

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT
CIVIL ACTION
NO.

21 0227

FAOLAN WILKINSON, PPA KEVIN WILKINSON,
Plaintiff,

V.
TIMOTHY LEPORE, M.D.,
DEBORAH BILLINGS, C.N.M.,
KATRINE SHECKELS, R.N., AND
WENDY SWASEY, R.N.,
Defendants.

05/06/2021

COMPLAINT

Count I.

1. The plaintiff, Faolan Wilkinson, is a minor who brings this action through his father and next friend, Kevin Wilkinson, a resident of Springfield, Hampden County, Massachusetts.
2. The defendant, Timothy Lepore, M.D., was at all times relevant to this complaint a physician licensed to practice his profession in the Commonwealth of Massachusetts.
3. At all times relevant to this complaint, the defendant, Timothy Lepore, M.D., represented and held himself out to be a physician, skilled in the treatment of various illnesses and conditions and, in particular, represented to the minor plaintiff's parents that he was knowledgeable, competent, and qualified to diagnose and treat the minor plaintiff and his mother on or about June 2016.
4. On or about June 2016, the minor plaintiff's mother submitted herself and the minor plaintiff to the care and treatment of the defendant, Timothy Lepore, M.D., who negligently, carelessly, and without regard for the minor plaintiff's and his mother's health and well being, treated the minor plaintiff and his mother in a manner resulting in the minor plaintiff's severe personal injuries.
5. The injuries sustained by the minor plaintiff, Faolan Wilkinson, were the direct and proximate result of the carelessness, unskillfulness, negligence and improper care and treatment by the defendant, Timothy Lepore, M.D., including, but not limited to the following:
 - a. Defendant's misrepresentations to the minor plaintiff's parents that he was knowledgeable, skillful, and competent to diagnose and treat the minor plaintiff and his mother on or about June 2016;

- b. Defendant's failure to adequately and properly diagnose the minor plaintiff's and his mother's medical condition on or about June 2016, and his failure to prescribe proper and timely treatment for said condition;
 - c. Defendant's failure to recognize, or have the knowledge to recognize his inability and lack of skill to diagnose and treat the minor plaintiff and his mother, when the defendant knew or should have known in the exercise of due care, the foreseeable consequences of his inability and failure to properly and skillfully provide the minor plaintiff and his mother with acceptable medical and diagnostic services;
 - d. Defendant's failure to possess or negligent failure to exercise that degree of skill, training, and care as is possessed and exercised by average qualified members of the medical profession practicing his specialty; and
 - e. Defendant's failure to inform and to warn of the risks involved in or associated with the minor plaintiff's and his mother's condition and failure to inform and to warn about the treatment of said condition.
6. As a direct and proximate result of the negligence, carelessness, and unskillfulness of the defendant, Timothy Lepore, M.D., the minor plaintiff, Faolan Wilkinson, was caused to sustain severe and permanent personal injuries; has incurred and will continue to incur great expense for his medical, surgical, and hospital care and treatment; has suffered and will continue to suffer great pain of body and anguish of mind; has been and will continue to be hospitalized; has been and will continue to be unable to pursue normal activities; and his ability to enjoy life has been permanently adversely affected.

WHEREFORE, the minor plaintiff, Faolan Wilkinson, through his father and next friend, Kevin Wilkinson, prays judgment against the defendant, Timothy Lepore, M.D., in an amount which is just and appropriate to compensate him for his injuries, together with interest and costs.

Count II.

1. The minor plaintiff, Faolan Wilkinson, through his father and next friend, Kevin Wilkinson, repeats and reavers fully herein Paragraphs One through Six of Count I of this complaint as if each were set forth here in its entirety.
2. On or about June 2016, the defendant, Timothy Lepore, M.D., contracted with the minor plaintiff's parents to provide professional services related to the minor plaintiff's and his mother's medical care and treatment.
3. The defendant, Timothy Lepore, M.D., expressly and impliedly warranted to the minor plaintiff's parents that he would perform and render said professional services in accordance with accepted standards for the practice of medicine, and that he would possess and exercise that degree of skill and care possessed and exercised by the average qualified members of the medical profession practicing his specialty.
4. On or about June 2016, the defendant, Timothy Lepore, M.D., breached his express and implied warranties by failing to perform and render professional services in accordance with accepted

standards for the practice of medicine, and by failing to possess and exercise that degree of skill and care possessed and exercised by the average qualified members of the medical profession practicing his specialty.

