of defendant RWJBH EMERGENCY MEDICAL ASSOCIATES LLC, JERSEY CITY MEDICAL CITY and/or ABC COMPANY LLC Nos. 4-7 (true names unknown) when they were providing emergency medical treatment to plaintiff DEBRA L. HOGAN at Jersey City Medical Center in October 2020.

25. At all times hereinafter mentioned, defendant DEVANSHI PATEL, M.D. was a physician duly licensed to practice medicine in the State of New Jersey.

26. At all times hereinafter mentioned, defendant DEVANSHI PATEL, M.D. held himself or herself out to the public and to persons such as plaintiffs as being qualified and capable of rendering competent and professional care and treatment in the specialty of internal medicine.

27. At all times hereinafter mentioned, defendant ARPI PATEL, M.D. was a physician duly licensed to practice medicine in the State of New Jersey.

28. At all times hereinafter mentioned, defendant ARPI PATEL, M.D. held himself or herself out to the public and to persons such as plaintiffs as being qualified and capable of rendering competent and professional care and treatment in the specialty of internal medicine.

29. Upon information and belief, at all times relevant hereto, defendants DEVANSHI PATEL, M.D. and ARPI PATEL, M.D. were agents, servants and/or employees of defendants JERSEY CITY MEDICAL CITY and/or ABC COMPANY LLC Nos. 8-10 (true names unknown) when they were providing medical treatment to plaintiff DEBRA L. HOGAN at Jersey City Medical Center in October 2020.

30. At all times relevant hereto, defendant JERSEY CITY MEDICAL CENTER a business entity, authorized to do business in the State of New Jersey, and engaged in the business of providing medical care to the public through its agents, servants and employees, and other staff as set forth herein, and further held itself out as being possessed of such equipment and procedures as might be necessary to render effective medical, nursing and hospital care and treatment to the public and to persons such as plaintiff.

31. At all times relevant hereto, defendant JERSEY CITY MEDICAL CENTER owned and operated a hospital including an Emergency Room located at 355 Grand Street, Jersey City, NJ.

32. At all times relevant hereto, defendants, MARY ROE, Nos 1-5, (names fictitious), were nurses, physician assistants and other medical personnel duly licensed to practice in the State of New Jersey, who were employed by defendants, JERSEY CITY MEDICAL CENTER and/or ABC COMPANY LLC Nos. 4-10 (true names unknown) and who held themselves out to the public and to persons such as plaintiff as being qualified and capable of rendering competent and professional care and attended to plaintiff, DEBRA L. HOGAN in the Emergency room and other locations at defendant JERSEY CITY MEDICAL CENTER on or about October 23, 2020, when she was transferred there from SURGICORE OF JERSEY CITY, LLC and/or SURGICORE SURGICAL CENTER, LLC, after the thoracic epidural steroid injection (TESI) performed by defendant Chaim Mandelbaum, M.D.

33. At all times relevant hereto, defendants, JACK DOE Nos. 1-5, (names fictitious), were physicians duly licensed to practice medicine in the State of New Jersey and held themselves out to the public and to persons such as plaintiffs as being qualified and capable of rendering competent and professional care and treatment in the field of emergency medicine who attended to plaintiff, DEBRA L. HOGAN in the Emergency room and other locations at defendant JERSEY CITY MEDICAL CENTER on or about October 23, 2020, when she was transferred there from SURGICORE OF JERSEY CITY, LLC and/or SURGICORE SURGICAL CENTER, LLC, after the thoracic epidural steroid injection (TESI) performed by defendant Chaim Mandelbaum, M.D.

34. On October 23, 2020, plaintiff DEBRA L. HOGAN came under the care of defendants CHAIM MANDELBAUM, M.D., SURGICORE OF NEW JERSEY, LLC and/or SURGICORE SURGICAL CENTER, LLC, HAK J. CHA, M.D., ROXBURY ANESTHESIA, LLC, STEPHANIE VALET, R.N., JANE DOE NOS. 1-5, (names being fictitious), JOHN DOES

1-5 (names being fictitious), and ABC CO Nos 1-3 (names being fictitious) for a thoracic epidural steroid injection, also known as a TESI.

35. On October 23, 2020, plaintiff DEBRA L. HOGAN underwent a pain management procedure known as a Thoracic Epidural Steroid Injection, or TESI, at the surgery center owned and operated by defendants SURGICORE OF NEW JERSEY, LLC and/or SURGICORE SURGICAL CENTER, LLC, at 550 Newark Avenue, 5th Floor, Jersey City, NJ.

36. The Thoracic Epidural Steroid Injection, or TESI, performed on plaintiff DEBRA L. HOGAN on October 23, 2020, at Surgicore of Jersey City, LLC was performed by defendant CHAIM MANDELBAUM, M.D.

37. Anesthesia for the Thoracic Epidural Steroid Injection, or TESI, performed on plaintiff DEBRA L. HOGAN on October 23, 2020, at Surgicore of Jersey City, LLC was provided by defendant ATHANASIOS SCINAS, M.D.

38. Upon information and belief, defendants HAK J. CHA, M.D., STEPHANIE VALET, R.N., and JANE DOE Nos. 1-5 provided medical and/or nursing care to plaintiff DEBRA L. HOGAN during the aforementioned TESI procedure and in the Post Anesthesia Care Unit (PACU) at Surgicore of New Jersey on October 23, 2020.

