

Valdosta, GA 31602

3.

This Court has jurisdiction over the subject matter of this action.

4.

ALLEGATIONS COMMON TO ALL COUNTS

5.

Plaintiff is a general surgeon who maintained his medical practice at 104 W. Northside Drive, Valdosta, GA 31602.

6.

Plaintiff is licensed to practice medicine by the State of Georgia.

7.

Plaintiff held privileges to perform surgical procedures at Defendant South Georgia Medical Center and Smith Northview Hospital.

8.

Plaintiff is board certified in general surgery by the American Board of Surgery.

9.

On or about January 25, 2010, Plaintiff was sitting on a stool in Defendant's operating room when said stool slipped from beneath Plaintiff, causing Plaintiff to fall and strike his head on the floor.

10.

The fall occurred because the stool was unstable and its hard, plastic casters slipped on the operating room's slick, tile floor.

11.

The stool from which Plaintiff fell was provided by Defendant for use by physicians, nurses and staff in the operating room.

12.

The stool from which Plaintiff fell was equipped with hard plastic casters suitable for use on carpeted, non-slick surfaces.

13.

The operating rooms at Defendant South Georgia Medical Center all have hard, slick tile floors.

14.

The stool from which Plaintiff fell was not suitable for use on hard, slick tile surfaces due to the nature of its casters.

15.

The stool from which Plaintiff fell was a four-legged stool.

16.

Other, more stable stools (with five or more legs) and with appropriate rubber casters were available at the time Defendant chose to purchase the type of stool from which Plaintiff fell.

17.

Defendant forwent the purchase of other, more suitable and safe stools because of cost.

18.

Prior to the date of Plaintiff's fall (January 25, 2010), Defendant was aware of other health care providers who had suffered similar falls from similar stools in Defendant's operating rooms.

19.

Following reports of other falls involving these same types of stools, Defendant took no action to remove the stools, change the stools' casters, replace the stools with more stable stools, or to make its operating room working environment safer.

20.

Even after Defendant learned of Plaintiff's fall and injury, Defendant remarkably allowed these same stools with hard plastic casters to remain in its operating room.

21.

Unfortunately, and on or about June, 2010, another health care provider suffered a similar fall from the same type of unfit and unsafe stool which Defendant had allowed to remain.

22.

Upon information and belief, Defendant's use of the unfit and unsafe stool violated Occupational Safety and Health Administration ("OSHA") Regulations.

23.

Upon information and belief, Defendant knew or should have known that its use of the unfit and unsafe stool violated OSHA Regulations and was a safety risk for those working in its operating rooms.

24.

Plaintiff was seriously injured as a result of his fall in Defendant's operating room on January 25, 2010.

25.

As a result of his fall, Plaintiff struck his head violently on the hard, tile floor of the operating room.

26.

Following this fall and injury, Plaintiff was diagnosed with post-concussive epilepsy and has suffered from no fewer than three (3) grand mal seizures.

27.

Following this fall and injury, Plaintiff has suffered from debilitating headaches and extreme sensitivity to light and sound.

28.

As a result of the injuries sustained by Plaintiff in this fall, Plaintiff can no longer perform surgical procedures and is unable to perform the medical work for which he was trained.

29.

Plaintiff is entitled to recover from Defendant compensation for all of his physical injuries and past and future lost wages and compensation.

COUNT I – NEGLIGENCE

30.

Plaintiff restates the allegations contained in Paragraphs 1-29 as if set forth fully herein.

31.

Defendant had a duty to Plaintiff to provide a safe working environment in its operating room.

32.

Defendant breached its duty to provide a safe working environment by supplying its operating room with a stool which was unstable and unfit for use on a hard, slick, tile floor.

33.

Defendant had direct and superior knowledge of the stool's dangerous propensities to tip and slide from underneath a person while sitting on same.

34.

Defendant knew, or certainly should have known, that the particular stool and its application by Defendant violated OSHA regulations and had been declared unsafe.

35.

In spite of this superior knowledge, Defendant allowed the unsafe and unfit stools to remain in its operating rooms.

36.

As a direct and proximate result of Defendant's negligence, Plaintiff has suffered serious and permanent physical injuries, incurred medical expenses and has lost wages and compensation.

37.

Plaintiff is entitled to recover monetary damages from Defendant to compensate him for these injuries and losses in an amount to be proven at trial.

COUNT II – FAILURE TO WARN

38.

Plaintiff restates the allegations contained in Paragraphs 1-37 as if set forth fully herein.

39.

Defendant had direct and superior knowledge of a dangerous condition that existed within its operating room.

40.

Specifically, Defendant had direct and superior knowledge that the stools it provided in its operating room had a propensity to tip and skid from underneath a person while sitting on same.

41.

Defendant knew that the reasons for this dangerous condition related to the stools having only four legs, having hard, plastic casters and being used on hard, slick tile floors.

42.

Defendant knew, or certainly should have known, that the stools as used by Defendant violated applicable OSHA regulations.

43.

Defendant had a duty to warn Plaintiff of this dangerous condition within its operating room.

44.

Defendant failed to warn Plaintiff of this dangerous condition.

45.

Defendant was negligent in its failure to warn Plaintiff of this dangerous condition.

46.

As a direct and proximate result of Defendant's negligence, Plaintiff suffered serious, permanent physical injuries, medical expenses and lost wages and compensation.


47.

Plaintiff is entitled to recover monetary damages from Defendant to compensate him for these injuries and losses in an amount to be proven at trial.

WHEREFORE, Plaintiff prays:

- a. That this Court enter judgment in favor of Plaintiff and against Defendant on all counts contained herein;
- b. That this Court award Plaintiff monetary damages for the injuries and losses set forth above in an amount to be proven at trial;
- c. That this Court award Plaintiff all costs and attorney's fees incurred by Plaintiff in bringing and prosecuting this action;
- d. For a trial by jury; and
- e. That this Court award such other and further relief as this Court deems just and proper.

Respectfully submitted this 3rd day of January, 2011.



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