BEFORE THE MARYLAND HEALTH CARE ALTERNATIVE DISPUTE RESOLUTION OFFICE

Dawn Michelle Florimbio, Individually and As the Personal Representative of the Estate of Bruce Florimbio, Deceased 5021 St. Simon Court Frederick, Maryland 21703,	:	2009·247 Claim No._____
and	:	
Kathleen Anne Florimbio 5021 St. Simon Court Frederick, Maryland 21703,	:	
and	:	
Elizabeth Marie Florimbio 5021 St. Simon Court Frederick, Maryland 21703,	:	
and	:	
Matthew Alexander Florimbio 5021 St. Simon Court Frederick, Maryland 21703,	:	
and	:	
Christopher Luis Florimbio 5021 St. Simon Court Frederick, Maryland 21703,	:	
and	:	
Andrew Scott Florimbio 5021 St. Simon Court Frederick, Maryland 21703,	:	
and	:	
Samantha Renee Florimbio 5021 St. Simon Court Frederick, Maryland 21703,	:	

RECEIVED
MAY 14 2009
HEALTH CARE
ALTERNATIVE DISPUTE
RESOLUTION OFFICE

Claimants, :

v. :

Frederick Primary Care Associates, P.A :
610 Ninth Avenue
Brunswick, Maryland 21716 :
Resident Agent: Leonard Kinland
610 Ninth Avenue :
Brunswick, Maryland 21716,

:

and

:

Helen Clem
610 Ninth Avenue :
Brunswick, Maryland 21716,

:

and

:

Dr. Michael Lerner
610 Ninth Avenue :
Brunswick, Maryland 21716,

:

and

:

Julie Snell
610 Ninth Avenue :
Brunswick, Maryland 21716,

:

Healthcare Providers.

:

STATEMENT OF CLAIM

Dawn Michelle Florimbio, individually and as Personal Representative of the Estate of Bruce Florimbio, Deceased, Kathleen Anne Florimbio, Elizabeth Marie Florimbio, Matthew Alexander Florimbio, Christopher Luis Florimbio, Andrew Scott Florimbio, and Samantha Renee Florimbio, by and through counsel,

sue Frederick Primary Care Associates, P.A., Helen Clem, Dr. Michael Lerner, and Julie Snell and as causes of action state:

1. Claimants are residents of Frederick County, Maryland, and the Decedent's Estate has been established in Frederick County, Maryland.

2. Healthcare Provider Frederick Primary Care Associates, P.A. has an office and regularly conducts business in Frederick County, Maryland.

3. Healthcare Provider Helen Clem has an office and regularly conducts business in Frederick County, Maryland.

4. Healthcare Provider Dr. Michael Lerner has an office and regularly conducts business in Frederick County, Maryland.

5. Healthcare Provider Julie Snell has an office and regularly conducts business in Frederick County, Maryland.

6. The amount of this claim exceeds Thirty Thousand Dollars ($30,000).

7. The venue for this claim is proper in Frederick County, Maryland.

8. On April 19, 2006 Bruce Florimbio was involved in a motor vehicle accident in which he shattered his left wrist and fractured his right heel bone. He was taken by helicopter to the Shock Truama unit of the University of Maryland in Baltimore.

9. A surgery was performed on Mr. Florimbio's left wrist on April 20, 2006, his wrist was placed in a cast after the surgery and he was discharged on April 23, 2006.

10. A follow-up appointment was scheduled with the hospital one week after the discharge, but on the morning of the discharge, the hospital called and cancelled the appointment. Concerned, the Florimbio's went to the emergency room of Frederick Memorial Hospital on May 3, 2006. At Frederick Memorial the cast was removed and a bad infection was discovered,

at which time Mr. Florimbio was given an antibiotic and transferred back to the University of Maryland, where it was discovered that the infection went all the way to Mr. Florimbio's bone, requiring several debridements.

11. On May 16, 2006, Mr. Florimbio was released from the hospital; he still had a catheter and was prescribed continued antibiotics.

12. On June 6, 2006 and June 13, 2006 Frederick Primary Care Associates noted Mr. Florimbio's weight as being 350 pounds.

13. On June 15, 2006, Mr. Florimbio returned to the University of Maryland for a surgery on his injured right foot. A surgical skin graft was also performed on his wrist. He was released on June 18, 2006.

