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IN THE CIRCUIT COURT OF THE 9TH JUDICIAL CIRCUIT IN AND FOR ORANGE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.: 2021-CA-010737-O

DONNA M. SADA,
as Personal Representative of
the Estate of James R. Sada,
deceased,

Plaintiff,
vs.

ORLANDO HEALTH, INC.;
and VIJAYKUMAR S. KASI, M.D.,

Defendants.
_____/

SECOND AMENDED COMPLAINT

The Plaintiff, DONNA M. SADA, as Personal Representative of the Estate of James R. Sada, deceased, on behalf of the Estate and on behalf of herself, as a statutory survivor along with the additional surviving minor children, Blake Pierre Sada and Dade James Sada, sues the Defendants, ORLANDO HEALTH, INC.; and VIJAYKUMAR S. KASI, M.D., and alleges:

JURISDICTIONAL STATEMENT AND IDENTIFICATION OF PARTIES

1. This is an action for damages which exceeds the minimum jurisdictional limits of this Court.

2. Venue is proper in Orange County, Florida, where the Defendants do business and reside.

3. Plaintiff, Donna M. Sada, is the duly appointed Personal Representative of the Estate of the Deceased, James R. Sada, and is the surviving wife of James R. Sada and is a statutory survivor. The additional surviving children of James R. Sada are Blake Pierre Sada and Dade James Sada.

4. Defendant Orlando Health, Inc. owned, operated, and maintained a hospital called South Seminole Hospital (hereinafter, "SSH") which provided medical care and services, including, an Emergency Department. On July 26, 2020, SSH did not have the capabilities of performing cardiac catheterizations required for patients like Mr. Sada.

5. Defendant Orlando Health, Inc. owned, operated, and maintained a full-service acute care hospital called Orlando Regional Medical Center (hereinafter, "ORMC") which provided medical care and services and included a Cardiac Catheterization Department, with nurses, technicians, and the requisite medical staff and adjunct hospital staff to include respiratory therapists, and others attendant to the provision of such hospital services for Mr. Sada. On July 26, 2020, ORMC maintained and operated a cardiac catheterization lab that was operational and fully capable of treating patients like Mr. Sada.

6. Defendant Orlando Health, Inc. employed, operated, and maintained an Air Care Team with helicopter capabilities to transport patients, like Mr. Sada, from SSH to ORMC. At all times material, Orlando Health, Inc. employed its Air Care Team to provide medical helicopter transport services to Mr. Sada. Further, Orlando Health, Inc. chose to keep Mr. Sada in network as is further described herein rather than transporting him or enabling his transport to a closer, fully equipped hospital outside of Orlando Health, Inc.'s network.

7. Defendant Orlando Health, Inc. as the owner and operator of hospitals, including SSH and ORMC, and as the employer and operator of the Air Care Team, had a duty to provide reasonably safe and appropriate healthcare services to James R. Sada, including, but not limited to, appropriate and safe policies, procedures, bylaws, rules, and regulations for the treatment of and transfer of patients like Mr. Sada.

8. At all times material hereto, Defendant Orlando Health, Inc. employed the

physicians, nurses, respiratory therapists, air crew paramedics, Air Care Team, cath lab technicians, emergency medical technicians, anesthesiologists, and other health care providers to provide medical services to Mr. Sada, and as such, Orlando Health Inc., is vicariously liable for the negligent and careless actions of its employees, agents, and non-party employees, including but not limited to Katie Pearson, M.D. (a/k/a Katie Swanson, M.D.), Defendant Vijaykumar S. Kasi, M.D., and its Air Care Team.

9. At all times material, Katie Pearson, M.D. (a/k/a Katie Swanson, M.D.) (hereinafter, "Dr. Pearson") was and is a physician licensed to practice medicine in Orange County, Florida, and as such held herself out to the Plaintiff and to the public as a physician well-skilled in the practice of emergency medicine.

