

# AMENDMENT TO AMENDED COMPLAINT

## Medical Malpractice ATTACHMENT 1

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PETER OPPENEER  
CLERK US DIST COURT  
WD OF WI

### COMPLAINT FORM

(for filers who are prisoners without lawyers)

IN THE UNITED STATES DISTRICT COURT  
FOR THE Western DISTRICT OF Wisconsin

(Full name of plaintiff(s))

Johnson Carter

vs

Case Number:

(Full name of defendant(s))

16-CV-252-WME

(to be supplied by clerk of court)

Carla Griggs, RN

And Insurance Co. Where as

Business may be liable, Mobilex USA, MD Reono

Bertagnoli, MD Debra Tidquist And Insurance Co.

#### A. PARTIES

1. Plaintiff is a citizen of Wisconsin, and is located at  
(State)

1104 E. First St Merrill, WI 54452  
(Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper).

ATTACHMENT

2. Defendant Mobilex USA, MD Reono Bertagnolli, MD Debra Tidquist and their insurance company is (if a person or private corporation) a citizen of (state) Ohio and (if a person) resides at Mobilex USA Midwest region 6185 Huntley road Columbus, Ohio 43229 and (if the defendant harmed you while doing the defendant's job) worked for Mobilex USA Midwest region 6185 Huntley rd Columbus, OH 43229. Phone no. 1-866-682-5454 ext.3 and 1-800-932-2222.

2. Defendant ~~Mobilex USA, DR Reono BERTAGNOLI, Debra Tidquist and Their Insurance Co.~~ (Name)

is (if a person or private corporation) a citizen of Wisconsin (State, if known)

and (if a person) resides at JCI Prison 116500 Hailers Rd Black River Falls, WI 54605 (Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for JCI Health Service Unit (same) (Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

See EXHIBIT 1

ON 12/4/2013 the date of MY Radiology report,  
did by Mobilex USA, MD Reono BERTAGNOLI  
and Debra Tidquist. They allege in their  
Conclusion: No shoulder fracture, separation, or  
dislocation is seen. Plaintiff's Johnson  
Carter after reviewing his ~~for~~ Medical  
Records ~~of~~ nurse Carla Griggs and  
Mobilex USA, MD. Reono BERTAGNOLI and  
Debra Tidquist, want to AMEND THE

ATTACHMENT 3

Complaint to medical malpractice. These are my reasons. 1. I had a xray done on that same right shoulder by Ministry Good Samaritan Health Care Hospital in Merrill, Wisconsin and also xray was done in Ministry St. Claire Hospital in Weston, Wisconsin. See Exhibit 2 The Finding of my xrays from Ministry Good Samaritan Hospital in Merrill, MD Kenneth Sullivan and Joseph Heitz, MD. (There is evidence of superior elevation of the lateral aspect of the right clavicle with changes of possible surgical resection of a portion of the lateral right clavicle.) (3. Evidence of what is likely a remote right acromioclavicular separation with possible postoperative changes. It is Evidence that Dr. Reono Bertagnolli and Dr. Debra Tidquist knew that Johnson Carter right shoulder was broken/separated or if not, it is Medical Malpractice.

Also the amended complaint should reflect that on 5/7/2013 was the actual date that I fracture my right shoulder. (SEE Exhibit A) Also See on exhibit A second page sign by nurse Carla Griggs, she states no referral necessary and patient advised to submit (HSR) health service request if no improvement. I couldn't even lift my arm. I was in severe pain and bleeding down my right shoulder with the bone sticking out and she wouldn't send me to the hospital or do any kind of treatment. See EXHIBIT B Health Service Request. I wrote nurse Carla Griggs the same day 5-7-13 of my accident to my right shoulder asking for work restriction because I couldn't lift my arm, it even hurted to move my right arm/shoulder in any way. Her reply as seen on exhibit B was (Discussed yesterday no restriction necessary) sign by Carla Griggs RN 5/8/13. I kept having severe pain, it hurted to move any part of my upper body, so on 5/16/2013 I did another health service request. SEE EXHIBIT C. I asked to see the Doctor and for pain medication because the ibuprofen wasn't working and I was really, really sick and in severe pain. Nurse Carla Griggs only response was I can not tell you what day the appointment is and she prescribe no pain medicine. She told me if no improvement, to put in a health service request. I did, she refuse any kind of treatment. On 5/29/2013 I put in another Health service Request because of my severe pain and I couldn't raise my right arm over my head. I couldn't even lift it up. SEE EXHIBIT D> Nurse Carla Griggs only response was reschedule to see the MD next week, and Tylenol. Sign by Nurse Carla Griggs 5/30/2013. It also appear that I made an error because from looking at the medical records no treatment of any kind did not start until 12/18/2013 almost 7 months later. SEE EXHIBIT E. note: Start of Care Date 12/18/2013. This is the first time any kind of treatment started and still I wasn't given anything beside Tylenol or ibuprofen for pain. I had a broken collarbone I was in severe pain.

SEE EXHIBIT E. Second line shows that my xray was done on 12/4/2013. So I must have error, it would have been between 5/7/2013 and 12/4/2013, probably in the middle some where when I contacted Senator Lena Taylor for the second time, because I was in severe pain and the Health Service Unit refuse to treat me. This is what I think because only when I contacted Senator Lena Taylor Office, I got xrays and some type of treatment started.