14. It was noted by the hospital on June 15 that Mr. Florimbio was experiencing nausea and vomiting, and thereafter, Mr. Florimbio experienced nausea and vomiting, probably caused by stress ulcers Mr. Florimbio had, or because the opiates he was prescribed for pain were being weaned off him too quickly. This nausea and vomiting caused Mr. Florimbio to experience acetonemia and acidosis.

15. On June 28, 2006, Mr. Florimbio was experiencing nausea, vomiting and weight loss and returned to Frederick Primary Care Associates. At that time, he was seen by Helen Clem and Mr. Florimbio was prescribed oxycodone for pain.

16. Mr. Florimbio was still experiencing nausea, vomiting and weight loss and was again seen by Frederick Primary Care Associates on July 3, 2006 and was again seen by Helen Clem, who indicated his diagnosis was irritable bowel syndrome, and prescribed him Zofran per a verbal order of Dr. Michael Lerner.

17. Mr. Florimbio was still experiencing nausea, vomiting and weight loss and was next seen by Frederick Primary Care Associates on July 14, 2006 and was seen by Dr. Michael Lerner.

18. On July 28, 2006 Mr. Florimbio was still experiencing nausea, vomiting and weight loss and was again seen by Frederick Primary Care Associates and was seen by Julie Snell; he was prescribed Phenergan for nausea.

19. On August 1, 2006, Mr. Florimbio was still experiencing nausea, vomiting and weight loss and was seen by gastroenterologist Dr. Leonard Kane, who performed an endoscopy and ordered blood work, which showed Mr. Florimbio had an abnormally low bicarbonate level of 15, indicating that Mr. Florimbio was acetonemic.

20. On August 5, 2006, Mr. Florimbio was taken to Frederick Memorial Hospital where he died of starvation. He had lost approximately 70 pounds in the prior 6 weeks due to the vomiting and acetonemia and acidosis.

21. The standard practice among members of the same health care profession with similar training and experience situated in the same or similar communities during this period, for a patient who was complaining of nausea and vomiting and showing a declining weight, was to document the weight loss and perform diagnostic testing, including but not limited to testing chemistry and electrolytes, creatinine, and bicarbonate levels. If the bicarbonate levels were low, as they were in Mr. Florimbio, he needed to be hospitalized immediately so that the source of his acidosis could have been determined and treated. Had he been hospitalized he would likely have been put on intravenous fluids, the stress ulcers would have been treated, and the opiates would have been properly tapered and this treatment would likely have reversed Mr. Florimbio's acidosis and he would not have died. The Defendant Healthcare Providers all failed to comply with these standard practices and had the Defendant Healthcare Providers complied with these

applicable standards of care, Mr. Florimbio would have received the treatment he needed and would not have died.

Count I

Health Care Malpractice — Frederick Primary Care Associates, P.A.

22. The Claimants hereby incorporate and adopt by reference paragraphs 1 through 21 and further state:

23. At all relevant times, Healthcare Provider Frederick Primary Care Associates, P.A., a company organized in Maryland, was responsible for the actions of its employees, agents, apparent agents, and/or servants under the doctrine of *respondeat superior*, including Defendant Healthcare Providers Helen Clem, Dr. Michael Lerner, and Julie Snell.

24. At all relevant times, Healthcare Provider Frederick Primary Care Associates, P.A. through its agents, servants and/or employees was responsible for the actions of employees, agents, apparent agents, and/or servants under the doctrine of vicarious liability, including Defendant Healthcare Providers Helen Clem, Dr. Michael Lerner, and Julie Snell.

25. Healthcare Provider Frederick Primary Care Associates, P.A. through its agents, servants and/or employees had a medical and professional duty to exercise reasonable care in the treatment of Mr. Florimbio, to monitor Mr. Florimbio, and to adequately train and supervise its agents, servants and/or employees such as Helen Clem and Julie Snell..

26. Healthcare Provider Frederick Primary Care Associates, P.A. through its agents, servants and/or employees had a duty to have proper policies and procedures in place for the care and treatment of patients exhibiting the symptoms of Mr. Florimbio from June 28, 2006 through August 5, 2008, and to ensure that its employees complied with such policies and procedures.

27. Healthcare Provider Frederick Primary Care Associates, P.A. breached the duty of reasonable care in their treatment of Mr. Florimbio from June 28, 2006 through August 5, 2006,

during which time it and its agents/servants/employees failed to take the appropriate measures described above and it failed to property train and supervise its agents/servants/employees.

28. Healthcare Provider Frederick Primary Care Associates, P.A. through its agents, servants and/or employee breached the duty of reasonable care in their treatment of Mr. Florimbio from June 28, 2006 through August 5, 2006, by failing to have proper policies and procedures in place for the care and treatment of patients such as Mr. Florimbio.

