

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

CHELA DIMURA

CASE NO:

Plaintiff,

vs.

BOCA RATON REGIONAL
HOSPITAL, INC.,

Defendant,

_____ /

COMPLAINT

Plaintiff, CHELA DIMURA, by and through the undersigned attorneys, hereby sues the Defendant, BOCA RATON REGIONAL HOSPITAL, INC., and alleges:

1. This is a medical negligence action brought pursuant to Chapter 766 and 768 with damages exceeding \$50,000, exclusive of interest and costs.
2. At all times material hereto, Plaintiff, CHELA DIMURA, was and is a resident of Palm Beach County in the State of Florida.
3. At all times material hereto, the Defendant, BOCA RATON REGIONAL HOSPITAL, INC (hereinafter "BRRH"), was and is a Florida corporation organized and existing under the laws of the State of Florida, and doing business in Palm Beach County, Florida located at 800 Meadows Rd., Boca Raton, FL 33486 held itself out to the public as a health care provider having the facilities, competence, staff, trained personnel, including nurses and nurse practitioners, who are trained and compete to examine, advise, diagnose and treat patients, including post-operative orthopedic patients within the standard of care required of them.

4. Defendant, BRRH, is vicariously liable for the actions of its doctors, nurses, nurse practitioners, agents, apparent agents, servants, employees, representatives, health care professionals, while acting within the course and scope of the agency, apparent agency, servitude and/or employment at the Defendant, BRRH, who rendered care and treatment to the Plaintiff, CHELA DiMURA, which resulted in the injuries to her at the time of the alleged incident. This includes, but is not limited to, Josianne Cadelus, APRN and Darius Jenkins, RN.

5. At all times material hereto, Plaintiff has complied with all conditions precedent pursuant to Florida Statute Chapters 766 and 768 prior to filing this action, and Defendant was provided with written notice of this claim pursuant to Florida Statute §766.106. A good faith investigation has been conducted and there is a good faith belief that grounds exist for an action against the Defendant.

6. Plaintiffs filed a Petition for a 90-Day Extension to the Statute of Limitations on January 30, 2025 (a copy of said Petition is attached hereto as Plaintiffs' Exhibit "A").

7. Defendant, BRRH, was required by FL Statutes Section 766.110 to develop a sufficient means of assessing the competency and quality of medical care provided by Josianne Cadelus, APRN and Darius Jenkins, RN, and specifically failed to assess the quality and competency of the medical care provided to Plaintiff, CHELA DiMURA, thereby subjecting her to negligent care and treatment ultimately resulting in an injury and emergency surgery, an ostomy, permanent scarring and damages. Specifically, Defendant, BRRH, failed to maintain appropriate oversight of the Advanced Practice Registered Nurse (Nurse Practitioner) Josianne Cadelus, APRN and Registered Nurse, Darius Jenkins, RN who were providing care to the Plaintiff, CHELA DiMURA, such that they would did not fall below the accepted standard of care required of them.

8. On or about December 22, 2023, the Plaintiff, CHELA DiMURA, was treated at the Defendant, BRRH under the medical care and treatment of its doctors, nurses, nurse practitioners, agents, apparent agents, servants, employees, representatives, health care professionals, including but not limited to Josianne Cadelus APRN and Darius Jenkins, RN. As a result of this care and treatment rendered to the Plaintiff, CHELA DiMURA, at the Defendant, BRRH, on December 22, 2023, the Plaintiff, CHELA Dimura, suffered a permanent and debilitating rectal perforation resulting in necrosis of her bowel, surgical intervention, colostomy, permanent scarring, and damages.

COUNT I
VICARIOUS LIABILITY AGAINST BOCA RATON REGIONAL HOSPITAL, INC.

Plaintiff, CHELA DiMURA, realleges and reavers Paragraphs 1 through 8, inclusive, as if fully set forth herein and would further state:

9. At all times material hereto, the doctors, nurses, nurse practitioners, agents, apparent agents, servants, employees, representatives, health care professionals, of Defendant, BRRH, including, but not limited to, Josianne Cadelus, APRN and Darius Jenkins, RN, were acting within the course and scope of their employment with Defendant, BRRH.

10. At all times material hereto, the Defendant, BRRH, is vicariously liable for any and all acts of negligence or departures from the prevailing standards of care, by and through its doctors, nurses, nurse practitioners, agents, apparent agents, servants, employees, representatives, health care professionals, including, but not limited to, Josianne Cadelus, APRN and Darius Jenkins, RN.

11. At all times material hereto, the doctors, nurses, nurse practitioners, agents, apparent agents, servants, employees, representatives, health care professionals of Defendant,

BRRH, including, but not limited to, Josianne Cadelus, APRN and Darius Jenkins, RN, agreed and undertook to examine, diagnose, treat and attend to the Plaintiff, CHELA DiMURA.

12. At all times material hereto, the doctors, nurses, nurse practitioners, agents, apparent agents, servants, employees, representatives, health care professionals at the Defendant, BRRH, including, but not limited to, Josianne Cadelus, APRN and Darius Jenkins, RN, had a duty to exercise that degree of care and skill in examining, diagnosing and treating the Plaintiff, CHELA DiMURA, commensurate with the prevailing standard of medical care.

