

Filing # 130259164 E-Filed 07/08/2021 11:59:32 AM

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT, IN AND FOR
PALM BEACH COUNTY, FLORIDA

MITCHELL WENZEL, as Personal
Representative of the Estate of GLADYS
WENZEL,

Plaintiff,

v.

WELLINGTON REGIONAL MEDICAL
CENTER, LLC,

Defendants,

Case No.:

_____ /

COMPLAINT

COMES NOW, Plaintiff, MITCHELL WENZEL, as Personal Representative of the Estate of GLADYS WENZEL, and sues the Defendant, WELLINGTON REGIONAL MEDICAL CENTER, LLC (hereinafter "WELLINGTON REGIONAL"), and alleges as follows:

GENERAL ALLEGATIONS

1. This is an action for damages in excess of THIRTY THOUSAND (\$30,000.00) DOLLARS.
2. At all times material hereto, Plaintiff, MITCHELL WENZEL, as Personal Representative of the Estate of GLADYS WENZEL, was and is a resident of Palm Beach County, Florida.
3. At all times material hereto, GLADYS WENZEL, was a patient of Defendant's hospital.

4. At all times material hereto, Defendant, WELLINGTON REGIONAL, was authorized to and doing business in Palm Beach County, Florida.

5. At all times material hereto, the Defendant, WELLINGTON REGIONAL, had a duty to exercise reasonable care under all of the surrounding circumstances in their care and treatment of GLADYS WENZEL and had a duty to provide care which was consistent with the prevailing professional standard of care, as was recognized as acceptable and appropriate by reasonable prudent similar health care providers.

6. The Defendant was vicariously liable for the actions of their employees or agents who provided any care or treatment to GLADYS WENZEL.

7. The Plaintiff has complied with all conditions and requirements of Chapter 766, Florida Statutes prior to filing this Complaint.

8. On or about May 3, 2020, the Plaintiff, GLADYS WENZEL, was admitted to WELLINGTON REGIONAL with a fractured hip requiring surgery. She had no skin breakdown or pressure sores on admission.

9. Due to Defendant's negligence and neglect, GLADYS WENZEL developed multiple pressure sores during hospitalization from May 3, 2020 through May 12, 2020, including DTIs to both heels and a sacral pressure sore. These injuries occurred in Defendant's ICU, further highlighting the lack of care that would be expected in an ICU setting.

10. GLADYS WENZEL succumbed to her death on June 15, 2020 after suffering tremendous pain from the bedsores that developed at WELLINGTON REGIONAL.

**COUNT I - CHAPTER 766 SURVIVAL CLAIM AGAINST WELLINGTON REGIONAL
MEDICAL CENTER, LLC**

The Plaintiff re-alleges and adopts all factual allegations of the General Allegations in paragraphs one (1) through ten (10) above, and further alleges:

11. At all times material hereto, the Defendant held itself out to GLADYS WENZEL and others as having a high degree of knowledge in the field of medicine.

12. On all applicable dates, the Defendant owed a duty of care to GLADYS WENZEL, to provide care and perform with that degree of knowledge, skill, and care which is generally recognized as acceptable by reasonably similar health care providers in similar cases and circumstances.

13. Notwithstanding the duty of Defendant to exercise reasonable care and to conform to the prevailing professional standard of care for the safety of GLADYS WENZEL, Defendant negligently breached this duty and deviated from the prevailing standard of care.

14. As a direct and proximate result of the negligence of Defendant, GLADYS WENZEL suffered bodily injury that is permanent within a reasonable degree of medical probability, resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, including surgery and rehabilitation and aggravation of a preexisting condition.

WHEREFORE, Plaintiff, MITCHELL WENZEL, as Personal Representative of the Estate of GLADYS WENZEL, demands judgment against Defendant, WELLINGTON REGIONAL MEDICAL CENTER, LLC, for damages in excess of

THIRTY THOUSAND (\$30,000.00) DOLLARS, costs, interest and further demands trial by jury.

DEMAND FOR TRIAL BY JURY

The Plaintiffs hereby demand a trial by jury of all issues so triable.

Dated this 8th day of July, 2021.

Gordon & Partners, P.A.
4114 Northlake Boulevard
Palm Beach Gardens, FL 33410
(561) 799-5070 / fax (561) 799-4050
Attorneys for Plaintiff

/s/ Scott M. Fischer

Scott M. Fischer, Esquire

Florida Bar Number: 0301530

Primary e-mail for service of pleadings:

SMF.pleadings@fortheinjured.com

E-mail for correspondence and communications:

SFischer@fortheinjured.com

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