39. On October 23, 2020, plaintiff DEBRA L. HOGAN was caused to be seriously injured due to the negligence of the aforementioned defendants while in their care at Surgicore.

40. Defendants CHAIM MANDELBAUM, M.D., SURGICORE OF NEW JERSEY, LLC and/or SURGICORE SURGICAL CENTER, LLC,; ATHANASIOS SCINAS, M.D.; HAK J. CHA, M.D.; ROXBURY ANESTHESIA, LLC, STEPHANIE VALET, R.N.; JANE DOE Nos.

1-5, (names being fictitious), and JOHN DOES 1 to 5 (names being fictitious) were negligent, *inter alia*, as follows: on or about October 23, 2020, and at all times relevant thereto, defendants negligently and carelessly cared for plaintiff DEBRA L. HOGAN in causing an epidural hematoma to form after plaintiff's TESI on October 23, 2020; in failing to properly examine the patient; in failing to find and properly address the epidural hematoma that formed after her TESI on October 23, 2020; in failing to prevent the epidural hematoma from forming, in failing to properly monitor DEBRA L. HOGAN in the immediate post-TESI procedure period; in failing to issue proper post-TESI procedure orders, in failing to anticipate the possible development of a post-TESI epidural hematoma; in failing to respond promptly and/or appropriately to plaintiff's post-procedure complaints which indicated the presence of a possible epidural hematoma; and in failing to take timely, immediate and appropriate action to treat DEBRA L. HOGAN so as to avoid her suffering severe and permanent damage to her spinal cord.

41. At approximately 12:20 pm on October 23, 2020, plaintiff DEBRA L. HOGAN was transferred from SURGICORE OF NEW JERSEY, LLC and/or SURGICORE SURGICAL CENTER, LLC, to Jersey City Medical Center.

42. Upon her transfer to Jersey City Medical Center, plaintiff came under the care of defendants WILLIAM LEE, D.O.; DEVEN UNADKAT, D.O.; RWJBH EMERGENCY MEDICAL ASSOCIATES LLC; DEVANSHI PATEL, M.D.; ARPI PATEL, M.D.; JERSEY CITY MEDICAL CENTER, ABC COMPANY LLC Nos. 4-10 (true names unknown); MARY ROE Nos 1-5, (names being fictitious), and /or JACK DOES Nos 1-5 (names being fictitious).

43. On October 23, 2020, plaintiff DEBRA L. HOGAN was caused to be seriously injured due to the negligence of the aforementioned defendants while in their care at Jersey City Medical Center.

44. Defendants WILLIAM LEE, D.O.; DEVEN UNADKAT, D.O.; RWJBH EMERGENCY MEDICAL ASSOCIATES LLC; DEVANSHI PATEL, M.D.; ARPI PATEL, M.D.; JERSEY CITY MEDICAL CENTER, ABC COMPANY LLC Nos. 4-10 (true names unknown); MARY ROE Nos 1-5, (names being fictitious), and /or JACK DOES Nos 1-5, 6-10 (names being fictitious) were negligent, *inter alia*, as follows: on or about October 23, 2020, and at all times relevant thereto, defendants negligently and carelessly cared for plaintiff DEBRA L. HOGAN after her transfer to Jersey City Medical Center in failing to properly examine their patient; in failing to consider an epidural hematoma as the cause of her symptoms, in failing to timely find and properly address the epidural hematoma that formed after her TESI on October 23, 2020; in failing to properly monitor DEBRA L. HOGAN after her arrival; in failing to order immediate and appropriate testing to determine the cause of her neurological complaints upon arrival; in failing to issue immediate and proper orders based on her history and complaints upon arrival; in failing to respond promptly and/or appropriately to plaintiff's complaints which indicated the presence of a possible epidural hematoma; and in failing to take timely, immediate and appropriate action to test and treat DEBRA L. HOGAN so as to avoid her suffering severe and permanent damage to her spinal cord.

28. By reason of the negligence of the defendants as aforesaid, on October 23, 2020, plaintiff DEBRA L. HOGAN was caused to suffer great pain and suffering, paralysis, mental anguish, loss of enjoyment of life and disability and has incurred substantial medical expenses in connection therewith.

WHEREFORE, plaintiff demands judgment against the defendants jointly, severally and in the alternative for damages, together with interest and costs of suit.

SULLIVAN PAPAIN BLOCK
MCGRATH COFFINAS & CANNAVO
Attorneys for Plaintiff

By: _____
Hugh M. Turk

DATED: October 11, 2022

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Mark A. Apostolos, Esq., is hereby designated as trial counsel for plaintiff, DEBRA L. HOGAN.

JURY DEMAND

Plaintiff demands trial by jury as to all issues.

CERTIFICATION PURSUANT TO RULE 4:5-1(b)(2)

I hereby certify under penalty of perjury that to the best of my knowledge the within action is not presently the subject of any other action pending in any other court or arbitration proceeding, nor is any such action or arbitration contemplated.

SULLIVAN PAPAIN BLOCK
MCGRATH COFFINAS & CANNAVO
Attorneys for Plaintiffs

By: Hugh M. Turk
Hugh M. Turk

DATED: October 11, 2022