

IN THE CIRCUIT COURT OF THE 10TH JUDICIAL  
CIRCUIT IN AND FOR HIGHLANDS COUNTY,  
FLORIDA

SHAWN HILTON, individually and as next friend of CASE NO: 17-000351-GCS  
his minor children, SHAWN HILTON, JR.,  
VERONYCA HILTON, and ASHER HILTON,

Plaintiffs,

v.

SEBRING HOSPITAL MANAGEMENT  
ASSOCIATES, LLC d/b/a HIGHLANDS REGIONAL  
MEDICAL CENTER,

Defendant.

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**AMENDED COMPLAINT**

Plaintiffs, SHAWN HILTON, individually, and as next friend of his minor children,  
SHAWN HILTON, JR., VERONYCA HILTON, and ASHER HILTON, hereby sue Defendant,  
SEBRING HOSPITAL MANAGEMENT ASSOCIATES, LLC, d/b/a HIGHLANDS  
REGIONAL MEDICAL CENTER (hereinafter referred to as "HRMC"), and allege as follows:

**JURISDICTION AND VENUE**

1. This case involves negligence on the part of HRMC that resulted in damages to  
Plaintiffs in excess of \$15,000.00 and, as such, is within the jurisdictional limits of the Circuit  
Court. At all times material hereto, HRMC is a for profit Florida Corporation which operates an  
in-patient, full service hospital at 3600 South Highlands Avenue, Sebring, Florida 33870. As  
such, venue is proper in Highlands County, Florida.

2. At all times material hereto, Plaintiff, SHAWN HILTON, was a resident of Highlands County, Florida.

3. SHAWN HILTON, JR. is the natural and legal son of SHAWN HILTON, born April 17, 2007.

4. VERONYCA HILTON is the natural and legal daughter of SHAWN HILTON, born March 21, 2012.

5. ASHER HILTON is the natural and legal son of SHAWN HILTON, born September 2, 2014.

6. All of the acts/omissions which Plaintiffs contend constitute negligence by HRMC occurred in Highlands County, Fl.

7. Plaintiffs have complied with all conditions precedent to filing this action pursuant to Florida Statute §766.106, and have further complied with all other procedural prerequisites.

### **FACTS**

8. On March 3, 2016, Plaintiff, SHAWN HILTON, presented to the emergency department of HRMC with complaints relating to a large raised, black “blood blister” type lesion associated with warmth, erythema and “gray slough” in the area of his left thigh. Plaintiff gave a history of this condition having existed for the past 2 – 3 days, with worsening over those days. Other associated symptoms included pain, nausea, vomiting and a fever recorded at home of 103 degrees.

9. Based on evaluations done in the emergency department, Plaintiff was diagnosed with “cellulitis”. In the emergency department a sample of Plaintiff’s blood was drawn and sent to the lab for culture analysis. The differential diagnosis documented by the emergency room physician who evaluated Mr. HILTON was: “abscess, cellulitis, insect bite.”

10. On March 3, 2016, MR. HILTON was discharged from the HRMC emergency department after being given Bactrim by mouth and Rocephin by intramuscular injection. Discharge instructions were for him to take Bactrim DS 800 – 160 mg oral tablets every 12 hours for 10 days and he was given a prescription for 20 tablets.

11. The discharge instructions included the following additional instructions:

**“If you had a culture done it will take 24 to 72 hours to get the results. If there is a positive culture, we will contact you....” (emphasis added).**

12. MR. HILTON was also told that he “may return to the E.D. if symptoms worsen or change.”

13. On March 5, 2016, the initial results from the two (2) cultures done on the samples of MR. HILTON’s blood returned revealing growth of gram positive cocci. On March 6, 2016, the final culture results were available and confirmed a “critical value” based on the presence of staphylococcus aureus (MRSA) in the blood. These results were called and confirmed by the HRMC Microbiology Lab personnel to Emergency Department Nurse, Erin Coberg that day.