10. At all times material, Orlando Health, Inc., was the principal and/or employer of Dr. Pearson, and Orlando Health, Inc. selected Dr. Pearson to provide medical services to Mr. Sada, and as such, Orlando Health, Inc. is vicariously liable for the negligent actions of Dr. Pearson.

11. At all times material, Orlando Health, Inc. employed and selected Defendant, Vijaykumar S. Kasi, M.D. (hereinafter "Dr. Kasi") to provide medical services to Mr. Sada, and as such, is vicariously liable for the negligent actions of Defendant, Dr. Kasi.

12. At all times material hereto, the Defendant, Dr. Kasi, was and is a physician licensed to practice medicine in Orange County, Florida, and as such held himself out to the Plaintiff and to the public as a physician well-skilled in the practice of percutaneous coronary intervention (PCI) for treatment of patients suffering emergent STEMI.

13. At all times relevant herein and material hereto, Mr. Sada made no choice of the healthcare providers who provided care to him at SSH and at ORMC. At all times relevant herein

and material hereto, Mr. Sada made no choice and was offered no choice regarding the medical transportation necessary to take him to a facility capable of treating his condition. Mr. Sada relied upon Orlando Health, Inc. to provide competent and appropriate healthcare providers and medical transportation to an appropriate healthcare system for his care and treatment. Orlando Health, Inc. provided all of the healthcare providers and Air Care Team to Mr. Sada and therefore, by operation of Florida law, all the healthcare providers and the Air Care Team who provided care and treatment and transportation to Mr. Sada were and are the employees, agents, or apparent agents, of Defendant, Orlando Health, Inc., including Dr. Kasi, Dr. Pearson, and its Air Care Team.

14. James R. Sada died on July 26, 2020, while a patient of Orlando Health, Inc. at ORMC in Orlando, Orange County, Florida.

COMPLIANCE WITH CONDITIONS PRECEDENT AND FLORIDA STATUTE SECTION 776.106(2)

15. Notice of Intent to Initiate Litigation against Defendant, Orlando Health, Inc. was given and acknowledged in accordance with the requirements of Section 766.106(2) Fla. Stat. This action has been properly brought within two years of the date of the alleged negligence. Any and all conditions precedent to the filing of this lawsuit have been completed. Plaintiff has also complied with the requirements of the Department of Health Agency for Health Care Administration. A copy of the Complaint will be sent to the Agency for Health Care Administration at the time the Complaint is filed.

CERTIFICATE OF COUNSEL

16. Through counsel's signature below, it is hereby certified, pursuant to Section 766.203 Fla. Stat. that counsel for Plaintiff, prior to filing this action, has made a reasonable investigation as permitted by the circumstances.

GENERAL STATEMENT OF FACTS GIVING RISE TO CAUSES OF ACTION

17. On July 26, 2020, at 7:32 a.m., EMS responded to Mr. James Sada's home. Mr. Sada reported that he had chest pain 4/10. At 7:56 a.m., the EMS crew notified SSH via radio that the patient was a STEMI patient following multiple EKG's performed by EMS, and that the patient had chest pain.[1] EMS further informed the staff at SSH that their ETA to SSH was 5 minutes.

18. Defendant Orlando Health, Inc., including Dr. Pearson and the staff at SSH, never informed EMS that SSH was not equipped to treat a STEMI patient, was not equipped with a cardiac catheterization laboratory on that day, and was otherwise incapable of providing Mr. Sada with the necessary and urgent treatment he needed to survive. Instead of redirecting EMS to another nearby hospital with cardiac catheterization capabilities, Defendant Orlando Health, Inc., including Dr. Pearson and the staff at SSH, accepted and registered the patient at SSH and within Defendant Orlando Health, Inc.'s network.

