

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
UNIFORM CASE NUMBER: _____
REFERENCE NUMBER: _____

NICOLE KARNS,

Plaintiff,

vs.

DAVID A. RANKIN, MD; WATER'S
EDGE DERMATOLOGY, LLC d/b/a
AQUA PLASTIC SURGERY; and
PALM BEACH PLASTIC SURGERY,
PA d/b/a AQUA PLASTIC SURGERY

Defendants.

COMPLAINT

COMES NOW the Plaintiff, NICOLE KARNS, by and through her undersigned attorneys, and sues the Defendants, DAVID A. RANKIN, MD, WATER'S EDGE DERMATOLOGY, LLC d/b/a AQUA PLASTIC SURGERY, and PALM BEACH PLASTIC SURGERY d/b/a AQUA PLASTIC SURGERY and for cause of action alleges and avers as follows:

JURISDICTIONAL ALLEGATIONS

1. This is a civil action for money damages which exceeds the sum of Fifty Thousand Dollars (\$50,000.00), exclusive of costs, interest, and attorney's fees.
2. At all times material to this cause of action, the Plaintiff, NICOLE KARNS, is resident of Pinellas County, Florida.
3. At all times material to this cause of action, the Defendant, DAVID A. RANKIN, MD ("RANKIN"), was a physician licensed to practice medicine in the State of Florida maintaining his medical practice in Palm Beach County, Florida.

4. At all times material to this cause of action, WATER'S EDGE DERMATOLOGY, LLC d/b/a AQUA PLASTIC SURGERY ("AQUA PLASTIC"), was and is a Foreign Limited Liability Company transacting its regular business in Palm Beach County, Florida.

5. At all times material to this cause of action, Defendant, AQUA PLASTIC, maintained an agency or employment relationship with Defendant, RANKIN.

6. That at all times material hereto, Defendant, AQUA PLASTIC, was and is vicariously liable for any of the agents, apparent agents, representatives, employees, nurses, massage therapists, licensed estheticians, physicians, doctors and/or healthcare professionals or other persons, who rendered relevant care and treatment to Plaintiff, NICOLE KARNS.

7. At all times material to this cause of action, PALM BEACH PLASTIC SURGERY, PA d/b/a AQUA PLASTIC SURGERY ("PALM BEACH PLASTIC") was a Florida Profit Corporation.

8. At all times material to this cause of action, Defendant, PALM BEACH PLASTIC maintained an agency or employment relationship with Defendant, RANKIN.

9. At all times material hereto, Defendant, PALM BEACH PLASTIC, was and is vicariously liable for any of the agents, apparent agents, representatives, employees, nurses, massage therapists, licensed estheticians, physicians, doctors and/or healthcare professionals or other persons, who rendered relevant care and treatment to Plaintiff, NICOLE KARNS.

10. At all times material hereto, Plaintiff was a medical patient of Defendants affording Plaintiff with all of the lawful protections arising from the legal duties and responsibilities of similarly situated defendants.

11. Plaintiff's counsel, in good faith, states that a reasonable pre-suit investigation has taken place before this Complaint was filed; and that the acts or omissions of the aforesaid Defendants

fell below the prevailing standards of care recognized as acceptable and appropriate by reasonable, prudent, similarly situated health care providers for the same community.

12. Plaintiff has complied in good faith with the provisions of section 766.106 of the Florida Statutes before filing this lawsuit in conjunction with Fla. R. Civ. P. 1.650.

FACTUAL ALLEGATIONS

13. On or about March 30, 2022, Plaintiff, NICOLE KARNNS, underwent a breast explant with wise pattern lift and capsulectomy procedure with Defendant, RANKIN, at Aqua Plastic Surgery Center.

14. During the procedure, Defendant, RANKIN, negligently failed to reshape Plaintiff's breast tissue and lifted her breast tissue solely by removing breast skin. The remaining breast tissue then placed extreme pressure on Plaintiff's sutures and set her up for wounds that failed to close properly and thus infection and fell beneath the standard of care.

15. Following surgery, Plaintiff was informed by AQUA PLASTIC staff that there was no need for her to travel back to Jupiter for her one-week post-op visit for Defendant, RANKIN, would not in fact evaluate her at the one-week post-op visit. Plaintiff was also advised by AQUA PLASTIC staff that she could have her Jackson-Pratt (JP) drains removed in her hometown; St. Petersburg as Dr. Rankin would not be seeing her at that visit.