14. The HRMC records reflect that Nurse Coberg twice attempted to reach MR. HILTON to notify him of the positive, “critical” (MRSA) blood culture, but that she was unable to speak with him due to what was presumed to be a wrong home number listed on the hospital

computer. No other efforts were undertaken to contact the patient thereafter to notify him of this potentially lethal bacterial infection of his blood, despite the fact that the hospital had MR. HILTON'S correct residence address listed on their computer.

15. Having been told that he would be notified if there was a positive blood culture, when he received no such notification from the hospital, MR. HILTON assumed his blood culture was negative and gave it no further thought.

16. On April 1, 2016, SHAWN HILTON returned to the HRMC emergency department. His complaints on that date were of acute low back pain of about 3 days duration. At the time of that hospital visit, MR. HILTON provided information that he had been seen in the HRMC emergency room on March 3, 2016 and the hospital records document "cellulitis of the left hip (March 3, 2016)." MR. HILTON also voiced complaints of bilateral subscapular pain which he described as sharp: 8 out of 10 on the pain scale.

17. During this visit to the emergency department of April 1st 2016, MR. HILTON was never told of the positive MRSA blood cultures from the blood drawn on his March 3, 2016 visit to the same emergency department.

18. On April 1, 2016, MR. HILTON was diagnosed with "acute low back pain" for which he was given intramuscular injections of Norflex, 60 mg and Toradol 60 mg, as well as a prescription for 30 tablets of Ibuprofen and Cyclobenzaprine to be taken orally every 8 hours.

19. On April 4, 2016, MR. HILTON returned to the emergency department at HRMC again complaining of back pain which had been ongoing since his prior emergency department

visit. On that date, the physical examination performed by the emergency room doctor revealed that MR. HILTON was neurologically intact in terms of lower extremity function.

20. After being diagnosed with chronic low back pain and given intramuscular Toradol and Norflex injections MR. HILTON was discharged with instructions that he was “not to re-present to this ER for this symptom.”

21. On April 5, 2016 MR. HILTON called 911 from his home when he was unable to support himself and was unable to rise from a seated position on the floor. He gave the paramedics who responded a history of back pain for about 10 days, as well as having gone to HRMC twice in a week for his back pain. From his home, MR. HILTON was transferred via emergency vehicle to Florida Hospital Heartland.

22. At Florida Hospital Heartland, MR. HILTON was determined to have 10 out 10 mid to lower back pain and no sensation below his waist with inability to move his lower extremities. MR. HILTON was also determined to have urinary incontinence and saddle anesthesia. Lab work revealed a high white blood cell count of 15.1 together with neutrophils of 87.0 and lymphs of 4.8. Based on a preliminary diagnosis of possible (spinal) cord compression, later that same night (4/5/16) MR. HILTON was transferred via medical flight transport to Florida Hospital Tampa to be evaluated by a neurosurgeon.

23. At Florida Hospital Tampa, MR. HILTON was diagnosed with an epidural abscess extending from T5 - T8 with cord compression. Culture of the abscess later proved positive for MRSA, as did a culture of MR. HILTON’s blood which had been drawn at Florida Hospital Heartland. MR. HILTON was taken emergently to surgery by neurosurgeon, Dr. Lucy

Love, who performed a multi-level laminectomy and spinal decompression. Notwithstanding Dr. Love's efforts, MR. HILTON has remained paralyzed and incontinent of bowel and bladder due to damage to his spinal cord from the abscess which formed in his thoracic spine from the blood borne MRSA infection. In addition to the epidural abscess, he also developed bacterial vegetation(s) on his heart valve(s) which required treatment with antibiotics. Despite intensive and protracted physical and occupational therapy, MR. HILTON remains 100% permanently disabled.

**COUNT I**  
**NEGLIGENCE OF**  
**HIGHLANDS REGIONAL MEDICAL CENTER ("HRMC")**

24. Plaintiffs repeat and reallege paragraphs 1 through 23 as if fully set forth herein and would further show:

25. Defendant HRMC owed SHAWN HILTON a duty of reasonable care during his hospital visits of March 3, 2016; April 1, 2016 and April 4, 2016.