5. As a direct and proximate result of the defendant, Timothy Lepore, M.D.'s breach of express and implied warranties, the minor plaintiff, Faolan Wilkinson, was caused to sustain severe and permanent personal injuries; has incurred and will continue to incur great expense for his medical, surgical, and hospital care and treatment; has suffered and will continue to suffer great pain of body and anguish of mind; has been and will continue to be hospitalized; has been and will continue to be unable to pursue normal activities; and his ability to enjoy life has been permanently adversely affected.

WHEREFORE, the minor plaintiff, Faolan Wilkinson, through his father and next friend, Kevin Wilkinson, prays judgment against the defendant, Timothy Lepore, M.D., in an amount which is just and appropriate to compensate him for his injuries, together with interest and costs.

Count III.

1. The minor plaintiff, Faolan Wilkinson, through his father and next friend, Kevin Wilkinson, repeats and reavers fully herein Paragraphs One through Six of Count I and Paragraphs One through Five of Count II of this complaint as if each were set forth here in its entirety.
2. On or about June 2016, average qualified members of the medical profession practicing the defendant's specialty knew or should have known of the risks, potential consequences and alternatives to the defendant's choice of treatment of the minor plaintiff and his mother.
3. On or about June 2016, the defendant, Timothy Lepore, M.D., knew or should have known of the risks, potential consequences and alternatives to the defendant's choice of treatment of the minor plaintiff and his mother.
4. On or about June 2016, the defendant, Timothy Lepore, M.D., did not inform the minor plaintiff's parents of the alternatives to and risks and potential consequences of the defendant's choice of treatment of the minor plaintiff and his mother.
5. If the defendant, Timothy Lepore, M.D., had informed the minor plaintiff's parents of the alternatives to and risks and potential consequences of the defendant's choice of treatment of the minor plaintiff and his mother, neither the minor plaintiff's parents nor a reasonable person in their position would have elected the defendant's choice of treatment.
6. The alternatives to and the risks and potential consequences of the defendant's choice of treatment were material to a decision by the minor plaintiff's parents and a reasonable person in their position as to whether to undergo the defendant's choice of treatment.
7. As a direct and proximate result of the defendant, Timothy Lepore, M.D.'s failure to inform the minor plaintiff's parents of the alternatives to and risks and potential consequences of the defendant's treatment, the minor plaintiff, Faolan Wilkinson, was caused to sustain severe and permanent personal injuries; has incurred and will continue to incur great expense for his medical, surgical, and hospital care and treatment; has suffered and will continue to suffer great pain of

body and anguish of mind; has been and will continue to be hospitalized; has been and will continue to be unable to pursue normal activities; and his ability to enjoy life has been permanently adversely affected.

WHEREFORE, the minor plaintiff, Faolan Wilkinson, through his father and next friend, Kevin Wilkinson, prays judgment against the defendant, Timothy Lepore, M.D., in an amount which is just and appropriate to compensate him for his injuries, together with interest and costs.

Count IV.

