

MICHAEL K. JEANES
Clerk of the Superior Court

By ROBERT HILL, Deputy
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Description Qty Amount
CASE# CV2002-016663
CIVIL NEW COMPLAINT 001 190.00
TOTAL AMOUNT 190.00
Receipt# 00004937650

1 J. Gregory Osborne (S.B. No. 006422)
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6 Attorneys for Plaintiffs

7 SUPERIOR COURT OF ARIZONA

8 MARICOPA COUNTY

9 CV2002-016663

10 STEVE AND SUSAN ROBINSON,)
11 husband and wife,)
12)
13 Plaintiffs,)
14)
15 vs.)
16)
17 DONNA M. DESANTIS, M.D. and)
18 JOHN DOE DESANTIS, wife and)
19 husband; EAST VALLEY FAMILY)
20 PHYSICIANS, P.L.C., an Arizona)
21 Corporation; JOHN AND JANE DOES)
22 I-V; BLACK AND WHITE CORPORA-)
23 TIONS VI-X; ABC PARTNERSHIPS)
24 XI-XV,)
25 Defendants.)
26)

Case No. CV
COMPLAINT
(Tort: Non-Motor Vehicle;
Medical Malpractice)

For their complaint, plaintiffs allege as follows:

1. Plaintiffs are residents of Maricopa County, Arizona.
2. Defendants Donna M. DeSantis, M.D. and John Doe DeSantis are now, and at all times material hereto were, residents of Maricopa County, Arizona; the true name of John Doe DeSantis is not presently known to plaintiffs but plaintiffs will seek leave of court to amend their complaint to reflect the true name at such time as it becomes known. At all times material hereto defendant

1 Donna M. DeSantis, M.D. acted on behalf of and in furtherance of
2 her marital community.

3 3. East Valley Family Physicians, P.L.C. is an Arizona
4 Corporation and licensed health care provider. At all times
5 material hereto, Dr. DeSantis was acting as the agent, servant
6 and/or employee of East Valley Family Physicians, P.L.C.

7 4. Defendants John Does I-X, Jane Does I-X, Black
8 Corporations I-X, and White Partnerships I-X are the officers,
9 directors, agents and/or employees of defendants and their
10 spouses, who at all times material hereto acted within the course
11 and scope of their employment and/or agency relationship with
12 defendants and on behalf of and in furtherance of their respective
13 marital communities; the true names and identities of these
14 defendants are not presently known to plaintiffs, but plaintiffs
15 will seek leave of court to amend their complaint to reflect the
16 true names, together with the appropriate allegations concerning
17 the conduct of each defendant as it relates to their respective
18 negligence in rendering health care individually or collectively
19 as a principal, agent, employee, administrator, manager or
20 director of defendants.

21 5. At all times material hereto, defendants held
22 themselves out to the public, and particularly to plaintiff Susan
23 Robinson, to be health care providers capable of treating
24 injuries, illnesses and conditions, including those of plaintiff
25 Susan Robinson, by and through their employees and agents
26 including the individual and corporate defendants; as such,

1 defendants represented to the public and to plaintiffs that they
2 were possessed of and exercised that degree of learning, skill,
3 care, knowledge and diligence required of health care providers of
4 their respective specialties in the State of Arizona.

5 6. All acts complained of herein occurred in Maricopa
6 County, Arizona.

7 7. The amount in controversy exceeds the minimum
8 amount required for jurisdiction in this Court.

9 8. During 2001, plaintiff Susan Robinson presented
10 herself to defendants for examination, diagnosis and treatment of
11 her complaints.

12 9. Defendants, including their agents and servants,
13 were negligent in consulting on, examining, diagnosing and
14 treating plaintiff Susan Robinson during the above-mentioned times
15 in that they failed to exercise the degree of care and skill
16 ordinarily exercised by competent physicians, health care
17 providers, and medical supplier/consultants in similar cases under
18 similar circumstances.

19 10. As a direct and proximate result of said
20 negligence, plaintiff Susan Robinson sustained permanent and
21 grievous physical injuries to his person which have caused her
22 pain and substantial discomfort and which will continue in the
23 future to cause pain and discomfort.

24 11. As a direct and proximate result of the negligence
25 of defendants, plaintiff Susan Robinson has required the
26 attendance of physicians and will require further medical care and

1 attention in the future; the cost of such future medical care and
2 treatment is not presently known or ascertainable but will be
3 proven at the trial of this matter.

4 12. As a direct and proximate result of the negligence
5 of defendants, and the injuries suffered thereby, plaintiff Susan
6 Robinson has undergone and will continue to undergo severe
7 physical and mental pain and suffering.

8 13. As a direct and proximate result of the negligence
9 of defendants, and the injuries suffered thereby, plaintiff Susan
10 Robinson has suffered a loss of earnings.

11 14. As a direct and proximate result of the negligence
12 of defendants, and each of them, and the injuries suffered by his
13 wife, Susan Robinson, plaintiff Steve Robinson has been deprived
14 of the care, comfort, consortium and advice of his wife and is
15 entitled to damages therefore.

16 WHEREFORE, plaintiffs pray for judgment against
17 defendants as follows:

18 1. For reasonable damages for medical expenses incurred
19 by plaintiff Susan Robinson as of the date of the Complaint, plus
20 an amount to be determined as and for the reasonable future
21 medical expenses to be incurred by plaintiff Susan Robinson.

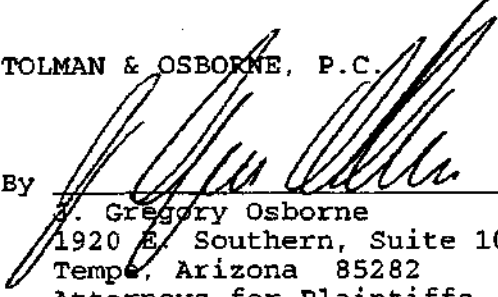
22 2. For reasonable damages as and for the past and
23 future physical and mental pain and suffering, and embarrassment
24 caused by the injury sustained by plaintiff Susan Robinson.

25 3. For reasonable damages for lost wages and loss of
26 earning capacity sustained by plaintiff Susan Robinson.

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- 4. For reasonable loss of consortium damages to Steve Robinson for the loss of care, comfort, consortium and advice of Susan Robinson.
- 5. For plaintiffs' costs incurred and expended in this lawsuit.
- 6. For such other and further relief as this Court may deem just and appropriate.

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