

FULTON COUNTY STATE COURT  
STATE OF GEORGIA

SHLOMO MORADOV,	)	
	)	
Plaintiff,	)	
	)	
V.	)	CIVIL ACTION
	)	
BRIAN E. HILL, M.D., , UROLOGY	)	FILE NO. _____
SPECIALISTS OF ATLANTA, LLC,	)	
WILLIAM T. BOTTOMS, M.D., ATLANTA	)	<b><u>JURY TRIAL DEMANDED</u></b>
RADIOLOGY CONSULTANTS, P.C., and	)	
UROLOGICAL CT SERVICES, LLC,	)	
	)	
Defendants.	)	
	)	

**COMPLAINT FOR MEDICAL MALPRACTICE**

Plaintiff Shlomo Moradov files his Complaint and shows the Court and Jury as follows:

1.

Plaintiff Shlomo Moradov is a resident of the State of Georgia.

2.

Defendant Brian E. Hill, M.D. is a physician licensed to practice medicine in the State of Georgia.

3.

Dr. Hill is subject to the jurisdiction and venue of this Court.

4.

Dr. Hill may be served at his place of business, Urology Specialists of Atlanta, LLC, at 5673 Peachtree Dunwoody Road, N.E., Suite 910, Atlanta, Georgia 30342.

5.

Defendant Urology Specialists of Atlanta, LLC is a Georgia company transacting business in the State of Georgia.

6.

Urology Specialists of Atlanta, LLC is subject to the jurisdiction and venue of this Court.

7.

Urology Specialists of Atlanta, LLC's principal place of business is in Fulton County, Georgia.

8.

Urology Specialists of Atlanta, LLC may be served through its registered agent, R. Michael Barry, at 171 17<sup>th</sup> Street, N.W., Suite 2100, Atlanta, Georgia 30363.

9.

Defendant W. Thomas Bottoms, M.D. is a physician licensed to practice medicine in the State of Georgia.

10.

Dr. Bottoms is subject to the jurisdiction and venue of this Court.

11.

Dr. Bottoms may be served at his place of business, Atlanta Radiology Consultants, P.C., at 1100 Johnson Ferry Rd., Suite 375, Atlanta, GA 30342.

12.

Defendant Atlanta Radiology Consultants, P.C. is a Georgia corporation transacting business in the State of Georgia.

13.

Atlanta Radiology Consultants, P.C. is subject to the jurisdiction and venue of this Court.

14.

Atlanta Radiology Consultants, P.C.'s principal place of business is in Fulton County, Georgia.

15.

Atlanta Radiology Consultants, P.C. may be served through its registered agent, Jason C. Beland, at 1100 Johnson Ferry Rd., Suite 375, Atlanta, GA 30342.

16.

Defendant Urological CT Services, LLC is a Georgia company transacting business in the State of Georgia.

17.

Urological CT Services, LLC is subject to the jurisdiction and venue of this Court.

18.

Urological CT Services, LLC's principal place of business is in Fulton County, Georgia.

19.

Urological CT Services, LLC may be served through its registered agent, William L. Nabors, 5673 Peachtree Dunwoody Rd., NE, Suite 910, Atlanta, GA 30342.

20.

At all relevant times, Dr. Hill was acting within the course and scope of his authority as an agent and/or employee of Defendant Urology Specialists of Atlanta, LLC.

21.

Urology Specialists of Atlanta, LLC is vicariously liable to the Plaintiff for the negligent acts and/or omissions of Dr. Hill.

22.

At all relevant times, Dr. Hill was acting within the course and scope of his authority as an agent and/or employee of Defendant Urological CT Services, LLC.

23.

Urological CT Services, LLC is vicariously liable to the Plaintiff for the negligent acts and/or omissions of Dr. Hill.

24.

At all relevant times, Dr. Bottoms was acting within the course and scope of his authority as an agent and/or employee of Defendant Atlanta Radiology Consultants, P.C.

25.

Atlanta Radiology Consultants, P.C. is vicariously liable to the Plaintiff for the negligent acts and/or omissions of Dr. Bottoms.

26.

At all relevant times, Dr. Bottoms was acting within the course and scope of his authority as an agent and/or employee of Defendant Urological CT Services, LLC.

27.

Urological CT Services, LLC is vicariously liable to the Plaintiff for the negligent acts and/or omissions of Dr. Bottoms.

28.

On May 18, 2009, Plaintiff Shlomo Moradov saw Dr. Hill for medical diagnosis, care and treatment.

29.

Dr. Hill obtained a history, performed a physical examination, and obtained laboratory studies and a CT scan of Mr. Moradov's abdomen/pelvis.

30.

Dr. Hill recorded that the physical examination was normal.

31.

The medical record documents that the urinalysis was clear chemically and microscopically.

32.

Dr. Hill personally reviewed the CT scan images in his office on the date of the visit, May 18, 2009.

33.

Dr. Hill recorded in his medical record the presence of a 6 mm. distal left ureteral calculus, ureteral hiatus.

34.

Dr. Hill did not identify multiple hypodensities present on the CT scan images.

35.

Dr. Hill did not comment in his medical chart on the multiple hypodensities present on the CT scan images.

36.

Dr. Hill prepared an assessment/plan in which he noted the left ureteral stone.

37.

Dr. Hill discussed treatment options with Mr. Moradov, including watchful waiting, ureteroscopy, and laser lithotripsy or ESWL.