29. As a direct and proximate result of the professional negligence of Frederick Primary Care Associates, P.A., Mr. Florimbio suffered acetonemia and acidosis, which resulted in mental anguish, surgical, medical and other related expenses, loss of income and wage earning capacity and Mr. Florimbio's death.

WHEREFORE, the Claimants demand compensatory damages of the Healthcare Provider, Frederick Primary Care Associates, P.A., in excess of the amount of Thirty Thousand Dollars ($30,000.00), plus interest and the costs of this suit.

Count II

Health Care Malpractice — Helen Clem

30. Claimants hereby incorporate and adopt by reference paragraphs 1 through 29 above and further state:

31. It was Helen Clem's responsibility to monitor Mr. Florimbio, recognize Mr. Florimbio's inability to take in nourishment and his loss of weight and to have a physician evaluate Mr. Florimbio or send him to the hospital so that the appropriate tests could be performed and Mr. Florimbio could receive the appropriate medications as well as any other medical intervention, all of which she failed to do.

32. As a direct result of the negligent actions of Helen Clem, Mr. Florimbio suffered acetonemia and acidosis, which resulted in mental anguish, surgical, medical and other related expenses, loss of income and wage earning capacity and Mr. Florimbio's death.

WHEREFORE, the Claimants demand compensatory damages of the Healthcare Provider Helen Clem in excess of the amount of Thirty Thousand Dollars ($30,000.00), plus interest and the costs of this suit.

Count III
Health Care Malpractice — Dr. Michael Lerner

33. Claimants hereby incorporate and adopt by reference paragraphs 1 through 32 above and further state:

34. It was Dr. Michael Lerner's duty to monitor Mr. Florimbio, evaluate Mr. Florimbio as described above or send him to the hospital so that the appropriate tests could be performed and Mr. Florimbio could receive the appropriate medications as well as any other medical intervention. It was further Dr. Lerner's duty to supervise and train personnel at Frederick Primary Care Associates, including Helen Clem and Julie Snell. Dr. Lerner failed to do these things.

35. As a direct result of the negligent actions of Dr. Michael Lerner, Mr. Florimbio suffered starvation and acetonemia and acidosis, which resulted in mental anguish, surgical, medical and other related expenses, loss of income and wage earning capacity and Mr. Florimbio's death.

WHEREFORE, the Claimants demand compensatory damages of the Healthcare Provider Dr. Michael Lerner in excess of the amount of Thirty Thousand Dollars ($30,000.00), plus interest and the costs of this suit.

Count IV
Health Care Malpractice — Julie Snell

36. Claimants hereby incorporate and adopt by reference paragraphs 1 through 35 above and further state:

37. It was Julie Snell's responsibility to monitor Mr. Florimbio, recognize Mr. Florimbio's inability to take in nourishment and his loss of weight and to have a physician evaluate Mr. Florimbio or send him to the hospital so that the appropriate tests could be performed and Mr. Florimbio could receive the appropriate medications as well as any other medical intervention, all of which she failed to do.

38. As a direct result of the negligent actions of Julie Snell, Mr. Florimbio suffered starvation and acetonemia and acidosis, which resulted in mental anguish, surgical, medical and other related expenses, loss of income and wage earning capacity and Mr. Florimbio's death.

WHEREFORE, the Claimants demand compensatory damages of the Healthcare Provider Julie Snell in excess of the amount of Thirty Thousand Dollars ($30,000.00), plus interest and the costs of this suit.

Count VI

Wrongful Death – Frederick Primary Care Associates, P.A.

39. The Claimants hereby incorporate and adopt by reference paragraphs 1 through 38 and further state:

40. Claimants Dawn Michelle Florimbio, Surviving Widow of Bruce Florimbio, Kathleen Anne Florimbio, Elizabeth Marie Florimbio, Matthew Alexander Florimbio, Christopher Luis Florimbio, Andrew Scott Florimbio, and Samantha Renee Florimbio, Surviving Children of Bruce Florimbio, sue Healthcare Provider Frederick Primary Care Associates, P.A. in a wrongful death claim pursuant to §§ 3-901 through 3-904 of the Courts and Judicial Proceedings Article of the Maryland Code and Maryland Rule 15-1001.