1. The plaintiff, Faolan Wilkinson, is a minor who brings this action through his father and next friend, Kevin Wilkinson, a resident of Springfield, Hampden County, Massachusetts.
2. The defendant, Deborah Billings, C.N.M, was at all times relevant to this complaint a medical entity licensed to practice her profession in the Commonwealth of Massachusetts.
3. At all times relevant to this complaint, the defendant, Deborah Billings, C.N.M, represented and held herself out to be a medical entity, skilled in the treatment of various illnesses and conditions and, in particular, represented to the minor plaintiff's parents that she was knowledgeable, competent, and qualified to diagnose and treat the minor plaintiff and his mother on or about June 2016.
4. On or about June 2016, the minor plaintiff's mother submitted herself and the minor plaintiff to the care and treatment of the defendant, Deborah Billings, C.N.M, who negligently, carelessly, and without regard for the minor plaintiff's and his mother's health and well being, treated the minor plaintiff and his mother in a manner resulting in the minor plaintiff's severe personal injuries.
5. The injuries sustained by the minor plaintiff, Faolan Wilkinson, were the direct and proximate result of the carelessness, unskillfulness, negligence and improper care and treatment by the defendant, Deborah Billings, C.N.M, including, but not limited to the following:
 - a. Defendant's misrepresentations to the minor plaintiff's parents that she was knowledgeable, skillful, and competent to diagnose and treat the minor plaintiff and his mother on or about June 2016;
 - b. Defendant's failure to adequately and properly diagnose the minor plaintiff's and his mother's medical condition on or about June 2016, and her failure to prescribe proper and timely treatment for said condition;
 - c. Defendant's failure to recognize, or have the knowledge to recognize her inability and lack of skill to diagnose and treat the minor plaintiff and his mother, when the defendant knew or should have known in the exercise of due care, the foreseeable consequences of her inability and failure to properly and skillfully provide the minor plaintiff and his mother with acceptable medical and diagnostic services;

- d. Defendant's failure to possess or negligent failure to exercise that degree of skill, training, and care as is possessed and exercised by average qualified members of the medical profession practicing her specialty; and
 - e. Defendant's failure to inform and to warn of the risks involved in or associated with the minor plaintiff's and his mother's condition and failure to inform and to warn about the treatment of said condition.
6. As a direct and proximate result of the negligence, carelessness, and unskillfulness of the defendant, Deborah Billings, C.N.M, the minor plaintiff, Faolan Wilkinson, was caused to sustain severe and permanent personal injuries; has incurred and will continue to incur great expense for his medical, surgical, and hospital care and treatment; has suffered and will continue to suffer great pain of body and anguish of mind; has been and will continue to be hospitalized; has been and will continue to be unable to pursue normal activities; and his ability to enjoy life has been permanently adversely affected.

WHEREFORE, the minor plaintiff, Faolan Wilkinson, through his father and next friend, Kevin Wilkinson, prays judgment against the defendant, Deborah Billings, C.N.M, in an amount which is just and appropriate to compensate him for his injuries, together with interest and costs.

Count V.

1. The minor plaintiff, Faolan Wilkinson, through his father and next friend, Kevin Wilkinson, repeats and reavers fully herein Paragraphs One through Six of Count IV of this complaint as if each were set forth here in its entirety.
2. On or about June 2016, the defendant, Deborah Billings, C.N.M, contracted with the minor plaintiff's parents to provide professional services related to the minor plaintiff's and his mother's medical care and treatment.
3. The defendant, Deborah Billings, C.N.M, expressly and impliedly warranted to the minor plaintiff's parents that she would perform and render said professional services in accordance with accepted standards for the practice of medicine, and that she would possess and exercise that degree of skill and care possessed and exercised by the average qualified members of the medical profession practicing her specialty.
4. On or about June 2016, the defendant, Deborah Billings, C.N.M, breached her express and implied warranties by failing to perform and render professional services in accordance with accepted standards for the practice of medicine, and by failing to possess and exercise that degree of skill and care possessed and exercised by the average qualified members of the medical profession practicing her specialty.
5. As a direct and proximate result of the defendant, Deborah Billings, C.N.M's breach of express and implied warranties, the minor plaintiff, Faolan Wilkinson, was caused to sustain severe and permanent personal injuries; has incurred and will continue to incur great expense for his medical, surgical, and hospital care and treatment; has suffered and will continue to suffer great pain of body and anguish of mind; has been and will continue to be hospitalized; has been and will

continue to be unable to pursue normal activities; and his ability to enjoy life has been permanently adversely affected.

WHEREFORE, the minor plaintiff, Faolan Wilkinson, through his father and next friend, Kevin Wilkinson, prays judgment against the defendant, Deborah Billings, C.N.M, in an amount which is just and appropriate to compensate him for his injuries, together with interest and costs.

Count VI.