I don't know did I file a grievance about my shoulder or not I was in pain. I may have, I may have not, I was afraid because I had file grievances and contacted Senator Taylor previously about not getting medical treatment and that same nurse, Carla Griggs and other staff member, I believe supervisors had confronted me about contacting Senator Lena Taylor. I was so afraid it appear that, it took me 3 to 6 months and only after barren severe pain until I couldn't bare the pain anymore then I contacted

Senator Taylor office. Even from my first contact with Senator Taylor Health Service Unit would cancel my nurses and Doctors appointments, they would get reschedule and re-cancel over and over again. So I was afraid to contact Senator Taylor and I was afraid to file grievences because things got worser and my appointment got cancel and I would not receive any treatment at all. I didn't know that I was going to file a lawsuit because the nurse informed me that my xrays showed no fracture. So I had to wait until I got out of prison and got some insurance to go get xrays. I heard the pop, the bone was sticking out. I just needed some proof by xray. When I took my xray from Ministry Good Samaritan Hospital in Merrill, Wisconsin that is when I knew I could sue Nurse Carla Griggs for none treatment and Medicine Malpractice. And I believe when I file my initials civil complaint in 16-CV-252-wmc, I informed the court that I wanted to file medical malpractice under Wis. Stat.893.82(5m). And your Honor the Health Service Unit concealed this injury from me, even though I knew that something was wrong I could also proceeds under s.893.55(2) because I didn't have proof on paper until Feb. 1,2016. SEE EXHIBIT 2.

SEE EXHIBIT E. Starting Care Date:Complain<sup>©</sup>(right shoulder pain) pain intensity at it high 10 of 10 and crest 5 of 10, constantly having pain, Location: superior right shoulder. ADL Deficit. I had to use my left hand to dress myself and I still was in severe pain. Note: (I am right handed) it hurted for me to swoller and eat food. It was painful to even feed myself. I couldn't sleep it hurted so bad. I couldn't move or turn over in the bed I hurted so bad.(Aggravated by<sup>©</sup> elevation of right arm/shoulder: (Eased by) 0 nothing. I was in severe pain.(previous treatment for this condition: 0 none: Observation Posture/Gait/Appearance: Significant elevation of distal end of right clavicle AC joint. (Sensation/PalPation pain over ac joint reports tenderness over ss. This is 7 months after my fracture on 12/18/2013 and I am still having severe pain, can't move my right side and can't really take care of myself, except but with my left hand. But using my left hand still didn't stop the pain. SEE 2<sup>nd</sup> page of exhibit E. Short Term Goal: To decrease pain for patient me- to become pain free to right shoulder and allow greater ease to upper body dressing and to prevent loss of right shoulder strength. Therapist signature Rn Beam, pt 12/18/2013. SEE 3<sup>rd</sup> page of exhibit E. Right shoulder pain. Probable grade III A/C joint sprain- p.t. is appropinate to establish HEP to improve rom of right shoulder, however pt. may need other cousult if pain does not resolve.

SEE EXHIBIT F. Dated 11/29/2013: Injured right sh shoulder June- fell on BB Court- landed on shoulder prominent distal clavicle. 1 degree AC sep. separation. This is before my xray was taken, the Health Service Unit knew my right shoulder was fracture even before my xray was taken. Note: I just receice the medical record January 2017.

SEE EXHIBIT G. Dated 11/29/2013: Xray R Sh right shoulder injury (noted) C. Griggs 11/29/13 1645 and Exhibit G date: 12/10/13 pt to see R shoulder 1 degreee AC Sep- Separation: This is after my R right shoulder xray that was taken on 12/4/2013 and it is sign by Health Service Unit supervisor Matterson and dated 12/10/13. The supervisor of HSU knew my right shoulder was fractured and chose not to treat Johnson Carter.

SEE EXHIBIT H. Dated 12/10/2013: This is after my xray on 12/4/2013: It states : Xray miminal separation R Right AC jt. JCI Nurse Carla Griggs knew my right shoulder was fractured and chose not to give me any

medical care or not to relieve me of my severe pain. See EXHIBIT I on 12/27/2013: No improvement. This is 7 months after my right shoulder fracture and I am still paining severely and can't get any help.

C. JURISDICTION

I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR

I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$\_\_\_\_\_.

D. RELIEF WANTED

Describe what you want the court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or stop doing something.

\$750,000 for Violating First Amendments  
And \$750,000 for Violating The Eighth  
Amendment. And Punitive Damages. Nurse  
Griggs and Moblex USA and its 2 Doctors  
intentional fail to diagnose me and ease my  
Severe Pain. It time for them to feel Pain,  
And take away their medical License. It  
was inhumane The way I was treated. No one  
Should be Made to suffer like I did. I  
Still have nightmare, Cold sweat, Crying  
and is afraid to speak up to people. My Shoulder  
Need Surgery and it still hurts. I don't have  
as much strength in that arm/shoulder as I did  
before.

E. JURY DEMAND

Jury Demand - I want a jury to hear my case  
OR

Court Trial - I want a judge to hear my case

Dated this 5<sup>th</sup> day of February 20 17.

Respectfully Submitted,



Signature of Plaintiff

386536

Plaintiff's Prisoner ID Number

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(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper).

**REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FILING FEE**

I **DO** request that I be allowed to file this complaint without paying the filing fee. I have completed a request to proceed in the district court without prepaying the fee and attached it to the complaint.

I **DO NOT** request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.