SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA CIVIL DIVISION

Christine Gambino and	:	
Garrett Gambino,	:	
on behalf of their minor child, R.G.,	:	
and for themselves,	:	
5605 Ridgeview Dr.	:	
Alexandria, VA 22310	:	
Plaintiffs,	:	
v.	: Case No	
MedStar Georgetown Medical Center Inc.,	: :	
d/b/a MedStar Georgetown University Hospital	:	
3800 Reservoir Road	:	
Washington, D.C. 20037	:	
	:	
Defendant.	:	
	:	
SERVE:	:	
Registered Agent	:	
CT Corporation System	:	
1015 15 th St. NW, Suite 1000	:	
Washington, D.C. 20005	:	

COMPLAINT (Medical Negligence)

- 1. The plaintiffs sue the defendant for all damages incurred as a result of negligent treatment of the minor plaintiff, R.G., at the defendant's hospital on January 16, 2013.
- 2. Christine and Garrett Gambino are the parents and next friends of R.G. They sue on her behalf and on their own behalf.
- The defendant MedStar Georgetown Medical Center Inc., does business as MedStar Georgetown University Hospital (MGUH).

- 4. Pursuant to DC Code § 16-2802, the plaintiffs gave written notice to MGUH on December 14, 2015 of their intent to sue the defendant for the injuries described here. This complaint is timely filed 90 days after that notice.
- 5. All of the care that occurred in MGUH's NICU to R.G. was carried out by employees of MGUH acting within the scope of their employment, and the defendant is therefore liable for any injury and damages caused by such employees' negligent acts or omissions.
- 6. R.G. was born on January 2, 2013 at MGUH. Because she was premature (at 30 6/7 weeks), she was placed in MGUH's neonatal intensive care unit (NICU), also known as its critical care nursery.
- 7. R.G. required nutritional supplements and antibiotics to be delivered through an intravenous line.
- 8. On January 16, 2013, nurses were delivering a continuous i.v. infusion to R.G. through a line placed into a vein in her right ankle. The infusion contained TPN (total parenteral nutrition) fluids at a rate of 8.2 mL (milliliters) per hour and IL (lipids) fluids at a rate of 0.6 mL per hour, and also Vancomycin, a strong antibiotic.
- 9. These fluids are dessicants which are dangerous if they leak into tissues surrounding the veins because they can cause severe chemical burns.
- 10. The national standard of care required that the nurses caring for R.G. inspect the i.v. site at least every hour and remove the i.v. if there were any signs of problems with it, such as the fluid escaping from the blood vessel into the surrounding soft tissues in the ankle. That is called i.v. infiltration.

- 11. In the critical care nursery flowsheet, the nurses recorded the hourly condition of the infusion site and the amount of fluids delivered over each hour.
- 12. The flowsheet for January 16, attached here as Exhibit A, shows that at around 2 p.m., the nurse noted the site was puffy ("P" on the flowsheet). This meant that the solution was starting to leak into the surrounding tissues.
- 13. The standard of care required the nurse to stop the i.v. as soon as the nurse saw puffiness at the i.v. site.
- 14. In violation of the nursing standard of care, the nurse continued the i.v. for two additional hours after seeing that the fluids were starting to leak into the tissue.
- 15. The flow sheet shows that the last hour when the site was still noted to be normal was the 1300 hour, when total infusion that day was 57.4 mL of TPN and 4.2 mL of IL. The flow sheet shows two more hours of infusion after that, 8.2 mL of TPN and 0.6 mL of IL at both the 1400 and the 1500 hours, with a total for the day of 73.8 mL of TPN and 5.4 mL of IL, before the i.v. was pulled out.
- 16. When she arrived on the afternoon of January 16 for a visit, Christine Gambino saw her daughter's foot was swollen, red and blistered, and she immediately pointed this out to the nurses. Only then was the i.v. pulled. By then, R.G. had a severe chemical burn.
- 17. The MGUH staff treated R.G.'s chemical burn with an injection of a drug called Vitrase, intended to hydrate the tissue and disperse the drugs that had leaked into the tissue. But this was not done until around 6 p.m., another violation of the standard of care, which requires prompt use of this drug in the face of a chemical burn.

