

MICHAEL K. JEANES
Clerk of the Superior Court
By Cassandra Knotts, Deputy
Date 12/08/2016 Time 10:33:10

Description	Amount
CASE# CV2016-051193	
CIVIL NEW COMPLAINT	319.00
TOTAL AMOUNT	319.00
Receipt# 25623335	

1 James Karamouzis
2 7865 E. Gail Road
3 Scottsdale, AZ 85260
4 (602) 820-0811
5 j.karamouzis@cox.net
6 Pro Per

7 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
8 IN AND FOR MARICOPA COUNTY

9 JAMES KARAMOUZIS,

10 Plaintiff,

11 v.

12 JONATHAN S. HOTT, M.D.. AND
13 JANE DOE HOTT, husband and wife;
14 SCOTTSDALE HEALTHCARE
15 HOSPITALS, INC, D/B/A JOHN C.
16 LINCOLN MEDICAL CENTER; DOES
17 I-X; JANE DOES, I-X; ABC
18 CORPORATIONS I-X; BLACK AND
19 WHITE PARTNERSHIPS I-X; AND
20 XYX LIMITED LIABILITY
21 COMPANIES I-X,

22 Defendants.

Case No.

CV2016-051193

COMPLAINT

23 Plaintiff James Karamouzis ("Plaintiff") files the following complaint:

24 **JURISDICTION AND VENUE**

- 25 1. This court has jurisdiction to hear and determine this action and to grant the
26 relief requested pursuant to A.R.S. § 12-562 Plaintiff seeks compensatory relief.
27 2. Venue is in this Court pursuant to A.R.S. §12-401.

28 **PARTIES**

3. Plaintiff is an adult individual, residing in Maricopa County, State of
Arizona.

4. Defendant Jonathan S. Hott, M.D. ("Dr. Hott") is a resident of the State of
Arizona, is a licensed healthcare provider in the State of Arizona, and negligently
provided medical treatment to James Karamouzis, out of which this cause of action arises.

1 5. Defendant Scottsdale Healthcare Hospitals d/b/a John C. Lincoln Medical
2 Center ("JCL") is a medical facility with its principal place of business at 250 E. Dunlap
3 Ave., Phoenix, AZ, 85020. JCL provides medical services to patients on a non-urgent
4 basis.

5 6. On information and belief, Dr. Hott was acting as an employee, contractor, or
6 agent of JCL when he provided services to the Plaintiff and it is liable for the actions of
7 that Defendants.

8 7. John Does I-X; Jane Does, I-X; ABC Corporations I-X; Black And White
9 Partnerships I-X; and XYZ Limited Liability Companies I-X, are fictitious names and
10 Plaintiff will amend the Complaint when their true and correct names are ascertained.

11 8. On information and belief, the named Defendants and fictitious Defendants
12 were hospital corporations, medical corporations, doctors, medical personnel, hospital
13 personnel, registered nurses, physician's assistants, licensed practice nurses, and other
14 medical and osteopathic personnel duly licensed to practice their professions in Maricopa
15 County, Arizona.

16 9. On information and belief, some Defendants were working for other
17 Defendants within the scope of their authority and employment when committing the
18 negligent acts and omissions that directly and proximately caused injuries and damages to
19 Plaintiffs, making some Defendants also liable for the acts and omissions of other
20 Defendants on the basis of respondeat superior and agency law.

21 10. At the time of the care and treatment of the Plaintiff, Dr. Hott was licensed to
22 practice his profession within the State of Arizona and was engaged in the practice of
23 medicine within Maricopa County, Arizona.

24 11. Any acts or omissions done by a married Defendant were done on behalf of
25 the respective marital communities, rendering the marital community and its individual
26 members jointly and severally liable.

27 12. The events hereinafter complained of occurred in Maricopa County, State of
28 Arizona.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

GENERAL ALLEGATIONS

13. On December 19, 2014 James underwent a L4-5 decompressive laminectomy at JCL, performed by Dr. Hott.

14. The Defendants were required to examine, evaluate, assess, diagnose, care for, manage, make recommendations to, operate on, and treat Mr. Karamouzis with the care, skill, learning and diligence expected of a reasonable and prudent healthcare provider in the profession or class to which they belonged within this State, in the same or similar circumstances.

15. In their examinations, evaluations, assessments, diagnoses, care, management, recommendations and treatment rendered to Mr. Karamouzis, defendants failed to exercise that degree of care, skill, and learning expected of a reasonable and prudent health care provider in the profession or class to which he belonged within this State, acting in the same or similar circumstances.

16. Upon information and belief, Dr. Hott injured the lumbar and sacral nerve roots comprising the cauda equine during the course of the surgery, which had led to the development of significant physical impairments, which are permanent.

17. As a result of his loss, the Plaintiff has suffered significant physical impairments, which are permanent.

COUNT I
MEDICAL MALPRACTICE

18. In this claim for relief, Plaintiff incorporates by reference and re-allege all allegations and paragraphs in this pleading, as if they were fully set out once again.

19. At the time Dr. Hott cared for James he was negligent and fell below the applicable standard of care regarding the supervision, diagnosis, treatment, management, examination, care, handling and reporting of the conditions and health problems of James, including, but not limited to negligently failing to properly perform a L4-5 decompressive

1 laminectomy. Plaintiff's A.R.S. § 12-2602(A) Certification is attached regarding the
2 standard of care. Plaintiff's A.R.S. § 12-2602(A) Certification attached hereto as Exhibit A
3 and incorporated herein by reference.

4 20. Dr. Hott did not properly diagnose, test, and administer to James's medical
5 problems.

6 21. Dr. Hott was negligent in failing to properly interpret and respond to James's
7 signs and symptoms during his care of him.

8 22. Dr. Hott's negligence regarding the treatment and handling of the health care
9 problems of James was the direct and proximate cause of the severe and permanent injuries
10 suffered by James.

11 23. As a direct and proximate result of Defendants negligence James has suffered
12 injuries that are severe and permanent.

13 24. As a direct and proximate result of Defendants' negligence, James has
14 incurred certain hospital and medical expenses for the care and treatment of his injuries and
15 will continue to incur such expenses for an indeterminate period of time in the future.

16 25. As a direct and proximate result of Defendants' negligence, James has
17 suffered pain, suffering, annoyance, inconvenience, emotional distress and suffering,
18 anxiety, loss of enjoyment of life and a diminished quality of life and will continue to
19 experience these damages for an indeterminate period of time in the future.

20 26. As a direct and proximate result of Defendants' negligence James has
21 sustained permanent special damage expenses for his support and maintenance and has
22 sustained a diminished earning capacity and other special damage expenses for his care,
23 support and maintenance.

24 WHEREFORE, Plaintiff prays for judgment against Defendants, jointly and
25 severally, as follows:

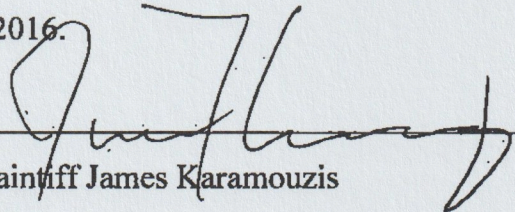
26 1. For general damages in an amount to be determined by a jury for Plaintiff
27 pain, suffering, disability and loss of enjoyment of life, past and future;

28 2. For medical expenses, past and future;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 3. For lost wages, past and future;
- 4. For any and all costs incurred in this matter.
- 5. For any and all other amounts deemed just and reasonable under the circumstances.

Dated this 18th day of December 2016.

By: 
Plaintiff James Karamouzis