16. On or about April 6, 2022, Plaintiff presented to, Dr. William Adams in St. Peterburg, with concerns of infection from her surgical incisions. During this office visit Dr. William Adams identified a post-operative infection and removed Plaintiff's JP drains. Plaintiff continued to take her antibiotics at the direction of Dr. Adams.

17. On or about April 11, 2022, Plaintiff was re-evaluated by Dr. Williams Adams's office where she was instructed to continue her antibiotics to assist with her post-op infection. Dr. Adams advised Plaintiff that she should most likely go to the hospital for IV antibiotics.

18. On or about April 12, 2022, Plaintiff had a virtual visit with her primary care physician, who noted Defendant, Dr. Rankin had not contacted Plaintiff or scheduled a follow-up appointment. After further evaluation of Plaintiff's symptoms, including but not limited to significant thick drainage, skin warm to touch, dehisced, and erythematous, her primary care physician informed her that she should go to the Emergency Room for a breast ultrasound and laboratory work because of her surgical wound issue.

19. On or about April 13, 2022, Plaintiff reached out to Defendant, RANKIN, informing him that she was experiencing significant wound complications and her primary care physician advised her to go to the hospital. Defendant, RANKIN, advised Plaintiff not to worry for "everything will heal in." He did not ask to see her, evaluate her, or offer to care for her complication in any way.

20. On or about April 13, 2022, Plaintiff presented to St. Anthony's Hospital with complaints of pain, swelling, and redness.

21. On or about April 13, 2022, Plaintiff was admitted to St. Anthony's Hospital for laboratory work and wound care. Plaintiff was forced to remain at St. Anthony's for painful wound care for three days.

22. On or about May 25, 2022, Plaintiff presented to Dr. William Adam's office for further evaluation of her breast wounds. Dr. William Adams noted that she had developed areas with imminent dehiscence and attenuation of the skin.

23. On or about May 25, 2022, Dr. William Adams informed Plaintiff that she would have to undergo a corrective surgical procedure.

24. On or about June 21, 2022, Plaintiff, underwent a procedure with Dr. William Adams, where he found evidence that no capsulectomy was performed by Defendant, RANKIN, as he found the entire capsule intact in both of Plaintiff's breasts.

25. During the June 21, 2022, procedure, Dr. William Adams identified that Defendant, RANKIN, attempted a breast lift by simply pulling the sides of the breasts together which had put undue pressure on Plaintiff's incisions, and caused them to become exposed. Further, Dr. William Adam's noted that Defendant, RANKIN, did nothing to shape or lift Plaintiff's underlying breast tissue and he failed to properly position Plaintiff's nipple-areola complex¹ causing her anatomical alignment to be off.

26. As a direct and proximate result of the negligence of Defendant RANKIN, Plaintiff, NICOLE KARNS, has suffered bodily injury and 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, loss of earnings, and loss of the ability to earn money. The losses are either permanent or continuing and Plaintiff, NICOLE KARNS, will suffer the losses in the future.

COUNT I: MEDICAL MALPRACTICE
DAVID A. RANKIN, MD

27. Plaintiff readopts and realleges Paragraphs 1 through 26 above, as if each paragraph was fully repeated verbatim herein.

28. Defendant RANKIN had a duty to Plaintiff to provide Plaintiff with standard and non-negligent medical care for Plaintiff's breast explant with wise pattern lift and capsulectomy

¹ The nipple-areolar complex is the pigmented area in the most prominent part of the breast where the lactiferous ducts draining the 15 to 20 lobes of the mammary gland converge.

procedure and post-operative surgical assessments and treatments, including wound care treatment.

29. At all times material hereto, and as set forth in the Factual Allegations (*see infra*) Defendant, RANKIN, negligently breached his duties to Plaintiff and failed to adhere to the prevailing and applicable professional standards of care for similarly situated physicians, in one or more of the following ways:

- (a) Negligently performing Plaintiff's March 30, 2022, breast explant with wise pattern lift and capsulectomy procedure, including, but not limited to, negligently failing to remove the entire capsule in both breasts;
- (b) Negligently causing undue pressure on the incisions, ultimately causing them to become exposed and infected;
- (c) Negligently failing to reshape or lift the underlying breast tissue;
- (d) Negligently failing to properly position the Plaintiff's nipple-areola complex causing her anatomical alignment to be off;
- (e) Negligently failing to investigate Plaintiff's obvious post-operative wound and infection;
- (f) Negligently failing to explain to Plaintiff the risks associated with the procedure; and
- (g) Negligently informed Plaintiff that a breast reduction and breast explant procedure could not be performed at the same time.

