

IN THE CIRCUIT COURT OF THE 13TH
JUDICIAL CIRCUIT IN AND FOR
HILLSBOROUGH COUNTY, FLORIDA

NICOLE BLACK, as Personal
Representative of The Estate of
CRYSTLE MARIE GALLOWAY, Deceased,

CIRCUIT CIVIL DIVISION

CASE NO.:

Plaintiffs,

vs.

HILLSBOROUGH COUNTY BOARD OF
COUNTY COMMISSIONERS,

Defendants.

COMPLAINT

Plaintiffs, NICOLE BLACK, as Personal Representative of The Estate of
CRYSTLE MARIE GALLOWAY, Deceased, file this action against Defendants,
HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS, and allege:

1. This is an action for damages in excess of \$15,000.00 exclusive of costs
and interest and otherwise within the jurisdiction of this Court.

2. At all times material hereto, the Decedent, CRYSTLE MARIE GALLOWAY,
was an African American and a resident of Hillsborough County, Florida.

3. At all times material hereto, NICOLE BLACK, an African American, is the
natural mother of the Decedent, CRYSTLE MARIE GALLOWAY, and is a resident of
Hillsborough County, Florida and is otherwise sui juris.

4. At all times material hereto, including at the time of her death, the Decedent,
CRYSTLE MARIE GALLOWAY was not married.

5. At all times material, Jessica Ann Flowers (daughter), Jacob Aiden Flowers
(son) and Teneisha Adrianna Brown (daughter) are and were the natural children of

CRYSTLE MARIE GALLOWAY and are deemed statutory survivors under Florida's Wrongful Death Act.

6. At all times material, Defendant, HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS, (hereinafter "HILLSBOROUGH COUNTY") is a political subdivision organized under the laws of the State of Florida.

7. At all times material, Mike Morris (Lieutenant), was and is a paramedic, resident of Hillsborough County, State of Florida, holding himself out to the public and to the Plaintiffs, in particular, as a specialist in the field of paramedic.

8 At all times material, Courtney Barton (Acting Lieutenant), was and is a paramedic, resident of Hillsborough County, State of Florida, holding herself out to the public and to the Plaintiffs, in particular, as a specialist in the field of paramedic.

9. At all times material, Justin Sweeney (Fire Medic), was and is a paramedic, resident of Hillsborough County, State of Florida, holding himself out to the public and to the Plaintiffs, in particular, as a specialist in the field of paramedic.

10. At all times material, Andrew Martin (Fire Medic), was and is a paramedic, resident of Hillsborough County, State of Florida, holding himself out to the public and to the Plaintiffs, in particular, as a specialist in the field of paramedic.

11. At all times material, Mike Morris (Lieutenant) was an employee of HILLSBOROUGH COUNTY and as such HILLSBOROUGH COUNTY is vicariously liable for the actions of Mike Morris.

12. At all times material, Courtney Barton (Acting Lieutenant) was an employee of HILLSBOROUGH COUNTY and as such HILLSBOROUGH COUNTY is vicariously liable for the actions of Courtney Barton.

13. At all times material, Justin Sweeney (Fire Medic) was an employee of HILLSBOROUGH COUNTY and as such HILLSBOROUGH COUNTY is vicariously liable for the actions of Justin Sweeney.

14. At all times material, Andrew Martin (Fire Medic) was an employee of HILLSBOROUGH COUNTY and as such HILLSBOROUGH COUNTY is vicariously liable for the actions of Andrew Martin.

15. Notice of this claim has been given to HILLSBOROUGH COUNTY and the Department of Insurance of the State of Florida pursuant to Florida Statute §768.28. A copy of the plaintiff's statutory notice is attached hereto as Exhibit "A". The Plaintiffs have complied with all conditions precedent pursuant to Florida Statute §768.28 prior to bringing this action.

16. On or about June 27, 2018, CRYSTLE MARIE GALLOWAY give birth to her son, Jacob Aiden Flowers, via c-section at St. Joseph's Women's Hospital. She was being discharged from the hospital on June 29, 2018.

17. On or about July 4, 2018 at approximately 3:02 am, NICOLE BLACK contacted the HILLSBOROUGH COUNTY FIRE RESCUE Emergency Dispatch Center via 911 to request medical assistance with her daughter, CRYSTLE MARIE GALLOWAY.

18. During the 911 call, NICOLE BLACK requested an ambulance for her daughter. She advised the dispatcher that her daughter had recently given birth and that her "lip swollen" and was "drooling" out of her mouth. She also indicated she had found her passed out in the bathroom and was not able to move her to her bed.