41. Claimants Dawn Michelle Florimbio, Surviving Widow of Bruce Florimbio, Kathleen Anne Florimbio, Elizabeth Marie Florimbio, Matthew Alexander Florimbio, Christopher Luis Florimbio, Andrew Scott Florimbio, and Samantha Renee Florimbio, Surviving Children of Bruce Florimbio, are beneficiaries of this action pursuant to § 3-904(a) of the Courts and Judicial Proceedings Article.

42. As a direct and proximate result of Healthcare Provider Frederick Primary Care Associates, P.A.'s negligent breach of professional duties owed to Mr. Florimbio and its vicarious liability for the actions of its agents, servants and/or employees, and for which Mr. Florimbio would have been able to maintain an action against Frederick Primary Care Associates, P.A. and recover damages had he lived, Mr. Florimbio suffered starvation, acetonemia and acidosis and died.

43. As a direct and proximate result of Healthcare Provider Frederick Primary Care Associates, P.A .'s professional negligence in causing the death of Mr. Florimbio, Claimants Dawn Michelle Florimbio, Surviving Widow of Bruce Florimbio, Kathleen Anne Florimbio, Elizabeth Marie Florimbio, Matthew Alexander Florimbio, Christopher Luis Florimbio, Andrew Scott Florimbio, and Samantha Renee Florimbio, Surviving Children of Bruce Florimbio, sustained pecuniary loss, mental anguish, emotional pain and suffering, loss of society, loss of companionship, loss of comfort, loss of protection, loss of marital care, loss of attention, loss of advice, loss of counsel, loss of training, and loss of guidance.

44. This Complaint is timely filed within three years after the death of Mr. Florimbio pursuant to § 3-904(g) of the Courts and Judicial Proceedings Article.

WHEREFORE, the Claimants demand judgment against Healthcare Provider Frederick Primary Care Associates, P.A. in excess of the amount of Thirty Thousand Dollars ($30,000.00), plus interest and the costs of this suit.

Count VII
Wrongful Death – Helen Clem

45. The Claimants hereby incorporate and adopt by reference paragraphs 1 through 44 and further state:

46. Claimants Dawn Michelle Florimbio, Surviving Widow of Bruce Florimbio, Kathleen Anne Florimbio, Elizabeth Marie Florimbio, Matthew Alexander Florimbio, Christopher Luis Florimbio, Andrew Scott Florimbio, and Samantha Renee Florimbio, Surviving Children of Bruce Florimbio, sue Helen Clem, Healthcare Provider, in a wrongful death claim pursuant to §§ 3901 through 3-904 of the Courts and Judicial Proceedings Article of the Maryland Code and Maryland Rule 15-1001.

47. Claimants Dawn Michelle Florimbio, Surviving Widow of Bruce Florimbio, Kathleen Anne Florimbio, Elizabeth Marie Florimbio, Matthew Alexander Florimbio, Christopher Luis Florimbio, Andrew Scott Florimbio, and Samantha Renee Florimbio, Surviving Children of Bruce Florimbio, are beneficiaries of this action pursuant to § 3-904(a) of the Courts and Judicial Proceedings Article.

48. As a direct and proximate result of Healthcare Provider Helen Clem's negligent breach of professional duties owed to Mr. Florimbio, and for which Mr. Florimbio would have been able to maintain an action against Helen Clem and recover damages had he lived, Mr. Florimbio suffered acetonemia and acidosis and died.

49. As a direct and proximate result of Healthcare Provider Helen Clem's professional negligence in causing the death of Mr. Florimbio, Claimants Dawn Michelle Florimbio,

Surviving Widow of Bruce Florimbio, Kathleen Anne Florimbio, Elizabeth Marie Florimbio, Matthew Alexander Florimbio, Christopher Luis Florimbio, Andrew Scott Florimbio, and Samantha Renee Florimbio, Surviving Children of Bruce Florimbio, sustained pecuniary loss, mental anguish, emotional pain and suffering, loss of society, loss of companionship, loss of comfort, loss of protection, loss of marital care, loss of attention, loss of advice, loss of counsel, loss of training, and loss of guidance.

50. This Complaint is timely filed within three years after the death of Mr. Florimbio pursuant to § 3-904(g) of the Courts and Judicial Proceedings Article.

WHEREFORE, the Claimants demand judgment against Healthcare Provider Helen Clem in excess of the amount of Thirty Thousand Dollars ($30,000.00), plus interest and the costs of this suit.