13. At all times material hereto, the doctors, nurses, nurse practitioners, agents, apparent agents, representatives, employees, and/or health care professionals, of the Defendant, BRRH, including, but not limited to, Josianne Cadelus, APRN and Darius Jenkins, RN, were careless, negligent, and breached said duty as follows:

- a. By failing to properly evaluate the condition of the Plaintiff, CHELA DiMURA, post-operatively;
- b. By failing to perform proper and adequate examinations of the Plaintiff, CHELA DiMURA;
- c. By failing to perform all necessary and proper tests to determine whether or not the Plaintiff, CHELA DiMURA, had an ileus;
- d. By failing to properly evaluate all of the medical records indicative of the Plaintiff, CHELA DiMURA having an ileus;
- e. By failing to order Ultrasounds, CT Scans, X-rays, MRIs or other diagnostic imaging;
- f. By failing to monitor the vital signs of the Plaintiff, CHELA DiMURA, post-operatively;
- g. By causing the Plaintiff, CHELA DiMURA, to sustain a perforated rectum;
- h. By causing the rectum to perforate when giving the fleet enema on December 22, 2023;

- i. By ordering a fleet enema;
- j. By failing to call in an attending physician to further evaluate whether or not Plaintiff, CHELA DiMURA had an ileus;
- k. By failing to order tests to evaluate for an ileus;
- l. By failing to order an X-ray prior to ordering a fleet enema on December 22, 2023;
- m. By failing to rule out an ileus on December 22, 2023 prior to ordering a fleet enema when the Plaintiff, CHELA DiMURA, had a history of undergoing orthopedic surgery two (2) days prior, had no bowel movement post-operatively, had abdominal distention and complaints of dyspepsia for two (2) days;
- n. By failing to timely call in an attending physician to further evaluate whether or not Plaintiff, CHELA DiMURA had a perforated rectum;
- o. By failing to call in an attending physician to further evaluate whether or not Plaintiff, CHELA DiMURA had a surgical abdomen requiring emergency surgery;
- p. By failing to properly train the nurses on how to evaluate for an ileus;
- q. By failing to instruct the nurses as to the danger of performing a fleet enema in a patient who had an ileus; and
- r. By failing to timely and appropriately manage the care and treatment of CHELA DiMURA under the circumstances.

16. As a direct, proximate and foreseeable result of the negligence of the agents, employees, representatives, physicians and healthcare professionals of Defendant BRRH, including, but not limited to, Josianne Cadelus, APRN and Darius Jenkins, RN, Plaintiff, CHELA DiMURA, was injured in and about her body and/or aggravated a pre-existing condition or injury, suffered pain therefrom, including mental pain and suffering; has suffered psychological and emotional damages; has suffered physical handicap, scarring, disfigurement; has sustained permanent injury; has suffered loss of bodily function; has required hospitalization, surgery and

extensive medical treatment; has incurred medical and related expenses in the treatment of those injuries, has suffered future loss of income and her future working ability has been impaired; and has lost the capacity for the enjoyment of life.

17. In that the injuries suffered by the Plaintiff, CHELA DiMURA, are continuing in nature, she will continue to suffer pain and emotional damages, physical handicap, and loss of bodily function, scarring, disfigurement, and permanent injury in the future; will require additional medical care and treatment; will be further compelled to expend great sums of money for medical care and treatment for those injuries; will continue to suffer the loss of wages and earning capacity; and will continue to suffer the loss of the capacity for the enjoyment of life.

WHEREFORE, Plaintiff, CHELA DiMURA, demands judgment for damages against the Defendant, BOCA RATON REGIONAL HOSPITAL, INC., together with costs and demands trial by jury of all issues triable as of right by jury.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury on all issues so triable.

**CERTIFICATION OF ATTORNEY UNDER FLORIDA
STATUTE § 768.495 RENUMBERED AS 766.104(1)**

The undersigned attorney does hereby certify that a reasonable investigation as permitted by the circumstances has been conducted. Said investigation has given rise to the good faith belief that grounds exist for an action against each of the named Defendants.

Filed on this 16th day of February, 2026.

Demand The Limits, PLLC

/s/ Loreen I. Kreizinger

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**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA**

Case No: 50-2025-CA-000807-XXXXA-MB

In Re: CHELA DIMURA

**NINETY DAY EXTENSION OF THE STATUTE OF LIMITATIONS
PURSUANT TO F.S. 766.104**

I, **JOSEPH ABRUZZO, Clerk of the Circuit Court & Comptroller, Palm Beach County**, hereby acknowledge that a Petition pursuant to F.S. 766.104 has been received in the above referenced action.

An automatic 90-day extension of the statute of limitations, to allow for the reasonable investigation required by F.S. 766.104(1), is hereby given in the above entitled cause.

DATED: 30th of January, 2025



JOSEPH ABRUZZO

Clerk of the Circuit Court & Comptroller



By:

Garcia, Dolly as Deputy Clerk