19. At approximately 3:05 am, HILLSBOROUGH COUNTY FIRE RESCUE was dispatched to the scene. The responding units were Rescue 43 and Squad 1. The nature

of the call was classified as a “stroke/CVA”

20. On July 4, 2018, Mike Morris (Lieutenant) was the paramedic in charge of Rescue 43. Andrew Martin (Fire Medic) was also working Rescue 43. Courtney Barton (Acting Lieutenant) and Justin Sweeney (Fire Medic) was working Squad 1.

21. Prior to Rescue 43 and Squad 1 arrival, HILLSBOROUGH COUNTY Deputy Michael Grace arrived at the scene to respond to a medical call. Upon his arrival, he was met by NICOLE BLACK and was led upstairs to CRYSTLE MARIE GALLOWAY’s bedroom on the third floor. At that time, Deputy Grace learned CRYSTLE MARIE GALLOWAY was complaining of a headache and sensitivity to light and sound.

22. Shortly thereafter, HILLSBOROUGH COUNTY Deputy Jacob Lamb also arrived at the scene. He was also advised by NICOLE BLACK that CRYSTLE MARIE GALLOWAY was complaining of a headache and that he had a c-section a few days prior.

23. At approximately 3:17 am, Rescue 43 and Squad 1 arrived at the scene. Once upstairs, Deputies Lamb and Grace advised Morris, Martin, Barton and Sweeney that CRYSTLE MARIE GALLOWAY was having headaches, had sensitivity to light and had taken no medication or alcohol. They were also advised CRYSTLE MARIE GALLOWAY had recently had a c-section. While Morris, Martin, Barton and Sweeney where upstairs with CRYSTLE MARIE GALLOWAY, she was “hysterically crying” and complaining of a headache. She also vomited where the Rescue personnel were in the room.

24. NICOLE BLACK repeated asked Mike Morris (Lieutenant) if they were taking her daughter to the hospital. Morris responded that CRYSTLE MARIE GALLOWAY looked like she had a little “too much to drink” and there was no reason for them to transport her

to the hospital. He stated to NICOLE BLACK that if she wanted her daughter transported to the hospital, she could take her herself. At no time did either Morris, Martin, Barton or Sweeney take any vitals or perform any type of physical examination of CRYSTLE MARIE GALLOWAY.

25. As Morris, Martin, Barton and Sweeney were getting ready to leave and go down the stairs, NICOLE BLACK asked if they could at least help take her down the stairs. A chair stair was used by the Rescue personnel to transport CRYSTLE MARIE GALLOWAY downstairs and into NICOLE BLACK's automobile.

26. At 3:30 am, approximately 13 minutes after arriving at the scene, Rescue 43 and Squad 1 went back into service. Rescue 43 reported the call/incident as "Non Transport/No Patient Found". Squad 1 reported the call/incident as "Non-Transport/Cancel".

27. Once CRYSTLE MARIE GALLOWAY was placed in her automobile, NICOLE BLACK started driving her to the hospital. En route, CRYSTLE MARIE GALLOWAY started having seizures in the car. NICOLE BLACK took CRYSTLE MARIE GALLOWAY to ER 24/7 at Temple Terrace.

28. While at ER 24/7 at Temple Terrace, a CT scan of the Brain was performed which revealed an acute subarachnoid hemorrhage, most likely secondary to an aneurysm. Arrangements were made to transfer CRYSTLE MARIE GALLOWAY to a facility that was neuro interventional capable since ER 24/7 at Temple Terrace was not equipped, nor have the specialists available to treat CRYSTLE MARIE GALLOWAY's condition. She was transported via air to Tampa General Hospital.

29. While at Tampa General Hospital, CRYSTLE MARIE GALLOWAY

underwent a cerebral angiogram with coil placement into the aneurysm. In spite of the efforts by the physicians at Tampa General Hospital, CRYSTLE MARIE GALLOWAY expired on July 9, 2018.

30. As a direct and proximate result of the negligence of HILLSBOROUGH COUNTY, through the actions of Mike Morris (Lieutenant), Andrew Martin (Fire Medic), Courtney Barton (Acting Lieutenant) and Justin Sweeney (Fire Medic), CRYSTLE MARIE GALLOWAY died.