1. The minor plaintiff, Faolan Wilkinson, through his father and next friend, Kevin Wilkinson, repeats and reavers fully herein Paragraphs One through Six of Count IV and Paragraphs One through Five of Count V of this complaint as if each were set forth here in its entirety.
2. On or about June 2016, average qualified members of the medical profession practicing the defendant's specialty knew or should have known of the risks, potential consequences and alternatives to the defendant's choice of treatment of the minor plaintiff and his mother.
3. On or about June 2016, the defendant, Deborah Billings, C.N.M, knew or should have known of the risks, potential consequences and alternatives to the defendant's choice of treatment of the minor plaintiff and his mother.
4. On or about June 2016, the defendant, Deborah Billings, C.N.M, did not inform the minor plaintiff's parents of the alternatives to and risks and potential consequences of the defendant's choice of treatment of the minor plaintiff and his mother.
5. If the defendant, Deborah Billings, C.N.M, had informed the minor plaintiff's parents of the alternatives to and risks and potential consequences of the defendant's choice of treatment of the minor plaintiff and his mother, neither the minor plaintiff's parents nor a reasonable person in their position would have elected the defendant's choice of treatment.
6. The alternatives to and the risks and potential consequences of the defendant's choice of treatment were material to a decision by the minor plaintiff's parents and a reasonable person in their position as to whether to undergo the defendant's choice of treatment.
7. As a direct and proximate result of the defendant, Deborah Billings, C.N.M's failure to inform the minor plaintiff's parents of the alternatives to and risks and potential consequences of the defendant's treatment, the minor plaintiff, Faolan Wilkinson, was caused to sustain severe and permanent personal injuries; has incurred and will continue to incur great expense for his medical, surgical, and hospital care and treatment; has suffered and will continue to suffer great pain of body and anguish of mind; has been and will continue to be hospitalized; has been and will continue to be unable to pursue normal activities; and his ability to enjoy life has been permanently adversely affected.

WHEREFORE, the minor plaintiff, Faolan Wilkinson, through his father and next friend, Kevin Wilkinson, prays judgment against the defendant, Deborah Billings, C.N.M, in an amount which is just and appropriate to compensate him for his injuries, together with interest and costs.

Count VII.

1. The plaintiff, Faolan Wilkinson, is a minor who brings this action through his father and next friend, Kevin Wilkinson, a resident of Springfield, Hampden County, Massachusetts.
2. The defendant, Katrine Sheckels, R.N., was at all times relevant to this complaint a nurse licensed to practice her profession in the Commonwealth of Massachusetts.
3. At all times relevant to this complaint, the defendant, Katrine Sheckels, R.N., represented and held herself out to be a nurse, skilled in the treatment of various illnesses and conditions and, in particular, represented to the minor plaintiff's parents that she was knowledgeable, competent, and qualified to diagnose and treat the minor plaintiff and his mother on or about June 2016.
4. On or about June 2016, the minor plaintiff's mother submitted herself and the minor plaintiff to the care and treatment of the defendant, Katrine Sheckels, R.N., who negligently, carelessly, and without regard for the minor plaintiff's and his mother's health and well being, treated the minor plaintiff and his mother in a manner resulting in the minor plaintiff's severe personal injuries.
5. The injuries sustained by the minor plaintiff, Faolan Wilkinson, were the direct and proximate result of the carelessness, unskillfulness, negligence and improper care and treatment by the defendant, Katrine Sheckels, R.N., including, but not limited to the following:
 - a. Defendant's misrepresentations to the minor plaintiff's parents that she was knowledgeable, skillful, and competent to diagnose and treat the minor plaintiff and his mother on or about June 2016;
 - b. Defendant's failure to adequately and properly diagnose the minor plaintiff's and his mother's medical condition on or about June 2016, and her failure to prescribe proper and timely treatment for said condition;
 - c. Defendant's failure to recognize, or have the knowledge to recognize her inability and lack of skill to diagnose and treat the minor plaintiff and his mother, when the defendant knew or should have known in the exercise of due care, the foreseeable consequences of her inability and failure to properly and skillfully provide the minor plaintiff and his mother with acceptable nursing services;
 - d. Defendant's failure to possess or negligent failure to exercise that degree of skill, training, and care as is possessed and exercised by average qualified members of the nursing profession practicing her specialty; and
 - e. Defendant's failure to inform and to warn of the risks involved in or associated with the minor plaintiff's and his mother's condition and failure to inform and to warn about the treatment of said condition.
6. As a direct and proximate result of the negligence, carelessness, and unskillfulness of the defendant, Katrine Sheckels, R.N., the minor plaintiff, Faolan Wilkinson, was caused to sustain severe and permanent personal injuries; has incurred and will continue to incur great expense for his medical, surgical, and hospital care and treatment; has suffered and will continue to suffer

