

STATE OF MAINE
AROOSTOOK, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO.: CARSC-CV-2023-66

ROBERT-MICHAEL M. GIORDANO AND
NICOLE C. GIORDANO,

Plaintiffs

v.

THE AROOSTOOK MEDICAL CENTER
D/B/A NORTHERN LIGHT A.R. GOULD
HOSPITAL, AND NORTHERN LIGHT
HEALTH,

Defendants

COMPLAINT

Robert-Michael M. Giordano and Nicole C. Giordano complain against The Aroostook Medical Center d/b/a Northern Light A.R. Gould Hospital, and Northern Light Health as follows:

PARTIES

1. Robert-Michael Giordano (“Robert”) is a resident of Madawaska, County of Aroostook, State of Maine.
2. Nicole Cherie Giordano (“Alex”) is a resident of Madawaska, County of Aroostook, State of Maine.
3. At all times relevant to this Complaint, Robert and Alex were married.
4. The Aroostook Medical Center d/b/a Northern Light A.R. Gould Hospital is a Maine corporation that operates a general hospital in Presque Isle, County of Aroostook, State of Maine, as well as numerous practice groups, including Northern Light Orthopedics.
5. Northern Light Health is a Maine corporation that operates ten hospitals and numerous practice groups throughout the State of Maine, including Northern Light A.R. Gould Hospital.

6. Jeffrey D. Georgia, M.D., is a physician licensed to practice in the State of Maine. At all times relevant to this Complaint, Dr. Georgia was an agent and/or employee of Northern Light A.R. Gould Hospital.

7. Brandon W. Howlett, FNP, is a nurse practitioner licensed to practice in the State of Maine. At all times relevant to this Complaint, Mr. Howlett was an agent and/or employee at Northern Light A.R. Gould Hospital.

8. Amanda Tracy, FNP, is a nurse practitioner licensed to practice in the State of Maine. At all times relevant to this Complaint, Ms. Tracy was an agent and/or employee of Northern Light A.R. Gould Hospital.

FACTS

9. On December 14, 2020, Robert went to the Emergency Department at Northern Light A.R. Gould Hospital after falling, striking his back, and developing 10/10 pain in the left thoracic area of his back overlying the ribs.

10. Edwin Layng, M.D., evaluated Robert and ordered a chest CT to evaluate for injuries, including rib fractures.

11. The chest CT was interpreted by Dr. Georgia, who is a radiologist at Northern Light A.R. Gould Hospital.

12. In his radiology report, Dr. Georgia wrote in the "Findings" section under "Bones," "No acute fracture or suspicious lesions."

13. Under the "Impression" section, Dr. Georgia wrote, "No acute abnormality of the chest. No significant pathology identified."

14. In his radiology report, Dr. Georgia did not describe a calcification protruding into the spinal canal or recommend MRI imaging to evaluate for spinal cord compression.

15. Dr. Georgia relayed his findings to Dr. Layng verbally. He did not tell Dr. Layng about any bony calcifications or warn about the possibility of spinal cord compression.

16. Dr. Layng relied on Dr. Georgia's interpretation of the chest CT. He sent Robert home with instructions to take pain medication; try topical treatments such as ice, heating pad, or Ben-Gay cream; follow up with his primary care provider; and to return to the Emergency Department with worsening symptoms.

17. On January 4, 2021, Robert had an appointment with Keith Chasse, P.A., at Northern Light Orthopedics to evaluate knee pain following a fall on December 21, 2020. Mr. Chasse documented in the electronic medical record that Robert's neurological exam indicated no neurological deficits at that time.

18. On January 19, 2021, Robert had a telehealth appointment with Brandon W. Howlett, FNP, his primary care provider, to discuss concerns about high blood pressure. Robert did not report any symptoms that were concerning for potential neurological deficits.

19. On January 29, 2021, at 2:40 PM, Robert had a telehealth appointment with Mr. Howlett. Robert reported the onset of sudden and progressive symptoms, including a sudden inability to stand, symptoms that had rapidly progressed, worsening pain, and falling every time he stood up.

20. Mr. Howlett likely reviewed Robert's electronic medical records from January 4 and 19, 2021, so he understood that Robert was neurologically intact on those dates and that his symptoms were new.

21. Mr. Howlett believed that Robert was exaggerating or making up the extent of his pain and his falls. He documented his concern that Robert was "malingering" to get opioids, despite no history of substance use disorder.

22. Mr. Howlett diagnosed Robert with chronic pain and prescribed an increased dosage of Gabapentin. He did not recommend that Robert go to the emergency department for urgent evaluation.