COUNT I
NEGLIGENCE CLAIM AGAINST HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS

Plaintiff, NICOLE BLACK, as Personal Representative of The Estate of CRYSTLE MARIE GALLOWAY, re-allege and readopt paragraphs 1-30 as though fully set forth herein and alternatively and/or concurrently states:

31. At all times material, Defendant, HILLSBOROUGH COUNTY was engaged in the practice of providing emergency medical and health care services to its citizens including CRYSTLE MARIE GALLOWAY.

32. At all times material hereto, Mike Morris (Lieutenant), Andrew Martin (Fire Medic), Courtney Barton (Acting Lieutenant) and Justin Sweeney (Fire Medic) were employees and agents of HILLSBOROUGH COUNTY.

33. At all times material, Mike Morris (Lieutenant), Andrew Martin (Fire Medic), Courtney Barton (Acting Lieutenant) and Justin Sweeney (Fire Medic) were acting in the course and scope of their employment with HILLSBOROUGH COUNTY when they responded to call on July 4, 2018 involving CRYSTLE MARIE GALLOWAY.

34. At all times material, HILLSBOROUGH COUNTY, through its employees Mike Morris (Lieutenant), Andrew Martin (Fire Medic), Courtney Barton (Acting Lieutenant) and Justin Sweeney (Fire Medic) had a duty to use reasonable care in the treatment of CRYSTLE MARIE GALLOWAY.

35. Defendant, HILLSBOROUGH COUNTY, through its employees Mike Morris (Lieutenant), Andrew Martin (Fire Medic), Courtney Barton (Acting Lieutenant) and Justin Sweeney (Fire Medic) was negligent and deviated from the acceptable and appropriate standards of care in providing inadequate care to CRYSTLE MARIE GALLOWAY.

36. Defendant, HILLSBOROUGH COUNTY was negligent and fell below the prevailing professional standard of care in their treatment and care of CRYSTLE MARIE GALLOWAY, and was further negligent in any and all of the following particulars, but not limited to:

- a. Negligently failing to assess CRYSTLE MARIE GALLOWAY in accordance with HCFR Standing Orders and Protocols, including Protocols 345.18 and 300.01,
- b. Negligently failing to perform a complete physical examination of CRYSTLE MARIE GALLOWAY;
- c. Negligently failing to obtain a complete history on CRYSTLE MARIE GALLOWAY;
- d. Negligently failing to assess CRYSTLE MARIE GALLOWAY's condition, including obtaining vital signs;
- e. Negligently failing to assess CRYSTLE MARIE GALLOWAY for possible "Stroke/CVA";
- f. Negligently failing to document the findings present on CRYSTLE MARIE GALLOWAY within the Electronic Patient Care Report;

(ePCR) pursuant to Protocol HCFR Protocol 360.03;

- g. Negligently failing to immediately transport CRYSTLE MARIE GALLOWAY to the nearest properly equipped medical facility;
- h. Negligently failing to obtain Informed Refusal in accordance with HCFR Standing Order and Protocols, including Protocol 360.01;
- i. Falsifying and/or providing incorrect information on CRYSTLE MARIE GALLOWAY's Electronic Patient Care Report (ePCR).
- j. Refused to provide care and treatment to CRYSTLE MARIE GALLOWAY on the basis of race;
- e. Was otherwise negligent in her care and treatment of CRYSTLE MARIE GALLOWAY.

37. As a direct and proximate result, the aforementioned negligence of the Defendant, HILLSBOROUGH COUNTY, and additional acts of negligence to be discovered, caused and/or contributed to CRYSTLE MARIE GALLOWAY's death. Plaintiff, NICOLE BLACK, as Personal Representative of The Estate of CRYSTLE MARIE GALLOWAY is entitled to all damages as enumerated in Florida's Wrongful Death Act and other Florida laws including, but not limited to mental pain and suffering, loss of net accumulations to the Estate, loss of support and services, medical bills and other damages.

The undersigned counsel hereby certifies that a reasonable investigation has been made to the extent permitted by the circumstances and the investigation supports the belief that grounds exist for the subject action initiated against the Defendants.

Plaintiffs have complied with all conditions precedent to the initiation of this action, including providing timely formal notice of this claim to all necessary parties, entities, and agencies.

WHEREFORE, Plaintiffs, NICOLE BLACK as Personal Representative of the Estate of CRYSTLE MARIE GALLOWAY, deceased, demand judgment for damages against Defendant, HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS, in excess of the minimal jurisdictional limits of this court, pre-judgment and post-judgment interest as allowed by law, costs and demand trial by jury of all issues so triable.

Dated this 16th day of October, 2019.

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