great pain of body and anguish of mind; has been and will continue to be hospitalized; has been and will continue to be unable to pursue normal activities; and his ability to enjoy life has been permanently adversely affected.

WHEREFORE, the minor plaintiff, Faolan Wilkinson, through his father and next friend, Kevin Wilkinson, prays judgment against the defendant, Katrine Sheckels, R.N., in an amount which is just and appropriate to compensate him for his injuries, together with interest and costs.

Count VIII.

1. The minor plaintiff, Faolan Wilkinson, through his father and next friend, Kevin Wilkinson, repeats and reavers fully herein Paragraphs One through Six of Count VII of this complaint as if each were set forth here in its entirety.
2. On or about June 2016, the defendant, Katrine Sheckels, R.N., contracted with the minor plaintiff's parents to provide professional services related to the minor plaintiff's and his mother's nursing care and treatment.
3. The defendant, Katrine Sheckels, R.N., expressly and impliedly warranted to the minor plaintiff's parents that she would perform and render said professional services in accordance with accepted standards for the practice of nursing, and that she would possess and exercise that degree of skill and care possessed and exercised by the average qualified members of the nursing profession practicing her specialty.
4. On or about June 2016, the defendant, Katrine Sheckels, R.N., breached her express and implied warranties by failing to perform and render professional services in accordance with accepted standards for the practice of nursing, and by failing to possess and exercise that degree of skill and care possessed and exercised by the average qualified members of the nursing profession practicing her specialty.
5. As a direct and proximate result of the defendant, Katrine Sheckels, R.N.'s breach of express and implied warranties, the minor plaintiff, Faolan Wilkinson, was caused to sustain severe and permanent personal injuries; has incurred and will continue to incur great expense for his medical, surgical, and hospital care and treatment; has suffered and will continue to suffer great pain of body and anguish of mind; has been and will continue to be hospitalized; has been and will continue to be unable to pursue normal activities; and his ability to enjoy life has been permanently adversely affected.

WHEREFORE, the minor plaintiff, Faolan Wilkinson, through his father and next friend, Kevin Wilkinson, prays judgment against the defendant, Katrine Sheckels, R.N., in an amount which is just and appropriate to compensate him for his injuries, together with interest and costs.

Count IX.

1. The minor plaintiff, Faolan Wilkinson, through his father and next friend, Kevin Wilkinson, repeats and reavers fully herein Paragraphs One through Six of Count VII and Paragraphs One through Five of Count VIII of this complaint as if each were set forth here in its entirety.

2. On or about June 2016, average qualified members of the nursing profession practicing the defendant's specialty knew or should have known of the risks, potential consequences and alternatives to the defendant's choice of treatment of the minor plaintiff and his mother.
3. On or about June 2016, the defendant, Katrine Sheckels, R.N., knew or should have known of the risks, potential consequences and alternatives to the defendant's choice of treatment of the minor plaintiff and his mother.
4. On or about June 2016, the defendant, Katrine Sheckels, R.N., did not inform the minor plaintiff's parents of the alternatives to and risks and potential consequences of the defendant's choice of treatment of the minor plaintiff and his mother.
5. If the defendant, Katrine Sheckels, R.N., had informed the minor plaintiff's parents of the alternatives to and risks and potential consequences of the defendant's choice of treatment of the minor plaintiff and his mother, neither the minor plaintiff's parents nor a reasonable person in their position would have elected the defendant's choice of treatment.
6. The alternatives to and the risks and potential consequences of the defendant's choice of treatment were material to a decision by the minor plaintiff's parents and a reasonable person in their position as to whether to undergo the defendant's choice of treatment.
7. As a direct and proximate result of the defendant, Katrine Sheckels, R.N.'s failure to inform the minor plaintiff's parents of the alternatives to and risks and potential consequences of the defendant's treatment, the minor plaintiff, Faolan Wilkinson, was caused to sustain severe and permanent personal injuries; has incurred and will continue to incur great expense for his medical, surgical, and hospital care and treatment; has suffered and will continue to suffer great pain of body and anguish of mind; has been and will continue to be hospitalized; has been and will continue to be unable to pursue normal activities; and his ability to enjoy life has been permanently adversely affected.

