

**IN THE CIRCUIT COURT
THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR FLAGLER COUNTY, FLORIDA**

**KACHINA STARR, as Personal
Representative of the Estate of
RICHARD STARR, deceased,**

**CASE NO: 2020 CA 000305
DIVISION: 49**

Plaintiff,

v.

**FLORIDA HOSPITAL HEALTHCARE
PARTNERS, INC. d/b/a ADVENTHEALTH
MEDICAL GROUP, and KIZHAKE KURIAN, M.D.,**

Defendants.

COMPLAINT

Plaintiff, KACHINA STARR, as the Personal Representative of the Estate of RICHARD STARR, deceased, by and through her undersigned counsel, hereby files this Complaint and sues Defendants, FLORIDA HOSPITAL HEALTHCARE PARTNERS, INC. d/b/a ADVENTHEALTH MEDICAL GROUP AND KIZHAKE KURIAN, M.D., and alleges the following:

PARTIES AND VENUE

1. This is an action for damages in excess of Thirty Thousand One Dollars (\$30,001.00), exclusive of costs, interest and attorney's fees.
2. This is an action being brought based upon allegations of medical negligence and is being brought pursuant to the Florida Wrongful Death Act.
3. At all times material hereto the Plaintiff is the duly appointed Personal Representative of the Estate of RICHARD STARR, deceased ("STARR").

4. At all times material hereto, Defendant, FLORIDA HOSPITAL HEALTHCARE PARTNERS, INC. d/b/a ADVENTHEALTH MEDICAL GROUP (“ADVENTHEALTH”), was a Florida Corporation providing medical services in Flagler County, Florida.

5. At all times material hereto, Defendant, KIZHAKE KURIAN, M.D. (“KURIAN”) was a physician, licensed to practice medicine in Florida.

6. At all times material hereto, KURIAN was an employee of ADVENTHEALTH.

7. All of the relevant events involved in this case took place in Flagler County, Florida.

FACTUAL ALLEGATIONS

8. STARR was 38 years old when he presented to Palm Coast Urgent Care on 3/19/18 with complaints that he fell unconscious for a few seconds at home on 3/16/18. This was a new complaint of syncope for him.

9. His EKG showed a sinus rhythm with QRS(R) contour abnormality consistent with an old inferior infarct.

10. STARR was referred to KURIAN for a cardiology consultation and work-up at ADVENTHEALTH related to his abnormal EKG and syncope. He was also ordered a Holter Monitor for KURIAN to interpret/read.

11. STARR presented to KURIAN on 3/21/18 for this cardiology referral and work-up.

12. KURIAN evaluated STARR on 3/21/18, noted his chief complaints and prior medical history, and had him perform an exercise stress test.

13. The quality of this stress test was below what was necessary for a reasonably safe cardiologist to use to get a true impression of STARR’s cardiac ischemia and function.

14. The electrodes on this stress test were not properly placed and therefore the output data was not accurate or reliable.

15. Regardless, KURIAN interpreted this exercise stress test as “normal” and stopped there. No further testing was performed.
16. On 3/27/18 at about 0614 STARR presented to the Florida Hospital – Flagler Emergency Department in cardiac arrest. Onset was noted 20 minutes prior, witnessed arrest by family.
17. STARR’s cardiac rhythm was asystole and he was in cardiopulmonary resuscitation on arrival with EMS.
18. At 0623 on 3/27/18 all efforts were stopped and he was pronounced dead.
19. On 3/28/18 an autopsy was performed. The final autopsy findings included cardiomegaly with mild atherosclerotic disease of the coronary arteries, two ostia over the left aortic cusp, and atrial septal defect.
20. STARR had anomalous coronary arteries with both coronary arteries originating from the left aortic sinus, which resulted in his sudden cardiac death.
21. If timely diagnosed with a properly performed stress test by KURIAN, this was a treatable and survivable cardiac condition. However, no treatment was recommended or provided by KURIAN for this condition.
22. The statutory claimants under Florida’s Wrongful Death Act include the following:
 - a. The Estate of RICHARD STARR; and
 - b. KACHINA STARR, his wife.
23. All conditions precedent to the bringing of this action against Defendants have been performed or have been waived. Specifically, the Plaintiff has complied with the provisions of §766.106, Florida Statutes, by serving upon Defendants, by certified mail, a Notice of Intent to Initiate Litigation.
24. Defendants have formally rejected Plaintiff’s pre-suit Notice of Intent.