19. At approximately 8:01 a.m., EMS arrived at SSH. At approximately 8:11 a.m., the SSH staff contacted ORMC and Dr. Kasi, due to the diagnosis of a life threatening but treatable heart attack known as a STEMI, accepted Mr. Sada for transfer to ORMC's Catheterization Lab at 8:15 a.m. Defendant Orlando Health, Inc., Dr. Pearson, and Dr. Kasi chose to transport Mr. Sada to ORMC via helicopter. However, substantial delay occurred while the Air Care Team elected to burn fuel for approximately 23 minutes rather than immediately transport Mr. Sada to the cardiac cath lab at ORMC. The helicopter did not depart SSH with Mr. Sada until approximately 9:02 a.m.

[1] STEMI refers to ST segment elevation myocardial infarction on EKG and means the patient has arterial blockage that must be timely treated with emergent cardiac catheterization.

20. Defendant Orlando Health, Inc., including Dr. Pearson and the staff at SSH, chose not to immediately transfer Mr. Sada by ground ambulance to ORMC. Defendant Orlando Health, Inc., through its agents and employees also chose not to immediately transfer Mr. Sada by ground ambulance to another nearby hospital much closer than ORMC capable of treating Mr. Sada. Instead, Defendant Orlando Health, Inc. elected to make Mr. Sada wait for the Air Care Team's helicopter to burn fuel, thereby keeping Mr. Sada inside the Defendant Orlando Health, Inc.'s hospital system without informing Mr. Sada of the consequences of the delay, of his option to move immediately to another hospital system by ground ambulance, or his option to move immediately to ORMC via ground ambulance. Defendant Orlando Health, Inc. and its agents and employees kept Mr. Sada at SSH, a facility incapable of treating Mr. Sada's life threatening condition, for over an hour while he was experiencing a life threatening but treatable heat attack known as a STEMI.

21. At approximately 9:09 a.m., the Air Care Team finally landed with Mr. Sada at ORMC. At 9:14 a.m., Mr. Sada arrived at the cath lab and he was moved onto the cath procedure table. Mr. Sada complained of increased respiratory difficulty, and an x-ray wedge was placed under his back to assist breathing. At or about 09:18 a.m., the medical records show that Mr. Sada was "not responding appropriately." The Air Care Team records reflect that bag valve mask ventilation was performed by Air Care Team crew member, Brian Musselwhite, to assist with Mr. Sada's breathing. The cath lab staff emergently paged for a respiratory therapy team to respond. While waiting, the Air Care Team continued to ventilate the patient with bag valve mask ventilation, oxygen saturation at <90 percent. Mr. Sada's response was "improved."

22. At 9:21 a.m., the Air Care Team records reflects that since respiratory therapy had still not arrived in the cath lab, the Air Care Team intubated Mr. Sada to protect his airway,

allowing him to breathe and to remain a candidate for the cardiac catheterization procedure that he needed urgently. The examination revealed that the intubation was successful and that Mr. Sada's breathing improved. However, due to the unavailability of an ETCO2 adapter to confirm the intubation was successful, Defendant Orlando Health, Inc's agents and/or employees elected to remove the breathing tube. Now, Mr. Sada could no longer breathe and his condition rapidly deteriorated. A code blue was called. Attempts to reintubate Mr. Sada, after Defendant Orlando Health, Inc.'s agents and employees previously extubated him, failed.

23. As result of Mr. Sada's untreated myocardial infarction, the delay in getting Mr. Sada to the cath lab, the failure to perform a timely cardiac catheterization for Mr. Sada, the choice to remove Mr. Sada's breathing tube, and the inability to reintubate Mr. Sada, Mr. Sada died at approximately 10:00 a.m., on the table in the cath lab at ORMC.

COUNT I - NEGLIGENCE AS TO ORLANDO HEALTH, INC.

Plaintiff adopts and re-alleges paragraphs 1 through 23 as if fully set forth herein and further alleges:

24. Defendant Orlando Health, Inc. and its agents and employees, including Dr. Pearson, Dr. Kasi, and the Air Care Team had and undertook the duty to treat and transport Mr. Sada in accordance with that level of care, skill, and expertise which in light of all relevant surrounding circumstances is recognized as acceptable and appropriate by reasonable prudent similar health care providers and medical transport personnel in the same or similar circumstances. Defendant Orlando Health, Inc. as the owner and operator of hospital systems and through its agents and employees, including Dr. Pearson, Dr. Kasi, and its Air Care Team, breached the prevailing professional standard of care applicable as more fully set forth below which directly caused the death of James R. Sada.