- 18. The MGUH staff also treated R.G.'s chemical burn with warm compresses, another violation of the standard of care because heat is contraindicated for treatment of a burn.
- 19. The delay in use of Vitrase and the inappropriate use of warm compresses worsened R.G.'s injury.
- 20. A resident physician named Avery wrote a note at 5 p.m. about assessing R.G.'s injury. He or she noted that the redness and swelling extended halfway up the baby's calf and that there were areas of "blistering cyanosis" and "denuded epithelium" on the dorsum of the foot. The doctors prescribed intravenous morphine to treat the child's obvious pain.
- 21. A plastic surgeon assessed the burn as full-thickness damage to the skin of the foot and ankle but no damage to other structures.
- 22. After nearly a month of treatment, R.G. was sent home on February 17, 2013.
- 23. R.G.'s burn eventually healed with a thick scar around her ankle on all sides. The scar caused her skin to contract and the right foot to invert so that she has difficulty standing normally. Her parents have obtained plastic surgery consultations with surgeons who have offered various treatments including serial casting of her foot, which she underwent, along with physical therapy. All doctors have said that she will need periodic physical therapy and eventually a release of the scar tissue plus likely a full-thickness skin graft, along with further releases of scar tissue in later years when she goes through growth spurts. Her need for surgical care will continue until her legs have stopped growing.

- 24. Because of the negligence of the defendant's employees, R.G. has experienced and will experience for her lifetime: (1) physical pain and emotional distress; (2) disfigurement, deformity, and associated humiliation and embarrassment; (3) inconvenience; (4) medical and rehabilitation expenses, and expenses to hire others to do things for her that a non-injured person could do for herself; (5) restrictions in her activities of daily living, her vocational options, and recreational activities; (6) loss of earning capacity; and (7) harm to her overall physical and emotional well-being.
- 25. R.G., through her parents, seeks damages for all compensable harm caused by the defendant's negligence.
- 26. Christine and Garrett Gambino seek damages for medical expenses and related expenses they have incurred and will incur until their daughter is an adult.
- 27. MGUH and its employees, particularly the nurses in the critical care nursery, were aware of the close relationship between Christine and Garrett Gambino and their daughter R.G. The parents attended the daughter daily and helped care for her during her stay in the critical care nursery. MGUH and its employees knew that the Gambinos would be emotionally distressed if their daughter suffered harm from neglect or from careless treatment. The parents relied on the nurses and physicians of MGUH to do their jobs diligently and to not neglect their daughter. When Christine Gambino found the severe burn on her daughter's leg and then brought it to the nurses' attention, she was profoundly shocked at the severity of the injury and the neglect by the nursing staff, as was her husband Garrett Gambino as soon as he saw the injury later that afternoon. Neither parent could

eat or sleep. Both parents suffered serious emotional distress at seeing the injury and the pain and discomfort it caused to their daughter starting on the day of the injury and continuing to the present.

- 28. MGUH and its employees had a duty to protect the emotional well-being of Christine and Garrett Gambino from emotional harm to the parents caused by preventable physical injuries to their daughter R.G. Christine and Garrett Gambino seek damages for their own emotional distress negligently inflicted by the defendant's employees.
- WHEREFORE, the plaintiffs demand judgment of the defendant in the amount of\$2 million, plus interest and costs.

Dated: March 14, 2016

Respectfully submitted,

Patrick A. Malone (D.C. Bar No. 397142)

Daniel C. Scialpi (D.C. Bar No. 997556)

Patrick Malone & Associates, PC 1111 16th Street, N.W., Suite 400

Washington, DC 20036 Phone: (202) 742-1500 Fax: (202) 742-1515

Plaintiff's Counsel

JURY DEMAND

The plaintiffs demand trial by jury.

Patrick A. Malone, Esq.

MEDSTAR GEORGETOWN UNIVERSITY HOSPITAL CRITICAL CARE NURSERY FLOWSHEET Date: 1 1415

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BN: 7722760888 01/02/2013

PLAINTIEFS EXHIBIT

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Superior Court of the District of Columbia