25. Plaintiff's counsel hereby certifies that after a reasonable investigation as permitted by the circumstances, there are grounds for a good faith belief that there has been negligence in the care and treatment of STARR by the above named Defendants.

COUNT I
NEGLIGENCE OF KIZHAKE KURIAN, M.D.

26. Plaintiff re-alleges and incorporates by reference paragraphs 1 – 25.

27. KURIAN owed STARR a duty to provide care and treatment to him on 3/21/18 that met the prevailing professional standard of care as defined by subsection 766.102, Florida Statutes.

28. KURIAN breached that duty, and deviated from the prevailing professional standard of care in the following respects:

- a. Improperly relied on very poor quality exercise stress test performed on 3/21/18;
- b. Misinterpreted the results of the exercise stress test performed on 3/21/18 as “normal”;
- c. Failed to repeat the exercise stress test after replacing the electrodes to obtain better quality results;
- d. Failed to refer for, or perform, a timely cardiac catheterization; and
- e. A properly performed exercise stress test on 3/21/18 would have been interpreted as abnormal and shown ischemia, prompting medical treatment and a referral for an immediate/timely cardiac cath.

29. As a direct and proximate result of the negligence of KIZHAKE KURIAN, M.D., hereinabove alleged, RICHARD STARR, suffered an untimely death and the following damages:

- a. The Estate of RICHARD STARR – Medical, hospital, doctor, nursing expenses, burial and funeral expenses, and loss of net accumulations;

- b. KACHINA STARR, spouse of RICHARD STARR, Deceased – Mental pain and suffering, loss of the decedent’s companionship and protection, and loss of support and services.

WHEREFORE, Plaintiff, KACHINA STARR, as Personal Representative of the Estate of RICHARD STARR, Deceased, demands judgment for damages against the Defendant, KIZHAKK KURIAN, M.D., for compensatory damages, costs, interest, and such other relief as this Court deems just. The Plaintiff further demands trial by jury in this cause.

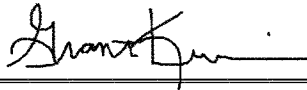
COUNT II
VICARIOUS LIABILITY OF ADVENTHEALTH

30. Plaintiff re-alleges and incorporates by reference paragraphs 1 – 29.
31. On 3/21/18 KURIAN was an employee of ADVENTHEALTH.
32. That by virtue of the employer-employee relationship existing between KURIAN and ADVENTHEALTH, at all times material, the Defendant, ADVENTHEALTH is vicariously liable for the negligence of its employee, KURIAN committed in the course and scope of his employment related duties on 3/21/18.
33. Alternatively, the Defendant, KURIAN, was an actual agent or apparent agent of the Defendant, ADVENTHEALTH, and thus the Defendant, ADVENTHEALTH is vicariously liable for their negligence on 3/21/18.
34. That as a direct and proximate result of the negligence of ADVENTHEALTH, hereinabove alleged, RICHARD STARR suffered an untimely death and the following damages:
 - a. The Estate of RICHARD STARR – Medical, hospital, doctor, nursing expenses, burial and funeral expenses, and loss of net accumulations;

b. KACHINA STARR, spouse of RICHARD STARR, Deceased – Mental pain and suffering, loss of the decedent’s companionship and protection, and loss of support and services.

WHEREFORE, Plaintiff, KACHINA STARR, as Personal Representative of the Estate of RICHARD STARR, Deceased, demands judgment for damages against the Defendant, ADVENTHEALTH, for compensatory damages, costs, interest, and such other relief as this Court deems just. The Plaintiff further demands trial by jury in this cause.

Respectfully submitted this 19th day of June, 2020.



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