Count VIII
Wrongful Death – Dr. Michael Lerner

51. The Claimants hereby incorporate and adopt by reference paragraphs 1 through 50 and further state:

52. Claimants Dawn Michelle Florimbio, Surviving Widow of Bruce Florimbio, Kathleen Anne Florimbio, Elizabeth Marie Florimbio, Matthew Alexander Florimbio, Christopher Luis Florimbio, Andrew Scott Florimbio, and Samantha Renee Florimbio, Surviving Children of Bruce Florimbio, sue Dr. Michael Lerner, Healthcare Provider, in a wrongful death claim pursuant to §§ 3901 through 3-904 of the Courts and Judicial Proceedings Article of the Maryland Code and Maryland Rule 15-1001.

53. Claimants Dawn Michelle Florimbio, Surviving Widow of Bruce Florimbio, Kathleen Anne Florimbio, Elizabeth Marie Florimbio, Matthew Alexander Florimbio, Christopher Luis Florimbio, Andrew Scott Florimbio, and Samantha Renee Florimbio, Surviving Children of

Bruce Florimbio, are beneficiaries of this action pursuant to § 3-904(a) of the Courts and Judicial Proceedings Article.

54. As a direct and proximate result of Healthcare Provider Dr. Michael Lerner's negligent breach of professional duties owed to Mr. Florimbio, and for which Mr. Florimbio would have been able to maintain an action against Dr. Michael Lerner and recover damages had he lived, Mr. Florimbio suffered starvation and acetonemia and acidosis and died.

55. As a direct and proximate result of Healthcare Provider Dr. Michael Lerner's professional negligence in causing the death of Mr. Florimbio, Claimants Dawn Michelle Florimbio, Surviving Widow of Bruce Florimbio, Kathleen Anne Florimbio, Elizabeth Marie Florimbio, Matthew Alexander Florimbio, Christopher Luis Florimbio, Andrew Scott Florimbio, and Samantha Renee Florimbio, Surviving Children of Bruce Florimbio, sustained pecuniary loss, mental anguish, emotional pain and suffering, loss of society, loss of companionship, loss of comfort, loss of protection, loss of marital care, loss of attention, loss of advice, loss of counsel, loss of training, and loss of guidance.

56. This Complaint is timely filed within three years after the death of Mr. Florimbio pursuant to § 3-904(g) of the Courts and Judicial Proceedings Article.

WHEREFORE, the Claimants demand judgment against Healthcare Provider Dr. Michael Lerner in excess of the amount of Thirty Thousand Dollars ($30,000.00), plus interest and the costs of this suit.

Count IX
Wrongful Death – Julie Snell

57. The Claimants hereby incorporate and adopt by reference paragraphs 1 through 56 and further state:

58. Claimants Dawn Michelle Florimbio, Surviving Widow of Bruce Florimbio, Kathleen Anne Florimbio, Elizabeth Marie Florimbio, Matthew Alexander Florimbio, Christopher Luis Florimbio, Andrew Scott Florimbio, and Samantha Renee Florimbio, Surviving Children of Bruce Florimbio, sue Julie Snell, Healthcare Provider, in a wrongful death claim pursuant to §§ 3901 through 3-904 of the Courts and Judicial Proceedings Article of the Maryland Code and Maryland Rule 15-1001.

59. Claimants Dawn Michelle Florimbio, Surviving Widow of Bruce Florimbio, Kathleen Anne Florimbio, Elizabeth Marie Florimbio, Matthew Alexander Florimbio, Christopher Luis Florimbio, Andrew Scott Florimbio, and Samantha Renee Florimbio, Surviving Children of Bruce Florimbio, are beneficiaries of this action pursuant to § 3-904(a) of the Courts and Judicial Proceedings Article.

60. As a direct and proximate result of Healthcare Provider Julie Snell's negligent breach of professional duties owed to Mr. Florimbio, and for which Mr. Florimbio would have been able to maintain an action against Julie Snell and recover damages had he lived, Mr. Florimbio suffered starvation and acetonemia and acidosis and died.

61. As a direct and proximate result of Healthcare Provider Julie Snell's professional negligence in causing the death of Mr. Florimbio, Claimants Dawn Michelle Florimbio, Surviving Widow of Bruce Florimbio, Kathleen Anne Florimbio, Elizabeth Marie Florimbio, Matthew Alexander Florimbio, Christopher Luis Florimbio, Andrew Scott Florimbio, and Samantha Renee Florimbio, Surviving Children of Bruce Florimbio, sustained pecuniary loss, mental anguish, emotional pain and suffering, loss of society, loss of companionship, loss of comfort, loss of protection, loss of marital care, loss of attention, loss of advice, loss of counsel, loss of training, and loss of guidance.