CIVIL DIVISION- CIVIL ACTIONS BRANCH

INFORMATION SHEET

Christine Gambino and Garrett Gambino on behalf	Case Number:						
of their minor child, R.G., and for themselves	Date: March	14, 2016					
VS	Date.						
MedStar Georgetown Medical Center Inc.,		e defendants is being sued					
d/b/a MedStar Georgetown University Hospital	in their o	fficial capacity.					
Name: (Please Print)		Relationship to Lawsuit					
Patrick A. Malone, Esq. Firm Name:		X Attorney for Plaintiff					
Patrick Malone & Associates		Self (Pro Se)					
Telephone No.: Six digit Unified Bar No.: 202-742-1500 397142		Other:					
TYPE OF CASE: Non-Jury X 6 Pers	son Jury	☐ 12 Person Jury					
Demand: \$2 million	Other	:					
PENDING CASE(S) RELATED TO THE ACTION B	EING FILED						
Case No.: Judge:		Calendar #:					
Case No.: Judge:		Calendar#:					
NATURE OF SUIT: (Check One Box Only)							
A. CONTRACTS COLL	ECTION CASE	S					
□ 01 Breach of Contract □ 14 Under \$25,000 Pltf. Grants Consent □ 16 Under \$25,000 Consent Denied □ 02 Breach of Warranty □ 17 OVER \$25,000 Pltf. Grants Consent □ 18 OVER \$25,000 Consent Denied □ 06 Negotiable Instrument □ 27 Insurance/Subrogation □ 26 Insurance/Subrogation □ 07 Personal Property □ Over \$25,000 Pltf. Grants Consent □ Over \$25,000 Consent Denied □ 13 Employment Discrimination □ 15 Special Education Fees □ 16 Under \$25,000 Consent Denied □ 26 Insurance/Subrogation □ Over \$25,000 Consent Denied □ 34 Insurance/Subrogation □ 34 Insurance/Subrogation □ Under \$25,000 Consent Denied □ 28 Motion to Confirm Arbitration Award (Collection Cases Only)							
B. PROPERTY TORTS							
☐ 01 Automobile ☐ 03 Destruction ☐ 02 Conversion ☐ 04 Property Dar ☐ 07 Shoplifting, D.C. Code § 27-102 (a)	of Private Propert nage	y					
C. PERSONAL TORTS							
□ 01 Abuse of Process □ 10 Invasion of F □ 02 Alienation of Affection □ 11 Libel and Sla □ 03 Assault and Battery □ 12 Malicious In □ 04 Automobile- Personal Injury □ 13 Malicious Pr □ 05 Deceit (Misrepresentation) □ 14 Malpractice □ 06 False Accusation □ 15 Malpractice Med □ 07 False Arrest □ 16 Negligence- □ 08 Fraud Not Malpractice	ander terference rosecution Legal ical (Including Wrongful (Not Automobile,						

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Information Sheet, Continued

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C. OTHERS		
☐ 01 Accounting	17 Merit Personnel Act (OEA)	
02 Att. Before Judgment	(D.C. Code Title 1, Chapter 6)	
05 Ejectment	18 Product Liability	
09 Special Writ/Warrants	•	
(DC Code § 11-941)	24 Application to Confirm, Modify,	
☐ 10 Traffic Adjudication	Vacate Arbitration Award (DC Cod	le § 16-4401)
11 Writ of Replevin	29 Merit Personnel Act (OHR)	
12 Enforce Mechanics Lien	31 Housing Code Regulations	
☐ 16 Declaratory Judgment	32 Qui Tam	
·	33 Whistleblower	
II		
03 Change of Name	☐ 15 Libel of Information	21 Petition for Subpoena
06 Foreign Judgment/Domestic	19 Enter Administrative Order as	[Rule 28-I (b)]
08 Foreign Judgment/Internation	~ • • • • • • • • • • • • • • • • • • •	22 Release Mechanics Lien
☐ 13 Correction of Birth Certificat		23 Rule 27(a)(1)
☐ 14 Correction of Marriage	20 Master Meter (D.C. Code §	(Perpetuate Testimony)
Certificate	42-3301, et seq.)	24 Petition for Structured Settlement
26 Petition for Civil Asset Forfe		25 Petition for Liquidation
27 Petition for Civil Asset Forfe		
28 Petition for Civil Asset Forfe	eiture (Other)	
D. REAL PROPERTY		
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09 Real Property-Real Estate	08 Quiet Title	
☐ 12 Specific Performance	25 Liens: Tax / Water Conser	
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Attorney's Signatur	re	Date



Superior Court of the District of Columbia CIVIL DIVISION

500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001 Telephone: (202) 879-1133

Christine Gambino and Garrett Gambino on behalf of their minor child, R.G., and for themselves

VS. Case Number ______

MedStar Georgetown Medical Center Inc., d/b/a MedStar Georgetown University Hospital^{Defendant}

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the party plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

You are also required to file the original Answer with the Court in Suite 5000 at 500 Indiana Avenue, N.W., between 8:30 a.m. and 5:00 p.m., Mondays through Fridays or between 9:00 a.m. and 12:00 noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within five (5) days after you have served the plaintiff. If you fail to file an Answer, judgment by default may be entered against you for the relief demanded in the complaint.