23. On January 29, 2021, at 3:30 PM, Robert had a telehealth appointment with Amanda Tracy, FNP, a provider at Northern Light Orthopedics. Robert reported bilateral lower extremity numbness with no specific distribution, lower extremity muscle spasms, pain and weakness in his legs, and back pain.

24. Ms. Tracy likely reviewed Robert's electronic medical records from January 4, 2021, so she understood that Robert was neurologically intact on that date and that his symptoms were new.

25. Ms. Tracy diagnosed Robert with leg weakness and lumbar radicular pain. She ordered lumbar x-rays and labs for the following week. Ms. Tracy did not recommend that Robert go to the emergency department for urgent evaluation.

26. On January 30, 2021, at 9:29 PM, Robert called 911 because his legs had become completely paralyzed and he was unable to urinate. He was taken to Cary Medical Center by ambulance.

27. At Cary Medical Center, an examination in the Emergency Department confirmed that Robert had no sensation below T12 and did not have any saddle sensation. The Emergency Department physician consulted with a neurosurgeon at Northern Light Eastern Maine Medical Center who recommended an urgent MRI.

28. Robert was transferred by LifeFlight to Northern Light Eastern Maine Medical Center. An emergent MRI indicated a disc herniation at T6-7 that was causing severe spinal stenosis and impingement on the spinal cord.

29. Michael Cohen, M.D., the neurosurgeon who evaluated Robert at Northern Light Eastern Maine Medical Center, concluded that the spinal stenosis had been a chronic injury that had progressively caused spinal cord compression.

30. On January 31, 2021, Dr. Cohen performed a thoracic laminectomy and decompression surgery to alleviate the pressure on the spinal cord. He performed a second surgery on February 1, 2021, for additional decompression and a T5-9 posterior instrumentation.

31. Despite the decompression surgeries, Robert remains paralyzed from the chest down. He has a neurogenic bowel and bladder and has required additional surgeries to address complications related to his loss of bowel and bladder function.

NEGLIGENCE & LIABILITY

32. Plaintiffs repeat and reallege the allegations of Paragraphs 1 through 31 as if set forth herein.

33. Northern Light A.R. Gould Hospital and Northern Light Health, acting by and through their employees and agents, including Dr. Georgia, Mr. Howlett, and Ms. Tracy, owed a duty of care to Robert.

34. Northern Light A.R. Gould Hospital and Northern Light Health, acting by and through their employees and agents, including Dr. Georgia, breached the duty of care for reasons including, but not limited to the following: failing to accurately interpret Robert's December 14, 2020, Chest CT; failing to identify the calcification at T6-7 that was protruding into the spinal canal; failing to create an accurate and correct radiology report; failing to correctly relay information to Robert's other providers; failing to recommend an MRI; failing to follow Northern Light A.R. Gould Hospital's policy and procedure with respect to critical findings; failing to

document and communicate information necessary to keep Robert safe; failing to coordinate Robert's medical care; failing to effectively communicate with other providers and Robert.

35. Northern Light A.R. Gould Hospital and Northern Light Health, acting by and through their employees and agents, including Mr. Howlett and Ms. Tracy, breached the duty of care for reasons including, but not limited to the following: failing to coordinate Robert's medical care; failing to effectively communicate with other providers and Robert; failing to include spinal cord compression and/or a new-onset neurological emergency in their differential diagnosis; failing to develop a reasonable differential diagnosis for Robert; failing to recommend that Robert seek an urgent in-person physical examination; and failing provide Robert with appropriate anticipatory guidance.

36. Northern Light A.R. Gould Hospital and Northern Light Health are vicariously liable for the acts and omissions of their agents and employees, including without limitation, the acts and omissions of Dr. Georgia, Mr. Howlett, and Ms. Tracy.

37. As a direct and proximate result of the negligence of Northern Light A.R. Gould Hospital and Northern Light Health, as set forth above, Robert experienced severe and permanent personal injuries, including but not limited to a delay in diagnosis of his T6-7 calcification and spinal cord compression, causing permanent paralysis, a neurogenic bowel, a neurogenic bladder, and other injuries.

38. As a direct and proximate result of the negligence of Northern Light A.R. Gould Hospital and Northern Light Health, as set forth above, Robert was damaged. His elements of damage include extraordinary past and future medical expenses; past and future pain and suffering; past and future loss of enjoyment of life; past and future emotional distress; lost earnings and earning potential; and permanent impairment.

39. As a direct and proximate result of the negligence of Northern Light A.R. Gould Hospital and Northern Light Health, as set forth above, Alex has suffered the loss of the care, comfort, and companionship of her spouse.

WHEREFORE, Plaintiffs demand judgment against Defendants for compensatory damages, interest, costs, and such other and further relief as the Court deems just and equitable.

Dated: December 20, 2024



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