30. As a direct and proximate result of the negligence of Defendant, RANKIN, Plaintiff, NICOLE KARNS, has suffered bodily injury and 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, loss of earnings, and loss of the ability to earn money. The losses are either permanent or continuing and Plaintiff, NICOLE KARNNS, will suffer the losses in the future.

WHEREFORE, Plaintiff, NICOLE KARNNS, hereby demands judgment for all recoverable damages as stated above, together with costs, interest, and such other relief as the Court deems necessary and just against Defendant, DAVID A RANKIN, M.D., and further demands a trial by jury of all issues so triable.

COUNT II: MEDICAL MALPRACTICE – VICARIOUS LIABILITY
WATER'S EDGE DERMATOLOGY, LLC d/b/a AQUA PLASTIC SURGERY

31. Plaintiff readopts and realleges paragraphs 1 through 26 above, as though fully set forth herein.

32. At all material times, Defendant, RANKIN was an agent or employee of Defendant, AQUA PLASTICS.

33. At all material times, under the doctrine of *respondeat superior*, is liable for the negligence of its employees and/or agents and is liable for RANKIN's negligent failure to provide adequate medical services, care, and/or treatment to Plaintiff which caused and/or contributed to the damages suffered and incurred by Plaintiff.

34. Defendant, AQUA PLASTICS, is vicariously liable for the damages caused by RANKIN as such injuries and damages were caused by the negligent acts incorporated above (29a-g) and which acts were committed in the course and scope of RANKIN's employment and/or agency.

35. As a direct and proximate result of the negligence of Defendant, AQUA PLASTIC, Plaintiff, NICOLE KARNNS, has suffered bodily injury and 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, loss of earnings, and loss of the ability to earn money. The

losses are either permanent or continuing, and Plaintiff, NICOLE KARNS, will suffer the losses in the future.

WHEREFORE, Plaintiff, NICOLE KARNS, hereby demands judgment for all recoverable damages as stated above, together with costs, interest, and such other relief as the Court deems necessary and just against Defendant, WATER'S EDGE DERMATOLOGY, LLC d/b/a AQUA PLASTIC SURGERY, and further demands a trial by jury of all issues so triable.

COUNT III: MEDICAL MALPRACTICE – VICARIOUS LIABILITY
PALM BEACH PLASTIC SURGERY, PA d/b/a AQUA PLASTIC SURGERY

36. Plaintiff readopts and realleges paragraphs 1 through 26 above, as though fully set forth herein.

37. At all material times, Defendant, RANKIN was an agent, employee or owner of Defendant, PALM BEACH PLASTIC.

38. At all material times, under the doctrine of *respondeat superior*, is liable for the negligence of its employees and/or agents and is liable for RANKIN's negligent failure to provide adequate medical services, care, and/or treatment to Plaintiff which caused and/or contributed to the damages suffered and incurred by Plaintiff.

39. Defendant, PALM BEACH PLASTIC, is vicariously liable for the damages caused by RANKIN as such injuries and damages were caused by the negligent acts incorporated above (29a-g) and which acts were committed in the course and scope of RANKIN's employment and/or agency.

40. As a direct and proximate result of the negligence of Defendant, PALM BEACH PLASTIC, Plaintiff, NICOLE KARNS, has suffered bodily injury and 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, loss of earnings, and loss of the ability to

earn money. The losses are either permanent or continuing, and Plaintiff, NICOLE KARNS, will suffer the losses in the future.

WHEREFORE, Plaintiff, NICOLE KARNS, hereby demands judgment for all recoverable damages as stated above, together with costs, interest, and such other relief as the Court deems necessary and just against Defendant, PALM BEACH PLASTIC SURGERY, PA d/b/a AQUA PLASTIC SURGERY, and further demands a trial by jury of all issues so triable.



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