Patrick A. Malone, Esq.	Clerk of the Court			
Name of Plaintiff's Attorney				
1111 16th Street, NW, Suite 400	Ву			
Address	Deputy Clerk			
Washington, DC 20036				
202-742-1500	Date			
Telephone				
如需翻译,请打电话 (202) 879-4828 Veuillez appeler a	au (202) 879-4828 pour une traduction Để có một bài dịch, hãy gọi (202) 879-4828			
번역을 원하시면, (202) 879-4828 로 전화주십시요	ና ት <i>ርጉ</i> ም ለማግኘት (202) 879-4828 ይደውሉ			

IMPORTANT: IF YOU FAIL TO FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR WAGES MAY BE ATTACHED OR WITHHELD OR PERSONAL PROPERTY OR REAL ESTATE YOU OWN MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS ACTION, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.

If you wish to talk to a lawyer and feel that you cannot afford to pay a fee to a lawyer, promptly contact one of the offices of the Legal Aid Society (202-628-1161) or the Neighborhood Legal Services (202-279-5100) for help or come to Suite 5000 at 500 Indiana Avenue, N.W., for more information concerning places where you may ask for such help.

See reverse side for Spanish translation Vea al dorso la traducción al español

FORM SUMMONS - Jan. 2011 CASUM.doc





TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA DIVISIÓN CIVIL

500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001 Teléfono: (202) 879-1133

	Demandante	
contra		
	Número de Caso:	
	Demandado	
	CITATORIO	
Al susodicho Demandado:		/
citatorio, excluyendo el día mismo de la entrega de agente del Gobierno de los Estados Unidos de No sesenta (60) días contados después que usted haya enviarle por correo una copia de su Contestación abogado aparecen al final de este documento. Si el copia de la Contestación por correo a la dirección que A usted también se le require presentar la Indiana Avenue, N.W., entre las 8:30 a.m. y 5:00 p. los sábados. Usted puede presentar la Contestación demandante una copia de la Contestación o en el pla usted incumple con presentar una Contestación, pefectivo el desagravio que se busca en la demanda.	e veinte (20) días contados después que usted haya recitatorio. Si usted está siendo demandado en calidad teamérica o del Gobierno del Distrito de Columbia, recibido este citatorio, para entregar su Contestación. al abogado de la parte demandante. El nombre y demandado no tiene abogado, tiene que enviarle al deme e aparece en este Citatorio. Contestación original al Tribunal en la Oficina 5000, n., de lunes a viernes o entre las 9:00 a.m. y las 12:00 do fon original ante el Juez ya sea antes que Usted le zo de cinco (5) días de haberle hecho la entrega al dema dría dictarse un fallo en rebeldía contra usted para de SECRETARIO DEL TRIBUNAL	de oficial of tiene uster. Tiene que dirección de nandante una sito en 500 del mediodís entregue a nandante. S
Nombre del abogado del Demandante		
	Por:	
Dirección	Subsecretario	
	Fecha	
Teléfono		

IMPORTANTE: SI USTED INCUMPLE CON PRESENTAR UNA CONTESTACIÓN EN EL PLAZO ANTES MENCIONADO, O, SI LUEGO DE CONTESTAR, USTED NO COMPARECE CUANDO LE AVISE EL JUZGADO, PODRÍA DICTARSE UN FALLO EN REBELDÍA CONTRA USTED PARA QUE SE LE COBRE LOS DAÑOS Y PERJUICIOS U OTRO DESAGRAVIO QUE SE BUSQUE EN LA DEMANDA. SI ESTO OCURRE, PODRÍAN RETENERLE SUS INGRESOS, O PODRÍAN TOMAR SUS BIENES PERSONALES O RAÍCES Y VENDERLOS PARA PAGAR EL FALLO. SI USTED PRETENDE OPONERSE A ESTA ACCIÓN, NO DEJE DE CONTESTAR LA DEMANDA DENTRO DEL PLAZO EXIGIDO.

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번역을 원하시면, (202) 879-4828 로 전화주십시요

Si desea converser con un abogado y le parece que no puede afrontar el costo de uno, llame pronto a una de nuestras oficinas del Legal Aid Society (202-628-1161) o el Neighborhood Legal Services (202-279-5100) para pedir ayuda o venga a la Oficina 5000 del 500 Indiana Avenue, N.W., para informarse de otros lugares donde puede pedir ayuda al respecto.

> Vea al dorso el original en inglés See reverse side for English original