WHEREFORE, the minor plaintiff, Faolan Wilkinson, through his father and next friend, Kevin Wilkinson, prays judgment against the defendant, Katrine Sheckels, R.N., in an amount which is just and appropriate to compensate him for his injuries, together with interest and costs.

Count X.

1. The plaintiff, Faolan Wilkinson, is a minor who brings this action through his father and next friend, Kevin Wilkinson, a resident of Springfield, Hampden County, Massachusetts.
2. The defendant, Wendy Swasey, R.N., was at all times relevant to this complaint a nurse licensed to practice her profession in the Commonwealth of Massachusetts.
3. At all times relevant to this complaint, the defendant, Wendy Swasey, R.N., represented and held herself out to be a nurse, skilled in the treatment of various illnesses and conditions and, in particular, represented to the minor plaintiff's parents that she was knowledgeable, competent, and qualified to diagnose and treat the minor plaintiff and his mother on or about June 2016.

4. On or about June 2016, the minor plaintiff's mother submitted herself and the minor plaintiff to the care and treatment of the defendant, Wendy Swasey, R.N., who negligently, carelessly, and without regard for the minor plaintiff's and his mother's health and well being, treated the minor plaintiff and his mother in a manner resulting in the minor plaintiff's severe personal injuries.
5. The injuries sustained by the minor plaintiff, Faolan Wilkinson, were the direct and proximate result of the carelessness, unskillfulness, negligence and improper care and treatment by the defendant, Wendy Swasey, R.N., including, but not limited to the following:
 - a. Defendant's misrepresentations to the minor plaintiff's parents that she was knowledgeable, skillful, and competent to diagnose and treat the minor plaintiff and his mother on or about June 2016;
 - b. Defendant's failure to adequately and properly diagnose the minor plaintiff's and his mother's medical condition on or about June 2016, and her failure to prescribe proper and timely treatment for said condition;
 - c. Defendant's failure to recognize, or have the knowledge to recognize her inability and lack of skill to diagnose and treat the minor plaintiff and his mother, when the defendant knew or should have known in the exercise of due care, the foreseeable consequences of her inability and failure to properly and skillfully provide the minor plaintiff and his mother with acceptable nursing services;
 - d. Defendant's failure to possess or negligent failure to exercise that degree of skill, training, and care as is possessed and exercised by average qualified members of the nursing profession practicing her specialty; and
 - e. Defendant's failure to inform and to warn of the risks involved in or associated with the minor plaintiff's and his mother's condition and failure to inform and to warn about the treatment of said condition.
6. As a direct and proximate result of the negligence, carelessness, and unskillfulness of the defendant, Wendy Swasey, R.N., the minor plaintiff, Faolan Wilkinson, was caused to sustain severe and permanent personal injuries; has incurred and will continue to incur great expense for his medical, surgical, and hospital care and treatment; has suffered and will continue to suffer great pain of body and anguish of mind; has been and will continue to be hospitalized; has been and will continue to be unable to pursue normal activities; and his ability to enjoy life has been permanently adversely affected.

WHEREFORE, the minor plaintiff, Faolan Wilkinson, through his father and next friend, Kevin Wilkinson, prays judgment against the defendant, Wendy Swasey, R.N., in an amount which is just and appropriate to compensate him for his injuries, together with interest and costs.

Count XI.