26. Defendant HRMC breached its duty of reasonable care, and was negligent in its care and treatment of SHAWN HILTON as follows:

A. By failing to inform SHAWN HILTON of the "critical lab value", revealing the presence of staphylococcus aureus (MRSA) in his blood cultures following his discharge from the HRMC emergency department on March 3, 2016.

B. By failing to take other reasonable measures to contact SHAWN HILTON to inform him of the "critical" lab results of his blood cultures, once it was

determined that he could not be reached at the phone number listed in the hospital's computer record for him. This failure is particularly egregious in light of the fact that the hospital had MR. HILTON'S correct home address in their computer record.

C. By failing to confirm and/or obtain updated and accurate contact information for SHAWN HILTON prior to discharging him from the Emergency Department on March 3, 2016, given the pendency of lab work (blood cultures) and the potential need to convey vital, lifesaving, information to MR. HILTON based on the results of his blood cultures.

D. By failing to notify MR. HILTON of the "critical" lab values identifying MRSA in his blood cultures at the time he presented to the hospital on April 1, 2016. This failure is particularly egregious in light of the documentation in the hospital record that MR. HILTON had been seen in the emergency department of HRMC on March 3, 2016.

E. By failing to notify MR. HILTON of the "critical" lab values identifying MRSA in his blood cultures at the time he represented to the hospital on April 4, 2016.

27. As a direct and proximate result of the aforementioned negligence by HRMC, Plaintiff, SHAWN HILTON has suffered permanent, catastrophic bodily injuries and resulting pain and suffering, disability disfigurement, mental anguish, loss of capacity for the enjoyment of life, the expense of hospitalization, medical, nursing and rehabilitation care and treatment, and

the aggravation of a previously existing condition, if any. These losses are permanent and continuing and Plaintiff will continue to suffer these debilitating losses in the future.

28. Plaintiffs and their attorneys have complied with all of the provisions of all applicable Florida Statutes prior to filing this lawsuit, and based on their investigation, have a good faith belief that Defendant, HIGHLANDS REGIONAL MEDICAL CENTER has committed medical negligence.

WHEREFORE, Plaintiff, SHAWN HILTON, demands judgment for damages from Defendant HIGHLANDS REGIONAL MEDICAL CENTER, together with costs, and further demands trial by jury.

**COUNT II**  
**LOSS OF PARENTAL CONSORTIUM UNDER SECTION 768.0415, FLORIDA**  
**STATUTES, AGAINST HIGHLANDS REGIONAL MEDICAL CENTER (“HRMC”)**

29. Plaintiffs repeat and reallege paragraphs 1 through 27 as if fully set forth herein and would further show:

30. The actions and inactions of Defendant HRMC caused significant permanent injury to Plaintiff SHAWN HILTON, resulting in his permanent total disability.

31. Plaintiff SHAWN HILTON is the natural parent of SHAWN HILTON, JR., VERONYCA HILTON, and ASHER HILTON.

32. SHAWN HILTON, JR. is an unmarried dependent of SHAWN HILTON.

33. VERONYCA HILTON is an unmarried dependent of SHAWN HILTON.

34. ASHER HILTON is an unmarried dependent of SHAWN HILTON.

35. SHAWN HILTON, JR., VERONYCA HILTON, and ASHER HILTON suffered damages as a result of their father, SHAWN HILTON's permanent total disability, including damages for permanent loss of services, comfort, companionship, and society. The losses are either permanent or continuing, and they will suffer losses in the future.

WHEREFORE, SHAWN HILTON, as next friend of his minor children SHAWN HILTON, JR., VERONYCA HILTON, and ASHER HILTON, demands judgment for damages from Defendant, HIGHLANDS REGIONAL MEDICAL CENTER, together with costs, and further demands trial by jury.

**DEMAND FOR JURY TRIAL**

Plaintiffs demand trial by jury on all issues so triable.

Respectfully submitted,

/s/ Stephan Le Clainche  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 13th day of November, 2017, I electronically filed a true and correct copy of the foregoing via the Florida Courts E-Filing Portal with the Clerk of the Court and served upon those listed below via the Florida Courts E-Filing Portal:

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