62. This Complaint is timely filed within three years after the death of Mr. Florimbio pursuant to § 3-904(g) of the Courts and Judicial Proceedings Article.

WHEREFORE, the Claimants demand judgment against Healthcare Provider Julie Snell in excess of the amount of Thirty Thousand Dollars ($30,000.00), plus interest and the costs of this suit.

Count XI

Survival Action – Frederick Primary Care Associates, P.A.

63. Claimants hereby incorporate and adopt by reference paragraphs 1 through 62 and further state:

64. Claimant Dawn Michelle Florimbio, Personal Representative of Bruce Florimbio, sues Frederick Primary Care Associates, P.A. in a survival action pursuant to § 7-401(x) of the Estates and Trusts Article.

65. Mr. Florimbio was conscious, living and suffering through the negligent professional treatment of Frederick Primary Care Associates, P.A. and the progression of his acetonemia and acidosis prior to his death.

66. As the direct and proximate result of Frederick Primary Care Associates P.A.'s professional negligence and vicarious liability for the actions of its agents, servants and/or employees, Mr. Florimbio, prior to his death, suffered starvation and acetonemia and acidosis that resulted in mental anguish, surgical procedures, medical expenses, loss of wage earning capacity and conscious pain and suffering throughout.

WHEREFORE, the Claimant Dawn Michelle Florimbio, Personal Representative of Bruce Florimbio, Deceased, demands judgment against Healthcare Provider Frederick Primary Care Associates P.A. in excess of the amount of Thirty Thousand Dollars ($30,000.00), plus interest and the costs of this suit.

Count XII
Survival Action – Helen Clem

67. Claimants hereby incorporate and adopt by reference paragraphs 1 through 66 and further state:

68. Claimant Dawn Michelle Florimbio, Personal Representative of Bruce Florimbio, sues Helen Clem in a survival action pursuant to § 7-401(x) of the Estates and Trusts Article.

69. Mr. Florimbio was conscious, living and suffering through the negligent professional treatment of Helen Clem and the progression of his acetonemia and acidosis prior to his death.

70. As the direct and proximate result of Helen Clem's professional negligence, Mr. Florimbio, prior to his death, suffered acetonemia and acidosis that resulted in mental anguish, surgical procedures, medical expenses, loss of wage earning capacity and conscious pain and suffering throughout.

WHEREFORE, the Claimant Dawn Michelle Florimbio, Personal Representative of Bruce Florimbio, Deceased, demands judgment against Healthcare Provider Helen Clem in excess of the amount of Thirty Thousand Dollars ($30,000.00), plus interest and the costs of this suit.

Count XIII
Survival Action – Dr. Michael Lerner

71. Claimants hereby incorporate and adopt by reference paragraphs 1 through 70 and further state:

72. Claimant Dawn Michelle Florimbio, Personal Representative of Bruce Florimbio, sues Dr. Michael Lerner in a survival action pursuant to § 7-401(x) of the Estates and Trusts Article.

73. Mr. Florimbio was conscious, living and suffering through the negligent professional treatment of Dr. Michael Lerner and the progression of his acetonemia and acidosis prior to his death.

74. As the direct and proximate result of Dr. Michael Lerner's professional negligence, Mr. Florimbio, prior to his death, suffered starvation and acetonemia and acidosis that resulted in mental anguish, surgical procedures, medical expenses, loss of wage earning capacity and conscious pain and suffering throughout.

WHEREFORE, the Claimant Dawn Michelle Florimbio, Personal Representative of Bruce Florimbio, Deceased, demands judgment against Healthcare Provider Dr. Michael Lerner in excess of the amount of Thirty Thousand Dollars ($30,000.00), plus interest and the costs of this suit.

Count XIV
Survival Action – Julie Snell

75. Claimants hereby incorporate and adopt by reference paragraphs 1 through 74 and further state:

76. Claimant Dawn Michelle Florimbio, Personal Representative of Bruce Florimbio, sues Julie Snell in a survival action pursuant to § 7-401(x) of the Estates and Trusts Article.

77. Mr. Florimbio was conscious, living and suffering through the negligent professional treatment of Julie Snell and the progression of his acetonemia and acidosis prior to his death.

78. As the direct and proximate result of Julie Snell's professional negligence, Mr. Florimbio, prior to his death, suffered starvation and acetonemia and acidosis that resulted in mental anguish, surgical procedures, medical expenses, loss of wage earning capacity and conscious pain and suffering throughout.