1. The minor plaintiff, Faolan Wilkinson, through his father and next friend, Kevin Wilkinson, repeats and reavers fully herein Paragraphs One through Six of Count X of this complaint as if each were set forth here in its entirety.

2. On or about June 2016, the defendant, Wendy Swasey, R.N., contracted with the minor plaintiff's parents to provide professional services related to the minor plaintiff's and his mother's nursing care and treatment.
3. The defendant, Wendy Swasey, R.N., expressly and impliedly warranted to the minor plaintiff's parents that she would perform and render said professional services in accordance with accepted standards for the practice of nursing, and that she would possess and exercise that degree of skill and care possessed and exercised by the average qualified members of the nursing profession practicing her specialty.
4. On or about June 2016, the defendant, Wendy Swasey, R.N., breached her express and implied warranties by failing to perform and render professional services in accordance with accepted standards for the practice of nursing, and by failing to possess and exercise that degree of skill and care possessed and exercised by the average qualified members of the nursing profession practicing her specialty.
5. As a direct and proximate result of the defendant, Wendy Swasey, R.N.'s breach of express and implied warranties, the minor plaintiff, Faolan Wilkinson, was caused to sustain severe and permanent personal injuries; has incurred and will continue to incur great expense for his medical, surgical, and hospital care and treatment; has suffered and will continue to suffer great pain of body and anguish of mind; has been and will continue to be hospitalized; has been and will continue to be unable to pursue normal activities; and his ability to enjoy life has been permanently adversely affected.

WHEREFORE, the minor plaintiff, Faolan Wilkinson, through his father and next friend, Kevin Wilkinson, prays judgment against the defendant, Wendy Swasey, R.N., in an amount which is just and appropriate to compensate him for his injuries, together with interest and costs.

Count XII.

1. The minor plaintiff, Faolan Wilkinson, through his father and next friend, Kevin Wilkinson, repeats and reavers fully herein Paragraphs One through Six of Count X and Paragraphs One through Five of Count XI of this complaint as if each were set forth here in its entirety.
2. On or about June 2016, average qualified members of the nursing profession practicing the defendant's specialty knew or should have known of the risks, potential consequences and alternatives to the defendant's choice of treatment of the minor plaintiff and his mother.
3. On or about June 2016, the defendant, Wendy Swasey, R.N., knew or should have known of the risks, potential consequences and alternatives to the defendant's choice of treatment of the minor plaintiff and his mother.
4. On or about June 2016, the defendant, Wendy Swasey, R.N., did not inform the minor plaintiff's parents of the alternatives to and risks and potential consequences of the defendant's choice of treatment of the minor plaintiff and his mother.
5. If the defendant, Wendy Swasey, R.N., had informed the minor plaintiff's parents of the alternatives to and risks and potential consequences of the defendant's choice of treatment of the

minor plaintiff and his mother, neither the minor plaintiff's parents nor a reasonable person in their position would have elected the defendant's choice of treatment.

6. The alternatives to and the risks and potential consequences of the defendant's choice of treatment were material to a decision by the minor plaintiff's parents and a reasonable person in their position as to whether to undergo the defendant's choice of treatment.
7. As a direct and proximate result of the defendant, Wendy Swasey, R.N.'s failure to inform the minor plaintiff's parents of the alternatives to and risks and potential consequences of the defendant's treatment, the minor plaintiff, Faolan Wilkinson, was caused to sustain severe and permanent personal injuries; has incurred and will continue to incur great expense for his medical, surgical, and hospital care and treatment; has suffered and will continue to suffer great pain of body and anguish of mind; has been and will continue to be hospitalized; has been and will continue to be unable to pursue normal activities; and his ability to enjoy life has been permanently adversely affected.

WHEREFORE, the minor plaintiff, Faolan Wilkinson, through his father and next friend, Kevin Wilkinson, prays judgment against the defendant, Wendy Swasey, R.N., in an amount which is just and appropriate to compensate him for his injuries, together with interest and costs.

PLAINTIFF CLAIMS TRIAL BY JURY.

Respectfully submitted,
The plaintiff,
By his attorney,

Andrew C. Meyer, Jr.

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