38.

Mr. Moradov preferred the option of trying to pass the stone.

39.

Mr. Moradov was instructed to notify Dr. Hill's office if the pain became increasingly severe or he could not pass the stone.

40.

Mr. Moradov was not scheduled for any follow-up if the signs and symptoms resolved.

41.

A radiologist, Defendant W. Thomas Bottoms, M.D., reviewed and interpreted Mr. Moradov's CT scan images and generated a report of his findings, impressions, and recommendations.

42.

In the "Findings" portion of the report, Dr. Bottoms stated that he had identified bilateral renal hypodensities. He described a 5 cm. hypodensity in the left kidney upper pole medial cortex. He stated that the hypodensities were presumed to reflect cysts. He further described the larger 5 cm. cyst as demonstrating several minimal areas of lobulations.

43.

In the "Impressions" portion of the report, Dr. Bottoms commented on the hypodensities as follows: "There is multiple left sided and a single right renal parenchymal hypodensities, which are

well defined and presumed to be cysts. These can be confirmed with renal ultrasound if clinically indicated. Largest measures up to 5 cm. involving left kidney upper pole.”

44.

In the “Impressions” section of his report, Dr. Bottoms did not include any comment about the lobulations seen in the 5 cm. cyst in the left kidney upper pole. Instead, his “Impressions” section identified the hypodensities as “well defined and are presumed to be cysts.”

45.

Dr. Bottoms did not affirmatively recommend additional imaging by renal ultrasound or contrast imaging to further evaluate the atypical hypodensity present on the CT scan images.

46.

Dr. Hill reviewed the radiology report on May 21, 2009.

44.

Dr. Hill initialed the radiology report to indicate that he had reviewed the report.

45.

Dr. Hill did not order a renal ultrasound to evaluate the hypodensities identified on the CT scan.

46.

Dr. Hill did not order a contrast imaging study to evaluate the hypodensities seen on the CT scan.

47.

Dr. Bottoms and Dr. Hill misdiagnosed the hypodensities seen on the CT scan as simple cysts.

48.

Dr. Bottoms and Dr. Hill misdiagnosed the Plaintiff's true condition of renal cell carcinoma.

49.

Dr. Hill never saw the Plaintiff as a patient other than the visit of May 18, 2009.

50.

The Plaintiff saw his primary care physician, Allan Bleich, M.D., on multiple occasions over the next few years.

51.

The Plaintiff saw Dr. Bleich on September 16, 2013 for a physical examination. It was noted at that time that the Plaintiff had been bothered by a chronic non-productive cough for the past two months. Dr. Bleich ordered a chest x-ray that was read as showing enlarged hilar regions. The radiologist interpreted the chest x-ray and recommended a CT scan of the thorax.

52.

A CT scan was performed on September 24, 2013 and was interpreted as showing pulmonary nodules, mediastinal lymphadenopathy, masses in the liver, and probable masses in enlarged kidney with abnormal function. The findings were suspicious for widespread metastatic disease such as renal cell carcinoma or lymphoma.

53.

The Plaintiff was referred to urologist Raymond Pak, M.D. and diagnosed with a left renal mass and metastatic cancer.

54.

The Plaintiff did not have any signs or symptoms attributable to metastatic renal carcinoma between May 18, 2009 and two months prior to September 16, 2013.



55.

At some date subsequent to May 18, 2009, the Plaintiff suffered a new and distinct injury in the form of metastatic renal cell carcinoma to his liver, lungs, and other parts of his body.

56.

At all relevant times, Dr. Bottoms and Dr. Hill owed a duty to the Plaintiff to care for him in accordance with the standard of care ordinarily exercised by physicians generally under similar conditions and like surrounding circumstances.

57.

Dr. Bottoms and Dr. Hill violated the standard of care and negligently misdiagnosed the Plaintiff's renal cancer.

58.

As a direct and proximate result of the negligence described herein, the Plaintiff's renal cell carcinoma, which in May 2009 was confined to the kidney, was not timely diagnosed and treated.

59.

As a direct and proximate result of the negligence described herein, the renal cell carcinoma metastasized and spread to the liver, lungs and other parts of the body distinct and different from the kidney. The metastasis of the renal carcinoma constitutes an injury to the Plaintiff that did not exist at the time of Dr. Bottom's and Dr. Hill's negligence.

60.

As a direct and proximate result of the negligence described herein, the Plaintiff has suffered severe, permanent and disabling personal injuries, including special damages, and has suffered and will continue to suffer physical, mental and emotional pain and suffering in the future.

61.

Attached hereto are the Affidavits of Dudley Danoff, M.D. and Jeffrey Mendel, M.D. in full compliance with O.C.G.A. § 9-11-9.1.

WHEREFORE, the Plaintiff prays as follows:

- a. That the Defendants be served with process;
- b. That Plaintiff Shlomo Moradov have and recover from the Defendants an amount in excess of \$10,000.00 for the injuries and damages that she has sustained and will sustain in the future;
- c. That Plaintiff have a trial by jury on all issues in this action; and,
- d. That Plaintiff have such other and further relief to which he may be entitled.\

This 15th day of April, 2014

HENRY SPIEGEL MILLING LLP

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/s/ Philip C. Henry  
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*ATTORNEYS FOR PLAINTIFF*