

IN THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

PATRICK W. HOLTGRAVE,)
)
Plaintiff,)
)
v.) Case No. 20-L-0876
)
GREGORY J. SIMMONS, M.D.,)
FAIRVIEW HEIGHTS MEDICAL)
GROUP, S.C., a corporation)
and PROTESTANT MEMORIAL)
MEDICAL CENTER, INC.,)
d/b/a MEMORIAL HOSPITAL, a)
not-for-profit corporation,)
)
Defendants.)

COMPLAINT

COUNT I

(Negligence v. Gregory J. Simmons, M.D.)

Comes now the plaintiff, by and through his attorneys, **KEEFE, KEEFE & UNSELL, P.C.**, and for Count I of his Complaint against the defendant Gregory J. Simmons, M.D., states:

1. That on or about November 7, 2018, and thereafter, Patrick Holtgrave was a citizen and resident of the State of Illinois, when he presented to the various defendants herein for medical care and treatment.

2. That at all times herein mentioned, defendant Gregory J. Simmons, M.D. was a medical doctor, specializing in orthopedic surgery, and was an agent, apparent agent, servant,

or employee of defendant Fairview Heights Medical Group, S.C., when he and it assumed the care of Plaintiff herein.

3. That at all times herein mentioned, defendant Fairview Heights Medical Group, S.C., a corporation, doing business in Illinois, when, by and through its agents, apparent agents, servants, and employees, assumed the care of Plaintiff herein.

4. That at all times herein mentioned, the defendant Protestant Memorial Medical Center, Inc., d/b/a Memorial Hospital, was a not-for profit corporation, authorized and doing business in the State of Illinois, when it, by and through its agents, apparent agents, servants, or employees, assumed the care of plaintiff herein.

5. That at all times herein mentioned, the Protestant Memorial Medical Center, Inc., d/b/a Memorial Hospital, was a not-for profit corporation, acted in a manner that would lead a reasonable person, including plaintiff, to conclude that Gregory J. Simmons, M.D. was an employee or agent of said facility.

6. That at all times herein mentioned, the acts of Gregory J. Simmons, M.D. created the appearance of authority and defendant Protestant Memorial Medical Center, Inc., d/b/a Memorial Hospital had knowledge and acquiesced in them.

7. That at all times herein mentioned, the plaintiff acted in reliance upon the conduct of the defendants.

8. That the defendant, individually and by and through his agents, servants, and employees, was guilty of one or more of the following negligent acts or omissions:

- a) Negligently and carelessly cut/injured abductor tendons during total hip replacement;
- b) Negligently and carelessly failed to recognize abductor tendon injury prior to wound closure;
- c) Negligently and careless failed to confirm the integrity and attachment of abductor tendons;
- c) Negligently and carelessly failed to refer patient to manage tendon injury.

9. That as a direct and proximate result of one or more of the foregoing negligent acts or omissions, plaintiff has suffered permanent pain, mental anguish, disability and disfigurement. He has been permanently prevented from attending to his usual affairs and duties. He has incurred and become liable for large sums of money in hospital, medical and related expenses, past, present, and future. He has incurred and become liable for large sums of money in hospital, medical and related expenses, past, present and future, all to his damage in a substantial amount.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount greater than SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00), plus costs.

COUNT II

(Negligence v. Fairview Heights Medical Group, S.C.)

COMES NOW the plaintiff, by and through his attorney, **KEEFE, KEEFE & UNSELL, P.C.**, and for Count II of his Complaint against the defendant, Fairview Heights Medical Group, S.C., states:

1. - 9. Plaintiff hereby adopts and incorporates the allegations of paragraphs 1 through 9 of Count I of his Complaint as and for paragraphs 1 through and including 9 of Count II of his Complaint.

WHEREFORE, plaintiff demands judgment against the defendant in an amount greater than SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00), plus costs.

COUNT III

(Negligence v. Protestant Memorial Medical Center, Inc., d/b/a Memorial Hospital)

COMES NOW the plaintiff, by and through his attorney, **KEEFE, KEEFE & UNSELL, P.C.**, and for Count III of his Complaint against the defendant, Protestant Memorial Medical Center, Inc., d/b/a Memorial Hospital, states:

1. - 9. Plaintiff hereby adopts and incorporates the allegations of paragraphs 1 through 9 of Count I of his Complaint as and for paragraphs 1 through and including 9 of Count III of his Complaint.

WHEREFORE, plaintiff demands judgment against the defendant
in an amount greater than SEVENTY-FIVE THOUSAND DOLLARS
(\$75,000.00), plus costs.

/s/SAMANTHA S. UNSELL
Samantha S. Unsell
IL REG NO. 6298752
Attorney for Plaintiff

KEEFE, KEEFE & UNSELL, P.C.
ATTORNEYS AT LAW
#6 EXECUTIVE WOODS COURT
BELLEVILLE, ILLINOIS 62226
618/236-2221
618/236-2194 (Facsimile)
Primary Email: ashley@tqkeefe.com
Secondary Email: samunsell@gmail.com