25. Notwithstanding the duty undertaken, Defendant, Orlando Health, Inc. as the owner and operator of a hospital system and through its nurses, employees, agents, physicians, and other health care providers, including Dr. Pearson, Dr. Kasi and its Air Care Team, breached its duty in one or more of the following ways:

a) negligently failed to have (or follow) a reasonable system for the acceptance, transfer, and transport of patients to an appropriate facility capable of treating Mr. Sada;

b) negligently failed to have (or follow) a system whereby a patient who cannot be treated at SSH is diverted to the closest capable hospital, regardless of whether that is an Orlando Health, Inc. facility, that can provide such treatment (e.g. cardiac catheterization);

c) negligently failed to have (or follow) a system whereby a patient who cannot be transported by helicopter due to weight without delay is instead immediately transported by ambulance to the closest capable hospital, regardless of whether that hospital is an Orlando Health, Inc. hospital;

d) negligently failed to have (or follow) a system whereby a patient who cannot be transported by helicopter due to weight without delay is instead immediately transported by ground ambulance to ORMC;

e) negligently failed to maintain or have available helicopter equipment capable of carrying patients of Mr. Sada's weight;

f) negligently failed to have a ground ambulance available and on site to immediately transport Mr. Sada, as required by the standard of care and applicable state statutes, codes and/or regulations;

g) negligently failed to call a ground ambulance;

h) negligently violated the prevailing professional standard of care in the treatment of this patient by unreasonably delaying his transfer to a hospital capable of treating the patient;

i) negligently chose not to redirect EMS to another nearby hospital capable of treating Mr. Sada;

j) negligently chose to accept Mr. Sada as a patient at SSH;

k) negligently chose against an immediate transfer of Mr. Sada to another nearby hospital via ground ambulance;

l) negligently chose to transport Mr. Sada to ORMC via helicopter;

m) negligently failed to protect James R. Sada from bodily harm and injury by failing to timely get the patient to the cath lab for treatment;

n) negligently failed to properly assess the true condition of James R. Sada and failed to timely intervene to prevent his death;

o) negligently failed to properly evaluate, treat and diagnose the true condition from which James R. Sada suffered upon his admission to the hospital;

p) negligently failed to order and perform the necessary and proper tests on James R. Sada so as to competently save his life;

q) negligently failed to order and perform the necessary and proper tests on James R. Sada so as to competently take the necessary action to protect his airway and save his life;

r) negligently violated the prevailing professional standard of care in the treatment of this patient;

s) negligently failed to timely and appropriately treat Mr. Sada's unprotected airway;

t) negligently extubated the patient;

u) negligently failed to have proper policies and procedures in place relating to extubation;

v) negligently failed to have a supervising physician, including Dr. Kasi, physically present upon the patient's arrival at ORMC so as to be immediately available to assess the patient's condition, determine if he needed intubation and/or emergency attention to protect his airway, and to immediately initiate the catheterization procedure;

w) negligently failed to have appropriate equipment available, or use the appropriate equipment if it was available, to confirm the intubation was successful;

x) negligently failed to document the medical records. Among other things, they are not accurately dated and timed. There is no documentation noted from the cardiac lab nursing staff regarding the patient's arrival assessment. The procedure log starts at 09:17, conflicting with other entries, and there is no documentation noted from the cath lab nursing staff regarding the patient's arrival status or current assessment. The record is unclear regarding who was responsible for the patient at the time of arrival into the cath lab. This information is required in order to comply with standards of care by the hospital's own policies, and by Florida law; and

y) negligently conducted the Code Blue response through its employed physicians, nurses and other employed personnel.

COUNT II - ACTIVE NEGLIGENCE CLAIM AGAINST DEFENDANT, VIJAYKUMAR S. KASI M.D.

