

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

CASE NO.:
DIVISION:

JUDGE:

KATHLEEN M. MORGAN, as
Personal Representative of the Estate
of Rex T. Morgan, Deceased,

Plaintiff,

vs.

GUO-ZHAO YAO, M.D.; and QUEST
DIAGNOSTICS, INCORPORATED,
a foreign corporation,

Defendants.

_____/

COMPLAINT
(Medical Negligence)

The Plaintiff, Kathleen M. Morgan, as Personal Representative of the Estate of Rex T. Morgan, Deceased, sues the Defendants, Guo-Zhao Yao, M.D., and Quest Diagnostics Incorporated, and alleges:

PRELIMINARY ALLEGATIONS

1. This is an action for damages in excess of Fifteen Thousand Dollars (\$15,000.00), excluding interest and costs, brought pursuant to the Florida Wrongful Death Act, §§ 768.16-768.26, Fla. Stat.

2. The Plaintiff, Kathleen M. Morgan, is the duly appointed Personal Representative of the Estate of Rex. T. Morgan, Deceased.

3. All conditions precedent to the bringing of this action, including all presuit requirements of Chapter 766, Florida Statutes, have been performed or have occurred.

4. Defendant, Guo-Zhao Yao, M.D., is and at all material times was a physician licensed to practice in the State of Florida practicing in the field of pathology and was board-certified in pathology.

5. Defendant, Quest Diagnostics Incorporated, is and at all materials times was a New Jersey Corporation licensed to do business in the State of Florida.

6. Defendant Quest Diagnostics maintains offices for the transaction of its customary business in Duval County, Florida.

7. At all material times Defendant Guo-Zhao Yao, M. D. was employed by Defendant Quest Diagnostics and was acting in the course and scope of that employment.

8. On or about November 11-16, 2011, Defendant Guo-Zhao Yao, M. D., undertook to and did interpret pathology slides of tissue taken during a biopsy of the tongue of the decedent, Rex T. Morgan.

9 That tissue sample was taken in Duval County, Florida.

10. In undertaking to interpret said pathology slides, Guo-Zhao Yao, M. D., owed Rex T. Morgan a duty to exercise the prevailing professional standard of care for a board-certified pathologist.

11. At all times material, Guo-Zhao Yao, M. D., individually and while acting within the course and scope of his relationship with Quest Diagnostics, failed to meet the applicable standard of care in that he failed to properly interpret the pathology slides of tissue taken during a biopsy of the Plaintiff's tongue on November 11, 2011, by: (1)

failing to report that the tissue samples were suspicious for squamous cell carcinoma; and (2) incorrectly reporting that the samples showed no evidence of malignancy.

12. The aforesaid negligent acts and conduct of the Defendants caused or contributed to cause the death of Rex T. Morgan on or about January 15, 2016, as a result of the untimely diagnosis of and treatment for squamous cell carcinoma.

13. The beneficiaries of this claim for wrongful death are: (1) Kathleen M. Morgan, as surviving spouse; and (2) the Estate of Rex T. Morgan, Deceased.

14. As a result of the death of Rex T. Morgan, those beneficiaries have suffered the following damages:

(a) Kathleen M. Morgan has suffered the loss of the support and services of her husband from the date of the Decedent's injury until the time of his death, together with interest thereon; the future loss of the support and services of her husband since the date of his death; the loss of the companionship and protection of her husband from the date of his injury; mental pain and suffering as a result of the death of her husband, and medical and funeral expenses incurred on behalf of her husband;

(b) The Estate of Rex T. Morgan, Deceased, has incurred the loss of earnings of the Decedent from the date of the Decedent's injuries until the time of his death, the loss of the prospective net accumulations which would reasonably have been expected to accrue to the Estate; and medical and funeral expenses.

WHEREFORE, the Plaintiff, Kathleen M. Morgan, as Personal Representative of the Estate of Rex T. Morgan, deceased, demands judgment against Guo-Zhao Yao, M. D., and Quest Diagnostics, Incorporated, in an amount in excess of Fifteen Thousand

Dollars (\$15,000.00), and in addition thereto such interest and costs as are allowed by law.

DEMAND FOR JURY TRIAL

The Plaintiff demands trial by jury of all the issues triable by right.

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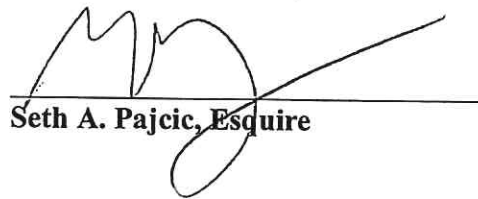
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CERTIFICATE OF GOOD FAITH

I, SETH A. PAJCIC, ESQUIRE, Attorney for the Plaintiff, hereby state that a reasonable investigation of the incident herein complained of has given rise to a good faith belief that grounds exist for this action against the named Defendants.



Seth A. Pajcic, Esquire