Plaintiff adopts and re-alleges paragraphs 1 through 23 above as if fully set forth, and further alleges:

26. Defendant Dr. Kasi had and undertook a duty to diagnose, care for, and treat Mr. Sada in accordance with accepted or prevailing standards of care for physicians practicing medicine in Orange County, Florida, or any other similar medical community.

27. Notwithstanding said undertaking, Defendant, Dr. Kasi breached said duties in one or more of the following ways:

a) negligently directed the transfer of Mr. Sada via helicopter when he knew or should have known that the helicopter lacked the power and size to carry a patient of Mr. Sada's weight;

b) negligently failed to be immediately available to assess the patient upon arrival at ORMC, including but not limited to being present and/or available when patient arrived at the Cardiac Catheterization Lab. If he was not available, he should have had a qualified physician available to assess and treat the patient;

c) negligently failed to timely record a note in the medical records regarding his participation, or lack thereof, in the care and treatment of the patient upon his arrival at the hospital, in violation of hospital policies and procedures, medical staff rules and regulations, and Florida law regarding medical record documentation;

d) negligently failed to advise the other health care providers who were responding to the Code Blue that the patient had been intubated earlier and extubated by Mr. Musselwhite, the air crew nurse. The medical records did not reflect any participation by Mr. Musselwhite until several hours after the patient died when he filed his official Air Crew Transportation Report. Therefore, due to the negligence of Dr. Kasi,

rescue personnel were deprived of vital information needed to assess the patient and take proper emergency procedures to save his life. On the other hand, if Dr. Kasi was not present when the air crew arrived and intubated the patient, perhaps he didn't even know himself. Certainly, if he did not know, other hospital employees would have known about the intubation and should have advised those hospital employees who responded to the Code Blue;

e) negligently failed to take command of the situation as the physician in charge upon the patient's arrival. If in fact Dr. Kasi was present, he should not have allowed Mr. Musselwhite to intubate the patient. He should have immediately activated the emergency response system by either the DART team, whose only function was to stand by and respond to difficult airway problems, or he should have called a Code Blue immediately;

f) negligently allowed the patient to be extubated; and

g) negligently violated the prevailing professional standards of care.

CLAIM OF THE PERSONAL REPRESENTATIVE ON BEHALF OF THE ESTATE OF JAMES R. SADA, DECEASED

28. The Estate of James R. Sada has in the past suffered and will in the future continue to suffer the following damages:

a) loss of earnings from the date of his death, less loss support and services, excluding contributions in kind, with interest;

b) loss of net accumulations; and

c) medical and funeral expenses.

CLAIM OF PERSONAL REPRESENTATIVE ON BEHALF OF JAMES SADA'S MINOR CHILDREN, BLAKE PIERRE SADA AND DADE JAMES SADA

29. The Estate of James R. Sada, James Sada's minor children, Blake Pierre Sada and Dade James Sada, have in the past suffered and will in the future continue to suffer the following damages:

a) loss of support and services;

b) mental pain and suffering; and

c) loss of parental companionship, instruction, and guidance.

CLAIM FOR DAMAGES FOR THE SURVIVING SPOUSE, DONNA M. SADA

30. The surviving spouse of James R. Sada, Donna M. Sada, has in the past suffered and will in the future continue to suffer, the following damages:

a) loss of support and services;

b) mental pain and suffering;

c) loss of companionship and protection; and

d) medical and funeral expenses.

WHEREFORE, Plaintiff, Donna M. Sada, as Personal Representative of the Estate of James R. Sada, deceased, requests judgment for compensatory damages as set forth above and as further provided for under Florida law in an amount in excess of jurisdictional limits exclusive of interests and costs.

DEMAND FOR JURY TRIAL

The Plaintiff demands trial by jury on all issues so triable as of right by a jury, plus costs.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed with the Orange County Court by using the Florida Court's e-filing Portal on this 23rd day of January 2024 with an automatically generated e-mail to those parties listed on the attached Service List.

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